

**ST. MARYS COUNTY
BOARD OF COUNTY COMMISSIONERS MEETING
CHESEAPEAKE BUILDING
Tuesday, October 21, 2008**

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.

DELETION TO AGENDA

Commissioner Russell announced that the DECD/LU&GM item regarding TDRs is being pulled from the County Administrator agenda and will be rescheduled.

APPROVAL OF CHECK REGISTER

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to authorize the Commissioner President to sign the Check Register for checks dated October 21, 2008, as submitted. Motion carried 5-0.

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Dement, to adopt the minutes of the Commissioners meeting of October 7, 2008, as presented. Motion carried 5-0.

COMMISSION FOR PEOPLE WITH DISABILITIES AWARDS

Present: Cynthia Brown, Div. Mgr., Community Services, Dept. of Human Services
Christina Bishop, ADA Coordinator
Susan Erichsen, Commission member

Award recipients for 2008

Volunteer of the Year - *Sam and Vicki Brown*

Notable Employer - Lone Star Steak House

Facility Accessibility - *The St. John's Archeological Museum at Historic St. Mary's City*

Innovative Program - *Mary Beaton*
Outstanding Person with a Disability - *Robbie Thompson*
Outstanding Individual Achievement - *Arthur Hinaman, III*

COUNTY ADMINISTRATOR

1. Draft Agendas for October 28 and November 3, 2008
2. **MD Dept. of Agriculture** (*Mark Smith, Agronomist*)

Commissioner Mattingly moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to execute the FY2009 Grant Agreement with the Maryland Department of Agriculture for the control and eradication of noxious weeds, and to sign the related budget amendment, in the amount of \$300, realigning the revenue source for this grant. Motion carried 5-0.

3. **St. Marys Co. Board of Elections** (*Cynthia Panos, Board of Elections Attorney; Brenda Burch, Elections Director*)

Commissioner Dement moved, seconded by Commissioner Raley, to approve and authorize the Commissioner President to sign the budget amendment, in the amount of \$30,641, using BOCC Emergency Appropriations to provide funding for additional electronic pollbooks to accommodate the increase in election activity. Motion carried 5-0.

4. **Dept. of Economic and Community Dev. and Dept. of Land Use & Growth Mgmt.**

Item to establish the annual TDR (Transferable Development Rights) program fee in lieu value for the Open Lands Trust Fund was removed from the agenda and will be rescheduled.

5. **Dept. of Economic and Community Development** (*Bob Schaller, Director*)

(Cindy Phillips, Program Mgr., Housing Authority)

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve the FY2009 Rental Allowance Program Grant Request in the amount of \$30,000 and authorize the Commissioner President to sign the Rental Allowance Program Grant Application, Assurance of Compliance Certification and the Grant Agreement as proposed. Motion carried 5-0.

6. Dept. of Aging (*Peggy Maio, Fiscal Specialist; Rebecca Kessler, Mgr., Home & Community Programs*)

Commissioner Dement moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner President Russell to sign the revised Title III Notification of Grant Award in the total amount of \$257,544 and the related budget amendment reflecting an overall increase of \$1,034 in revenues and expenses. Motion carried 5-0.

Commissioner Dement moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President Russell to sign the Notification of Grant Award for the FY2009 Medicaid Waiver Program and the related budget amendment, in the amount of \$8,134, increasing the grant revenues and expenses. Motion carried 5-0.

7. Dept. of Works and Transportation (*George Erichsen, P.E., Dir.*)

Commissioner Mattingly moved, seconded by Commissioner Dement, to approve and authorize Commissioner President Russell to execute the Modified Shore Erosion Control Project Agreement for the North Patuxent Beach Shoreline Improvement Project which increases the loan amount to \$418,000; and to approve and authorize Commissioner President Russell to sign the related budget amendment to realign accounts for the North Patuxent Beach Road Shoreline Improvement Project. Motion carried 5-0.

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize Commissioner President Russell to execute the Pre-Disaster Mitigation Project Grant Application to the Maryland Emergency Management Agency in the amount of \$184,619 for the elevation/replacement of the Dr. Johnson Road culvert/bridge project at St. Clements Creek. Motion carried 5-0.

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize Commissioner President Russell to sign the SMECO Easement Agreement to allow converting overhead lines that run through County property along Charlotte Hall Road to underground service. Motion carried 5-0.

ST. MARYS COUNTY BOARD OF EDUCATION: PRESENTATION OF CAPITAL IMPROVEMENTS PROGRAM

Present: Dr. Michael Martirano, Superintendent of Schools
 Brad Clements, Chief Financial Officer
 Kimberly Howe, Coordinating Supv. of Capital Planning and Construction

The revised FY2010 through 2015 State and local Capital Improvements Program was presented. Dr. Martirano said in another two to three weeks that they will have the latest projections, but he didn't anticipate that there would be much change.

The report presented elementary, middle, and high school growth projections (new schools) based on the projected number of students exceeding capacity.

DEPT. OF LAND USE & GROWTH MANAGEMENT: DECISION RELIGIOUS FREEDOM CORRIDOR MANAGEMENT PLAN

Present: Phil Shire, Deputy Director
Jeff Jackman, Sr. Planner
Roz Racanello, Executive Dir., Southern MD Heritage Area Consortium

The BOCC public hearing was held on August 19, 2008. The due date for the nomination to the Maryland State Highway Administration is November 17, 2008. On September 24, the Board of County Commissioners for Charles County voted unanimously to approve the plan.

It was stressed the plan is not regulatory. However, the Comprehensive Plan will be updated to reference the corridor management plan. Citing that St. Marys is a peninsula and the regulations relative to critical area and storm water management, there was concern raised that the plan could plant the seeds for additional regulations and it should not impede on the freedoms of property owners. It was noted that the plan's language is suggestive (using should and encourage) versus mandatory, as would be indicated by using shall.

Commissioner Raley suggested that the funding may be better spent on improving the website (relative to tourism) or dedicated to roadway improvements (Rt. 5 to Point Lookout).

Commissioner Jarboe moved, seconded by Commissioner Mattingly, to approve the Religious Freedom Byway Corridor Management Plan, dated October 2008, having been recommended by the St. Marys Planning Commission and adopted by the Charles County Board of County Commissioners; and to sign the Ordinance with an Effective Date of November 4th, 2008, to amend the St. Marys County Comprehensive Plan to incorporate said Religious Freedom Byway Corridor Management Plan by reference, with the understanding the Board of County Commissioners for St. Marys County does recognize this plan will be adopted in the Comprehensive Plan, as a reference document, and will recognize the rights of property owners to develop their property. Motion carried 4-1 (Commissioner Raley voted no).

*Commissioner Mattingly clarified that the Religious Freedom Byway Corridor Management Plan will be referenced in the Comprehensive Plan only as a reference document.
Commissioner Jarboe amended his motion to include as a reference document.
Commissioner Mattingly concurred with the amendment.*

DEPARTMENT OF PUBLIC SAFETY: DECISION ON ST. MARYS COUNTY ANIMAL CONTROL REGULATIONS

Present: David Zylak, Director
Tony Malaspina, Animal Control Supervisor
Michelle Lilly, Emergency Management Div.

The BOCC public hearing was held on September 30, 2008. Mr. Zylak said that since the close of the open record period, correspondence was received from two individuals; one in favor and one in opposition.

The impact on commercial establishments was questioned. Mr. Malaspina responded that there will be no effect on veterinarians. Kennels will be inspected twice a year instead of once and there will be a \$50 commercial license fee.

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to rescind Resolution No. 2001-29 and approve and sign the Ordinance, with an Effective Date of November 4th, 2008, amending Chapter 212 of the Code of Public Local Laws of St. Marys County Regarding Animal Control Regulations; thereby enacting the revised regulations attached to the Ordinance as Exhibit 1, dated August 15, 2008. Motion carried 5-0.

COUNTY ADMINISTRATOR, CONTD.

7. Dept. of Works and Transportation, contd. (George Erichsen, P.E., Dir.)

FY2010 Maryland Transportation Administrative Grant Application and Operating/Capital budget for St. Marys Transit Transportation Programs

(Jackie Fournier, Transportation Mgr.; Elaine Kramer, CFO)

Mr. Erichsen announced that the grant deadline had been extended to December 1, 2008 and that the State will be sending a revised grant package, which will be presented to the BOCC at a later date.

8. County Administration Boards, Committees, and Commissions Appointments (John Savich, County Administrator)

Commissioner Jarboe moved, seconded by Commissioner Dement, to appoint Doris C. Bean, as a consumer representative, and Joe Trentacosta, representing the business community, to the Human Services Council, with no terms to expire. Motion carried 5-0.

Commissioner Raley moved, seconded by Commissioner Dement, to appoint Charles Pitts to the Solid Waste Advisory Committee for a term to expire December 31, 2012. Motion carried 5-0.

COMMISSIONERS TIME

The Commissioners highlighted upcoming events, events attended over the past week and personal interest items.

WORKFORCE HOUSING TASK FORCE BRIEFING

Present: Bob Schaller, Director, Dept. of Economic and Community Dev.
Robin Finnacom, Director, Lexington Park Plan
Task force members: John Parlett, Jan Barnes, Quincy Williams

The task force presented statistical data relative to the significant gap increase between the median priced home and the median household income in St. Marys County and presented recommendations to preserve traditional neighborhoods and increase workforce and affordable housing initiatives and availability. Commissioner Dement suggested placing emphasis on affordable housing for seniors.

A public forum on affordable and workforce housing is scheduled for Tuesday, November 18, 2008 at 6:00 pm at the Forrest Career and Technology Center in Leonardtown.

ADJOURNMENT

Commissioner Dement moved, seconded by Commissioner Jarboe, to adjourn. Motion carried 5-0.

The BOCC meeting adjourned at 2:00 pm.

RIBBON CUTTING EVENT

AT 4:00 pm, members of the Board attend the Cecil Park Tennis Courts Ribbon Cutting located on St. George Church Road in Valley Lee.