

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Tuesday, February 7, 2012**

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

CALL TO ORDER

Commissioner President Russell called the business meeting to order at 9:02 am in the Chesapeake Building meeting room, Governmental Center.

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Jones, to adopt the minutes of January 31, 2012, as presented (or amended). Motion carried 5-0.

PROCLAMATION WAS PRESENTED FOR AFRICAN AMERICAN HISTORY MONTH

COUNTY ADMINISTRATOR

1. Draft Agenda for February 14 and 28, 2012. There will be no meeting on February 21, 2012.

2. Board of Elections (*Wendy K. Adkins, Director of Elections*)

Commissioner Jones moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President Russell to execute the budget amendment moving \$3,571 to the Commissioner's Emergency Reserve and reducing the Board of Elections FY2012 budget for board members increase that did not pass. Motion passed 5-0.

3. St. Mary's County Public Schools (*Gregory Nourse, Chief of Fiscal Services and Human Resources*)

Commissioner Jones moved, seconded by Commissioner Morgan, to approve the following FY2012 actions as submitted and approved by the Board of Education on January 24, 2012.

(1) Revenue Expenditure adjustments to the General Fund in the amount of \$58,790 to fund the Banking Services and Outgoing to Local Education Agencies; and;

(2) The Revenue and Expenditure decrease to the Chesapeake Public Charter School in the amount of \$22,446 as a result of increased enrollment in FY2012 which results in a lower overall per pupil cost; and,

(3) Categorical expenditure transfer requests to fund leave pay-outs of \$111,660; Outgoing LEA costs of \$22,446, Interfund transfer of \$22,446, and STEM field trips of \$15,000.

Motion carried 4-1. Commissioner Morris voted nay.

4. Sheriff's Office (*Brian Eley, Civilian Administrator; Pamela O. McKay, Accreditation Manager*)

(Tim Ailsworth, Executive Director, Local Government Insurance Trust)

Commissioner Morgan moved, seconded by Commissioner Morris, to approve and authorize Commissioner President Russell to accept the LGIT Training Grant, OT1206, from LGIT on behalf of the Sheriff's Office, in the amount of \$2,142.50 and to execute the related budget amendment increasing the project budget by \$2,143. Motion carried 5-0.

5. Department of Public Works and Transportation (*Jacque Fournier, Transportation Manager; Bobby Cooper, County Highway Manager*)

(Tim Ailsworth, Executive Director, Local Government Insurance Trust)

Commissioner Jarboe moved, seconded by Commissioner Morris, to approve and authorize Commissioner President Russell to accept the LGIT Training Grant award in the amount of \$5,300 for driving simulation training , and execute the budget amendment establishing budget authority in the same amount, on behalf of the Department of Public Works and Transportation. Motion carried 5-0.

Commissioner Jones moved, seconded by Commissioner Morgan, to authorize staff to post the updated Road Ordinance as a draft document on the County's Website for a period of no less than thirty (30) days in an effort to obtain initial public

comment and feedback, and that we also authorize staff to electronically distribute same directly to the local developer and engineering community representatives. I further move that following the thirty day period, staff return to the BOCC with all comments received to date, as well as any additional text amendments, prior to the scheduling of a Public Hearing for the adoption of the proposed Ordinance. Motion carried 5-0.

Commissioner Morgan moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President Russell to execute the budget amendment realigning \$80,150 from the ARRA (SM384ZM1) Mechanicsville Rd. Bridge project HW1002 to the ARRA (SM385ZM1) Pegg Road Resurfacing project HW1003. Motion carried 5-0.

Commissioner Morgan moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President Russell to execute the budget amendment reducing the ARRA (SM385ZM1) Pegg Road Resurfacing project HW1003 by \$100,000 to the FIN12 Capital Reserve. Motion carried 5-0.

6. Department of Recreation and Parks (*Phil Rollins, Director; George Sparling, County Attorney*)

Commissioner Morris moved, seconded by Commissioner Jones, to approve and authorize Commissioner President Russell to sign the Alcohol Beverage License Renewal Application for the Wicomico Shores Golf Course. Motion carried 4-1. Commissioner Jarboe voted nay.

7. Office of the County Attorney (*George Sparling, County Attorney*)

(Phil Rollins, Director, Recreation and Parks)

Commissioner Morris moved, seconded by Commissioner Jones, to approve and sign the proposed resolution designating and authorizing three (3) County Administrative Officers to apply for transfer of an existing Class D license in the name of Phil Rollins (individually) for the use and benefit of the Wicomico Shores Municipal Golf Course. Motion carried 5-0.

(George Erichsen, Director, Dept. of Public Works and Transportation; Brandy McKelvey, Paralegal, Office of the County Attorney)

Commissioner Jarboe moved, seconded by Commissioner Morris, to approve and authorize Commissioner President Russell to sign the Deed of Easement from the Maryland Historical Trust for the real property previously know as the “Leonardtwn Armory” and currently the site of the Leonardtown Branch of the St. Mary’s County Library. Motion carried 5-0.

(John Richards, President, St. Mary’s County Association, Inc.)

Commissioner Jones moved, seconded by Commissioner Morris, to approve and authorize Commissioner President Russell to execute a Capital Projects Grant Agreement between the State of Maryland acting through the Board of Public Works, and the St. Mary’s County Fair Association, Inc., for \$75,000 and an Agreement with the St. Mary’s County Fair Association, Inc., indemnifying St. Mary’s County. Motion carried 5-0.

8. Department of Aging and Human Services *(Debbie Barker, Senior I & A Manage; Peggy Maio, Fiscal Supervisor)*

Commissioner Morgan moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President Russell to execute the grant award for Affordable Care Act Medicare Improvements for Patients and Providers Act 2008 (ACA-MIPPA), project US1207 from the Maryland Department of Aging on behalf of the St. Mary’s County Department of Aging and Human Services in the amount of \$9,423. Motion carried 5-0.

Commissioner Jarboe moved, seconded by Commissioner Morgan, to approve and authorize Commissioner President Russell to execute the Senior Medicare Patrol (SMP) Notification of Grant Award, Project US1261 from the Maryland Department of Aging on behalf of the St. Mary’s County Department of Aging and Human Services in the amount of \$8,775. Motion carried 5-0.

PUBLIC HEARING ON PROPOSED AMENDMENT TO ZONING MAP 66 TO CORRECT A CRITICAL AREA OVERLAY MAPPING MISTAKE AT ST. MARY'S YACHTING CENTER (DENNIS POINT)

Commissioner Russell opened the Public Hearing at 10:37 am.

Present: Phil Shire, Director; Dept. Land Use and Growth Management
Sue Veith; Environmental Planner, Dept. of Land Use and Growth Management

Notice of Public Hearing was published in *The Enterprise* on January 20 and 25, 2012. Ms. Veith provided background on the St. Mary's Yachting Center formerly Dennis Point Marina site. During the update of the 2010 County Comprehensive Zoning Maps, the owner of the marina identified an apparent error in the extent of the mapping of the Limited Development Area (LDA) Overlay on the Dennis Point Marina parcel and its associated campground as they existed in 1985. Following Land Use and Growth Management staff's analysis, the Planning Commission held a public hearing resulting in a recommendation that the Board of County Commissioners approve an amendment for the St. Mary's Yachting Center (Dennis Point Marina) to correct a mapping mistake on 31.667 acres from Resource Conservation Area (RCA) to Limited Development Area (LDA). They recommended a stipulation that any future development or concept plans be brought before the Planning Commission for review. If the Commissioners approve the resolution to correct the mapping error, it will then be forwarded to the Chesapeake and Coastal Bays Critical Area Commission for consideration and final approval.

Commissioner Jarboe commented that there are other marinas in the County that have been operating and paying taxes for years that may have mapping errors and requested Land Use and Growth Management prepare a resolution containing broader language to grandfather in other sites with mapping errors.

Commissioner Russell opened the Public Hearing for public comments.

There were no public comments.

Commissioner Russell noted that the record will remain open 10 days for written comments and closed the Public Hearing at 10:52 am.

FAMILY VIOLENCE COORDINATING COUNCIL ANNUAL REPORT

Present: Dr. Kathleen O'Brien, Chairperson, Family Violence Coordinating Council

Dr. O'Brien reviewed the mission and accomplishments of the St. Mary's County Family Violence Coordinating Council. The Council is making great strides promoting a coordinated community response among agencies that provide services related to domestic violence; identifying gaps in service; and developing an understanding of the causes that

result in deaths related to domestic violence. Locally developed protocols are recognized state wide. During CY2010 the state of Maryland had 43 deaths as a result of family violence and St. Mary's County is proud to have had none.

COMMISSIONER'S TIME

The Commissioners highlighted upcoming events and those attended over the past week as well as personal interest items.

Commissioner Jarboe requested Finance provide Commissioners with a simple chart for the CIP budgets FY10-16 showing capital debt in each year as presently budgeted and a general estimate of the debt service. He suggested payment of current debt, if we have surplus funds, rather than start something new and have debt services in future.

RECESS

PUBLIC FORUM

Commissioner President Russell opened the Public Forum for public comments at 6:30 pm.

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

At the request of Ms. Jacquelyn Kirby, Commissioner Russell entered into the record her email to the Commissioners stating the intent of the Newtowne Neck Alliance.

Dan Donahue, 37745 Asher Road, Mechanicsville, MD 20659

- Thanked Commissioners for their support to complete Three Notch Trail Section VI
 - Asked Commissioners to get more involved to create a bicycle/pedestrian infrastructure
 - Suggested a Bicycle/Pedestrian Advisory Committee
- Commissioner Russell asked how many in the audience supported Mr. Donahue's suggestion - approximately 48.*

Henry Camaioni, 23325 25525 Point Lookout Road, Leonardtown, MD 20650

- Concerned with unethical behavior in government
- Want list of people who have law degrees and also working in local government and MetCom
- Concerned with property MetCom purchased from a grant and is leasing

Jason Thomas, 23422 Larkspur St., California, MD

Justin Shuger, 43600 Wild Iris St., California, MD

Asher Sherkow, 43638 Wild Iris St., California, MD

- Major safety concerns with new development of Magnolia Park in Wildewood
- Primrose Park residents concerned increased population density will create excessive traffic on Foxglove Way, Larkspur St and Wild Iris St.
- Feels the developer and builder not concerned with residents
- Concerned that builder is building in area that buyers were told it was designated as wetlands and that property could not be built on
- Feels the developer made a point of not having maps available for buyers/prospective buyers
- Concerned with road connecting to Lawrence Hayden makes conduit for more traffic outside the neighborhood
- Wants appropriate traffic studies to evaluate all aspects of traffic flow and residential safety
- *Presented Commissioners with maps (A, B1, B2, C, and Subdivision Plan 1 and Typical Section, Details for Site Development Plan Magnolia Park at Wildewood, Townhome Development), a petition containing 77 names and 13 individual Letters of Concern.*

Sandra Wheeler, 43224 Riverside Dr., Hollywood, MD 20636

- Thanked Commissioners for supporting Phase VI of the Three Notch Trail
- Hopes to see completion of trail soon

Kathy Glockner, 21669 Peeble Beach, Leonardtown, MD 20650

- Representing St. Mary's Riding Club – Trail Riders of Today (TROT) is a state organization
- Would like to have equestrian access to Newtown Neck State Park
- Many County residents looking for trails to ride

Jim Swift, 23308 Holly Hill Ln, California, MD 20619

- Good sense to complete Phase VI
- I've heard issues of crimes in completed areas but they are unfounded
- Recreation and Parks is building fences and planting trees for privacy of residents along trail
- Heard objections to trespassers on people's property – Those who built on railroad are trespassers
- Presented copies of Chapter 251 Railroad Right-of-Way Section 251-6 Violations which reads "Anyone using the railroad right-of-way in violation to this chapter will be considered a trespasser, and the police authorities shall deal with any violation accordingly" – so this applies to those citizens who built structures and are using the property as their own

Richard Peltz, 42366 Manor Dr., Dameron, MD

- Support Aquaculture in MD
- Support Oyster production
- Concerned with areas in St. Mary's County the State has designated as Open and Prohibited harvesting sites
- Law changed the requirements for bacterial testing; however MD still using old testing method
- Thanked Commissioners for their previous letters on this matter but said we still have issues

Bob Parkinson, 43765 Little Cliffs Rd., Hollywood, MD 20636

- Concern over St. Thomas Creek
- Had permit for Oysters – now it is prohibited
- What do I do and what can I expect from you?

Dave Kelsey, 25920 Whiskey Creek Rd., Hollywood, MD 20636

- Candidate for BOE
- Concerned with school funding
- Look at students not dollars
- Don't lose attention of students if you have smaller classes; classes are getting larger
- As time goes on achievement has a tendency to stagnate
- As time goes on more difficult to correct situation
- Creates a long term problem that's hard to dig your way out to improve the situation
- Hard to attract teachers to County
- Face losing teachers to nearby counties
- Best superintendent
- Ask yourself what you should do

Mike Lusk, 38941 Reeves Rd., Mechanicsville, MD 20659

- Requested follow-up on the August 2010 text amendment request concerning a 1000 ft buffer zone from slaughter house
- Where do we stand
- Like to know zoning
- Asked if horses and buggies are allowed on the Three Notch Trail

Commissioner Russell assured Mr. Lusk the Commissioners would send him a letter with the status.

Diane Fitrell, 38453 Church Ln, Mechanicsville, MD 20659

Joyce Downs, 38423 Church Ln., Mechanicsville, MD 20659

- Opposed Three Notch Trail but it is going forward
- Think of people's safety on Rt 5
- Dangerous to cross roads, dangerous on Mechanicsville Rd.
- People on Church Lane want Church Lane to remain open, please do not close – we want trail to stay on right-a-way

Commissioner Russell asked for show of hand of those in audience who agreed – approximately 8

James Mattingly, 42955 Riverwinds Dr., Leonardtown, MD 20650

- Representing Non Public School Bus Contractors Association (approximately 12 people at microphone)
- Our funding is approved in Public Works
- Presented Commissioners with Comparison between Public and Non-Public School Reimbursement on Maintenance, Drivers Salaries, Payroll Taxes & Insurance Communication and Random Drug Testing.
- Unequal reimbursement – asked for equal reimbursement

David Randall, 46170 N. Great Rest Dr., Great Mills, MD 20634

- Thanks for your support for Three Notch Trail
- Great Opportunity for all citizens
- People of all ages using trail walking, riding bikes

Paul Kelly, 41855 Medleys Neck Rd., Leonardtown, MD 20650

- Thanked Commissioners for having forums so people can address their concerns
- Concerned with the cost to renovate the current Leonardtown Library
- Library ranks 4th in the State
- Suggested it could cost up to \$576,000 to bring Library up to standard
- Conversion of 2nd floor is additional cost
- Asked Commissioners to put a new library on the Hayden Farm

Lisa Recto, 48263 Hillside Dr., Lexington Park, MD 20653

- Represents Running Club
- Thanked Commissioners for voting to complete Three Notch Trail VI
- Continue to complete the entire trail

George Matiaick, 40257 Big Chestnut Rd., Clements MD

- Representing Newtowne Neck Heritage Alliance (NNHA) and explained goals
- Concerned with what State of Maryland is planning for the use of the Newtowne Neck State Park
- Evidence of human presence on property for over 10,000 years
- NNHA is for absolute transparency and timely communication by all parties, in the process of proposed DNR's recreational development of Newtowne Neck
- Ensure all federal and state historic preservation laws are followed
- To inform stakeholders of what impact/implication such development could have, including the permanent loss and destruction of a significant portion of over 10-,000 years of Maryland history
- DNR created a parking lot over land that had houses on it and planted trees
- Want to see current status – want to see master plan – want to work with DNR to develop state park to maintain its historical and environmental status
- Provided Commissioners paper stating NNHA goals and objectives
Commissioner Russell asked for a show of hands for people present representing the NNHA (approximately 52)

Ranger Christi Bright, 11175 Point Lookout Rd., Scotland, MD 20687

- Ranger at Point Lookout State Park – addressing Newtowne Neck State Park
- In 2009 State had stakeholders meeting in connection with the Newtowne Neck State Park
- Continued to have stakeholder meetings
- Planning process has been delayed
- Yes, tree planting in accordance with the Governor's mandated tree planting program – went through all reviews and Maryland Historic Trust was part of that
- Yes, parking lot currently on disturbed land where there were houses – Kayakers use area
- Looking forward – the state will be having a stakeholder meeting and a public forum
- Archeological sites brought forward
- Survey was done
- Not much has been done on Master Plan
- Newtown Neck Heritage Alliance wants what we want

Dr. Ed Barrett, 23142 Southwood Ln., California, MD 20619

- Supported completion of Three Notch Trail Phase VI
- Was riding bicycle today on trail - many walking and riding – saw couple over 70 years walking enjoying the trail
- Complimented Commissioners and the County for the trail
- Would like to see acceleration of completion of trail

Gregg Williams, 23241 Jennifer Ct., Leonardtown MD 20650

- Bicyclist who has ridden on many trails during his military career
- Does not see security issues on this trail
- Rode on trails for 3 years in northern Virginia and they were very secure
- Hope you all have of Three Notch Trail connected soon

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

- Representing Public Access TV
- Presented Commissioners with a DVD

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)