

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Tuesday, September 13, 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 10:00 am in the Chesapeake Building meeting room, Governmental Center.

ADDITION/DELETIONS TO AGENDA

Commissioner Jones requested that a question regarding a check listed on the check register dated August 31, 2011, be added to the agenda.

APPROVAL OF MINUTES

Commissioner Jones moved, seconded by Commissioner Jarboe, to adopt the minutes of the emergency meeting of August 26, 2011, as presented. Motion carried 5-0.

Commissioner Jarboe moved, seconded by Commissioner Morris, to adopt the minutes of the meeting of August 30, 2011, as presented. Motion carried 5-0.

COUNTY ADMINISTRATOR

1. Draft Agendas for September 20 and 27, 2011
2. **Department of Public Works and Transportation** (*George Erichsen, Director*)

Commissioner Morgan moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President Russell to sign:

Public Works Agreement Addendum guaranteeing the construction of the roads in the Greenbrier Subdivision, Section 3, located in the 8th Election District with an Expiration Date of August 1, 2012; Public Works Agreement Addendum for the Continued Maintenance and Repair guaranteeing the construction of the road in Primrose Park of Wildewood, Phase 1, located in the 8th Election District with an Expiration date of March 1, 2012; and to approve and sign a Resolution accepting Tom Run Court, County Route 31599, located in the McIntosh Subdivision, 6th Election District, into the County's Highway Maintenance System, and Resolutions posting a 25-mph speed limit and stop sign. Motion carried 5-0.

3. Department of Aging and Human Services (*Lori Jennings-Harris, Director; Rebecca Kessler, Manager Home & Community Based Services; Peggy Maio, Fiscal Supervisor*)

Commissioner Jarboe moved, seconded by Commissioner Morris, to approve and authorize Commissioner President Russell to execute the FY2012 Medicaid Waiver Grant Application, project US1262, from the Maryland Department of Aging on behalf of the St. Mary's County Department of Aging in the amount of \$129,914, to enable consumers clinically eligible for nursing home placement to live safely in the community and receive appropriate in-home service. Motion carried 5-0.

Commissioner Jones moved, seconded by Commissioner Morgan, to approve and authorize Commissioner President Russell to execute the FY2012 Money Follows the Person Grant Application, project US1232, 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 community living through increasing outreach and decreasing barriers to transition, in the amount of \$31,302. Motion carried 5-0.

Commissioner Morgan moved, seconded by Commissioner Morris, to approve and authorize Commissioner President Russell to execute the Application/Area Plan, projects US1202, US1204, US1205, US1209, and US1233 from the Maryland Department of Aging on behalf of the St. Mary's County Department of Aging for various programs and services to the seniors of St. Mary's County in the amount of \$319,560. Motion carried 5-0.

Commissioner Jones asked Ms. Harris to create a "one-stop shopping" website for citizens to see services in the County available to them.

4. Department of Economic and Community Development (*Bob Schaller, Director; Hans Welch, Manager, Business Development*)

(Bob Margolis, President, CEO, TM Associates Management, Inc.)

Commissioner Morris moved, seconded by Commissioner Morgan, to approve and sign the Letter of Support to the Maryland Department of Housing and Community Development on behalf of Great Mills Elderly Associates LP for a Payment In Lieu

of Taxes for the rehabilitation of the Joe Baker Village apartment complex located in Lexington Park, Maryland. Motion carried 5-0.

DEPARTMENT OF LAND USE AND GROWTH MANAGEMENT: DECISION ON PROPOSED ZONING MAP AMENDMENT TO CORRECT CRITICAL AREA OVERLAY FOR PORTION OF PROPERTY AT TAX MAP 71, GRID 20, PARCEL 246 (BUZZ'S MARINA)

Present: Phil Shire, Acting Director, Dept. Land Use and Growth Management
Jeff Jackman, Senior Planner, Dept. Land Use and Growth Management

Mr. Jackman noted for the record that a Public Hearing was held on August 27, 2011, with the comment period closing on September 22. No comments were received during the open record period. Under consideration is changing 5.31 acres at Buzz's Marina currently zoned RCA to LDA which will then be consistent with the critical area classification of the rest of the marina. A change in critical area zoning must be approved at the State level by the Critical Area Commission. Staff is recommending a resolution to confirm the decision and to convey the recommended change to the Critical Area Commission.

Mr. Jackman will notify the Commissioners and County Administrator when this topic is put on the State's Critical Area Commission agenda.

Commissioner Morgan moved, seconded by Commissioner Jones, in the matter of Case #11-245-001, Buzz's Marine, to accept the findings and recommendation of the Planning Commission regarding the mistake in the Critical Area Overlay and approve the correcting of the Official Zoning Map to change the Critical Area Overlay from Resource Conservation Area (RCA) Critical Area Overlay to Limited Development Area (LDA) Critical Area Overlay on 5.31 acres within Parcel 246, Grid 20, Tax Map 71, located at 49675 Buzz's Marina Way in the 1st Election District, Ridge, Maryland; and I also move that the Board sign a resolution to confirm the County's intent to so change the zoning and to request approval of the change by the Chesapeake and Coastal Bays Critical Area Commission as required by statute. Motion carried 5-0.

COMMISSIONER'S TIME

The Commissioners highlighted events attended over the past week. Commissioner Morris reported on the state budget hearing on the county's jail expansion that he and Commissioner President Russell attended along with Mary Ann Thompson from the Sheriff's Office. As a follow-up, he asked that information on the yearly numbers of inmates in each classification (e.g., violent prisoners, women, on work release, quarantined, etc.) be provided to the state.

CALL FOR MOTION TO ENTER INTO EXECUTIVE SESSION

Commissioner Jones moved, seconded by Commissioner Morgan, to enter into Executive Session for the purpose of discussing real property acquisition and litigation matters, specifically acquisition of wetlands mitigation easements and public school capacity mitigation agreement. Motion carried 5-0.

EXECUTIVE SESSION

Litigation

Present: Commissioner Francis Jack Russell, President
Commissioner Lawrence D. Jarboe
Commissioner Cynthia L. Jones
Commissioner Daniel L. Morris
Commissioner Todd B. Morgan
John Savich, County Administrator
George Sparling, County Attorney
George Erichsen, Director, DPW&T
Donna Gebicke, Recorder

Authority: Article 24, Section 4-210(a)8
Time Held: 11:05 am – 11:15 am
Subject Discussed: Litigation (School Capacity Mitigation Agreement)

Real Property

Present: Commissioner Francis Jack Russell, President
Commissioner Lawrence D. Jarboe
Commissioner Cynthia L. Jones
Commissioner Daniel L. Morris
Commissioner Todd B. Morgan
John Savich, County Administrator
George Sparling, County Attorney
George Erichsen, Director, DPW&T
Donna Gebicke, Recorder

Authority: Article 24, Section 4-210(a)11
Time Held: 11:15 am – 11:28 am
Subject Discussed: Real Property (acquisition of wetlands mitigation easements)

Commissioner Morgan moved, seconded by Commissioner Morris, to direct staff to proceed as discussed in Executive Session on matters related to Litigation and Real Property Acquisition. Motion carried 5-0.

PUBLIC HEARING: TO CONSIDER FY 2012 SUPPLEMENTAL APPROPRIATION OF \$3 MILLION FROM UNAPPLIED FY 2010 FUND BALANCE TO FUND HURRICANE IRENE RELATED COSTS

Commissioner Russell opened the Public Hearing at 1:05.

Present: Elaine Kramer, Chief Financial Officer
Bob Kelly, Director, Department of Public Safety & Information Technology
George Erichsen, Director, Department of Public Works and Transportation

Notice of the Public Hearing was advertised in *The Enterprise* on September 2 and 9, 2011 to consider a supplemental appropriation of \$3 million to fund costs related to the hurricane. As of today, costs of approximately \$2.7M have been incurred in purchase type commitments and a couple hundred thousand in payroll. The source of the funding would be the FY2010 fund balance that was not applied in the FY2012 budget. The County had an unreserved/undesignated fund balance of \$12 million to draw from to pay these expenses. The County is not sure when or if Federal Emergency Management Agency or any other agency reimbursement will be received.

Mr. Erichsen estimated it will take at least 8-10 weeks for major County cleanup. The last date for bulk pickup along county roads is September 30 and the last date to bring debris to the burn sites is October 9. The regular landfill should be able to accommodate the debris following these dates. The County has collected approximately 25,000 tons of debris enough to cover a football field stacked 50-60 feet high. The burn sites are costing \$5K per day.

Mr. Kelly commented that local County officials are working with Maryland Emergency Management Agency (MEMA) and Federal Emergency Management Agency (FEMA) to make sure assessments are performed correctly and all paperwork is completed. There are still assessments going on in the state, and once that is completed, MEMA will forward the information to FEMA who will then forward to the President. It seems that St. Mary's County will meet the threshold for required assistance. All actions taken during the storm were in accordance with the storm management plan and because financial resources were available in the County, we were able to respond rapidly rather than waiting for financial assistance.

Commissioner Russell opened the Public Hearing for Public Comment.

There were no public comments.

Commissioner Russell closed the Public Hearing at approximately 1:16 and noted the record will remain open for 10 days for written comments.

DEPT. OF LAND USE AND GROWTH MANAGEMENT: REQUEST TO SCHEDULE PUBLIC HEARING TO CONSIDER ADOPTION OF THE 2009 NATIONAL STANDARD PLUMBING CODE ILLUSTRATED AND 2009 NATIONAL FUEL GAS CODE AS THE ST. MARY'S COUNTY PLUMBING AND FUEL GAS CODE WITH LOCAL AMENDMENTS

Present: Phil Shire, Acting Director, Dept. Land Use and Growth Management
Harry Knight, Permits Coordinator, Dept. Land Use and Growth Management

The Maryland Board of Plumbing updates the Maryland Plumbing and Fuel/Gas Code every three years. The current state code is modeled from the 2006 National Standard Plumbing Code and the National Fuel Gas Code. It is a routine process that when the state updates their codes the county updates/amends their codes. This update will be replacing the 2006 version with the 2009 version.

Commissioner Morris asked if St. Mary's County was short of Fuel/Gas Technicians and if there was anyway to get the Forrest Center to have a class on Gas installation. The response was that a master plumber can do natural gas, propane and electric. The Plumbing Board both current and past is interested in working with the Tech Center for this type of class.

Commissioner Jones stated the Fuel and Gas Board has the authority to make recommendations to the Board and wants to make sure everyone is on the same page with these recommendations. She asked if the 2009 County version is amended from the National Standards. The answer was "yes," and the most significant change is that the plumbing board is suggesting that homeowners who are allowed to do their own plumbing under the current ordinance should have to pass a test even though they must have a permit and the work must be inspected. This practice was administered back in the 1990s, but previous Commissioners discontinued it. The Board of Electrical Examiners currently administers their own program if a homeowner wants to do their own work and charges \$25.00 to take the test.

Commissioner Morris requested that recommended changes be highlighted on the documentation to be presented at the public hearing.

Commissioner Jones moved, seconded by Commissioner Jarboe, to direct staff to schedule a public hearing concerning the adoption of the 2009 National Standard Plumbing Code Illustrated and 2009 National Fuel Gas Code ANSI, Z223.1, NFPA 54 as the St. Mary's County Plumbing and Fuel/Gas Code with local amendments.

SMECO: BRIEFING ON SO. MD. RELIABILITY PROJECT AND HURRICANE IRENE

Present: Austin J. Slater, Jr., President & CEO Southern Maryland Electrical Co
Tom Dennison, Government and Public Affairs Manager, SMECO
Ken Capps, Senior VP of Engineering and Operations, SMECO
Joe Stone, Chairman, Board of Directors, SMECO

Mr. Capps provided an update on the impact of Hurricane Irene on Southern Maryland. St. Mary's and Calvert County were the hardest hit in the tri-county area with an estimated restoration cost of \$6.1 million, with \$2.2 of that being for St. Mary's County. There were 108,109 outages at the peak of the storm, more than 300 broken poles, 415 cross-arms, 465 cross arm braces, 11,101 conductor repair sleeves, and 196 transformers. He acknowledged community support and the tremendous workforce of 560+ personnel, which included personnel from other states, who joined together to bring the counties

back on line. Inspections of overhead systems are still ongoing and will probably take another four weeks.

SMECO's current bulk transmission system will not support a system failure and meet the existing and growing electric demands in Calvert and St. Mary's. Mr. Dennison provided an overview of the Reliability Project which will upgrade existing transmission lines to the new lines which will consist of 28 miles of overhead transmission lines and 2 miles of underground lines crossing the Patuxent River. The project is anticipated to be in service by March 2015. It provides a loop configuration that ensures Pax River and Southern St. Mary's has two feeds into the Hewitt Station and will allow for a bypass when there is a disruption in the line.

CHECK APPROVALS 8/31/11

Commissioner Jones questioned the purpose of a check requested by the Office of the Sheriff for approximately \$10,000 payable to John Hopkins University.

Mr. Savich will research and provide information back to Commissioners.

PUBLIC FORUM

Commissioner Russell opened the Public Forum at 6:30

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

David Shapiro, 41402 Phillip Lane, Leonardtown, MD 20650

- Previous Plumbing Board member for 7 years
- Worked on Manual J Calculation for Air Conditioning (A/C)
- Concerned with what happened to A/C regulations voted on by board during his tenure
- Need proper A/C sizing in homes – not sure all sized correctly because no regulations
- County requires no inspection to make sure sizing done properly
- Presented Commissioners with a petition with approximately 1700 signatures requesting Heating Ventilation and Air Conditioning Regulations be adopted by all counties, especially St. Mary's County

Commissioner Morgan asked if he thought there was a discrepancy between what Commissioners are being asked to sign in the Plumbing/Electrical Codes. He asked Mr. Shapiro if there is something he feels the Commissioners need to be concerned with to come to the Public Hearing or send a letter prior to the Public Hearing.

John Springer, 22987 Wedgewood Court, California, MD 20619

- Attended Public Forum on March 1 and expressed concern with amount of clear-cutting in Wildewood

- Clear-cut 52 acres
- Asked for study by LUGM
- Heard brief last week – Poor presentation after waiting 6 months
- Can't just throw Wildewood under the bus
- You rely on staff to provide you info, people on planning commission rely on LUGM also
- I researched and paid for documentation given to you at the March 1 forum. Please return if you are not going to do anything

Michael Hewitt, 26074 Sotterly Heights Rd., Hollywood, MD 20636

- Needs clarity on regulations on what people can do to clean up their property
- How can we do things within regulations
- Have several trees down on property and a large tree across a pier – wants to cut and burn
- Called several departments (Public Works, Commissioners Office, Public Safety, and Health Department) and got several different answers
- These are unusual circumstances to deal with – hoped for some exceptions to regulations
- I'm advocating for people with similar circumstances

Tom Mattingly, P. O. Box 173, Leonardtown, MD 20650

- Former Commissioner who helped make decision for new Library to be located on Hayden farm with schools
- Studies conducted - Used Managing Maryland's Growth publication on Smart Growth, Community Planning and School Construction in decision-making
- Decision made with input from all partners (County Commissioners/Staff, Parks and Recreation, Public Works, School Board/Staff and Town Administrator/Councilman) and no concerns were expressed with location
- Before new Commissioners make final decision should consider all facts
- Concerned with traffic issues at Tudor Hall site being recommended – Lawrence Ave intersection volume, Fenwick narrow street conflicts with emergency equipment and funeral home business, citizens concerned with additional traffic on Lawrence St. in residential area
- Difficult for users to locate the library
- Usage of library has large number from outside 20650 zip code
- Suggested using old library/armory building to expand Garvey Senior Center

Henry Camaioni, 40698 South 40 Dr., Leonardtown, MD 20650

- Last Public Form asked about structural integrity of water tower in Wildewood
- Went to MetCom and their response was everything is ok
- Holes did not go away and first inspector said not structurally safe
- Health Department found lead in tower a couple of years ago
- Need another inspection
- Have evidence
- MetCom has not completed an inspection since the last meeting.

Minnie Russell, 16477 Dunbar Ln, Ridge, MD 20680

- Thanked Commissioners for bringing back the Public Forums on a regular basis

- Concerned with safety at Fox Harbor Pier - needs immediate action
- Pier has been there since 1954 and most material original
- Stringers cracked and split
- Someone wrapped some stringers in metal and poured cement into them
- Pilings life expectancy is 30 years and these are older
- Who is inspecting
- Pier also being used illegally by one commercial fisherman
- Needs to be inspected before someone gets hurt
- Provided handout to Commissioners

Roy Fedders, Dameron, MD

- Concerned with Vibro Vulnificus virus that may be present in bay tributaries
- CDC says cases are multiplying in the states
- Knows of one case in County
- Mid-May to mid-October more serious timeframe
- Physicians not familiar with virus
- Meeting with Dr. Icenhower on September 23 on how to get info out to public with idea that people be informed not alarmed
- Encouraged Commissioners to be more forceful in getting state to do inspections in waterways
- Concerned with intersection of Forrest Park Rd and Rt. 235 -- multiple accidents -- asked Commissioners to see if SHA would do something

David Triantos, 42371 Riverwinds Dr., Leonardtown, MD 20650

- Public Access TV
- Wants to start making his monthly meetings like a forum
- Wants to videotape interviews
- Provided Commissioners with DVDs of 1999 County Fair

Carl Kirk, 16678 Piney Point Rd, Valley Lee, MD

- Recommended transportation initiatives involving Leonardtown
- People on east side of County well taken care of but need assistance on west side
- Asked if possible to get bus transportation (morning and evening) from Leonardtown to Charlotte Hall to connect with Dillon Bus Lines to transport to DC
- Mini Van from Leonardtown to Charlotte Hall if no bus available

ADJOURNMENT

Commissioner Russell closed the Public Forum and adjourned the Board of County Commissioners meeting at approximately 7:47 pm.

Minutes Approved by the Board of County Commissioners on _____

Sharon Ferris, Senior Administrative Coordinator (Recorder)