

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Tuesday, July 13, 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, that the bills submitted for July 13, 2010, be approved as presented. Motion carried 4-1.

Commissioner Jarboe voted no.

APPROVAL OF MINUTES

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve the minutes of the meeting of Tuesday, June 29, 2010, as presented. Motion carried 5-0.

DR. JOSEPH R. URGO, PRESIDENT, ST. MARY'S COLLEGE OF MARYLAND

Present: Dr. Joseph Urgo, President, St. Mary's College of Maryland

The Commissioners welcomed Dr. Joseph R. Urgo, the newly appointed President of St. Mary's College of Southern Maryland. Dr. Urgo thanked the commissioners for inviting him and shared his vision for the College.

**PROCLAMATION WAS PRESENTED TO DR. CHRISTINE BERGMARK,
SOUTHERN MARYLAND AGRICULTURAL DEVELOPMENT COMMISSION,
FOR BUY LOCAL CHALLENGE WEEK.**

COUNTY ADMINISTRATOR

1. Draft Agenda for July 27, 2010 (There will be a Comprehensive Zoning Workshop only on July 20, 2010)
2. **Department of Human Services** (*Cynthia Brown, Interim Director, Julie Ohman, Mental Health Coordinator*)

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President Russell to execute the sub-recipient agreement between the County and St. Mary's Hospital in relation to the FY2011 CSA MOU Services/Administrative Grant (Agreement MH 486 OTH), project #MD1183, on behalf of the St. Mary's County Department of Human Services for Emergency Psychiatric Services in the amount of \$68,592. Motion carried 5-0.

Commissioner Raley moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to sign the Memorandum of Understanding between the St. Mary's County Department of Human Services and the Southern Maryland Community Network for the provision of Mental Health Case Management Services to the children and adults of St. Mary's County. Motion carried 5.0.

3. Finance Department

(Patty Stiegman, Budget Analyst, Finance Department)

Commissioner Mattingly moved, seconded by Commissioner Raley, to approve and authorize Commissioner President to execute the budget amendment transferring funds in the amount of \$300,000 of non-county appropriation from the FIN10 Capital Reserve to the FIN11 Capital Reserve to establish a capital reserve in fiscal year 2011. Motion Carried 5-0.

(Patty Stiegman, Budget Analyst, Finance Department Joy Sapp, Fiscal Services Chief, Health Department)

Commissioner Jarboe moved, seconded by Commissioner Dement, to authorize Commissioner President Russell to sign the document confirming the local budget for the mosquito control for 2010 season. Motion carried 5-0.

(Mark Smith, Agronomist, MD Department of Agriculture; Lotti Bell, Budget Analyst, Finance Department)

Commissioner Mattingly moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to execute the FY2011 Cooperative Agreement between the Maryland Department of Agriculture and St. Mary's County for the Control and Eradication of Noxious Weeds. Motion carried 5-0.

4. Dept Public Works and Transportation (*George Erichsen, Director*)

(Zane Rettstatt, DPW&T Project Engineer)

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize Commissioner President to execute the DNR Waterway Improvement Fund (WWIF) Grant Application for FY12, from the Maryland Department of Natural Resources in the amount of \$395,000 on behalf of the Department of Public Works and Transportation contingent with the approval of the Bathymetric project. Motion carried 5-0.

Commissioner Jarboe suggested exploring the possibility of using the same spoil deposit site for the St. Patrick's Creek and the White Neck operation given that the site for the St. Patrick Creek project is already established.

(Allen Settle, DPW&T Project Engineer; Patty Stiegman, Budget Analyst, Finance Department)

Commissioner Dement moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to execute the budget amendment transferring funds in the amount of \$47,414 from the FIN10 Capital Reserve, State Appropriations, to increase the State Loan amount for the Villas on Waters Edge Shore Erosion Control Taxing District Project MA0801 and to approve and authorize the Commissioner President to execute the Temporary Easement Agreements for the Villas on Waters Edge Homeowners Association, Inc. and the Cedar Cove Community Association properties to construct a stone revetment associated with the Villas on Waters Edge Shore Erosion Control Taxing District project. Motion carried 5-0.

5. Department of Recreation and Parks (*Phil Rollins, Director*)

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President Russell to execute the budget amendment to close out the Countywide Maintenance grant M0908 and to partially close out MD1008 and to transfer these funds in the total amount of \$15,000 to the Supplemental Reserve account; and to execute the budget amendment to transfer funds from the FIN11 account to the newly established White's Neck Creek Bathymetric Survey project MA1102 in the total amount of \$15,000. Motion carried 5-0.

Commissioner Dement moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to execute the budget amendments closing out the Bushwood Wharf Public Landing, Project #PL0803, the Paul Ellis Pier Replacement, Project #PL0602, and the Derelict Boat Removal Grant, Project #PL0801 and returning the remaining funds in the amount of \$50,169 to the FIN10 Capital Reserve. Motion carried 5-0.

6. Sheriff's Office (*Erin Shoemaker, Fiscal Manager*)

(Sergeant Gerald Johnson)

Commissioner Dement moved, seconded by Commissioner Mattingly to approve and accept the CSAFE – Violence Prevention Initiative Grant Award, project MD1109, MD1113 and MD1116 from the Governor's Office of Crime Control and Prevention on behalf of St. Mary's County Sheriff Office in the amount of \$25,072. Motion carried 5-0.

(Captain Edward Willenborg)

Commissioner Dement moved, seconded by Commissioner Mattingly, to approve and authorize the Sheriff's Office to submit the grant application document electronically and mail for the Edward J. Byrne Memorial Justice Assistance Grant – BJAG, from the Governor's Office of Crime Control and Prevention in the amount of \$163,538 with the hard copy to be submitted for review at the award stage. Motion carried 5-0.

INFORMATION TECHNOLOGY DEPARTMENT: PRESENTATION OF REFRESHED COUNTY WEB SITE

Present: Bob Kelly, IT Director and Members of the Refresh Team (George Erichsen, Director, DPW&T; Karen Everett, PIO; Rebecca Deprey, DECD; Darlene Stalcup, Rec and Parks; Mark Stancliff, IT; Terri Welling, IT; and Sherrie Wooldridge, Dept of Aging)

Mr. Kelly presented an overview of the proposed redesign for the County Website. The design is the result of a collaborative initiative among various county departments and IT. The website contains over 7,400 pages of information and receives 30,000 visitors each year. One of the Team's goals was to make the site more user-focused. In an effort to maintain the most current information for the public, procedures for updating department information will be streamlined. The planned go-live date for the pilot is August 2, 2010.

Commissioner Dement moved, seconded by Commissioner Raley, to approve the new design, direct the Information Technology Department to make live the new website, and transition all County departments to the new design as quickly as possible. Motion carried 5-0.

DEPT. OF ECONOMIC & COMMUNITY DEVELOPMENT (DECD)/TOURISM DIVISION: PROPOSED ELECTRONIC DESTINATION MARKETING PLAN

Present: Bob Schaller, Director DECD; Carolyn Laray, Tourism Manager, DECD and Bob Kelly Director IT

Mr. Schaller provided background information on the agreement between the St. Mary's County Chamber of Commerce which operates the Welcome Center and DECD. The Chamber agreed to

reduce hours at the Welcome Center and to reprogram the dollars saved for the development of an electronic marketing program. The Tourism Division of DECD has been examining electronic marketing to leverage the marketing of the County for Tourism. Ms. Laray presented an updated plan for the electronic Destination Marketing Program, explained pros/cons associated with the proposed initiative, the steps involved to implement, and the collaboration with businesses/organizations for the project

Commissioner Raley moved, seconded by Commissioner Mattingly, to approve and direct DECD staff to go forward with their plan of action for the establishment of a Tourism Industry Advisory Committee and the development of the Electronic Destination Marketing Program and to approve and authorize the Commissioner President to sign the Budget Amendment that realigns \$36,409 from the Commissioner's FY11 Emergency Reserve to DECD/Tourism's Other Contract Services Account for said purpose. Motion carried 5-0.

Commissioner Raley asked if the schedule could be more aggressive. Commissioner Jarboe suggested using volunteers in the Welcome Center in lieu of cutting hours at the Center.

DEPT. OF LAND USE AND GROWTH MANAGEMENT: DECISION ON PROPOSED TEXT AMENDMENT TO EXTEND THE SUNSET CLAUSE TO ALLOW OFF-SITE DIRECTIONAL SIGNS FOR THE SALE OF IMPROVED RESIDENTIAL PROPERTIES

Present: Yvonne Chaillet

Ms. Chaillet noted that a public hearing was held on June 22, 2010, on the proposed text amendment to extend the sunset clause to allow off-site directional signs for the sale of improved residential properties. The hearing was opened for public testimony with no one requesting to speak. After the hearing closed, the record remained open for 10 days until July 2, 2010. Staff did not receive any comments during that timeframe.

Commissioner Dement moved, seconded by Commissioner Mattingly, to approve the text amendment to Section 65.26.i(4) of the Comprehensive Zoning Ordinance to extend to June 30, 2011, the sunset clause for off-site directional signs for the sale of improved residential real property. Motion carried 5-0.

WORK SESSION ON THE METROPOLITAN COMMISSION TASK FORCE RECOMMENDATIONS

Present: John Savich, County Administrator

Mr. Savich provided MetCom Study Task Force recommendations to the Commissioners for their consideration. Recommendations and the Commissioner's responses follow:

RECOMMENDATION #1: *The organization and structure of METCOM should continue as it does currently, as a separate corporation not a part of the organizational structure of County government.*

The Board of County Commissioners concurs with this recommendation.

RECOMMENDATION #2: *There should be required periodic meetings: (1) between METCOM, the Board of County Commissioners (BOCC), the Planning Commission and the Department of Land Use and Growth Management (LUGM) to discuss issues of common concern; and (2) between METCOM staff and LUGM to reconcile EDU allocations*

We are prepared to adopt a regular schedule for these meetings.

RECOMMENDATION #3: *Chapter 113 of the County Code should be amended to delete the requirement that the Board of County Commissioners approve all newly created METCOM employment positions.*

This is an acceptable change. We would support relinquishing this oversight of the METCOM operating budget in return for greater involvement in the METCOM capital budget as envisioned in Recommendation #5.

RECOMMENDATION #4: *There should be careful consideration and evaluation of the potential effects of any proposal to forward fund the construction of water and/or sewer lines within the designated Growth Areas of the County.*

We agree with the Task Force on this subject.

RECOMMENDATION #5: *Chapter 113 of the County Code should be amended to: (1) Remove the requirement that METCOM's borrowings shall be in all cases secured by the full faith and credit of the County; (2) Require the approval by the Board of County Commissioners of METCOM's Capital Plan/Budget and Facilities Plans; and (3) Require that the Board of County Commissioners annually amends the County W&S Plan to incorporate METCOM's Capital Plan.*

This is a complex and important recommendation. It has our support. As the Task Force has noted, County approval of the details of a METCOM borrowing comes late in the capital development process and, as such, is not fully productive. We certainly support the recommendation to require County approval of the METCOM Capital Plan/Budget and Facilities Plans. This will enable us to conduct a thorough review and ensure coordination early in the capital planning process, much like the existing coordination between the County and the Board of Education. Finally, the annual incorporation of the Capital Plan into the County's Comprehensive Water and Sewer Plan can flow naturally from the overall capital plan review.

RECOMMENDATION #6: *There should be an evaluation of the mandatory requirement that property owners within a designated service area abandon their private systems and connect to newly installed water and/or sewer lines, culminating in the adoption of a written policy which gives greater consideration to the financial impact on such property owners.*

We are prepared to direct county staff to review the appropriate legislative requirements, documents and policies together with METCOM staff to develop a detailed recommendation to address this issue.

RECOMMENDATION #7: *A policy should be developed which provides for the equitable compensation of developers who first install extensions of public water and/or sewer lines by subsequent developers who benefit from the "first-in" developer's efforts and expenditures.*

While we support the goal of treating developers equitably, we believe that development of such a policy will require careful attention to detail. To succeed, this change will require the creation of a clear and enforceable reimbursement formula.

RECOMMENDATION # 8: *A comprehensive review of Chapter 113 of the County Code needs to be undertaken.*

The recommendations of this report that require changes to Chapter 113 are very important. In addition, it would be helpful to clear up inconsistencies and errors that have been identified over the years.

RECOMMENDATION #9: *Every effort should be expended to inform the affected public regarding METCOM's plans, procedures and rates/fees.*

We concur. The County public information officer has at times assisted METCOM staff with public communication efforts and would be available to collaborate on topics of mutual importance.

RECOMMENDATION #10: *There should be the formal requirement that the Director of METCOM annually file the financial disclosure form with the County Ethics Commission.*

We concur and would also recommend that the ethics ordinance be amended to clarify that all METCOM employees are subject to the St. Mary's County ethics ordinance. Although we believe this is the intent of the ordinance, it is not completely clear. Since METCOM employees are clearly not subject to the state ethics law, this would appropriately clarify this matter.

RECOMMENDATION #11: *The positions of METCOM Director and METCOM's General Counsel should be filled by different individuals.*

We concur and urge the METCOM Board to act on this matter without delay.

RECOMMENDATION #12: *The filling of all vacant employment positions at METCOM should be through a publicly advertised process.*

We concur.

RECOMMENDATION #13: *Because of its unique role and organization, there should be the requirement that if METCOM proposes to enter into certain capital projects contracts/agreements with federal, state or municipal agencies, the approval of the Board of County Commissioners should be required.*

We share the concern of the Task Force that major agreements involving capital funding can have significant long-term consequences. This recommendation should be considered in the drafting of specific language to require the County approval of METCOM's capital budget.

RECOMMENDATION #14: *Outside employment by the Director of METCOM should be limited to that which is of a strictly incidental nature and not ongoing, so as to avoid any conflicts of interest ---either real or perceived.*

We concur and urge you to act on this recommendation without delay.

Commissioner Mattingly requested the letter being forwarded to the Delegation be changed to reflect the commissioners be provided an opportunity to review any other proposals the Delegation may develop that will impact the County.

COMMISSIONER'S TIME

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

PUBLIC HEARING TO CONSIDER GRANTING A PROPERTY TAX CREDIT FOR NONPROFIT SCHOOLS

Present: George Sparling, Interim County Attorney

Commissioner President Russell opened the public hearing at 1:38. Mr. Sparling noted for the record that the notice of public hearing was published twice in The Enterprise newspaper with the latest being on July 9, 2010. On June 2, 2010 the Governor signed legislation which allows the Board of County Commissioners to establish a tax credit against county property taxes imposed on real property that is leased to a non profit school and used exclusively for primary or secondary education. The administration of the Chesapeake Charter School falls within this criteria. Mr. Sparling addressed two questions previously asked by the Commissioners. Commissioner Mattingly asked if there were other properties to which this legislation could apply. Currently the Chesapeake Charter School is the only one eligible but that does not mean others will not become eligible in the future. Commissioner Raley also requested that staff be provided a list of all other instances, such as the Gymnastic Center, where property leased by the County from private individuals pay the property taxes as part of the lease agreement. Mr. Sparling stated the County does not pay the property taxes for any property it leases from private individuals.

Commissioner President Russell opened the hearing for public comments.

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

The Honorable John Bohanan

Delegate Bohanan supported the legislation approved by the Governor on May 4, 2010, which authorizes St. Mary's County to grant a property tax credit for property that is leased to a nonprofit school and used exclusively for primary or secondary education and is here to support the request of the Chesapeake Public Charter School. He recommended the Commissioners make a favorable vote stating this makes sense to provide somewhat of a modest tax break for the school and puts them in the same stature of all other schools in the County who do not pay taxes.

Dr. Christine Bergmark, Chesapeake Public Charter School, Great Mills Rd., Lexington Park, MD 20653

Dr. Bergmark asked that Commissioners grant a property tax credit for the Chesapeake Public Charter School. She provided background of the school, cited accomplishments of the school, noted that they do not receive any funds from the County for their operating budget and said they have fund raising events to assist with expenditures. Currently the school pays approximately \$30,000 in taxes, and if the property tax is waived, it would mean \$30,000 more for CPCS to spend on students this year.

Mr. Bryan Clapp, 45831 New Springsteen Ct., California, MD 20619

Mr. Clapp supported the tax credit. Thinks school is awesome. He commented on pupil allotment, fund raising events and amount spent on rent and taxes.

Ms. Carie Harney, Chesapeake Public Charter School, Great Mills Rd., Lexington Park, MD 20653

Ms. Harney, who has 2 children attending the Charter School, asked for support of the tax credit. She explained when the school first started taxes were \$19,000, but as they have expanded to use more of the leased building, taxes have now grown to \$30,000, which could be used for education. She commented that the per-pupil allotment is approximately \$10,000 per year.

Mr. Ben Click, 40824 Lake & Breton View, Leonardtown, MD.

Mr. Click, a professor at St. Mary's College, has 2 daughters attending the Chesapeake Public Charter School, believes they provide excellent education and supports the tax credit.

Mr. Michael Glaser, St. Mary's City, MD

Mr. Glaser said he is an advocate for excellent education in St. Mary's County and supports the tax credit for Chesapeake Charter School.

Commissioner President Russell stated that the record would be open for ten days for additional written comments from the public. The public hearing closed at 1:50 pm.

DEPT. OF LAND USE & GROWTH MANAGEMENT: REVIEW OF ANNUAL GROWTH POLICY

Present: Phil Shire, Deputy Director, Department of Land Use & Growth Management

In August 2008, the County adopted the Annual Growth Policy which capped the number of new dwellings at 1.9% (794 units) through June 30, 2009. Due to the economic slump, only 317 units were built through the June 30, 2009 timeframe. For the period of July 1, 2009-June 30, 2010, the Board of County Commissioners continued the 1.9% cap on new dwellings and only 33% of potential dwellings were approved because of the continued decline of the economy. Analysis of the school capacity was conducted and reveals they are adequate to support continued growth for the next several years. The recommendation to the Board is to continue with the same 1.9% cap for this year.

Commissioner Jarboe moved, seconded by Commissioner Dement to accept the recommendation of the Planning Commission and the Department of Land Use and Growth Management and that the Annual Growth Policy as adopted on August 19, 2008, be continued, using the 2009 dwelling count as calculated by the Department of Land and Use Growth Management. Motion carried 5-0.

Commissioner Mattingly asked if the number of units within the corporate limits of Leonardtown was included in the dwelling count. He suggested that Leonardtown data be included in the total count.

WORK SESSION ON PROPOSED PLANNING COMMISSION COMPREHENSIVE ZONING ORDINANCE DRAFT

Present: Derick Berlage, Director, LUGM; Phil Shire, Deputy Director, LUGM;
Jeff Jackman, Senior Planner, LUGM; Bob Bowles, Planner IV, LUGM;
Harry Knight, Permits Coordinator and Sue Veith, Planner IV

Commissioners participated in a Work Session on the Comprehensive Zoning Ordinance and Subdivision Ordinance which focused on the following areas: RLT-zone, Amendments to the Zoning Maps, and RPD issues.

ADJOURNMENT

The meeting of the Board of County Commissioners adjourned at approximately 5:00 pm.

Minutes Approved by the Board of County Commissioners on _____

Sharon Ferris, Senior Administrative Coordinator (Recorder)