

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Tuesday, March 30, 2010**

Present: Commissioner President Francis Jack Russell
Commissioner Kenneth R. Dement
Commissioner Lawrence D. Jarboe
Commissioner Thomas A. Mattingly, Sr. (*arrived at 1:05 pm*)
Commissioner Daniel H. Raley
John Savich, County Administrator
Donna Gebicke (Recorder)

CALL TO ORDER

Commissioner President Russell called the meeting to order at 1:02 pm.

APPROVAL OF CHECK REGISTER

Commissioner Raley moved, seconded by Commissioner Dement, that the bills submitted for March 30, 2010, be approved as presented by staff. Motion carried 3-1.
Commissioner Jarboe voted nay.

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve the minutes of the meeting of Tuesday, March 23, 2010, as presented. Motion carried 4-0.

Commissioner Mattingly arrived.

PROCLAMATION PRESENTED IN RECOGNITION OF ALCOHOL AWARENESS MONTH

COUNTY ADMINISTRATOR

1. Draft Agenda for April 13, 2010
2. **County Administrator**

Commissioner Raley moved, seconded by Commissioner Jarboe, to appoint Mr. Theo Cramer as the St. Mary's County Public School's representative on the Human Services Council. Motion carried 5-0.

3. **St. Mary's County Circuit Court** (*Pete Cucinotta, Drug Court Programs Coordinator; Hon. Michael Stamm, Judge; MaryEllen Kraese, Coordinator, Charles County Juvenile Drug Court*)

Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize the Circuit Court Staff to submit the grant application documents electronically for the Justice and Mental Health Collaboration Program from the Department of Justice, in the amount of \$249,985, consistent with the hard copy reviewed by the Board of County Commissioners. Motion carried 5-0.

4. **Land Use and Growth Management** (*Derick Berlage, Dir.; Harry Knight, Permits*)

Commissioner Mattingly moved, seconded by Commissioner Dement, to approve and authorize the establishment of two new Agricultural Preservation CIP Projects, 1.) the Green Community Initiative Critical Area Planting Project; and 2.) the Green Community Initiative Forest Conservation Planting Project; to approve and authorize the Commissioner President to execute the related two budget amendments transferring funds in the amount of \$75,000 for the Critical Area Project and \$100,000 for the Forest Conservation Project from the FIN10 Capital Reserve to utilize funds in the planting of trees and shrubs in St. Mary's County; and, when applicable, a Memorandum of Understanding will be submitted to the Board of County Commissioner's for approval of any Projects involving non-County government land. Motion carried 5-0.

Commissioner Raley requested that staff take additional steps (including within the media release) to inform private property owners that this is a program for which they can submit an application for consideration.

5. **St. Mary's County Finance Department** (*Elaine Kramer, Chief Financial Officer; Greg Nourse, Finance Dir., SMCPS*)

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize Commissioner President Russell to execute the budget amendment transferring \$114,879 Revenue Stabilization funds, 2 budget amendments adding \$47,915 to the Emergency Reserve, 11 budget amendments re-aligning funding internally, and 4 budget amendments that re-align internally but also require funding from the Emergency Reserve to cover snow related costs. Motion carried 5-0.

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve the submission and authorize the Commissioner President to sign the form, evidencing agreement with the Superintendent on the items listed as excludable non-recurring costs, based on the Board of Education's requested budget for FY2011, as listed in the attachment, totaling \$1,189,247, and also that we sign the letter to MSDE transmitting such form. Motion carried 5-0.

FINAL APPROVAL OF RECOMMENDED DRAFT FY 2011 BUDGET TO TAKE TO PUBLIC HEARING ON APRIL 27, 2010

Present: Elaine Kramer, Chief Financial Officer
Jeannett Cudmore, Deputy Finance Director

Ms. Kramer presented the Recommended Draft FY 2011 Budget for final Board approval to take to public hearing on April 27, 2010. The contents of the Draft Budget were reviewed. Highlights included:

- *No change in tax rates is proposed*
- *The recommended General Fund budget is \$188,614,205 (\$10.7 million less than FY2010); the Capital Budget is \$39,790,533 (\$13 million less than was planned in the FY2010 budget).*
- *The County is well within its debt capacity/policy.*
- *The Budget reflects 12.5 fewer FTE County positions as well as another 13 positions which are frozen, unfunded, and will remain unfilled.*

The Legislative Session closes in April, and there are a number of proposals that could have implications for the County or entities funded by the County. Generally, the proposals would reduce the amounts allocated to the County or affiliated entities, or shift costs from the State to the County. Any actions/outcome of the legislative action will be addressed in May, along with consideration of public hearing comments.

Commissioner Mattingly moved, seconded by Commissioner Raley, to approve the FY2011 Recommended Budget, as presented, to take to public hearing at Chopticon High School on Tuesday, April 27th, and that we sign the “Recommended Estimate of Revenues and Appropriations” evidencing our approval. Motion carried 4-1. Commissioner Jarboe voted nay.

DEPARTMENT OF LAND USE & GROWTH MANAGEMENT: REQUEST FOR DECISIONS ON PROPOSED AMENDMENTS TO THE COMPREHENSIVE WATER AND SEWERAGE PLAN FOR MILL COVE MANOR AND MILL COVE HARBOR

Present: Derick Berlage, Director; Dave Chapman, Planner

Mr. Chapman reviewed the public process carried out by the Board of County Commissioners on the proposed amendments. The Board of County Commissioners held a public hearing on March 2, 2010, to consider a request to amend the Comprehensive Water and Sewerage Plan (CWSP) as follows:

Amend service area maps III-27 and IV-27 from W-6D and S-6D (service in 6 to 10 years, developer financed), to W-3D and S-3D (service in 3-5 years, developer financed) for 12.88 acres described as Tax Map 27, Grid 24, Parcel 10, in the California area of the 8th Election

District in anticipation of providing community water and sewerage service to a proposed 33-lot residential subdivision located on Mill Cove Road, known as Mill Cove Manor.

Fifty-one written comments were received during the open record period following the public hearing on March, 2, 2010, relative to Mill Cove Manor. Of those comments, thirty-one were in favor of the proposed amendments and 20 were against.

Amend service area maps II-27 and IV-27 to change the service categories from W-6D and S-6D (service in 6-10 years, developer financed) to W-3D and S-3D (service in 3-5 years, developer financed) for 10.4 acres described as Tax Map 27, Grid 23, Parcel 2, Outparcel A, and Parcel A, and Lot 5000-1A3 in the 8th Election District in anticipation of providing community water and sewerage service to a proposed 21-lot residential subdivision located on Mill Cove Harbor Road in California area of the 8th Election District, known as Mill Cove Harbor.

Fifty-one written comments were received during the open record period following the public hearing on March, 2, 2010, relative to Mill Cove Harbor. Of those comments, thirty-one were in favor of the proposed amendment, 19 were against, and one expressed concerns about potential connection fees and the proposed pier.

Commissioner Jarboe moved, seconded by Commissioner Mattingly, in the matter of Case CWSP 08-200-003, Mill Cove Manor, I move that the Board of County Commissioners not amend the St. Mary's county Comprehensive Water and Sewerage Plan to change the service area categories from W-6d and S-6d to W-3d and S-3d (service in 3-5 years, developer financed) for 12.88 acres described as Tax Map 27, Grid 24, Parcel 10 in the 8th Election District. Motion carried 5-0.

Commissioner Jarboe moved, seconded by Commissioner Mattingly, in the matter of Case CWSP 08-200-004, Mill Cove Harbor, I move that the Board of County Commissioners not amend the St. Mary's County Comprehensive Water and Sewerage Plan to change the service area categories from W-6d and S-6d to W-3d and S-3d (service in 3-5 years, developer financed) for 10.4 acres described as Tax Map 27, Grid 23, Parcel 2, Outparcel A, & Parcel A & Lot 5000-1A3 in the 8th Election District. Motion carried 5-0.

DEPARTMENT OF LAND USE & GROWTH MANAGEMENT: PRESENT OVERVIEW OF PROPOSED ZONING TEXT AMENDMENTS AS A RESULT OF THE ADOPTION OF THE UPDATED COMPREHENSIVE PLAN

Present: Derick Berlage, Director

Mr. Berlage provided a summary of the zoning map and text revisions that will be reviewed as next steps in the implementation of the 2010 Comprehensive Plan that was adopted last week. The proposed schedule includes public work sessions and three, joint Board of County Commissioners and Planning Commission public hearings.

Commissioners suggested the following additional items be considered during this process:

- Develop a process for allowing neighborhoods, such as Mill Cove and Mohawk Drive, to come together and request removal from the development district (post-Comp Plan adoption).
(Commissioner Jarboe)
- Look into whether, as a result of a prior text amendment, moving the Wildewood School site into the development district will open up adjacent lands to the possibility of obtaining water and sewer. *(Commissioner Raley)*
- Increase attempts to make it clearer to citizens when zoning changes are being considered in their neighborhoods. (The media releases will include more specific information on areas of the county that are affected and will refer readers to the website for a complete listing of potential zoning revisions.) *(Commissioner Raley)*
- Consider reviewing chapter regarding signs separately from the rest of the Zoning Ordinance. *(Commissioner Raley)*
- Future Park and Ride's should provide not only commuter parking, but parking for other uses, such as weekend parking for recreational activities and access to trails, and should be placed along railroad right of way to provide for MARC or other long-distance public transportation options in the future. Taking the Park and Ride use out of the more intense growth areas, such as TMX, DMX, RMX, would allow greater density for commercial uses. *(Commissioner Jarboe)*

Commissioner Raley moved, seconded by Commissioner Mattingly, to direct staff to proceed with the preparation of zoning maps and Zoning Ordinance revisions to implement the approved Comprehensive Plan, and to schedule three public hearings to be held jointly with the Planning Commission beginning in May. Motion carried 5-0.

COMMISSIONER'S TIME

The Commissioners highlighted upcoming events and those attended over the past week as well as personal interest items. *Commissioner Jarboe asked that the letter to the Commissioners from Mr. Osborne be forwarded to the local State Assessments Office(AO) and that the Commissioners receive a copy of the AO's reply to Mr. Osborne.*

MOTION TO ENTER INTO EXECUTIVE SESSION

Commissioner Raley moved, seconded by Commissioner Mattingly, to enter into Executive Session for the purpose of discussing personnel, specifically to consider appointments to the Library Board and the Commission on the Environment. Motion carried 4-1. Commissioner Jarboe voted nay.

EXECUTIVE SESSION

Personnel

Present: Commissioner Francis Jack Russell, President
Commissioner Kenneth R. Dement
Commissioner Lawrence D. Jarboe
Commissioner Thomas A. Mattingly, Sr.
Commissioner Daniel H. Raley
John Savich, County Administrator (Recorder)
Sarah Cannavo, Boards/Committees Manager
Karen Everett, PIO
Donna Gebicke, Recorder

Authority: Article 24, Section 4-210(a)1

Time Held: 3:40 pm – 3:45 pm

Subject Discussed: Consider appointments to the Library Board and Commission on the Environment.

(The following was recorded and transcribed by Sarah Cannavo)

PUBLIC HEARING ON FOREST CONSERVATION TEXT AMENDMENTS AND USER FEES ORDINANCE: FOR THE PURPOSE OF UPDATING THE COMPREHENSIVE ZONING ORDINANCE AT CHAPTER 22, CHAPTER 24, CHAPTER 75, FOREST CONSERVATION, AND CHAPTER 90, AND ORDINANCE NO. 2005-03, USER FEES, SECTION Y, TO BRING THEM INTO COMPLIANCE WITH ANNOTATED CODE OF MD AND THE CODE OF MD REGULATIONS

Present: Phil Shire, Deputy Director, Land Use and Growth Management
Bob Bowles, Planner
David Weiskopf, Deputy County Attorney

Commissioner President Russell opened the hearing at 6:30 pm. Mr. Bowles read the Notice of Public Hearing into the record indicating the notice was published in *The Enterprise* newspaper on March 10 and March 17, 2010. Mr. Bowles reviewed the new requirements contained in the proposed amendments and highlighted the changes to the current ordinance.

Commissioner President Russell opened the hearing for public comment at 6:41 pm. Having received no citizen desire to provide comment, Commissioner President Russell closed the public hearing at 6:42 pm. The public comment period will remain open for an additional ten days for written comment.

The Board of County Commissioners Meeting adjourned at 6:43 pm.

Minutes Approved by the Board of County Commissioners on _____

Donna M. Gebicke, Administrative Assistant (Recorder)