

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Tuesday, April 20, 2010**

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
Donna Gebicke (Recorder)

CALL TO ORDER

Commissioner President Russell called the meeting to order at 9:04 am.

APPROVAL OF CHECK REGISTER

Commissioner Mattingly moved, seconded by Commissioner Dement, that the bills submitted for April 20, 2010, be approved as presented. Motion carried 4-1.
Commissioner Jarboe voted no. *At the request of Commissioner Raley, staff will provide additional information on payments to the American Planning Association and John Hopkins University.*

APPROVAL OF MINUTES

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve the minutes of the meeting of Tuesday, April 13, 2010, as presented. Motion carried 5-0.

DEPARTMENT OF HUMAN RESOURCES: DISTINGUISHED ST. MARY'S COUNTY MANAGER, EMPLOYEE OF THE YEAR, AND PEOPLE'S CHOICE AWARDS

Present: Sue Sabo, Human Resources Director

Nominees in each category were recognized by the Commissioners. Award recipients were: Tony Adams, Department of Public Works and Transportation received the "People's Choice Award;" Tracie McPherson, Department of Human Resources received the Employee of the Year Award; and Jeff Jackman, Department of Land Use and Growth Management was the recipient of the Manager of the Year Award.

**PROCLAMATION PRESENTED TO ST. MARY'S NURSING CENTER IN
RECOGNITION OF NATIONAL VOLUNTEER WEEK**

**INVITATION PRESENTED TO THE MARCEY HOUSE 17TH ANNUAL BENEFIT GOLF
TOURNAMENT FROM BOARD OF DIRECTORS, DIRECTOR, AND BENEFIT
SPONSORS**

COUNTY ADMINISTRATOR

1. Draft Agenda for April 27, 2010 and May 4, 2010
2. **St. Mary's County Public Schools** (*Dr. Michael J. Martirano, Superintendent of Schools; Mr. Gregory V. Nourse, Director of Fiscal Services*)

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve the following actions as submitted and approved by the Board of Education on March 11, 2010: #1. Expenditure Categorical transfer requests in the General Fund to cover the annual leave payoff to date, for retirees that have left the system since July 1, 2009, in the amount of \$56,014; #2. Addition of the revenue and related expenditures in the Revolving Fund due to the award of the USDA Fresh Fruits and Vegetable Program and the Summer Food Service Program in FY2010 in the amount of \$70,000; and #3. Adjustments in the Restricted Fund due to the actual awards of nine grants, which include reductions in revenue, addition of revenue, and adjustments to expenditure accounts for those grants in the amount of \$1,948,426. Motion carried 5-0.

3. **Dept. of Recreation and Parks** (*Phil Rollins, Director*)

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to execute the budget amendment to partially close out the Lancaster Park South Parcel, Project #RP0905, and return \$80,000 to the FIN10 Capital Reserve account. Motion carried 5-0.

4. **Finance Department** (*Elaine M. Kramer, CFO; Jeannett Cudmore, Dep. Dir.*)

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to execute the budget amendment reducing FY2010 allocations for debt service, eliminating the FY 2010 revenue funding for stabilization and bond rating reserve funds, re-aligning revenue estimates, and applying unreserved undesignated fund balance in the amount of \$3,764,911, as revenue replacement to offset the FY2010 revenue shortfalls in income taxes, recordation taxes, and investment income. Motion carried 5-0.

5. Department of Public Works & Transportation (*George A. Erichsen, Director*)

(*Steve Bildman, President, AirTec, Inc.*)

Commissioner Mattingly moved, seconded by Commissioner Raley, to approve and authorize the Commissioner President to execute the lease and operating agreement addendum with AirTec, Inc., to change the reporting requirement frequency from monthly to quarterly and to execute the lease addendum with DMTU, LLC, to change the Termination Date to the 25th anniversary of the date the addendum is approved and accepted by the County. Motion carried 5-0.

(*Travis Strickland, SMECO*)

Commissioner Raley moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to execute an Easement Agreement between the Board of County Commissioners for St. Mary's County and SMECO for the purpose of running a new underground/overhead distribution line along Baldrige Street in Leonardtown, MD, on the existing Verizon pole to accommodate new growth in the Leonardtown area. Motion carried 5-0.

DEPT. OF PUBLIC WORKS & TRANSPORTATION: PRESENT FOR ADOPTION ST. MARY'S COUNTY STORMWATER MANAGEMENT, GRADING, EROSION AND SEDIMENT CONTROL ORDINANCE

Present: George Erichsen, Director; John Groeger, Deputy Director

A Public Hearing on the proposed Stormwater Management Ordinance was held on March 23, 2010, and an update was provided to the Commissioners on April 13, 2010. Mr. Erichsen presented for adoption the revised Ordinance that included Board direction from April 13, as well as subsequent revisions received from the state which were reviewed and summarized as: clarification that administrative waivers are not automatic (*may* be granted on a case-by-case basis) and can't be extended beyond May 2017, and deletion of duplicative language.

Commissioner Raley moved, seconded by Commissioner Dement, to repeal the St. Mary's County Stormwater Management, Grading, Erosion and Sediment Control Ordinance and adopt a revised Stormwater Management, Grading, Erosion and Sediment Control Ordinance as required and dictated by the State of Maryland. Motion carried 5-0.

DEPARTMENT OF LAND USE AND GROWTH MANAGEMENT: DECISION ON PROPOSED TEXT AMENDMENTS TO THE ZONING ORDINANCE, CHAPTER 22, 24, 75, FOREST CONSERVATION, CHAPTER 90, AND ORDINANCE 05-03, USER FEES, SECTION Y, CRITICAL AREA AND FOREST CONSERVATION, FEES, BONDS AND FINES, TO BE IN COMPLIANCE WITH THE CODE OF MARYLAND

Present: Bob Bowles, Planner

As a follow-up to the Public Hearing held on this matter on March 30, 2010, a request for decision was presented to the Board of County Commissioners April 13, 2010. At that time, staff was asked to add “as required by state law” to the proposed Ordinance where appropriate and to bring back the revised document for adoption at next week’s meeting. The additions were made and the revised Ordinance was presented for adoption.

Commissioner Mattingly moved, seconded by Commissioner Raley, to amend the Comprehensive Zoning Ordinance, Chapter 22, Administrative Decisions, Chapter 24, Variances, Chapter 75, Forest Conservation, Chapter 90, Definitions; and County Ordinance 05-03, User Fees, Schedule of Fees, Section Y, Critical Area and Forest Conservation, fees, bonds, and fines for violations, to be in compliance with Forest Conservation Act, Annotated Code of Maryland, Natural Resources Article, Title 5, Subtitle 16, Code of Maryland Regulations 08.19, as recommended by the Planning Commission and modified by the Board of County Commissioners. Motion carried 4-1. Commissioner Jarboe voted nay.

COMMISSIONER’S TIME

The Commissioners highlighted upcoming events and those attended over the past week as well as personal interest items. *Commissioner Jarboe asked staff to advise the Board when the Ordinance provision for off-site directional signs for the sale of residential property expires and suggested that the Board consider extending the termination date.*

The following portion of the minutes was recorded by Sarah Cannavo.

PUBLIC FORUM

Commissioner President Russell opened the Public Forum for comments at 6:30 pm. The following persons provided comments which are summarized below:

Merv Hampton, 15041 Chesapeake Bay Drive, Scotland

Mr. Hampton is asking the County to provide funding assistance to modify stormwater drain and culvert that carries water from Rodo Beach Road to the Chesapeake Bay. Although the drainage ditch and culvert are on Mr. Hampton’s property, the County has an Entry Agreement and is responsible for the maintenance of the culvert. The modification is requested as part of an approved revetment project being funded by Mr. Hampton and four of his neighbors to prevent further erosion of their property.

Paul Kelley, 41885 Medley’s Neck Road, Leonardtown

Mr. Kelley expressed his support for the proposed Library on the Hayden Property and asks that the County move forward with this project. He feels that the Hayden site is the best location due to several factors, proximity to Leonardtown, the two new schools which are planned for the site, and the size of the property, which will allow for future expansion. Mr. Kelley also suggested the Commissioners look for alternative sources of funding such as private financial backing, donations, and grants.

Randy Guy, 39398 Ledford Drive, Clements

The speaker is running for County Commissioner President in the 2010 Elections. Mr. Guy stated that the Environmental Conservation efforts are clearly working as the crabs and Rock fish are coming back. He suggested the Commissioners practice conservation of taxpayer's money and to hold the line on spending and property taxes.

Dan Morris, 41925 Gibson Drive, Mechanicsville

The speaker is running for the District 2 County Commissioner seat. Mr. Morris thanked Mayor Norris and the Leonardtown Council for implementing Constant Yield and asked the County Commissioners to adopt Constant Yield as well.

Rich Johnson, 19026 Russell Road, Valley Lee

The speaker is running for the District 1 County Commissioner seat. Mr. Johnson recognized Mayor Norris for adopting Constant Yield and asked the County to do the same. He suggested areas of the FY2011 budget that could be reduced to make up the \$4.3 million shortfalls. He also suggested that the Commissioners consider giving the \$1.7 million left in the County's slush fund back to the citizens.

Kathleen Reif, Director, St. Mary's County Library

Ms. Reif asked to please help move the proposed library project forward. She reviewed current funding that has been awarded by the state and reminded the Commissioners that the Leonardtown Library had a 20% increase in circulation in 2010 and ranks 2nd highest in all of Southern Maryland; Lexington Park Library being 1st. Ms. Reif also provided the Commissioners with a Leonardtown Library Capital Project Update flyer.

Mike Schwartz, Mike's Bikes

Mr. Schwartz brought several items before the Commissioners for consideration, including the need for snow removal from the sidewalks along Great Mills Road during the winter, the need for a Women's Shelter, and a request for a permanent sign along Route 234 identifying the BMX track. Mr. Schwartz also identified the need for a fully staffed, full-time police station in Lexington Park to serve the citizens in that area more efficiently. Lexington Park is the most densely populated area in the county and deserves its' own police station. He also suggested that the Commissioners take action to end the "turf war" that is going on within the membership of the Human Services Council. Mr. Schwartz opposes Constant Yield and feels that it is not a sustainable plan.

ADJOURN

The public forum was closed and the meeting adjourned at 7:14 pm.

Minutes Approved by the Board of County Commissioners on _____

Donna M. Gebicke, Administrative Assistant (Recorder)