

**ST. MARY'S COUNTY  
BOARD OF COUNTY COMMISSIONERS' MEETING  
Tuesday, March 8, 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 meeting to order at 9:00 am.

**APPROVAL OF MINUTES**

**Commissioner Jarboe moved, seconded by Commissioner Morris, to adopt the minutes of the meeting of Tuesday, March 1, 2011. Motion carried 5-0.**

**PROCLAMATIONS WERE PRESENTED FOR WOMEN'S HISTORY MONTH AND RED CROSS MONTH**

**COUNTY ADMINISTRATOR**

1. Draft Agendas for March 15 and March 22, 2011
2. **Department of Recreation and Parks** (*Phil Rollins, Director*)

**Commissioner Jarboe moved, seconded by Commissioner Morris, to approve and authorize Commissioner President Russell to execute the budget amendment to realign revenue sources to reflect an insurance reimbursement from the Local Government Insurance Trust of \$1,822 for the Park Roads, Parking and Access project (RP0803); and close out the Park Roads, Parking and Access project (RP0803) and return \$4,059 to the FIN11 Capital Reserve project. Motion carried 5-0.**

**Commissioner Jarboe moved, seconded by Commissioner Jones, to approve and authorize Commissioner President Russell to execute the budget amendment to close out the Seventh District Park Improvement project (RP0603) and the Tennis Court Replacement project (RP0701) and return a total of \$682 to the FIN11 Capital Reserve account. Motion carried 5-0.**

*(Debra Pence, Museum Division Manager, Dept. Recreation and Parks)*

**Commissioner Morgan moved, seconded by Commissioner Morris, to approve and authorize Commissioner President to sign the Maryland Heritage Areas Authority Capital Grant application for the Piney Point Lighthouse Museum and Historic Park in the total amount of \$100,000, on behalf of the Department of Recreation and Parks. Motion carried 5-0.**

## **WATERSHED IMPLEMENTATION PLAN (WIP)-TOTAL MAXIMUM DAILY LOADS (TMDL) PRESENTATION**

**Present:** Dr. Richard Eskin, Director, Technical & Regulatory Services, Maryland Dept. of the Environment

J. Quentin Forrest, Chief, Chemical & Biological, Monitoring Division, Maryland Dept. of the Environment

Staff Present: Derick Berlage, Director, Department of Land Use and Growth Management  
Sue Veith, Environmental Planner, Dept. of Land Use and Growth Management

Dr. Eskin provided the background on the requirements of the Federal Government's Clean Water Act and explained the concept of Total Maximum Daily Load (TMDL). The Environmental Protection Agency (EPA) sets the TMDL which is the limit of the amount of nutrients and sediments that can enter the Chesapeake Bay. The EPA requires all Bay states implement a Watershed Implementation Plan (WIP). The Maryland Department of Environment (MDE) engaged local governments to develop a local WIP. The state will work closely with the counties to develop the plan, establish 2-year milestones and ultimately determine strategies to meet the goal of 70% reduction by 2017. The EPA will monitor plans of action closely, and although they will not officially approve the plans, they may accept them and add more requirements. The new regulations will affect farmers, land developers, private residents with septic tanks and owners of sewage treatment plants and their customers. These new regulations will add costs for homeowners and builders and increase County staff's work time.

*Noting the need for more protection for the Chesapeake Bay, the Commissioners expressed concern with the impact the new regulations will have on the private sector, the impact on government budgets, and the immediate short-term burden on local government staff preparing the WIP.*

## **PROPOSED TEXT AMENDMENT FOR FARM DISTILLERY**

**Present:** Derick Berlage, Director, Department of Land Use and Growth Management

Mr. Berlage presented a proposed text amendment to allow a farm distillery in the Rural Preservation District (RPD), Rural Service Center District (RSC) and Village Mixed Use District (VMX), and Town Center Mixed Use District (TMX). The text amendment is modeled after language used for the Type 12 Winery. In addition to this text amendment, a farm distillery also requires changes in the state law. The next step is for the Planning Commission to hold a public hearing on this issue and then forward recommendations to the Commissioners.

*Commissioner Jarboe expressed concern regarding the speed that this proposed text amendment is moving forward and the need for public input. He asked that this text amendment follow along the same timeline as the campground/non-conforming use issue that has generated a great deal of public concern. There was not a consensus among the majority of the Board to tie the two matters together, but to consider them each thoroughly, but separately. It was also noted that the next step in the text amendment process will be a Planning Commission public hearing and ultimately a BOCC public hearing. Mr. Savich indicated that staff will be bringing policy recommendations regarding the campground matter to the Board within the next two weeks, which should result in both items following a similar timeline without requiring that they do so.*

**Commissioner Morris moved, seconded by Commissioner Morgan, to accept the amendments as proposed for a first reading, waive the 30-day comment period and second reading required by Resolution 2005-03 and direct that the Planning Commission proceed with a public hearing and prepare a recommendation to the Board of County Commissions relating to the proposed amendments. Motion carried 4-1. Commissioner Jarboe voted nay.**

#### **DEPARTMENTS OF LAND USE AND GROWTH MANAGEMENT & PUBLIC WORKS AND TRANSPORTATION: STREAMLINING RECOMMENDATIONS WITHIN THE DEVELOPMENT REVIEW PROCESS**

**Present:** Derick Berlage, Director, Dept. of Land Use and Growth Management  
George Erichsen, Director, Dept. Public Works and Transportation  
Phil Shire, Deputy Director, Dept. of Land Use and Growth Management  
John Groeger, Deputy Director, Dept. of Land Use and Growth Management

Mr. Berlage and Mr. Erichsen presented recommendations to help streamline the County-level development review process. The recommended reforms should allow for a more “satisfied customer” by shaving days or months from the approval process, thus savings dollars. The departments agreed that consolidation of services, delegation of authority to the Director of Public Works and Transportation for routine matters (e.g. road permits and extensions), and a reduction in the number of committees would enhance processes. Noting that customer service is a top priority in both organizations, customer service training was recommended for those dealing with the public. Reducing duplicative agency reviews will shorten review times and reduce the number of agencies an applicant must deal with. A number of the recommended items could be implemented immediately without additional resources to either department; however, additional time will be needed for more complicated reforms that may need additional resources or County Attorney review. The vision for both departments is to have the ability to process all phases of the building/ permitting process electronically.

## **COMMISSIONER TIME**

The Commissioners highlighted events attended over the past week.

## **ELMS COMMITTEE REPORT ON PROPOSED PHOTOVOLTAIC SOLAR PANEL PROJECT AT THE ELMS SITE**

**Present:** Derick Berlage, Director, Department of Land Use and Growth Management  
Phil Rollins, Director, Dept. of Recreation and Parks  
Niles Primrose, Project Manager, Power Plant Research Program, Maryland. Dept. of Natural Resources (DNR)  
J. Brad Clements, COO, St. Mary's Co. Public Schools

Mr. Berlage provided an overview of the Elms property. The Elms property (1020 acres) was purchased from St. Mary's County by the Department of Natural Resources (DNR) as a potential site for the construction of an electrical generating power plant. The County leases 476 acres of the property for a County park and environmental educational center, and a portion of the land is used for bow hunting with oversight provided by the Department of Recreation and Parks. Currently under review by the DNR is a proposal to construct a 4MW solar photovoltaic electric generating facility.

Mr. Primrose noted that DNR received a proposal from a developer to lease approximately 20 acres of the Elms property to construct the proposed Photovoltaic Solar Panel. DNR is in the very early stages of planning and is still negotiating the contents of the lease agreement with the developer. He explained the design of the proposed structure and noted the developer is currently negotiating with the Southern Maryland Electric Cooperative (SMECO) for grid tie-in and a power purchase agreement. The entire facility will be fenced in and day-to-day monitoring of the site will be done remotely with periodic onsite maintenance and inspections. The developer has also expressed a strong interest in incorporating an educational component into the project. The project would be subject to the Public Service Commission's Certificate of Public Convenience and Necessity (CPCN), a process that includes an opportunity for public input and comment. DNR would like to have local government support for the project prior to making any final decision.

Mr. Rollins reported on the successful bow hunting program on 85 acres of the Elms property. The program is very controlled and there have been no hunting problems or conflicts with users of the adjacent park and environmental property. Recreation and Parks recommends that hunting be allowed to continue on the 85 acres with the same management system and regulations currently in place.

## **ADJOURNMENT**

The meeting of the Board of County Commissioners adjourned at approximately 2:05 pm.

Minutes Approved by the Board of County Commissioners on \_\_\_\_\_

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Sharon Ferris, Senior Administrative Coordinator (Recorder)