

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
GOVERNMENTAL CENTER
Tuesday, January 30 2007**

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, Acting County Administrator
Betty Jean Pasko, Senior Admin. Coordinator (Recorder)

CALL TO ORDER

The meeting was called to order at 9:03 am.

APPROVAL OF CHECK REGISTER

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to authorize the Commissioner President to sign the Check Register as presented. Motion carried 4-0, with one abstention. Commissioner Raley abstained due to a check included in the register that is payment to a relative.

APPROVAL OF MINUTES

Commissioner Mattingly moved, seconded by Commissioner Dement, to adopt the minutes of the Commissioners' meeting of January 22, 2007, as presented. Motion carried 4-0, with one abstention. Commissioner Raley abstained since he was not in attendance at the January 22nd meeting.

Commissioner Mattingly moved, seconded by Commissioner Dement, to adopt the minutes of the Commissioners' meeting of January 23, 2007, as presented. Motion carried 5-0.

COUNTY ADMINISTRATOR

1. Draft Agendas for February 6 and 13, 2007
2. **Department of Land Use and Growth Management** (*Phil Shire, Deputy Director*)

Commissioner Dement moved, seconded by Commissioner Raley, to approve and authorize the Commissioner President to sign the proposed Instruments of Final Transfer for a total of two transferable development rights (TDRs) for one additional lot in the RPD Zone, Hopkins Park Subdivision, Lots 500-2A.

Action was deferred on the proposed Instruments of Final Transfer for a total of four transferable development rights (TDRs) for two additional lots in the RPD Zone, Dixon Subdivision, Lots 3 and 4. The motion was deferred due to a question regarding location of property in relation to the Mattapan Rural Legacy Area.

Mr. and Mrs. Gray, Disciples of Faith Christian Life Center, were recognized. Commissioner Dement invited Mr. and Mrs. Gray to present today's Invocation. Mr. & Mrs. Gray introduced themselves to the Board and provided a brief overview about the Christian Learning Center, located at 22345 Greenview Parkway, off of Chancellor's Run Road, in Great Mills.

3. Department of Economic and Community Development (*John Savich, Director; DECD*)

(Donna Sasscer, Agriculture and Seafood Manager, DECD; Sue Veith, Environmental Planner, LUGM)

Commissioner Raley moved, seconded by Commissioner Mattingly, to approve and sign the letter prioritizing the Mattapan Rural Legacy Area for designation and funding as the County's top priority and the Huntersville Rural Legacy Area as the County's second priority for additional funding. Motion carried 5-0.

(Dennis Nicholson, Exec. Dir., SMC Housing Authority; Jane Loughran,

Commissioner Vice Chair, Housing Authority; Hans Welch, Business Development

Manager, DECD; Swynice Hawkins, President, So. Md. Tri-County Community

Action Committee; Lanny Lancaster, Exec. Dir., Three Oaks Homeless Shelter;

Brian Lopez, VP, Osprey Property Co.; additional representatives from Catholic

Charities for Angel's Watch and the Dept. of Social Services)

Commissioner Dement moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign the Emergency Shelter Grant Agreements totaling \$26,201, and the Subrecipient Agreements between the County and Catholic Charities, D.C., Angel's Watch, St. Mary's County Dept. of Social Services, and Three Oaks Homeless Shelter, Inc. Motion carried 5-0.

Commissioner Raley moved, seconded by Commissioner Dement, to approve and sign the Resolution authorizing submittal of a Community Development Block Grant (CDBG) application for \$300,000 to be used for infrastructure costs relating to the Hunting Creek self-help housing project. Motion carried 5-0.

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign the Certificate of Assurances and Certifications of the MD Community Development Block Grant Application for \$300,000 for the Hunting Creek self-help housing project, located off of Willows Road, in the 8th Election District. Motion carried 5-0.

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve the revised Impact Fee Deferral Agreement granting the Economic Impact Fee Waivers for the So. Md. Tri-County Community Action Committee for the Hunting Creek development on Willows Road in the 8th Election District, which replaces the Agreement signed by the So. Md. Tri-County Community Action Committee on June 13, 2006. Motion carried 5-0.

Commissioner Mattingly asked if there is a sunset on the legislation that authorizes the impact fee waiver; if so, will need to be made aware of the date. Mr. Savich and Mr. Welch responded that they believe there is an extended sunset, but will follow-up.

(Dennis Nicholson, Exec. Director, SMC Housing Authority; Jane Loughran, Commissioner Vice Chair, Housing Authority)

Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign the Memorandum of Agreement with the St. Mary's County Housing Authority which provides \$47,071 from the County's FY07 Capital Budget, Workforce Housing Initiative Fund, to assist the Housing Authority with construction costs for The Gateways housing development project, located in the 8th Election District off of Lexwood Drive. Motion carried 5-0.

4. **Office of the County Attorney** (*Colin Keohn, Deputy County Attorney*)

Commissioner Dement moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner President to sign the Security Agreement with the Ridge Volunteer Rescue Squad for the purpose of lending funds to the squad for the purchase of a new ambulance. Motion carried 5-0.

LOCAL MANAGEMENT BOARD: "PERFORMANCE ACCOUNTABILITY" FOR PROGRAMS AND SERVICES FUNDED BY COUNTY GOVERNMENT

Present: Bennett Connelly, Executive Director, Local Management Board
Karen Finn, Chief Policy and Programs, MD Governor's Office for Children

Mr. Connelly provided the introduction and explained how the program could be a useful tool for measuring agency outcome data. Such a program was discussed at one of last years Budget Work Sessions. The presentation was a prelude to today's workshop, scheduled from 1-4 PM, for about 40 County agencies.

Based on the work of Mark Friedman, a national expert in performance management and author of 'Trying Hard is Not Good Enough', Ms. Finn is one of six individuals trained by Mr. Friedman on the program. Ms. Finn provided a walkthrough of the Performance Accountability Program, providing examples and discussing performance indicators, measurement criteria, and the importance of results accountability,

Referencing the letter received from Ms. Finn last Friday, Mr. Connelly also mentioned that the County has been selected as the pilot in Maryland for a Rural Care Management entity. St. Mary's will be receiving \$600,000 to serve up to 20 children that normally go out-of-County for residential placement. These funds will go toward establishing local resources to keep these children in the community. Funds will be flexibly used, such as toward mentoring or after school program services.

BOARD OF LIBRARY TRUSTEES AND LIBRARY DIRECTOR: PRESENT FINDINGS AND RECOMMENDATIONS OF THE COUNTYWIDE LIBRARY FACILITIES STUDY

Present: Kathleen Reif, Director of the St. Mary's County Library

Laura Isenstein, President, Providence Associates Consulting Firm

Ms. Reif began by acknowledging Library Board members and staff that were present and introduced Ms. Isenstein. Ms. Isenstein has been working with the County for the past 10 months to create a comprehensive library system analysis and recommendations report.

Ms. Reif updated the Board on the results of the most recent library customer satisfaction survey. Over the five-week period, 600 survey responses were received. Some of the findings included: Over 62% visit their library 1 – 2 times/week, 32% visit their library 1 – 2 times/month, and 85% rated staff helpfulness as “Excellent.” Deltas included: more books, more PCs., longer hours (hours on Sunday), more programs, more space, and noise reduction. There are over 66,000 library cardholders in the County.

Ms. Isenstein also reviewed the tasks requested and the project deliverables; provided peer comparison, metric, and statistical data; described methods used for collecting data, e.g., focus groups; and outlined recommendations that will service the County's Library system for the next two decades. Service

recommendations included: increase service hours, available titles, number of PCs, and diversity (non-English speaking customers); develop self-directed services and a 3-5 year technology plan, including enhancing the Library's web-site (making it interactive). Facility recommendations included increasing infrastructure maintenance at the existing library facilities and constructing a new facility in the California/Hollywood/Lexington Park area for a total of four full-service libraries by 2017.

The estimated capital costs based on the recommended occupancy dates for each project total \$37,268,897. This project cost represents all site development, construction, furniture, equipment, fees, owner costs, and contingencies for each project. It does not include site acquisition. The cost per capita for the existing population would be \$385; for the projected 2026 population figure, the

cost would drop to \$263. If bonded over 20 years, the cost per capita would be in a range of \$19.00 - \$21.00 per person per year.

COMMISSIONERS' TIME

Commissioners Time was waived. However, Commissioner Mattingly made the following comments:

- Last Wednesday's presentation to the Board of Public Works with the Board of Education to solicit remaining funding for a couple of capital projects for the Board of Education went well. The Governor was very receptive to the request and it was well worth the trip. The Board of Education's invitation to the Commissioners to participate in the presentation with the Delegation was appreciated.
- A financial update and status of the state budget was presented at the last MACo meeting. *A copy of that presentation was provided to each of the Commissioners.*

The Commissioners adjourned to attend the luncheon at the Leonardtown Library and reconvened at 1:30 pm for the Budget Work Session.

OPEN SESSION

MOTION TO ENTER INTO EXECUTIVE SESSION

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to enter into Executive Session for the purpose of discussing Litigation, as provided for in Article 24, Section 4-210(a)8. Motion carried 5-0.

EXECUTIVE SESSION

Litigation

Present: Commissioner Francis Jack Russell, President
Commissioner Kenneth R. Dement
Commissioner Lawrence D. Jarboe
Commissioner Thomas A. Mattingly, Sr.
Commissioner Daniel H. Raley
Christy Chesser, County Attorney
John Savich, Director, DECD
George Erichsen, Director, Dept. of Public Works and Transportation
Donna Gebicke, Administrative Assistant to the BOCC, Recorder

Authority: Article 24, Section 4-210(a)8
Time Held: 3:35 pm - 4:57 pm
Action Taken: The Commissioners discussed litigation matters.

OPEN SESSION: ACTION FROM EXECUTIVE SESSION

The Board reconvened in open session at 6:30 pm.

Commissioner Jarboe moved, seconded by Commissioner Raley, to authorize the Commissioner President to sign the settlement agreement with Burch Oil, regarding the Burch Oil litigation case. Motion carried 4-0, with one abstention (Commissioner Mattingly).

PUBLIC HEARING (DEPT. OF LAND USE & GROWTH MGMT): PROPOSED AMENDMENTS TO THE COMPREHENSIVE WATER AND SEWERAGE PLAN.

Present: Jeff Jackman, Sr. Planner, LU&GM

The public hearing was opened at 6:33 pm. Mr. Jackman presented an overview for each of the proposals. Notice of the Public Hearing was advertised in the St. Mary's Today, January 14th and January 21st, 2007 editions, posted on the properties, and sent via certified mail to the adjoining property owners for each of the properties.

Mr. Jackman presented development data, background information, and analysis data including compatibility with the St. Mary's County Comprehensive Plan, planning and zoning issues, population estimates, engineering, and economics, and reviewed exhibit and concept maps for each of the properties.

1. Willows Run Subdivision, Case CWSP #06-120-015, to amend service area maps III-51 and IV-51 to change the service category from W-6 and S-6 to W-3D and S-3D for 23.75 acres described as Parcel 72 of Tax Map 51 in the 8th Election District in anticipation of providing community water and sewerage service to a 50-lot subdivision.

Following a Public Hearing on November 13, 2006, and by unanimous vote, the Planning Commission authorized the Chair to sign PC Resolution 06-28 to convey to the County Commissioners its recommendation that the CWSP be amended as requested.

Public Comments:

Dean Wilkinson, R. A. Barrett & Assoc.

At the request of Commissioner Raley, Mr. Wilkinson clarified (referencing the displayed Concept map) where the existing sewer and water lines are and the location of the proposed sewer and water lines. Proposing to use an existing pumping station, located in Pembroke. Development (parallel open space) will be 50 to 75' width off Willows Road. The property is outside of the AICUZ overlay zone.

John Parlett, Pembroke, LLC (adjoining property owner)

Mr. Parlett indicated that he had not planned to speak; was not sure where the development agents were planning to tie their sewer into the pump station. Since they're planning to cross open space parcels to get to sewer main, owned by Pembroke, LLC,

they should be made aware that they need to contact me to secure necessary easements and access to those sewer lines.

Chet Frederick, Chief Engineer, Metropolitan Commission (MetCom)

Commissioner Mattingly asked about if the water and sewer capacity and cost-sharing is factored into the design phase during this phase of project development. Mr. Frederick responded, Pembroke pump station one was designed to take all of phases of Pembroke as well as one phase of Amberly Apartments. Since that time, there was originally a trunk gravity line that was going to go down Pembroke Run. Due to environmental considerations, Mr. Parlett spent a lot of money trying to go through that, bottom line, couldn't do it, so there's a second pump station. That pump station is now going to take all but section one of Pembroke; everything down Willows Run, which is Hunting Creek, Ranieri Run, Pembroke Run subdivision. As to the future, eventually the lots are paying for a line that will go up to Greenbriers and go to the interceptor up there, rather than where it currently goes, down Willows Road (doesn't know the timeframe). Regarding cost-sharing, cost-sharing is between Mr. Parlett and those using his property. We look at it from a standpoint only of our investment into it, (EDU basis).

2. Second District Volunteer Fire Department, Case CWSP 06-131-010, amend service area map IV-61 to change the service area category from NPS to S-3D for 15.32 acres described as Tax Map 61, Grid 5, Parcels 78, 108, 134, 399 and 418 in the Second Election District in anticipation of service to an existing fire hall with banquet facility.

Following a Public Hearing on October 10, 2006, and by unanimous vote, the Planning Commission authorized the Chair to sign PC Resolution 06-25 to convey to the County Commissioners its recommendation that the CWSP be amended as requested.

Commissioner Raley clarified; property is zoned VMX, Health Dept. certification, and proposed use will be the equivalent of 14 dwelling units (2,040 sq. ft. addition), a small addition to what's already there.

Commissioner Russell requested clarification and Mr. Frederick clarified that this is a separate connection, north of Andover Estates. The decision was made that Valley Lee wasn't going to connect; they're going to have their own separate pump station, which will go into the Piney Point high-pressure force main.

Public Comments:

There were no additional Public Comments.

3. Pembroke Run Subdivision, Case CWSP #06-120-008, to amend service area maps III-51 and IV-51 to change the service category from W-6 and S-6 to W-3D and S-3D for 19.92 acres described as Parcel 636 of Tax Map 51 in the 8th Election District in anticipation of providing community water and sewerage service to a 22-lot subdivision.

Following a Public Hearing on October 10, 2006, and by unanimous vote, the Planning Commission authorized the Chair to sign PC Resolution 06-26 to convey to the County Commissioners its recommendation that the CWSP be amended as requested.

It was clarified that the project proposes 23 dwelling units. Commissioner Raley asked if the property is within the ACQIS overlay zone. Mr. Jackman responded that it is well south of the AICUZ overlay zone.

Public Comment:

John Parlett, Pembroke, LLC

Mr. Parlett stated that he was really here in relation to the Valley Lee Fire Dept., and happened to run into these other two cases. Once again, he stated that he assumes that this subdivision is going to make an effort to tie into gravity sewer mains within the Pembroke subdivision and he's had no conversations with the applicants, but stating that he'd be available to discuss.

4. Strickland Subdivision, Case CWSP 05-110-004, to amend service area map III-43 to change the service area category from W-6 to W-3D for 76.93 acres described as Tax Map 43, Grid 19, Parcel 574, Lot 1 in the 8th Election District in anticipation of service to low density residential development.

Following a Public Hearing on December 11, 2006, and by unanimous vote, the Planning Commission authorized the Chair to sign PC Resolution 06-29 to convey to the County Commissioners its recommendation that the CWSP be amended as requested.

Public Comment:

Robin Guyther, P.O. Box 502, Leonardtown, MD

Mr. Guyther stated that Mr. and Mrs. Strickland want to build a one-story house for themselves only, on 2.8 acres (on their property, only want the change for the one lot, but the lot does not exist yet). At the Planning Commission meeting, the County Attorney was there and said this could be worked out, the actual map won't be changed until the plat is recorded, and can do the one lot. The owners do not want 70+ acres in the W-3 Category, only 2.8 acres.

Furthermore, the Metropolitan Commission, Mr. King, has agreed that this will not have to be a water main. Meaning, everyone who's adjacent to it is not going to have to hook-up. It's only 600 feet away, and it's all pretty much through Mr. Strickland's property. They're (MetCom) is going to allow service connection, which will basically be a water line to his house.

Commissioner Raley clarified, and Mr. Guyther acknowledged, that the request is for water only and is not a prelude to larger development. Mr. Guyther continued by stating that the owners prefer to drill a well, actually they have W-6 and F-6, they were technically required to hook-up to sewer, the sewer is about 1200 feet away. The engineering analysis indicated that would cost over \$50,000. So the Metropolitan Commissioner and the Director of Planning and Zoning have the ability to waive those requirements; they waived the sewer, but the Metropolitan Commission did not feel that they can waive the water, because the cost, at least under the new agreement, will actually be less than a well.

Commissioner Raley requested clarification regarding who can waive the requirements. The Metropolitan Commission staff makes the recommendation to the Planning Director, who has the authority to make the waiver.

Commissioner Mattingly requested water line feed location clarification (down Strickland road or coming across the parcel). Mr. Guyther, referencing the map, stated almost all will come through Mr. Strickland's property. And, it will be restricted from any other taps off that line.

Commissioner Russell closed each of the Public Hearing sessions, stating that the records will remain open for a period of 10 days. During the open record period, comments may be sent to Land Use and Growth Management or to the County Commissioners.

It was noted by Commissioner Russell that representatives from the Boy Scouts were there, participating in the Public Hearing process this evening.

Commissioner Russell closed the hearing for public comments and announced that the public hearing will remain open for ten days for written comments.

ADJOURNMENT

The meeting adjourned at 7:10 pm.

Minutes Approved by the Board of County Commissioners on _____

Betty Jean Pasko, Senior Administrative Coordinator