

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Tuesday, January 3, 2012**

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

ADDITIONS/DELETIONS TO AGENDA

Rescheduled to January 17, 2012: Orphan's Court item under County Administrator Time.

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Morgan, to adopt the minutes of December 13, 2011, as presented. Motion carried 5-0.

COUNTY ADMINISTRATOR

1. Draft Agendas for January 10 and 17, 2012.

2. Department of Economic and Community Development (*Bob Schaller, Director*)

(Carolyn Laray, Tourism Manager)

Commissioner Jarboe moved, seconded by Commissioner Jones, to approve and authorize Commissioner President Russell to execute the FY 2012 County Cooperative Marketing Grant Agreement, Project MD1217, from the MD Tourism Development Board in the amount of \$64,125, and the related budget amendment reflecting an increase in the grant funding. Motion carried 5-0.

(Robin Finnacom, CEO, St. Mary's County Community Development Corporation)

Commissioner Morgan moved, seconded by Commissioner Morris, to approve and authorize Commissioner President Russell to execute the Inter-Governmental Agreement between the Maryland Department of Human Resources and the Board of County Commissioners for Project US1231, in the amount of \$111,909, the related Sub-Recipient Agreement between the County Commissioners and the St. Mary's County Community Development Corporation to support a six month contract ending June 30, 2012 for job placement and retention services for clients of the St. Mary's County Department of Social Services and the Certification Regarding Lobbying. Motion carried 5-0.

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

Commissioner Jones moved, seconded by Commissioner Jarboe, to approve execute Resolutions accepting:

a. Walk This Way Court in the Evelyn Grace Subdivision, 2nd Election District, into the County maintenance system and posting a 25-mph speed limit.

b. FDR Boulevard at Buck Hewitt Road (Clements Pointe Condominium Subdivision), 8th Election District, into the County Maintenance system, and posting a 30-mph speed limit and stop sign.

c. FDR Boulevard at the Victory Woods Housing Development, 8th Election District, into the County maintenance system and posting a 30-mph speed limit. Motion Carried 5-0.

4. Department of Aging and Human Services (*Lori Jennings-Harris, Director*)

Commissioner Jarboe moved, seconded by Commissioner Morris, to approve and authorize Commissioner President Russell to execute the Interim NGA for the FY2012 Title III Federal Grants from the Maryland Department of Aging on behalf of St. Mary's County Department of Aging and Human Services to provide various programs and services to the seniors of St. Mary's County in the amount of \$186,797 and a related budget amendment to realign budgets based on the Interim Award. Motion carried 5-0.

Commissioner Morgan moved, seconded by Commissioner Morris, to approve and authorize Commissioner President Russell to execute the Senior Medicare Patrol Health Care Fraud Expansion (SMP Expansion)-Notification of Grant Award, project US1260, from the Maryland Department of Aging on behalf of St. Mary's County Department of Aging and Human Services in the amount of \$10,000, and the related budget amendment to increase the project by \$2,500. Motion carried 5-0.

(Rebecca Kessler, Manager Home & Community Services, Dept. of Aging and Human Services)

Commissioner Morris moved, seconded by Commissioner Jones, to approve and authorize Commissioner President Russell to execute the FY2012 Money Follows the Person Grant Award, project US1232, from the Maryland Department of Aging on behalf of the St. Mary's County Department of Aging and Human Services for home and community-based services by improving the transition process of eligible individuals from long-term care facilities to community living through increasing outreach and decreasing barriers to transition, in the amount of \$30,390, and the related budget amendment to decrease the project budget by \$912. Motion carried 5-0.

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

Commissioner Jarboe moved, seconded by Commissioner Morris, to authorize Commissioner President Russell to execute an assignment of the Certificate of Sale issued to the Board of County Commissioners by the St. Mary's County Treasurer for 1.126 acres in the First Election District, Account No. 01-044516, and that the assignment be made and delivered to James Dale Blackwell, Jr. upon receipt of the sum of \$5,531.25. Motion carried 5-0

6. County Administrator (*John Savich*)

Commissioner Morris moved, seconded by Commissioner Jones, to approve and authorize Commissioner President Russell to execute the Employment Contract for Philip J. Shire as the Director, Land Use and Growth Management. Motion carried 5-0.

OFFICE OF THE COUNTY ATTORNEY

Present: George Sparling, County Attorney

1. PROPOSED RESOLUTION REPEALING CHAPTER 149A OF THE CODE OF ST. MARY'S COUNTY CONCERNING THE AFFORDABLE HOUSING TASK FORCE

Mr. Sparling noted that this task force was established in the 80's and was superseded by the Workforce Housing Task Force.

Commissioner Morris moved, seconded by Commissioner Jarboe, to adopt the proposed Resolution repealing Chapter 149A of the Code of St. Mary's County concerning the Affordable Housing Task Force. Motion carried 5-0.

2. PROPOSED RESOLUTION REVISING CHAPTER 152 OF THE CODE OF ST. MARY'S COUNTY THAT GOVERNS GENERALLY BOARDS AND COMMISSIONS

This proposed change governs general guidelines for Board of County Commissioners to appoint its Boards, Commissions and Committees. There are three principal revisions. First, limiting the members to two terms is revised to (i) exempt *ex officio* and designees of organizations and agencies whose membership reflects a particular expertise; and (ii) permit the BOCC to waive the limitation when in the Public Interest. Second, clarifies that the provision mandating the names of applicants be made public neither requires the names of the applicants be advertised, nor limits the prerogative of the BOCC to applicants when making appointments. Third, the revision reflects changing technology and provides that the committee membership be made available on the County website rather than posted on a bulletin board. Several grammatical changes are also included.

Commissioner Jones moved, seconded by Commissioner Jarboe, to adopt the proposed Resolution revising Chapter 152 of the Code of St. Mary's County concerning Boards, Commissions and Committees. Motion carried 5-0.

3. PROPOSED REVISED ST. MARY'S COUNTY ETHICS ORDINANCE

Mr. Sparling introduced Mr. Sean Rogers, Chairman of the St. Mary's Ethics Committee. In 2010 the General Assembly made substantial changes to the provisions in the State Public Ethics law concerning conflict of interest and financial disclosure requirements. Each County was required to amend its local ethics ordinance and certify to the State Ethics Commission that the local ordinance is in compliance. The St. Mary's County Ethics Commission approved a draft and forwarded to the State Ethics Committee who approved the draft with State recommended changes. One significant change to the current Public Ethics Ordinance is the deletion of a member of boards and commissions from the list of positions and entities required to file financial disclosure statements. Mr. Rogers noted that ethics training will be the focus for the upcoming year.

Commissioner Morris asked if the Board of Education (BOE) has its own Ethics Board and if they follow the same guidelines as the County does. Mr. Sparling responded that previously they were under the County's, but they formed their own Board this year. The BOE will still need to meet state requirements.

Commissioner Morgan expressed concern that two St. Mary's County entities elected by the public would have different standards, and that while the Metropolitan Commission is coming under the County's ethics standards, the Board of Education is going out.

Commissioner Jones noted that other jurisdictions must have the same situation with the County having an ethics board and the BOE having their own separate board and suggested contacting other counties to see how they manage this.

Mr. Sparling suggested the Commissioners might want to address the issue of two different Ethics Boards in the next legislative package.

Mr. Savich will request a copy of the BOEs Ethics Ordinance to compare with the County's.

Commissioner Jones moved, seconded by Commissioner Jarboe, to adopt the St. Mary's County Public Ethics Ordinance and codify as Chapter 158 of the Code of St. Mary's County. Motion carried 4-1. Commissioner Morgan abstained.

4. PROPOSED RESOLUTION RESTATING THE ESTABLISHMENT OF THE ST. MARY'S COUNTY BOARD OF TRUSTEES OF THE MUSEUM DIVISION, DEPARTMENT OF RECREATION AND PARKS

The St. Mary's County Board of Trustees of the Museum Division has functioned for a number of years. The County Commissioners approved its Bylaws in December 2010 and this resolution is the legal authority establishing the Board.

Commissioner Morgan moved, seconded by Commissioner Jarboe, to adopt the proposed Resolution codifying Chapter 170 of the Code of St. Mary's County restating the establishment of the St. Mary's County Board of Trustees of the Museum Division, Dept. of Recreation and Parks. Motion carried 5-0.

5. PROPOSED RESOLUTION RE-ESTABLISHING THE LOCAL MANAGEMENT BOARD FOR ST. MARY'S COUNTY

State law requires that each County establish and maintain a Local Management Board. In 2008 the Department of Human Services was designated as the Local Management Board. Since the Department of Human Services no longer exists as a separate entity the establishment of an LMB as a public agency of the St. Mary's County government is recommended.

Commissioner Morgan moved, seconded by Commissioner Jones, to adopt the proposed Resolution to codify Chapter 164 of the Code of St. Mary's County re-establishing the Local Management Board for St. Mary's County. Motion carried 5-0.

6. 2012 LEGISLATIVE PROPOSAL FROM ST. MARY'S COUNTY METROPOLITAN COMMISSION

The BOCC requested clarification of three proposed revisions of Chapter 113 (St. Mary's County Metropolitan Commission): (1) Section 113-12 The imposition and collection of connection charges would be made discretionary rather than mandatory; (2) Section 113-12 MetCom would be permitted to establish different uniform rates for different class of customers; and (3) the County would be obligated to pay system improvement charges related to land the County acquires "in perpetuity" rather than to the date of transfer as currently provided. After an in-depth review Mr. Sparling characterized the changes made as corrective and designed to conform to existing practices and policies.

Commissioner Morgan moved, seconded by Commissioner Jarboe, to support the 2012 legislative proposal by the St. Mary's County Metropolitan Commission as presented. Motion carried 5-0.

Mr. Savich will draft a letter to the Delegation acknowledging the Board of County Commissioners' support for the St. Mary's County Metropolitan Commission's legislative proposal.

COMMISSIONER'S TIME

The Commissioners highlighted events attended over the past week.

PUBLIC FORUM

Commissioner President Russell opened the Public Forum for public comments at 6:30 pm at the 2nd District Volunteer Fire Department in Valley Lee.

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

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

- Support Phase 6 of Three Notch Trail
- Phases 1 & 2 completed in 2006
- Phase 3&4 - 4 miles semi-developed 50% of rail bed given up to build FDR Blvd
Issue: Funds not available for roadside path
- Phase 5 completed in 2011
- Phase 6 - 5 miles undeveloped
Issue: Objection from vocal opponents citing crime and privacy issues
- Phases 7, 8, & 9 - 11 miles undeveloped - 75% of rail bed was given up to widen Rt. 235
- County owns right-of-way – no additional costs

- Objections of crime – 1, 2, and 5 have not seen an upsurge in crime
- Some property owners might consider county-owned land as their own
- Complete Phase 6 now in order to have a continuous 11-mile trail for use by citizens and tourists

Commissioner Russell asked for a show of hands on Three Notch Trail - 48 for and 3 against

Dan Donahue, 37745 Asher Rd., Mechanicsville, MD 20659

- Trail advocate
- Hear complaints but no facts - not in my back yard, loud noise
- Complete 11 miles so if 235 becomes impassable, the trail could be used by emergency vehicles

John O'Connor, 21616 Liberty Street, Lexington Park, MD 20653

- Advocate for speed cameras
- Worked traffic enforcement – once cameras installed, accidents went down
- Officers can focus on crime
- St. Mary's County Sheriff's Office stretched thin – this would free up police personnel

Michael McCauley, 41693 Garner Rd., Mechanicsville MD 20659

- Support Phase 6 of trail
- Support the common good of the community where individuals can be in sync
- Provides the opportunity for healthful exercise
- Safe no traffic
- Understand concern of people along the trail
- Suggest fences and screening for people on trail
- Don't deny people healthful exercise

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

- Endorse Three Notch Trail – please complete soon
- Safe place to run, walk, and ride bikes etc.
- Endorse completely

Kevin Morgan, 42304 Pine Ridge Ct., Hollywood, MD 20636

- Endorse Three Notch Trail Phase 6
- Positive asset for county

Roy Fedders, 16690 St. Jeromes Neck, Dameron MD 20628

- Concerned with County highway safety
- Support red light cameras
- When you voted, no data from St. Mary's Traffic Study
- A way to reduce accidents is increase amber cycle

- Feels speed cameras do not decrease accidents – people slam on brakes causing back end collisions
- Support Three Notch Trail

Chico Rivers, 35695 Aviation Drive, Mechanicsville, MD 20659

- Live in Wicomico
- Beautiful restaurant and golf course
- Asked if it is possible for the County to make money with both operated together
- Have lost money every year
- Tax payers dollars provide the services
- You say rounds are down – how many rounds – season pass holders have already paid, so no additional revenue
- County needs help – need to promote the business
- County can only cut so much
- Not in favor of privatization

Jeanette Kaufman, Hollywood, MD 20636

- Support Three Notch Trail
- Very few places in the County to run and enjoy

David Randel, 46170 N. Greens Rest Dr., Great Mills, MD 20634

- Member St. Mary's Century Bike Riders Club
- Brings more cyclists into the County
- Put Three Notch Trail on the route of a challenging bicycle touring ride through scenic St. Mary's County
- Enormous boost for County

Jim Hodges, 24235 Merville Dean Rd., Hollywood, MD 20636

- Against Privatization of Wicomico
- Loses huge
- Rec and Parks fund balance used up
- Ended up 5,852 in the red
- Rec and Parks blamed weather
- Operation of Wicomico should be monitored
- Suggested hiring a qualified individual with retail experience on a contractual basis who reports directly to the BOCC
- Keep a Wicomico Golf Course Advisory Board that is not bias and reports directly to the Commissioners

Sharon Miller, 30345 Summit Ct., Mechanicsville, MD 20659

- Supports Three Notch Trail
- Feels completion of Phase 6 will be asset to county
- Lots of people are using the Trail

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

- Running Club
- Promotes St. Mary's County
- Build up the County
- Get the Trail done faster and make it longer
- Hope Commissioners will support Three Notch Trail Phase 6

Russell Shapland, 35379 Golf Course Drive, Mechanicsville, MD 20659

- Against Privatization of Wicomico
- Involved with club 12 years
- Season pass holder
- Start thinking of the people

*Commissioner Russell requested a show of hand on Privatization of Wicomico Shores Golf Course
- 0 for and 52 against.*

Joe Guyther, 28395 Old Lockes Hill Rd., Mechanicsville, MD 20659

- In support of Trail
- Funding is there – if you don't use it Washington will cut or reprogram it
- Indian Head Trail is a beautiful trail; they had encroachment issues at first but it can be handled
- Negotiate fairly
- Talk to people in Charles County
- Please support

Elfreda Mathis, 45811 Delegates Ct., Great Mills, MD 20653

- Provided comments/suggestions/ideas
- Lets take ourselves out of the National Republican Agenda to slash, cut, privatize and burn
- Let's plan this year's budget for the collective good (education, technology and trades development, safety and security, infrastructure/County departmental needs, long term protections for our environment and recognize the private and public groups along with volunteers who support the culture and healthy growth of our community.
- Ideas for \$30M surplus funds: pay down debt; increase emergency funding; center highway reflectors; HVAC system for detention center; large signage that names main arteries/streets; technology upgrades for County government and schools; Impact Plan on environmental issues; neighborhood lighting and sidewalks for safety; restore St. Mary's County Scholarships to CMS; make sure asbestos and lead removal from the Leonardtown Library is a safe venture; and ask Fire/Rescue/Sheriff's Dept/Schools for one time recommendation to help them pay down debt

Dr. Edward Barrett, 231SouthWood Ln, California, MD 20619

- Supports Three Notch Trail
- Ride there many times

- Work to be done - it is the will of the Board
- Three Notch is a center for young professionals to meet
- Complete the entire route, it will bring cohesiveness to the County
- Urge you to complete the whole trail

Mary Grimes, 27585 Brothers Ln., Mechanicsville, MD 20659

- Against Phase 6 Three Notch trail
- Some of our elderly neighbors could not make the long drive tonight to be here but they are concerned
- Our property runs parallel to the old railroad tracks
- We put in our driveway which connects to a shared right-of-way
- A woman who was from either Oklahoma or Utah was in our driveway doing a GPS survey to mark property lines for the proposed trail – why pay someone who lives so far away
- Phase VI is in a location of primarily single family homes where children play in the privacy of their front or back yards, this will create a situation where just anyone can walk past
- Safety concerns opening up a natural place for crime to occur after dark when only a few are using the trail
- Requested Commissioners walk the Phase 6 proposed trail before making a decision to see what and where it will impact; you may find a whole different picture out there than what is on a proposed map

Shannon Hancock, 27580 Brothers Ln., Mechanicsville, MD 20659

- Against Phase 6 of Trail
- Impacts many residents in Mechanicsville
- Asked Commissioners if they live on a property where the trail comes through your yard – think how you would feel
- Asked Commissioners how they would feel if they had to tell their children or grandchildren that they couldn't go outside to play anymore because there are strangers that come through your yard
- Would you feel a sense of loss, a loss of privacy, a loss of freedom that you had enjoyed from living in a rural community
- Concerned with safety of vehicles crossing the trail – accidents are inevitable
- Suggested perhaps the funds for trail can be reallocated for uses that are necessary in the county such as education, law enforcement or solving traffic problems near the base
- Asked Commissioners not to complete the portion of trail in Mechanicsville - it poses many hazards and is not a good place for the Trail

Joseph Clark, 49523 Freemans Rd., Dameron, MD 20628

- Support the trail
- Need a place to ride bikes
- Railroad asset should be used
- We've talked it to death – need to get it going

Steve Whetstone, 24567 Spriggs Ct., Hollywood, MD 20636

- Support the Trail
- Trail provides opportunity for kids to ride
- County roads not safe for kids to ride
- Biker and has a 15 year old daughter who participated in a 42-mile ride last year – trained mostly on base

David Lane, 1780 Rudolph Ln., Lusby, MD 20657

- Owner of Patuxent Adventure Center in Solomons
- Trail will get people together/share
- Can bring a community together

ADJOURNMENT

Commissioner Russell closed the Public Forum and adjourned the Board of County Commissioners meeting at approximately 7:30 pm.

Minutes Approved by the Board of County Commissioners on _____

Sharon Ferris, Senior Administrative Coordinator (Recorder)