

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Tuesday, June 12, 2012**

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 business meeting to order at 9:00 am in the Chesapeake Building meeting room, Governmental Center.

ADDITIONS/DELETIONS TO AGENDA

APPROVAL OF MINUTES

Commissioner Morris moved, seconded by Commissioner Jarboe, to adopt the minutes of June 5, 2012, as presented. Motion carried 5-0.

PROCLAMATIONS WERE PRESENTED FOR NATIONAL NURSING ASSISTANTS WEEK AND DUMP THE PUMP EVENT

COUNTY ADMINISTRATOR

1. Draft Agenda for June 26, 2012.
2. **Sheriff's Office** (*Captain Michael Merican; Erin Shoemaker, Fiscal Manager*)

Commissioner Morris moved, seconded by Commissioner Jarboe, to authorize the Sheriff's Office staff to submit the grant application documents electronically for the FY12 State Criminal Alien Assistance Program, US1368, from the U. S. Department of Justice in the amount of \$2,383 with the hard copy to be submitted for review at the award stage. Motion carried 5-0.

(Sheriff Timothy K. Cameron; George Erichsen, Director, Dept. of Public Works and Transportation)

Commissioner Jarboe moved, seconded by Commissioner Morgan, to approve the Office of the Sheriff's request for submittal to the State of Maryland for Local Jail Capital Improvement Requests pursuant to the approved Fiscal Year 2013 Budget. Motion carried 5-0.

3. Department of Finance *(Elaine Kramer, CFO)*

(Sheriff Timothy K. Cameron)

Commissioner Jarboe moved, seconded by Commissioner Jones, to approve and authorize Commissioner President Russell to execute the budget amendment realigning savings in the Sheriff's Office personal services accounts to provide a net additional \$805,000 that will be contributed to the Sheriff's Office Retirement Plan for FY 2012. Motion carried 5-0.

Commissioner Jones suggested the Commissioners might want to discuss the value of putting savings of this nature into the Sheriff's Office Retirement Plan versus the retirement of county debt in the future.

Commissioner Morgan moved, seconded by Commissioner Jarboe, to (1) approve and authorize Commissioner President Russell to execute the Budget Amendment reducing the BOCC Emergency Appropriations and increasing the FIN12 Capital Reserve Pay-go, in the amount of \$1,996,540 and (2) to approve and authorize Commissioner President Russell to execute the Budget Amendment transferring Pay-go funding in the amount of \$1,996,540 from the FIN12 Capital Reserve to the 10 projects identified in the budget amendment. Motion carried 5-0.

4. Department of Public Works and Transportation *(George Erichsen, Director)*

Commissioner Jones moved, seconded by Commissioner Morgan, to approve and authorize Commissioner President Russell to execute the budget amendment in the amount of \$258,000 which will realign the FY12 budget between Building Services and Building Services-Law, on behalf of the Department of Public Works and Transportation. Motion carried 5-0.

Commissioner Jones moved, seconded by Commissioner Morris, to approve and authorize Commissioner President Russell to initial the Grant Application to the Federal Aviation Administration and authorize the Dept. of Public Works and Transportation Director, who is the FAA Authorized Representative, to sign and forward the Grant Application on behalf of the St. Mary's County Regional Airport in the amount of \$487,218 for the purpose of Airport Wetland Construction in support of the approved Airport Master Plan and in accordance with the St. Mary's County Board of County Commissioners executed Master Agreement. Motion carried 5-0.

5. Department of Recreation and Parks (*Brian Loewe, Director; David Guyther, Parks Manager*)

Commissioner Morgan moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President Russell to execute the FY13 Waterway Improvement Program Application and Project Agreements for the Abandoned Boat and Debris Removal Project, #PL13XX, in the total amount of \$30,000, and the Sanitary Services Contract, Project #MD1307, in the total amount of \$25,000. Motion carried 5-0.

At the request of Commissioner President Russell, Mr. Guyther will check with the state to see if these funds could be shifted to dredging projects if there are any left over.

Commissioner Jarboe moved, seconded by Commissioner Morris, to approve and authorize Commissioner President Russell to execute the FY14 Waterway Improvement Program Application and Project Agreement for the County-wide Maintenance Grant, Project #MD1408, in the total amount of \$99,000. Motion carried 5-0.

Commissioner Jones moved, seconded by Commissioner Morris, to approve and authorize Recreation and Parks Department staff to submit the FY13 Maryland State Highway Administration National Recreational Trails Program funding application documents electronically, in the total amount of \$80,000, which is consistent with the hard copy reviewed by the Board of County Commissioners. Motion carried 5-0.

6. Department of Aging and Human Services (*Lori Jennings-Harris, Director; Stephanie Figeroux, Liaison, Commission for Women; Peggy Maio, Financial Supervisor*)

Commissioner Morris moved, seconded by Commissioner Jones, to approve and authorize Commissioner President Russell to execute the budget amendment on behalf of the Department of Aging and Human Services for the Commission for Women increasing the revenue and expense budgets by \$2,510 and allowing the Commission to award \$1,500 in scholarships. Motion carried 5-0.

7. County Attorney (*George Sparling, County Attorney*)

Commissioner Jarboe moved, seconded by Commissioner Jones, to adopt the proposed Resolution to rescind Resolution 2010-17 and repeal Chapter 168 of the Code of St. Mary's County, Maryland, and to abolish the Marcey House Advisory Board. Motion carried 5-0.

MOTION TO ADJOURN AS BOCC AND RECONVENE AS DISTRICT COUNCIL for KINGSTON CREEK WATERWAY IMPROVEMENT TAXING DISTRICT #2

Commissioner Morgan moved, seconded by Commissioner Jarboe, to adjourn as the Board of County Commissioners and reconvene as the District Council for the Kingston Creek Waterway Improvement Taxing District No. 2. Motion carried 5-0.

DECISION ON PROPOSED ORDINANCE TO FIX AND LEVY A BENEFIT CHARGE ON PROPERTIES IN THE KINGSTON CREEK WATERWAY IMPROVEMENT TAXING DISTRICT #2

Present: George Erichsen, Director, Dept of Public Works and Transportation

Mr. Erichsen noted this was a small dredging and replacement of timber jetties project on the Patuxent River which benefited 25 homes. A loan, which covered the full expense, was obtained from DNR at zero percent to be paid back over a 25-year period. The annual charge per property owner is \$674.25. A public hearing was held on May 29, 2012, with no public testimony received during the hearing and no written comments during the ten-day open comment period.

Commissioner Morgan moved, seconded by Commissioner Morris, to approve and authorize the Board of County Commissioners, acting as the District Council for Kingston Creek Waterway Improvement Taxing District No. 2, to adopt and execute the Levy Ordinance for the Kingston Creek Waterway Improvement Taxing District No. 2, as result of the public hearing held on May 29, 2012. Motion carried 5-0.

MOTION TO ADJOURN AS DISTRICT COUNCIL FOR KINGSTON CREEK

Commissioner Jones moved, seconded by Commissioner Morgan, to adjourn as District Council for Kingston Creek Waterway Improvement Taxing District #2 and reconvene as District Council for the Villas on Water's Edge Shore Erosion Control Special Taxing District. Motion carried 5-0.

DECISION ON PROPOSED ORDINANCE TO FIX AND LEVY A BENEFIT CHARGE ON PROPERTIES IN THE VILLAS ON WATERS EDGE SHORE EROSION CONTROL SPECIAL TAXING DISTRICT

Present: George Erichsen, Director, Dept. of Public Works and Transportation

Mr. Erichsen noted this project was replacement of 862 linear feet of stone revetment located on the Chesapeake Bay and affected 91 property owners. A zero percent loan from the Shore Erosion Program paid for all but a small portion of the costs, with the county funding the remainder of the project at a 3.99% interest rate. The annual benefit assessment is \$243.24 per property owner over a period of 20 years. A public hearing was held on

May 29, 2012, with no public testimony received during the meeting or during the ten-day open comment period.

Commissioner Morris moved, seconded by Commissioner Jarboe, to approve and authorize the Board of County Commissioners, acting as District Council for the Villas on Waters Edge Shore Erosion Control Special Taxing District, to adopt and execute the Levy Ordinance for the Villas on Waters Edge Shore Erosion Control Special Taxing District, as a result of the public hearing held on May 29, 2012. Motion carried 5-0.

MOTION TO ADJOURN AS DIST. COUNCIL FOR VILLAS ON WATER'S EDGE SHORE EROSION CONTROL SPECIAL TAXING DISTRICT AND RECONVENE AS THE BOCC

Commissioner Jarboe moved, seconded by Commissioner Morris, to adjourn as District Council for the Villas on Water's Edge Shore Erosion Control Special Taxing District and reconvene as the Board of County Commissioners for St. Mary's County. Motion carried 5-0.

PROPOSED ZONING TEXT AMENDMENTS TO MODIFY USE TYPE 112, DAY CARE, FAMILY HOME, TO BE CONSISTENT WITH CHANGE IN MD LAW

Present: Yvonne Chaillet, Zoning Administrator, Dept of Land Use and Growth Management
Phil Shire, Director, Dept. Land Use and Growth Management

Mr. Shire said the proposed amendment will bring St. Mary's County in compliance with changes on family home day care facilities made by the State. Ms. Chaillet noted that both the Maryland Child Care Administration and the County require day care facilities to be located in the principal residence of the caregiver and restrict the number of children that can be accommodated. The State changed limitations on the number of children a private residence can accommodate from eight (8) or fewer to a maximum of nine (9) to twelve (12) children, depending on the size of the home and the number of staff. The County issues the permit for the home day care center in accordance with the local zoning ordinance and the State regulates the requirements for a license and issues the license.

Commissioner Jarboe moved, seconded by Commissioner Morris, to accept the amendments as proposed for a first reading, waive the 30-day comment period and second reading required by County Commissioner Resolution 2005-03 and direct that the Planning Commission proceed with a public hearing and prepare a recommendation for the Board relating to the proposed amendments. Motion carried 5-0.

**ST. MARY'S METROPOLITAN COMMISSION (METCOM): REQUEST
APPROVAL OF FY 2013 CAPITAL IMPROVEMENT BUDGET AND THE FY 2013-
2018 CAPITAL IMPROVEMENT PLAN**

Present: Jacquelyn Meiser, Director, St. Mary's County Metropolitan Commission
Rebecca Shick, CFO, St. Mary's County Metropolitan Commission

Ms. Meiser presented MetCom's FY2013 Capital Improvement Budget and the projected FY2013-2018 Capital Improvement Plan noting that it reflects the same data presented to the Commissioners on May 10, 2012. MetCom conducted a public hearing on May 7, 2012, regarding proposed rates for FY 2013. No public comments were received. On May 24, 2012, MetCom's Board of Directors approved the Plans presented today.

Commissioner Jarboe questioned the FY2015 sewer project for the New Market/Charlotte Hall area projected in the FY2013-2018 Capital Improvement Plan. He asked what portions of the project would be dedicated to residential and to commercial. He indicated he could support the budget but wants the Charlotte Hall sewer project moved out to at least FY2018 which would allow the County time to complete its master plan for the area.

Commissioner Morris indicated that he would like to see the project removed from the plan altogether until the full impact of the septic system requirements being handed down to the counties by the state is known and until the County has a Charlotte Hall area Master Plan.

Commissioner Russell asked Ms. Meiser if there was a problem removing the projected Charlotte Hall sewer project from the plan for FY2015. She replied that it was not, but to keep in mind that it is a place-marker, no funding is authorized at this time, and in the event the Master Plan for Charlotte Hall is completed and would necessitate expansion of that system sooner than 2018 or even a year farther out, it becomes more difficult to move a project up on the planning horizon -- it can always be moved back.

Commissioner Morgan noted that if the Commissioners took it out this year, it could still be put back into the plan next year, if the County's Master Plan for the area is proceeding along.

Commissioner Jarboe moved, seconded by Commissioner Morris, to approve the Metropolitan Commission's FY 2013 Capital Improvement Budget and FY 2013-2018 Capital Improvement Plan pursuant to Section 113-30 of the *St. Mary's County Code* with the removal of the FY2015 sewer extension project for New Market/Charlotte Hall. Motion carried 5-0.

COMMISSIONER'S TIME

The Commissioners highlighted events attended over the past week.

MOTION TO ENTER INTO EXECUTIVE SESSION:

Commissioner Jones moved, seconded by Commissioner Morgan, to enter into Executive Session for the purpose of discussing personnel, specifically, appointments to boards and committees. Motion carried 4-1. Commissioner Jarboe voted nay.

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
Sarah Cannavo, Boards and Committees Administrator
Donna Gebicke, Administrative Assistant

Authority: Article 24, Section 4-210(a)1
Time Held: 11:03 am – 11:30 am
Subject Discussed: Personnel (appointments to boards and committees)

ADJOURNMENT

The meeting adjourned at 11:30 am.

Minutes Approved by the Board of County Commissioners on _____

Sharon Ferris, Senior Administrative Coordinator (Recorder)