

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
GOVERNMENTAL CENTER**

Tuesday, October 16, 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, County Administrator
Betty Jean Pasko, Sr. Administrative Coordinator (Recorder)

CALL TO ORDER

Commissioner President Russell called the meeting to order at 9:00 AM.

Commissioner Russell announced that inspections are scheduled on the weekends of October 20 and 21 and October 27 and 28 for the Gov. Thomas Johnson Bridge. Inspections are scheduled to start at daybreak and continue to noon each day.

APPROVAL OF CHECK REGISTER

Commissioner Mattingly moved, seconded by Commissioner Dement, to authorize the Commissioner President to sign the Check Register dated October 16, 2007, as submitted. Motion carried 3-2. Commissioners Raley and Dement voted against the motion. Commissioner Raley stated his objection was only with the first item on page 7; i.e., membership in the National Association of Counties.

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Raley to adopt the minutes of the Commissioners' meeting of October 9, 2007, as presented. Motion carried 4-0, with one abstention. Commissioner Mattingly abstained because he did not attend the October 9th meeting.

COUNTY ADMINISTRATOR

1. Draft Agendas for October 22, 23, 29 and 30, 2007

2. **St. Mary's County Public Schools** (*Dan Carney, CFO; Dr. Charles Ridgell, Director of Curriculum and Instruction*)

Commissioner Jarboe moved, seconded by Commissioner Mattingly, to approve the inclusion of the two grant awards totaling \$15,310.36 on the FY08 Restricted Fund Budget of St. Mary's County Public Schools for the Chesapeake Bay Trust Mini Grant, and the Wetland Restoration: A County-wide Environmental Service Learning Initiative Grant, and to sign the related letter of consent to the Board of Education. Motion carried 5-0.

3. **Circuit Court** (*Pete Cucinotta, Coordinator, Juvenile Drug Court Program*)

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign the Budget Amendment that revises the grant project budget from \$255,127 in Federal Grant revenue and \$1,500 for the cash match to \$223,896 and \$1,500 for the cash match. Motion carried 5-0.

4. **Dept. of Economic and Community Development** (*Bob Schaller, Director; Dennis Nicholson, Executive Director, Housing Authority; Rhonda Garcia, Program Manager, Housing Authority*)

Commissioner Raley moved, seconded by Commissioner Dement, to approve and sign the Resolution that supports the Housing Authority's FY2008 Community Legacy application for the Colony Square Revitalization Activities. Motion carried 5-0.

5. **Office of the County Administrator** (*John Savich*)

Commissioner Mattingly moved, seconded by Commissioner Raley, to approve the new FTE and to approve the Budget Amendment for the new position. Motion carried 3-1, 1 abstain. Because of concerns regarding the budget process, Commissioner Dement voted in opposition of the motion. Commissioner Jarboe abstained because the individual served (as the company commander) with his son in Iraq.

Commissioner Mattingly moved, seconded by Commissioner Raley, to approve the Employment Contract for the Chief of Staff to the County Administrator, Sabrina J. Hecht. Motion carried 3-1, 1 abstain. Commissioner Dement voted in opposition of the motion. Commissioner Jarboe noted that he abstained because the appointee served as his son's company commander in Iraq, which could be deemed as a potential conflict of interest on his part.

DEPARTMENT OF LAND USE AND GROWTH MANAGEMENT: DECISION ON PROPOSED AMENDMENTS TO THE COMPREHENSIVE WATER AND SEWERAGE PLAN (CWSP) FOR THE WILLOWS RUN SUBDIVISION, PHASE II

Present: Jeff Jackman, Sr. Planner

The Board of County Commissioners held a public hearing on October 2, 2007, to consider a request to amend the CWSP for Willows Run Subdivision, Phase II. Specifically, amend service area maps III-51 and IV51 to change the service category from W-6 and S-6 (service in six to ten years) to W-3D and S-3D (service in three to five years, developer financed) for 21.97 acres described as Tax Map 51, Grid 22, Parcel 277 in the 8th Election District in anticipation of providing community water and sewerage service to Phase II (lots 47 – 90) of the Willows Run subdivision. Mr. Jackman stated that there was no public comment offered at the BOCC public hearing and no written comments were received during the subsequent ten-day open record period.

The Planning Commission held a public hearing on August 13, 2007, and by a unanimous vote, authorized the Chair to sign PC Resolution 07-14 to convey to the BOCC its recommendation that the CWSP be amended as requested.

Commissioner Raley moved, seconded by Commission Jarboe, to amend the St. Mary's County Comprehensive Water and Sewerage Plan, as recommended by the Planning Commission and staff, to change the Service Area Category from W-6 and S-6 to W-3D and S-3D for 21.97 acres described as Tax Map 51, Grid 22, Parcel 277, Willows Run Subdivision, Phase II, in the 8th Election District. Motion carried 5-0.

COMMISSIONER'S TIME

Commissioners reviewed upcoming County events and activities attended during the previous week and thanked all those involved for their service to the community.

DEPARTMENT OF LAND USE AND GROWTH MANAGEMENT: DECISION ON REQUEST FOR GROWTH ALLOCATION FOR RIVENDELL FARM (PSUB # 04-120-033)

Present: Sue Veith, Environmental Planner

On December 5, 2006, the Board of County Commissioners held a public hearing on PSUB #04-120-033, Rivendell Farm, Lots 5000-2 and 6 through 9. The request was for award of growth allocation to change the Critical Area overlay from Resource Conservation Area (RCA) overlay to the Limited Development Area Overlay (LDA) for 48.0764 acres. During the ten day open record period, four sets of comments were received.

Referencing the Post-Hearing Staff Report, Ms. Veith high-lighted additional post hearing background information about the request, including acreage modifications; i.e., the request was for award of growth allocation to change the Critical Area overlay from Resource Conservation Area (RCA) overlay to the Limited Development Area Overlay (LDA) for **39.127 acres** *[corrected]* as follows;

1. **26.127 acres** *[corrected]* encompassing the Critical Area portions of White Plains Farm Lots 4, 5, 6, 7, White Plains subdivision Lot 500-1 and Thomas Harrison Reeves Subdivision Farmstead 1 to correct an error that allowed density to exceed one dwelling per twenty acres on the parent parcel which contained approximately **113.073 acres** *[corrected]* of which **79.6904 acres** *[corrected]* are in the Chesapeake Bay Critical Area, and
2. **13.00 acres** *[corrected]* encompassing the Critical Area development envelop known as Rivendell Farm, #04-120-033, necessary to create four single family lots and two open space parcels in the Chesapeake Bay Critical Area.

The Planning Commission recommendation and staff recommendation is for correction of the error and denial of the Growth Allocation for the new lots.

Commissioner Russell called for a motion for the Growth Allocation for correction of the mapping mistake. There was no motion made to correct the mapping mistake.

Commissioner Mattingly moved, seconded by Commissioner Jarboe, that the Board of County Commissioners deny the request for growth allocation for the four additional lots for the Rivendell subdivision. Motion carried 5-0.

FORMS OF GOVERNMENT TASK FORCE RECOMMENDATIONS: NEXT STEPS

Present: John Savich, County Administrator
 Christy Chesser, County Attorney

Mr. Savich provided a brief recap of the Forms of Government Task Force activities and recommendations. The task force began work in March, 2007. In August, 2007, the task force published a report, with the 15-member task force recommendations as follows: nine (9) members recommended appointing a charter board to develop a charter that would be presented for public vote; three (3) members recommended beginning the process to forward the question of code home rule for public vote; and three (3) members recommended no change to the current form of government.

The Commissioners held a public forum on September 25, 2007. The Center for Study of Democracy St. Mary's College held a public forum, which was specifically on the forms of government for St. Mary's County on September 26, 2007.

There was discussion about the limited amount of public involvement or input and that addition forums or district meetings should be held.

Commissioner President Russell asked for a show of hands of the Board members not in support of Charter Government. Four commissioners indicated by show of hands that they were not in support of a charter form of government.

There was discussion regarding Code Home Rule. Ms. Chesser clarified that two public hearings would need to be conducted and within 60 days of the last public hearing, the Board would have to make a decision.

Commissioner Mattingly emphasized the importance of informing citizens and seeking their input on what Code Home Rule is and how it would function.

Commissioner Raley moved, seconded by Commissioner Mattingly, to direct staff to prepare a Notice of the Board's intent to consider the adoption of Code Home Rule form of government pursuant to Article XI-F of the Maryland Constitution and Article 25B of the Annotated Code of Maryland and to direct staff to schedule at least four public hearings to receive public comments concerning the possibility of placing Code Home Rule on a future ballot. Motion carried 3-2. Commissioners Jarboe and Dement voted against the motion.

HISTORIC PRESERVATION COMMISSION DOCUMENTARY ON THE HISTORIC LANDMARK PROCESS

Present: Hal Willard, Chair, Historic Preservation Commission
Teri Wilson, Historic Preservation Planner
Amy Carter, Video Technician, Public Information Office (PIO)

Owners of historic buildings in St. Mary's County are encouraged to seek Local Historic Landmark status. Local designation is the strongest protection for historic structures because it requires adherence to the historic Preservation Guidelines for St. Mary's County for their exteriors.

Mr. Willard and Ms. Wilson presented a documentary produced by Amy Carter on the historic landmark process that featured Joe and Nancy Dick, operators of a bed and breakfast who have taken advantage of the program.

COMMISSIONERS DEPART FOR HARRY LUNDEBERG SCHOOL OF SEAMANSHIP

JOINT WORK SESSION WITH THE ST. MARY'S COUNTY BOARD OF EDUCATION (held at the Harry Lundeberg School of Seamanship, Piney Point, Maryland)

Board of Education members and St. Mary's County Public Schools (SMCPS) staff present:

Dr. Salvatore L. Raspa, Chairman, Board of Education
Mr. William M. Mattingly, Vice Chairman

Ms. Cathy Allen, Member
Mr. Gary K. Kessler, Vice Chairman
Mrs. Mary M. Washington, Member
Dr. Michael J. Martirano, Secretary/Treasurer and Superintendent,
SMCPS
Daniel Carney, Chief Financial Officer, SMCPS
Bradley J. Clements, Chief Operating Officer, SMCPS
Linda Dudderar, Chief Academic Officer
Kathleen Lyon, Executive Director, of Student Services, SMCPS
Jeffrey Maher, Director, Professional & Organizational Development

St. Mary's County staff present:

John Savich, County Administrator
Denis Canavan, Director, Dept. of Land Use and Growth Management
Karen Everett, Public Information Officer
Elaine Kramer, Chief Financial Officer
Robert Schaller, Director, Dept. of Economic and Community
Development

Commissioner President Russell opened the work session and called on Dr. Raspa to provide additional welcoming remarks. Topics of discussion included: the Science, Technology, Engineering and Mathematics (STEM) Consortium; Chesapeake Public Charter School; budget/staffing implications and other issues regarding the opening of the new Evergreen Elementary School; implications and alternatives for APF, enrollment and other long range capital budget issues; the funding agreement, school performance measures and other future challenges that will have budget implications.

The consensus of both boards was to continue strengthening communications and building a common base of knowledge on topics, plans outcomes and programmatic matters by holding work sessions throughout the year. It was also agreed to maintain the same agenda topics for the next session, with the addition of the following items: pace of expansion/trade-offs of STEM, negotiations, proposed legislation, and the use of fund balances for non-recurring costs.

Follow up items were identified as: build operating costs of Evergreen Elementary into out-year baseline as soon as possible and schedule a STEM visit for the Board of County Commissioners, perhaps via the October 29th post-groundbreaking tour.

The meeting adjourned at 4:05 PM.

Minutes Approved by the Board of County Commissioners on _____

Betty Jean Pasko, Senior Administrative Coordinator