

**ST. MARY'S COUNTY  
BOARD OF COUNTY COMMISSIONERS' MEETING  
Tuesday, June 7, 2011**

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

**CALL TO ORDER**

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

**ADDITIONS/DELETIONS TO AGENDA:**

The Public Hearing on Agricultural Reconciliation and Human Relations committees will be at 11:00 am today in accordance with the published Notice of Public Hearing.

**APPROVAL OF MINUTES**

Commissioner Jarboe moved, seconded by Commissioner Morgan, to adopt the minutes of the meeting of Tuesday, May 31, 2011, as presented. Motion carried 5-0.

**COUNTY ADMINISTRATOR**

1. Draft Agendas for June 14 and June 21, 2011.

2. **Sheriff's Office** (*Sergeant Shoemaker; Karen Carpenter, Classification Specialist*)

**Commissioner Morris moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President Russell to execute the budget amendment reducing Child Support Cooperative Reimbursement Incentive Funds revenue and expense accounts and increasing the Supplemental Reserve accounts in the amount of \$3,346 on behalf of the Sheriff's Office. Motion carried 5-0.**

**Commissioner Morris moved, seconded by Commissioner Morgan, to approve and accept the Child Support Cooperative Reimbursement Incentive Funds, Project US1126, from the Department of Human Resources, on behalf of St. Mary's County Sheriff Office in the amount of \$2,710 and authorize Commissioner President Russell to execute the related budget amendment aligning the budget to award amount. Motion carried 5-0.**

**3. Department of Human Services** (*Cynthia Brown, Interim Director; Julie Ohman, Mental Health Coordinator*)

**Commissioner Jones moved, seconded by Commissioner Morgan, to approve and authorize Commissioner President Russell to execute the budget modification for the St. Mary's County Community Traffic Safety Program grant, Project US1121, for the total amount of \$105,850 and the related budget amendment increasing the project budget by \$6,350, specifically for DUI Court Training and increased Health costs for the Community Traffic Safety Program Coordinator. Motion Carried 5-0.**

*Commissioner Morris asked if the schools are involved in defensive driving courses. Ms. Brown will research and respond.*

**Commissioner Jarboe moved, seconded by Commissioner Morris, to approve and authorize Commissioner President Russell to execute the FY2011 Substance Abuse Treatment Block Grant (Agreement: AS180SAS) Supplemental Funding and Budget Realignment documents related to project #s MD1137, MD1154, MD1189, MD1193, MD1194, MD1197, MD1198, MD1199, US1153, US1155 and OT1153 from the Maryland Alcohol and Drug Abuse Administration on behalf of the St. Mary's County Department of Human Services in the amount of \$3,259,428, including the related budget amendments and Sub-recipient Agreement between the County and Walden Sierra, Inc. Motion carried 5-0.**

**Commissioner Morgan moved, seconded by Commissioner Jarboe, to authorize the Department of Human Services staff to submit the FY12 Substance Abuse Prevention and Treatment Grant Narrative electronically to the Maryland Alcohol and Drug Abuse Administration on behalf of the St. Mary's County Department of Human Services, consistent with the hard copy presented today, for the projects listed on the Grant & Other Agreement Cover Sheet. Further, we direct that the budget submissions to be prepared for our approval later this month reflect the changes in funding for Marcey House, Walden Sierra, and the County Department of Human Services as described in the materials presented today. Motion carried 5-0.**

**4. Department of Land Use and Growth Management** (*Derick Berlage, Director*)

**Commissioner Jones moved, seconded by Commissioner Morgan, to approve and accept the FY2012 Critical Area Grant Application, Project MD1227, from the Maryland Dept. of Natural Resources on behalf of the Dept. of Land Use and Growth Management in the amount of \$11,000 which will reimburse a percentage of salary and fringe costs of county staff who perform reviews of Critical Area permits and development applications. Motion carried 5-0.**

**CONSIDERATION OF REVISED RESOLUTIONS, BYLAWS AND RULES OF ORDER FOR ST. MARY'S COUNTY BOARDS, COMMISSIONS AND COMMITTEES**

**Present:** George Sparling, Attorney  
Angela Blondino, Paralegal

Mr. Sparling reported on the initiative to standardize the bylaws for County boards, committees and commissions. The goals of standardization are: (1) to simplify the bylaw process so that the BOCC would not be required to deal with organizational details on a case-by-case basis; (2) to simplify the implementation of any future global change desired by the BOCC; and (3) to clarify the authority of the BOCC with respect to boards and committees and dispel any problematic sense of self-governing. During the review it was discovered that approximately 33 bodies listed as St. Mary's County committees were diverse with respect to the legal basis for existence, legal powers and duties, and relationship with the Board of County Commissioners. Mr. Sparling summarized the four classifications of committees: (1) County, (2) State; (3) Regional and (4) Regulatory. In connection with the drafting of revised bylaws, simplified uniform rules of procedure were drafted to facilitate committee proceedings. Motions will be forthcoming for the recommended changes.

**PROPOSED RESOLUTION TO PROVIDE FOR APPOINTMENT OF HEARING EXAMINERS**

**Present:** George Sparling, County Attorney

Mr. Sparling proposed a resolution to appoint a hearing examiner for St. Mary's County. The examiner will act as an arbitrator on a case-by-case basis, hear and receive evidence, make findings of fact, state conclusions of law, and recommend an action by the Board of Appeals and shall report such findings, conclusions and recommendations to the Board of Appeals. The Board of Appeals will retain the decision-making authority and has the option to either accept the Hearing Examiner's recommendations or make a different decision based on the record.

**Commissioner Morgan moved, seconded by Commissioner Jones, to adopt the proposed resolution providing for the appointment of one or more part-time hearing examiners, and the**

**terms of office, required qualifications and compensation of hearing examiners. Motion carried 5-0.**

### **COMMISSIONER'S TIME**

The Commissioners highlighted events attended over the past week and upcoming events.

**Commissioner Jones moved, seconded by Commissioner Morgan, to enter into Executive Session for the purpose of discussing personnel matters, specifically employment contracts.**

### **EXECUTIVE SESSION**

#### Personnel

Present: Commissioner Francis Jack Russell, President  
Commissioner Lawrence D. Jarboe  
Commissioner Cynthia L. Jones  
Commissioner Daniel L. Morris  
Commissioner Todd B. Morgan  
Sue Sabo, Acting County Administrator  
Donna Gebicke, Administrative Assistant

Authority: Article 24, Section 4-210(a)1  
Time Held: 10:20 am – 11:40 am  
Subject Discussed: Personnel (employment contracts)

### **MOTION IN OPEN SESSION**

**Commissioner Jarboe moved, seconded by Commissioner Morgan, to direct staff to proceed as discussed in executive session. Motion carried 5-0.**

**PUBLIC HEARING TO CONSIDER: (A) REPEALING AND REENACTING CHAPTER 254 (RIGHT TO FARM) OF THE CODE OF ST. MARY'S COUNTY AND RESTATING THE ESTABLISHMENT OF THE AGRICULTURAL RECONCILIATION COMMITTEE; AND (B) REPEALING AND REENACTING CHAPTER 162A OF THE CODE OF ST. MARY'S COUNTY, RESTATING THE ESTABLISHMENT OF THE ST. MARY'S COUNTY HUMAN RELATIONS COMMITTEE**

**Present:** George Sparling, County Attorney

Commissioner Russell opened the Public Hearing at 11:00 am.

Mr. Sparling explained that during the initiative to standardize the bylaws for County boards, committees and commissions, his office's research led to drafting revisions to a number of ordinances and resolutions codified in the Code of St. Mary's County establishing committees. Repealing and reenacting Chapter 254 (right to farm) of the Code of St. Mary's County and restating the establishment of the Agricultural Reconciliation Committee; and (b) repealing and reenacting Chapter 162a of the code of St. Mary's County, restating the establishment of the St. Mary's County Human Relations Committee are ordinances which require a Public Hearing prior to revision.

Commissioner President Russell opened the Public Hearing for public comments.

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

**Merl Evans**

Chaired and worked with RPD task force for years spending much time trying to figure out ways to preserve the agriculture of St. Mary's County. Supports consolidation and the creation of Agriculture, Seafood and Forestry Board. Consolidation of groups will lend to the County's ability to do a better job coordinating efforts. Important to continue to be able to develop initiatives on farmland. Once tobacco funds go away, need some way to use those farms. Ability to process what we grow here is going to be more important now than it has been in the past. Concerned and interested to see how RPD development will evolve.

Commissioner Russell closed the hearing at 11:41 am and announced that the Board of County Commissioners will receive public comments on this matter for an additional ten days.

**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.)*

**Henry Camaioni, 40698 South 40 Dr., Leonardtown, MD 20650**

Relayed experiences with Land Use and Growth Management and the Board of Appeals in regards to the a wireless communication facility on a water tower located on White Elm Ct. in California, MD. Feels people making decisions are not provided all information needed to make well informed decisions. Feels County has been involved in something that looks like fraud and benefits MetCom. Expressed concern with the structural integrity of the water tower and the possible safety issue for the community.

**Wayne Abernethy, 19839 Lincoln Rd., Mechanicsville, MD 20659**

Expressed concern over recent experiences with County Government in regards to finding the final 2012 Budget: could not find budget in "Forms and Documents" on website; auto-attendant is not set up properly as Finance and Commissioners are not reachable; and not pleased with attitude of County employees. Asked why document is not in "Forms and Documents," and why it is not a PDF searchable file instead of just a PDF.

**Marie Palmquist, 30435 Iroquos Lane, Charlotte Hall, MD 20622**

Concerned that low income housing and an apartment complex may be built close to her neighborhood (Indian Creek Estates). Property in question is owned by entities outside the County; therefore, they are not concerned about County. Asked what studies have been done for the area. Feels large apartment complexes and low income housing increases the potential for crime, causes property values to go down, and increases the need for additional services, so they should be put closer to where those services are available. Does not want to see area become another Waldorf.

**Edwin Munger, P.O. Box 739, Charlotte Hall, MD 20622**

Hearing rumors of apartments coming into Charlotte Hall area off of Mt. Wolf Road. Heard there were 200 perc tests, then heard only 60 perc tests. People in area are confused and want answers. What permits have been issued? Provided Commissioners a map showing area in question.

**Deb Rey, 18364 Chestnut St., Lexington Park MD 20653**

Concerned when striping of Rt. 235 past Gate 3 at the base was going to be finished. Not happy with giving County employees a \$500 bonus. Made Commissioners aware of petition going around to stop Senate Bill 167, a bill signed by governor to allowing illegal immigrants to get in-state tuition. Asked now that budget is complete, what is the County's outstanding debt and how it is being addressed.

**David Triantos, 43271 Riverwinds Dr., Leonardtown, MD 20650**

Public TV now showing after midnight on Thursdays. Provided Commissioners with a video of the 1999 Freedom Fest and Safety Day Camp that will be shown on Public TV on Thursday night after midnight. Need more material for programs. Asked for time on 95 to build up programming.

**ADJOURN**

The Public Forum and Board of County Commissioners meeting adjourned at approximately 7:30 pm.

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

\_\_\_\_\_  
Sharon Ferris, Senior Administrative Coordinator (Recorder)