

**ST. MARY'S COUNTY  
BOARD OF COUNTY COMMISSIONERS' MEETING  
Tuesday, August 30, 2011**

**Present:** Commissioner President Francis Jack Russell  
Commissioner Lawrence D. Jarboe  
Commissioner Cynthia L. Jones  
Commissioner Daniel L. Morris  
Commissioner Todd B. Morgan  
John Savich, County Administrator  
Sharon Ferris (Recorder)

**CALL TO ORDER**

Commissioner President Russell called the business meeting to order at 9:05 am in the Chesapeake Building meeting room, Governmental Center.

**ADDITION/DELETIONS TO AGENDA**

**DELETIONS** Commission on the Environment's report scheduled for 10:30 am will be rescheduled for a later date at the request of the presenters and request for public hearing on adoption of plumbing code is rescheduled to Sept. 13.

**ADDITION:** Hurricane Update

**APPROVAL OF MINUTES**

**Commissioner Morgan moved, seconded by Commissioner Morris, to adopt the minutes of the meeting of Tuesday, August 23 2011, as presented. Motion carried 5-0.**

**PROCLAMATIONS WERE PRESENTED FOR DISABLED AMERICAN VETERANS  
*FORGET-ME-NOT* MONTH AND *PATRIOT DAY* – SEPTEMBER 11, 2011**

**OFFICE OF THE COUNTY ATTORNEY: REQUEST THAT THE MAYOR AND COUNCIL  
OF THE TOWN OF LEONARDTOWN INTRODUCE A RESOLUTION ANNEXING 171.181  
ACRES INTO THE CORPORATE LIMITS OF THE MUNICIPALITY**

**Present:** George Sparling, County Attorney  
George Erichsen, Director, Department of Public Works and Transportation

Mr. Sparling reported that the County received a letter from the Chief Operating Officer of St. Mary's County Public Schools indicating that the town of Leonardtown has sufficient sewer capacity for the proposed elementary school on the Hayden Property if the property is annexed into the corporate limits of the municipality. Bringing the property into the town's corporate limits is important because the County has no more sewer capacity outside the town's boundaries and annexation would allow plans for elementary school to go forward. Mr. Erichsen provided an update on studies conducted on the Hayden Farm for spray and drip irrigation systems that were undertaken when it was understood that the Town of Leonardtown's Wastewater Treatment Plant was nearing capacity. The Leonardtown Town Council has since voted to upgrade and expand the Leonardtown Wastewater Treatment Plant. Their plan to expand the plant precludes the need for the County to put in spray or drip systems at this time.

*Commissioner Morris reaffirmed that the expansion of the Leonardtown plant would handle the needs of Leonardtown's growth for a considerable amount of time and that use of the Hayden Property for a drip or spray system is not in the foreseeable future.*

**Commissioner Morris moved, seconded by Commissioner Morgan, to request by a letter from the Board of County Commissioners that the Mayor and Council of the Town of Leonardtown introduce a resolution annexing 171.181 acres into the corporate limits of the municipality all that lot, tract and parcel of land described in Exhibit A of the proposed letter. Motion carried 5-0.**

## COUNTY ADMINISTRATOR, PART 1

1. There will be no meeting on September 6, 2011.
2. **Department of Recreation and Parks** (*Phil Rollins, Director*)

*(Nathaniel Scroggins, President, Unified Committee for Afro-American Contributions (UCAC); Mike Brown and Janice Walthour, UCAC members)*

**Commissioner Morgan moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President Russell to execute the Capital Projects Grant Agreement between the State of Maryland, through the Board of Public Works, and the Unified Committee on Afro-American Contributions, Inc. and the Board of County Commissioners for St. Mary's County; and execute the Affidavits that funds will not be used for religious purposes or lobbying; and execute the letter certifying matching funds. Motion carried 5-0.**

3. **DECD and Habitat for Humanity** (*Bob Schaller, Dir., DECD; Pamela Shubert*)

**Commissioner Jarboe moved, seconded by Commissioner Morris, to approve and sign the Resolution supporting Patuxent Habitat for Humanity's application to the MD Department of Housing and Community Development for an allocation of tax**

**credits through the State's Community Investment Tax Credit Program. Motion carried 5-0.**

**4. Department of Finance** *(Elaine Kramer, CFO)*

**Commissioner Morgan moved, seconded by Commissioner Jones, that the BOCC authorize the Finance Department to proceed with a Public Hearing on September 13, 2011, for a FY 2012 Supplemental Appropriation of \$3 million from our unapplied FY 2010 fund balance to fund Hurricane Irene related costs. Motion carried 5-0.**

**Commissioner Jones moved, seconded by Commissioner Morris, to approve and authorize Commissioner President Russell to execute the budget amendment using \$1,500 of the Commissioners' Emergency Reserve to add \$1,500 to the FY2012 appropriation to the St. Mary's County Health Department, to be used solely for the Gypsy Moth Suppression Project, however, payment would be made only if expended and upon submission of paid invoice from the State. Motion carried 5-0.**

**5. County Administrator** *(John Savich)* and **Dept. of Land Use & Growth Management** *(Phil Shire, Acting Director)*

**Commissioner Jones moved, seconded by Commissioner Morris, to approve and Sign the letter to Maryland Department of Planning regarding "PlanMaryland" as presented. Motion carried 5-0.**

**Commissioner Jones moved, seconded by Commissioner Jarboe, to approve and sign the Resolution requesting an extension of the comment period by 12 months for "PlanMaryland" as presented. Motion carried 4-1. Commissioner Russell voted nay.**

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

**Commissioner Morgan moved, seconded by Commissioner Morris, to approve and authorize Commissioner President Russell to execute the budget amendment to transfer \$100,000 in County funds from the Piney Point Lighthouse Expansion Project #RF0103 to the Piney Point Lighthouse Expansion Project #RP1203 to support the required local match for the FY12 MHAA grant to preserve and restore the Piney Point Lighthouse and Keeper's Quarters. Motion carried 5-0.**

**Commissioner Morris moved, seconded by Commissioner Morgan, to approve and authorize Commissioner President Russell to execute the Southern Maryland Heritage Area Consortium 2011 Mini-Grant application for printing the Three Notch Trail brochures in the total amount of \$1,000 on behalf of the Department of Recreation and Parks. Motion carried 5-0.**

**Commissioner Jones moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President Russell to execute the budget amendments to (1) increase the FY12 Portable Toilet/Trash Removal Grant project MD1207 by \$250 and (2) close out the FY12 Countywide Maintenance Grant project MD1208 on behalf of the Department of Recreation and Parks. Motion carried 4-0.**

*Commissioner Morris was not in the room when vote was taken.*

**Commissioner Morgan moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President Russell to execute the budget amendments to (1) decrease the FY12 Derelict Boat and Debris Removal Grant project P#PL0801 by \$5,000 and (2) close out the FY12 Wicomico Shores Public Landing Restroom Building project #PL1201 on behalf of the Department of Recreation and Parks. Motion carried 5-0.**

**Commissioner Jones moved, seconded by Commissioner Morgan, to approve and authorize Commissioner President Russell to execute the Program Open Space Development Application and Project Agreement for design and engineering of a new community park on part of the Hayden Farm property in the total amount of \$100,000 on behalf of the Department of Recreation and Parks. Motion carried 5-0.**

#### **OFFICE OF THE COUNTY ATTORNEY/ETHICS COMMISSION: PROPOSED REVISIONS TO ST. MARY'S COUNTY PUBLIC ETHICS ORDINANCE**

**Present:** George Sparling, County Attorney  
Elizabeth Long, Ethics Commission

Mr. Sparling noted the ethics document presented today is not for final approval but for approval to forward the draft to the State Ethics Committee for review prior to adoption by the Board of County Commissioners. Senate Bill 315, which passed last year, made substantial changes to the provisions in the State Public Ethics Law concerning conflicts of interest and financial disclosure requirements. Each county is required to amend its local ethics ordinances to comply with Senate Bill 315 and certify compliance with the law to the State Ethics Commission by October 1, 2011. The state published model ordinances that comply with the law and the local Ethics Committee's draft revised Public Ethics Ordinance uses a combination of both models.

*Commissioner Morgan noted that he will abstain from the vote due to circumstances that did not allow him adequate time to review the document.*

**Commissioner Jarboe moved, seconded by Commissioner Jones, to direct staff to submit the draft of a revised public ethics ordinance prepared by the County Attorney and the St. Mary's County Ethics Commission for review by the State Ethics Commission. Motion carried 4-1. Commissioner Morgan abstained.**

## **GOVERNOR'S VISIT**

The Commissioners joined Governor O'Malley, Delegate Bohanan, and representatives from MEMA, FEMA, and the Maryland Insurance Commission at the St. Mary's County Emergency Operations Center for an update by County staff on storm damage from Hurricane Irene. Following the briefing, the group traveled to the 25000 block of Whiskey Creek Lane in Hollywood where they were joined by Senator Dyson and Delegate O'Donnell to observe the devastation in that area.

## **PROCLAMATION WAS PRESENTED TO WALT BISCOE IN RECOGNITION OF RETIREMENT**

## **HURRICANE IRENE UPDATE**

Mr. Savich reported that main roads have at least one lane open and power has been restored to more than half of the residents affected during the height of the storm. Crews are working hard to clear the roads completely and restore power. The Maryland Insurance Commission visited yesterday and resource numbers will be provided on the County website. Citizens who have questions about recovery initiatives can call the main county number 301-475-4200 or find information on the County website.

## **COUNTY ADMINISTRATOR– PART 2**

### **1. St. Mary's County Public Schools (*Dr. Martirano, Superintendent of Schools;* *Gregory Nourse, Chief Fiscal Services and Human Resources*)**

**Commissioner Jarboe moved, seconded by Commissioner Morris, to approve the requested General Fund FY2011 final year-end categorical expenditure transfer requests realigning \$227,000 among categories as shown on the attachment approved by the Board of Education on August 10, 2011, and to execute the consent letter evidencing this approval. Motion carried 5-0.**

**Commissioner Jarboe moved, seconded by Commissioner Morgan, to accept the fully developed FY 2012 Approved Board of Education Budget Book as requested on June 28, 2011, which includes the requested individual detail and FTEs for each grant. Motion carried 5-0.**

**Commissioner Jarboe moved, seconded by Commissioner Morgan, to approve and authorize the Commissioner President to execute the "Local Unit Annual Budget for Fiscal Year Ending June 30, 2012," which sets forth selected data regarding the FY 2012 approved budget for the Board of Education to be submitted to the Maryland State Department of Education. Motion carried 5-0.**

**Commissioner Jarboe moved, seconded by Commissioner Jones, that we execute the consent letter signifying approval of items contained in motions one and two. Motion carried 5-0.**

**2. Department of Aging and Human Services** (*Lori Jennings, Director; Rebecca Kessler, Manager, Home & Community Programs*)

**Commissioner Jones moved, seconded by Commissioner Morgan, to approve and authorize Commissioner President Russell to execute the budget amendment using \$17,547 of the Commissioners' Emergency Reserve to increase the Department of Aging FY2011 budget to pay for the outstanding balance of \$17,546.40 to the Maryland Department of Health and Mental Hygiene. Motion carried 5-0.**

**3. Sheriff's Office** (*John Savich presented on behalf of the Sheriff's Office*)

**Commissioner Morgan moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to execute the Equitable Sharing Agreement and Certification Report on behalf of the Sheriff's Office. Motion carried 5-0.**

**4. Department of Public Works and Transportation** (*John Groeger, Deputy, Director*)

**Commissioner Morgan moved, seconded by Commissioner Jones, to approve and authorize Commissioner President Russell to execute the Budget Amendment increasing the project revenue and expenses in the Thomas Road Shoreline Improvement project, MA0301 by \$27,724 and decreasing the Capital Reserve (FIN12) in accordance with the Letter of Commitment from Maryland Department of Natural Resources, on behalf of the Department of Public Works and Transportation. Motion carried 5-0.**

**Commissioner Morris moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President Russell to execute the Budget Amendment to transfer \$45,000 from the State Aid Holding Project, HW1101, and establish budget authority for Fees-in-Lieu collected in the amount of \$40,000 from the FIN12 Capital Reserve Account, to cover the County's share of the State's project to install a new traffic signal at MD Rt 5 and Mechanicsville Rd. Motion carried 5-0.**

**5. Department of Public Safety and Information Technology** (*John Savich presented on behalf of the Department*)

**Commissioner Morris moved, seconded by Commissioner Jarboe, to approve and authorize the Director of the Department of Public Safety and Information Technology to execute the Emergency Medical Dispatch Training Grant FY2012 Funding Request, Project #MD1256, from the Maryland Institute for Emergency Medical Services Systems in the amount of \$1,490 for training of Communication Specialists. Motion carried 5-0.**

## **DEPT. OF LAND USE & GROWTH MANAGEMENT (LUGM): WILDEWOOD PLANNED UNIT DEVELOPMENT (PUD) BRIEFING**

**Present:** Phil Shire, Acting Director, LUGM  
Bob Bowles, LUGM

Mr. Bowles presented an update on the Wildewood PUD. Since Wildewood's original PUD approval, 2159 homes have been built to-date containing a diversity of housing types. The amount of homes per acre increased from 1.0 per acre in the early 70's to 2.7 per acre in the early 2000's. In order to meet the approved build out of 4.28 units per acre, Wildewood will have to increase density of future development. At complete build out, Wildewood is required to have 445 acres of Open Space. Wildewood has requirements to provide recreation space and to-date has developed a clubhouse, pool, larger parking areas, landscaping, sport courts, playgrounds and more. The developer is also working to make connection to Lawrence Hayden Road, improvements to Airport Road, and improvements to 235 along the shopping center and Wildewood Boulevard.

*Commissioner Morgan expressed concern with the definition of open space and noted that the open space areas noted on the map presented today appear to be much greater than observed when driving through the area. Mr. Shire said he understands his concern, but Wildewood is in the County's Development District and they are in compliance with the "Green Book" or PUD used in developmental districts which defines open space as any land developed as yards, parks, landscaped areas and recreational areas including community centers, and is exclusive to areas developed for off-street parking and vehicle circulation.*

Mr. Shawn Day, representing Wildewood, provided additional information with respect to open space noting that the Wildewood Community Association has approved the addition of a new pool, tennis court facility, and new multi purpose recreational fields.

Mr. Shire offered to set up a tour of Wildewood if the Commissioners so desire.

### **COMMISSIONER'S TIME**

The Commissioners highlighted events attended over the past week and commended the citizens of St. Mary's County for their perseverance throughout the hurricane.

### **FY 2013 BUDGET PROCESS DISCUSSION**

The main theme of the discussion was to make whatever changes necessary to streamline the entire budget process this year. Suggestions included: thinking out of the box as this year's budget cycle approaches; spending more time on the Operating Budget than the Capital Improvement Budget or integrating the two; defining date requirements as soon as possible; providing data in a timely manner so there is adequate time to be good decision makers;

maintaining one master set of the budget documents in the Commissioners' office space for review with updates provided as needed; and continuing to maintain close communications with the Board of Education and Sheriff's Office during the budget process.

Ms. Kramer, Chief Financial Officer, noted that some dates during the budget process are set in stone such as: (1) Budget shall be signed by a majority of Board of County Commissioners before April 1; and (2) Budget and Appropriation Act shall be adopted by June 1. Other dates can be more flexible based on the amount of work sessions the Commissioners desire.

Mr. Savich said he and Ms. Kramer will take all of the Commissioners' recommendations under advisement and will come back to the Board with a full set of recommendations.

## **ADJOURNMENT**

Commissioner Russell closed the Board of County Commissioners meeting at approximately 3:37 pm.

Minutes Approved by the Board of County Commissioners on \_\_\_\_\_

\_\_\_\_\_  
Sharon Ferris, Senior Administrative Coordinator (Recorder)