

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Tuesday, June 22, 2010**

Present: Commissioner President Francis Jack Russell
Commissioner Kenneth R. Dement
Commissioner Lawrence D. Jarboe
Commissioner Thomas A. Mattingly, Sr.
Commissioner Daniel H. Raley
John Savich, County Administrator
Sharon Ferris (Recorder)

CALL TO ORDER

Commissioner President Russell called the meeting to order at 9:02 am.

APPROVAL OF CHECK REGISTER

Commissioner Mattingly moved, seconded by Commissioner Raley, to approve bills dated June 22, 2010, as presented by staff. Motion Carried 4-1. Commissioner Jarboe voted nay.

APPROVAL OF MINUTES

Commissioner Raley moved, seconded by Commissioner Dement, to adopt the minutes of the Commissioners meeting of June 8, 2010 as presented. Motion Carried 5-0.

PROCLAMATIONS were presented to Lydia Wood, Program Developer for the Museum Division of Recreation and Parks, and Carol Gallagher, Procurement Officer, on the occasion of their retirement.

COUNTY ADMINISTRATOR

1. Draft Agendas for June 29, 2010 and July 13, 2010 (There will be no meeting on July 6.)

2. Circuit Court (*Pete Cucinotta, Coordinator, Drug Court Programs*)

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve and accept the grant award for the Adult and Juvenile Drug Courts, MD1125, from the Maryland Office of Problem Solving Courts on behalf of the Circuit Court, in the amount of \$138,577 and to authorize the Commissioner President to execute the related budget amendment reducing the project revenues and expenses in accordance with the award. Motion carried 5-0.

3. St. Mary's County Library (*Kathleen Reif, Library Director*)

Commissioner Dement moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to sign the letter of certification that the county has allocated the necessary matching funds through FY2011 to qualify for the FY2011 state capital grant of \$765,000 for the New Leonardtown Library. Motion carried 5-0.

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to execute the Memorandum of Understanding between the County and Board of Library Trustees for the St. Mary's County Library to continue the cost effective collaboration and to document the nature of the responsibilities of both the Library and the County as submitted by staff. Motion carried 5-0.

4. Land Use and Growth Management (*Jeff Jackman, Sr., Planner*)

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to execute the CLG Educational Set-Aside Subgrant Programs #US1050 and US 1150, in the amount of \$750 respectively. Motion carried 5.0.

5. St. Mary's County Public Schools (*Dr. Michael J. Martirano, Superintendent of Schools, Mr. Gregory V. Nourse, Director of Fiscal Services*)

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve the following actions as submitted and approved by the Board of Education on May 25, 2010:

#1 Revenue and Expense adjustments with a net impact of \$320,118 and, Expenditure Categorical transfer requests in the amount of \$674,988. in the General Fund to cover the annual leave payoffs and expenditure realignments to fiscal year-end; and

#2 Revenue and Expense adjustments with a negative net impact of \$65,715 and Expenditure Categorical transfer requests in the amount of \$30,183 in the Charter School Fund to cover the annual leave payoffs and expenditure realignments to fiscal year-end; and

#3 Adjustments in the Restricted Fund due to the actual awards of five grants, which include addition of revenue, and expenditure accounts for those grants in the amount of \$51,916; and

#4 Execute the consent letter signifying the approval of same.

Motion carried 5-0.

Commissioner Russell requested that future submissions by the Board of Education include appropriate narrative and supporting information in advance so that it can be read and considered by the Commissioners in preparation for action at the designated business meeting.

6. Department of Economic & Community Development (Hans Welch, Manager, Business Development; Lisa Quill, Cheseldine Management)

Commissioner Dement moved, seconded by Commissioner Raley, to approve and sign the Award Letter to the Southern Maryland Tri-County Community Action Committee, Inc. for eight (8) Impact Fee Waiver requests for the Hunting Creek Self-Help Housing Project, located on Willows Road in Lexington Park, Maryland, and to approve and authorize the Commissioner President to sign the related Budget Amendment. Motion carried 5-0.

(Robin Finnacom, Community Development Corporation; Wayne Clark, Executive Director, Tri-County Council for Southern Maryland; Ellen Flowers-Fields, Director Regional Economic Development, TCC)

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign the Working Agreement between the Southern Maryland Workforce Investment Board and its Chief Locally Elected Official as submitted by staff. Motion carried 5-0.

Commissioner Raley requested a memo from Ms. Finnacom outlining the results of the program and the impact on the citizens of St. Mary's County.

(Dennis Nicholson, Executive Director, HASMC; Housing Authority Board Members Jan Barnes, Stephanie Proctor, Joan Gelrud, and Darlene Johnson; Brian Lopez, Osprey Property Company LLC)

Commissioner Dement moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to execute the Agreement for Payment in Lieu of Taxes between the County Commissioners and Four Rivers Community Loan Fund, Inc. for Indian Bridge Apartments. Motion carried 5-0.

7. Department of Human Services (*Cynthia Brown, Interim Director, Kelsey Bush, Local Management Board Coordinator*)

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to execute the Budget Amendment related to the FY2010 LMB Administration grant, project #MD1088, from the Governor's Office for Children on behalf of the Department of Human Services to increase the project budget by \$11,618 to offset LMB Administrative costs with FY09 Carry-Over funds. Motion carried 4-0. (Commissioner Dement was absent for the vote.)

Commissioner Raley moved, seconded by Commissioner Jarboe to authorize Department Staff and the LMB Chair to execute Modification #1 of the FY2010 Community Partnership Agreement, project numbers: MD1060 thru MD1067, and MD1088, from the Governor's Office for Children for the revised amount of \$765,024. Additionally, I move to approve and authorize the Commissioner President to execute the related Sub-recipient Agreements between the County and the Boys and Girls Club of Southern Maryland, Tri-County Youth Services Bureau, Inc, and the St. Mary's County Public Schools; and to execute the related budget amendments which will reduce funding by \$45,908 and realign funding to be in accordance with modification one. Motion carried 5-0.

Commissioner Raley moved, seconded by Commissioner Dement to authorize Department Staff and the LMB Chair to execute Budget Modification #2 of the FY2010 Community Partnership Agreement, project numbers: MD1060 thru MD1067, and MD1088 from the Governor's Office for Children for the revised amount of \$852,878. Additionally, I move to approve and authorize the Commissioner President to execute the related Sub-recipient Agreement between the County and Choices, Inc; and to execute the related budget amendments to reduce administrative funding by \$27,905, increase program funding by \$115,759, and realign funding to be in accordance with the modification. Motion carried 5-0.

Commissioner Raley suggested that the newly elected Commissioners receive a briefing on the role of the Local Management Board (LMB), Department of Human Services and the Human Services Council.

PUBLIC HEARING TO CONSIDER PROPOSED TEXT AMENDMENT TO EXTEND THE SUNSET CLAUSE TO ALLOW OFF-SITE DIRECTIONAL SIGNS FOR THE SALE OF IMPROVED RESIDENTIAL PROPERTIES UNTIL JUNE 30, 2011

Present: Yvonne Chaillet, Planner, Dept. of Land Use and Growth Management

Commissioner President Russell opened the public hearing at 11:20 am.

Ms. Chaillet read the Notice of Public Hearing into the record indicating the notice was published in *The Enterprise* newspaper on June 4, 2010, and June 9, 2010. The purpose of the hearing is to consider the proposed text amendment to extend the sunset clause one year from its current expiration date of June 30, 2010 to June 30, 2011.

Commissioner President Russell opened the hearing for public comments.

There were no public comments. Commissioner Russell noted that the record will remain open for ten days for additional written comments from the public and closed the hearing at 11:25 am.

DEPT. OF PUBLIC SAFETY: PRESENT FOR ADOPTION THE ST. MARY'S CO. RADIOLOGICAL EMERGENCY PLAN

Present: Dave Zylak, Director, Public Safety
Jaelyn Shaw, Manager, Emergency Management
Michael J. Fick, Calvert Cliffs Representative

Mr. Zylak presented the revised St. Mary's County Radiological Emergency Plan that was drafted as a result of findings in January 2009 during a Federal Emergency Management review of plans for jurisdictions surrounding Calvert Cliffs. The County's Emergency Management Division worked closely with a contractor hired by Constellation Energy to ensure all necessary changes were made for compliance with NUREG-0654 FEMA Rep-1, the regulating document for planning and responsive initiative for jurisdictions and states which are in the planning zones of Nuclear Power Plants. The Plan revision dated January 14, 2010, has all requested changes incorporated and was accepted by FEMA on April 6, 2010.

Commissioner Mattingly moved, seconded by Commissioner Dement, to approve and adopt the St. Mary's County Radiological Emergency Plan, dated January 14, 2010, which increased the preparedness level for St. Mary's County and has been reviewed and approved by the Federal Emergency Management Agency and is compliant with NUREG-0654 FEMA Rep-1, the regulating document for planning and response initiative for jurisdictions which could be impacted by an emergency at the Nuclear Power Plant at Calvert Cliffs. Motion Carried 4-1. Commissioner Raley voted nay.

Commissioner Jarboe asked the amount of costs incurred by the County to revise the emergency plan and how much funding St. Mary County receives from Calvert Cliffs.

Commissioner Mattingly commented that St. Mary's County is required to implement the plan and the County's current emergency facility needs improvements, especially for events such as those associated with this plan which would require a large number of personnel in the facility for more than a day. He asked Mr. Fick for some assistance from Constellation Energy for St. Mary's County to expand its facility. Mr. Fick said he would take this message back to Constellation Energy management.

8. Department of Recreation & Parks (*Phil Rollins, Director*)

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to execute the Waterway Improvement Fund Application and Project Agreement, in the total amount of \$99,000, for the Wicomico Shores Public Landing restroom Building replacement project #PL12XX and to approve and authorize Commissioner President to execute the Waterway Improvement Fund Application and Project Agreement, in the total amount of \$99,000 for the Countywide Maintenance Contract project #MD1208. Motion carried 5-0

Commissioner Mattingly requested that Mr. Rollins provide an update on the underwater debris removal project at Leonardtown Wharf.

Commissioner Mattingly moved, seconded by Commissioner Dement, to authorize Department Staff to submit the FY2011 School and Community Nutrition Programs grant documents electronically from the Maryland State Department of Education in the amount of \$6,525.00 consistent with the hard copy reviewed by the BOCC. Motion carried 5-0.

9. Legal Department (*George Sparling, David Weiskopf, Deputy County Attorney*)

Commissioner Dement moved, seconded by Commissioner Raley, to authorize a public hearing to consider granting a property tax credit imposed on real property that is leased to a nonprofit school and is used exclusively for primary or secondary education purposes. Motion carried 5-0.

Commissioner Raley asked staff to provide a list of all other instances, such as the Gymnastics Center, where the County leases from private individuals and pays the property taxes as part of the lease agreement.

Commissioner Mattingly asked that staff also provide a list of any other private nonprofits leasing property for educational purposes.

(David A. Weiskopf, Deputy County Attorney; George Erichsen, Dir., DPW&T; Bill Scarafia, President, Newtowne Players; Valerie Green, Vice President, Newtowne Players)

Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize Commissioner President to sign the Lease Agreement with Newtowne Players, Inc., to renew their use of the former Lexington Park Library located at 21744 South Coral Drive, Lexington Park, Maryland for commercial purposes. Motion carried 4-1. Commissioner Mattingly voted nay.

Commissioner Mattingly expressed concern with the termination clause because of development opportunities that may come up.

10. Department of Aging (*Lori Jennings-Harris, Director, Jayne Hunsinger, Project Manager, Peggy Maio, Fiscal Supervisor*)

Commissioner Dement moved, seconded by Commissioner Jarboe, to authorize Department Staff to accept the Notice of Grant Award documents electronically for the Retired and Senior Volunteer grant, project US1110, from the Corporation for National and Community Service in the amount of \$49,075, consistent with the hard copy reviewed by the BOCC. Additionally, I move to approve and authorize the Commissioner President to execute the related budget amendment to increase the project budget by \$1,149. Motion carried 5-0.

(Rebecca Kessler, Division Manager, Home and Community Based Services)

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to execute the FY10 Notification of Grant Award for the Money Follows the Person grant, project US1032, from the Maryland Department of Aging on behalf of the St. Mary's County Department of Aging for home and community-based services by improving the transition process of eligible individuals from long term care facilities to the community, through increasing outreach and decreasing barriers to transition, in the amount of \$85,956 and the related budget amendment to set-up the project budget. Motion carried 5-0.

(Alice Allen, Manager, Senior Center Operations)

Commissioner Dement moved, seconded by Commissioner Mattingly to approve and authorize the Commissioner President to execute the lease agreement between the County and SAYSF Bible Church, Inc. for the rental of the church site to be used for interim senior activity space per the agreement; and execute the FY2010 Budget Amendment in the amount of \$2,710 and FY2011 Budget Amendment in the amount of \$48,240 decreasing the Supplemental Reserve revenue and expenses and increasing the Building Services rental account and the Insurance Proceeds revenue account. Motion carried 5-0.

11. Sheriff's Office (*Sheriff Timothy K. Cameron, Bonnie Lancaster, Fiscal Specialist, Sheriff's Office*)

Commissioner Dement moved, seconded by Commissioner Mattingly to approve and authorize the Sheriff's Office to submit the grant application documents electronically for the 2010 COPS Technology Program Grant, US1019, from the U.S. Department of Justice in the amount of \$500,000 with the hard copy to be submitted for review at the award stage. Motion carried 4-1. Commissioner Raley voted nay.

Commissioner Mattingly expressed concern that before the grant is accepted, a commitment to fund additional personnel in IT is needed.

Commissioner Jarboe moved, seconded by Commissioner Dement to approve and authorize Commissioner President Russell to accept the Sex Offender Compliance and Enforcement Grant Award, project MD1124, from the Governor's Office of Crime Control and Prevention on behalf of St. Mary's County Sheriff's Office in the amount of \$16,073 for improving the effectiveness of the Sex Offender Registry Unit and to execute the related budget amendment to decrease the project budget by \$2,062. Motion carried 5-0.

Commissioner Raley moved, seconded by Commissioner Jarboe to approve and authorize the Commissioner President to execute a budget amendment reducing project US0918 revenue and expenses to the Supplemental Reserve to reflect the actual award. Motion carried 5-0.

Commissioner Dement moved, seconded by Commissioner Raley to approve and authorize the Commissioner President to execute the budget amendment reducing the projects MD1022 and MD1028 revenue and expenses to the Supplemental Reserve, and the County match to the BOCC Emergency Appropriation Reserve. Motion carried 5-0.

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and accept the Domestic Violence Unit Program, Project MD1129, from The Governor's Office of Crime Control and Prevention on behalf of the St. Mary's County Sheriff's Office in the amount of \$3,964. Motion Carried 5-0.

(Captain Michael R. Merican, Corrections; Ms. Mary Ann Thompson, Project Manager; Mr. George Erichsen, Director, DPWT)

Captain Merican provided an update on the expansion and renovation of the St. Mary's County Detention Center.

Commissioner Dement moved, seconded by Commissioner Mattingly to approve and authorize the Office of the Sheriff's request for submittal of the State of Maryland for Local Jail Capital Improvement Requests pursuant to the approved Fiscal Year 2011 Budget. Motion carried 5-0.

**VISIT VIVIAN RIPPLE MEDICAL ADULT DAY SERVICES CENTER, 24400
MERVELL DEAN ROAD, HOLLYWOOD, MD**

The Commissioners visited the Vivian Ripple Medical Adult Day Services Center, in Hollywood, to present Commendations to the Ripple Staff for their dedication to the program and service to Saint Mary's County government. The Center will be managed by a private entity beginning July 1, 2010.

COUNTY ADMINISTRATOR'S TIME (CONTINUED)

12. Finance Department (*Elaine Kramer, CFO*)

Commissioner Raley moved, seconded by Commissioner Dement for BOCC to authorize the establishment of one temporary FTE in the position of Procurement Manager effective immediately, but ending June 30, to coincide with the retirement of the incumbent. Motion carried 5-0.

13. County Administrator (*John Savich*)

Commissioner Mattingly moved, seconded by Commissioner Raley to appoint the following persons to Boards, Committees, or Commissions with the terms to expire as indicated. Motion carried 4-1. Commissioner Jarboe voted nay.

Airport Advisory Committee

Jacque LaValle (Reappointment) 6/30/2013

Adult Public Guardianship Review Board

Judith Schauf (Partial Term) 12/31/2011

Board of Code Appeals

Charles Bryson (Reappointment) 6/30/2015

Commission for People with Disabilities

Paula Andreas (Developmental Disabilities Admin Rep) 6/30/2011

Carole Woodward (Div of Rehabilitation Services Rep) 6/30/2011

Cynthia Brown (Department of Human Services Rep) 6/30/2012

Rebecca Kessler (Department of Aging Rep) 6/30/2012

Janet Smith (UCP Rep) 6/30/2013

Lois Coryell (Library Rep) 6/30/2013

Commission for Women

Jamilliah Thomas 6/30/2013

Community Health Advisory Committee

Barbara Patterson 6/30/2013

Commission on Aging

Elfreda Mathis (Reappointment) 6/30/2013

Andree Wells 6/30/2013

Norma Pipkin 6/30/2013

Elms Advisory Committee

Charles Cameron 6/30/2013

Ethics Commission

Karin Bailey 6/30/2013

Family Violence Coordinating Council

Kathleen Lacer (SMCPS Rep) 6/30/2013

Ella May Russell (Social Services Rep) 6/30/2013

Susan Sabo (Community Rep) 6/30/2013

Kimberly Gregory (Parole & Probation Rep) 6/30/2013

Norma Pipkin (Commission for Women Rep) 6/30/2013

Karen Abrams (Circuit Court Rep) 6/30/2013

John Helldorfer (Advocate Rep) 6/30/2013

Nancy Luginbill (Health Department Rep) 6/30/2013

Christina Taylor (States Attorney's Office Rep) 6/30/2013

Gregory Wells (District Court Rep) 6/30/2013

Bob Rezza (Maryland State Police Rep) 6/30/2013

Historic Preservation Commission

Robert Gibbs (Reappointment) 6/30/2013

Human Relations Commission

Sarah Tyson 6/30/2014

Wayne Lockley 6/30/2014

Deborah Dennie 6/30/2014

Human Services Council

Carol Gallagher (Reappointment) Consumer Rep 6/30/2014

Harry Lancaster (Reappointment) Non-Profit Rep 6/30/2014

Heike Lasoski (Consumer Rep) 6/30/2014

Amy Henderson (Non-Profit Rep) 6/30/2014

John Horne (Sheriff's Office Rep) 6/30/2014

Roderick McClanahan (Faith Based Rep) 6/30/2014

Library Board of Trustees

Lynn Newkirk 6/30/2015

Marcy House Board

Herbert Hardy (Reappointment) 6/30/2013

Daniel White (Reappointment) 6/30/2013

Metropolitan Commission

Brenda Hanson (Reappointment) 6/30/2013

Plumbing and Fuel Gas Board

Dwight Mason (Reappointment) 6/30/2013

Sheriff's Office Retirement Board

Terry Black (Sheriff's Office) 6/30/2011
Edward Evans (Sheriff's Office) 6/30/2012
Doug Ahearn (Citizen Rep) 6/30/2013

Social Services Board

Judy Gilman (Reappointment) 6/30/2013
Lynn Fitrell (Partial) 6/30/2012

Tri-County Animal Shelter

Sonja Johnson 6/30/2014

Tri-County Youth Services Bureau

Daniel Davis 6/30/2012
Jamilliah Thomas 6/30/2012

COMMISSIONER'S TIME

The Commissioners highlighted upcoming events and those attended over the past two weeks.

Commissioner Raley received a request from concerned citizens for a stop sign that was temporarily installed by the developer (and subsequently removed) in a new area being developed in Wildewood. Since the erection of a stop sign requires action by the Commissioners, he asked that the matter be placed on the next agenda.

DEPARTMENT OF LAND USE AND GROWTH MANAGEMENT: WORK SESSION ON COMPREHENSIVE PLAN ZONING AND TEXT REVISIONS

Present: Derick Berlage, Director, Land Use and Growth Management
Phil Shire, Deputy Director, Land Use and Growth Management
Jeff Jackman, Sr. Planner, Land Use and Growth Management

Mr. Berlage provided an overview of the tasks involved to amend the County zoning maps and Zoning Ordinance text to conform to and implement the new Comprehensive Plan. The Planning Commission is expected to formally approve its draft on June 28, 2010. The suggested approach for future Board of County Commissioner's work sessions was to review: (1) zoning map issues; (2) RPD issues; and (3) growth area issues.

PUBLIC FORUM: HELD AT THE NORTHERN SENIOR CENTER, 29655 CHARLOTTE HALL ROAD, MECHANICSVILLE, MD

Commissioner President Russell opened the Public Forum at 6:30 pm.

Public Comments. *(Comments as noted below are intended as highlights of testimony given and are not verbatim)*

Mr. Wayne Abernethy, 29839 Lincoln Rd., Mechanicsville, MD 20659 (Handout provided)

Mr. Abernethy, who has an extensive background of radio experience, offered his assistance, as a public service, to upgrade the County's Radio System. He requested the following documentation:

1. A copy of the original Bench Mark Drive that should have been done during the acceptance;
2. A copy of the last Drive Test that displays the current need for the upgrade;
3. A copy of the proposed upgrade;
4. A copy of the plot of the expected new signal levels after completion of the upgrade; and
5. A copy of proposed contract that guarantees these new levels to be met.

Mr. Thomas Thompson, 28455 Harvest Lane, Mechanicsville, MD 20659

Mr. Thompson is concerned with new proposed development at Flora Corner Road (Multiflora Estates). He stated that there are 3 farms that are active on Flora Corner Rd. He understands that 24 lots are approved which would warrant a central water system. He asked that Commissioners not approve a centralized water system for the project.

Ms. Roma Mauro, 24549 Nancy Lane, Great Mills, MD 20634 (Handout provided)

Ms. Mauro expressed support of the public-access program "Community Television in St. Mary's County" directed/managed by David Triantos. She questioned Metrocast's decision to move Channel 10 from its original time slot of 9:00 am -12:00 pm daily to 12:00 am – 3:00 am and emphasized the importance to residents of St. Mary's County to continue with Public Television.

The Commissioners asked Ms. Karen Everett, St. Mary's County PIO along with Bob Kelly, Information Technology Department Head to start dialog with Metrocast concerning Public Access Television.

Mr. Edward Dowgiallo, 17825 River Shore Rd., Tall Timbers, MD 20690 (Handout provided)

Mr. Dowgiallo supports Public Access Television and asked that County Commissioners look into ways of supporting Mr. Triantos in his endeavor to keep Public Television alive

in St. Mary's County by returning the public access slot to the original time of 9:00am – 12:00 pm.

Mr. Harold Burroughs, Jr., 28385 Flora Corner Rd., Mechanicsville, MF 20653 (Handout provided)

Mr. Burroughs, who has property that adjoins the proposed Multi Flora Development, presented Commissioners with a summary of conservation values in the Huntersville Rural Legacy Area which encompasses 5,200 acres along the Patuxent River in northern St. Mary's County. He said the property in question has the same type of mix of wooded areas with steep slopes and bottomland stream system. He requested Commissioners not allow a centralized water system in the new development.

Dr. Carol Paris, 39720 Cecil Ave., Leonardtown, MD 20650

Dr. Paris supports the efforts of Mr. Triantos/Public Access Television and commended him on his special concerning the National Health Program and his Democracy Now program.

Commissioner President Russell closed the forum at 7:07 pm and announced that the record will remain open for ten days for additional written comments from the public.

The meeting of the Board of County Commissioners adjourned at 7:08 pm.

Minutes Approved by the Board of County Commissioners on _____

Sharon Ferris, Senior Administrative Coordinator (Recorder)