

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Tuesday, November 19, 2013**

Present: Commissioner President Francis Jack Russell
Commissioner Lawrence D. Jarboe
Commissioner Todd B. Morgan
Commissioner Cynthia L. Jones
Commissioner Daniel L. Morris
Dr. Rebecca Bridgett, 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.

APPROVAL OF MINUTES

Commissioner Morgan moved, seconded by Commissioner Jarboe, to approve the minutes of November 12, 2013, as presented. Motion carried 5-0.

COLLEGE OF SOUTHERN MARYLAND (CSM) DIPLOMA PRESENTATION

Present: Dr. Brad Gottfried, President, CSM
Dr. Rebecca Bridgett, County Administrator
Dr. Tracy Harris, Vice President Leonardtown Campus, CSM

The College of Southern Maryland is implementing a new Reverse Transfer program which allows students to transfer credits earned at other institutions back to CSM to complete requirements for an associate's degree. Dr. Gottfried presented Dr. Bridgett with an Associates of Arts degree noting that she received over 30 credits attending Charles County Community College, then continued her education at Campbell University in North Carolina and obtained her Bachelors and Doctorate degrees.

COUNTY ADMINSTRATOR

1. Draft Agenda for December 3, 2013. There will be no meeting on November 26, 2013.
2. **Sheriff's Office** (*Bonnie Lancaster, Fiscal Specialist; Brian Eley, Civilian Administrator*)

Commissioner Jarboe moved, seconded by Commissioner Morris, to approve and accept the Bulletproof Vests Partners, Project US1416, from the Department of Justice on behalf of St. Mary's County Sheriff's Office in the amount of \$23,526.80 and to authorize Commissioner President Russell to execute the related budget amendment to decrease the project budget by \$4,140.20. Motion carried 5-0.

3. Department of Emergency Services & Technology (*Bob Kelly, Director*) Sheriff's Office (*Captain Edward Willenborg*)

Commissioner Morris moved, seconded by Commissioner Jones, to approve and authorize Commissioner President Russell to execute the FFY2013 Homeland Security Grant Award, Project US1420, from the Maryland Emergency Management Agency on behalf of Emergency Services and Technology for attached spending Plan (Exhibit 2) in the amount of \$86,826 and to execute the related budget amendment that includes increasing County funding by \$22,892 using the BOCC Supplemental Reserve. Motion carried 5-0.

4. Department of Aging and Human Services (*Lori Jennings-Harris, Director; Peggy Maio, Fiscal Supervisor*)

(Debbie Barker, Senior I&A Manager)

Commissioner Jones moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President Russell to execute the Maryland Senior Rides Program Notification of Grant Agreement, Project MD1405, from the State of Maryland Department of Transportation on behalf of the St. Mary's County Department of Aging and Human Services in the amount of \$36,250 for transportation services for low-income to moderate-income seniors and a related budget amendment that includes decreasing the grant funds by \$4,163 and the County match by \$1,387 in accordance with the Agreement. Motion carried 5-0.

(Alice Allen, Manager, Senior Center Operations)

Commissioner Morgan moved, seconded by Commissioner Morris, to approve and authorize the Commissioner President Russell to execute the Memorandum of Agreement between St. Mary's County and the Tri-County AmeriCorps Services Project, Inc. on behalf of the Department of Aging and Human Services to host one part-time member between the periods of September 21, 2013, to August 31, 2014, for the amount of \$3,122. Motion carried 5-0.

(Rebecca Kessler, Manager, Home and Community-Based Services)

Commissioner Morris moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President Russell to execute the Maryland Access Point/Aging & Disability Resource Center Application in the amount of \$38,560, from the Maryland Department of Aging on behalf of the St. Mary's County Department of Aging and Human Services. Motion carried 4-1. Commissioner Jones voted nay indicating she does not feel the funding is clear.

5. Department of Economic and Community Development (*Robin Finnacom, Acting Director*)

Commissioner Morris moved, seconded by Commissioner Morgan, to instruct the Dept. of Economic and Community Development, County Attorney, Dept. of Finance and Dept. of Land Use and Growth Management, to refine an incentives policy and application process for future adoption. Motion carried 5-0.

6. County Administrator (*Dr. Rebecca Bridgett*) and **County Attorney** (*George Sparling*)

Commissioner Morgan moved, seconded by Commissioner Morris to approve the process, as outlined by the County Administrator for Commissioner-candidates. Motion carried 5-0.

COMMISSIONER'S TIME

The Commissioners highlighted events of the past week.

Commissioner Morris expressed concern about a Metropolitan Commission project he learned about at their last meeting that had been greatly underestimated. He asked that the County Attorney look into options the County has regarding MetCom and present them to the Commissioners; for example, what are other jurisdictions doing in reference to water and sewer and what is the possibility of doing an audit (engineering and financial). Noting that the Board of County Commissioners stands behind the money MetCom borrows for projects by signing our names and putting our taxpayers on the line, we should be provided with realistic costs of the projects in process or being started.

Commissioner Jarboe agreed and noted that the full faith and credit of St. Mary's County is responsible for MetCom's debt, and that debt is growing while we are doing our best to manage the debt of the County.

Commissioner Morgan noted he received the National Outstanding Eagle Scout award and thanked the Commissioners for surprising him by submitting his name.

Commissioner Russell read a letter of appreciation for Gracie Brady.

DEPT. OF LAND USE AND GROWTH MANAGEMENT: DECISION TO ACCEPT AMENDMENTS TO COMPREHENSIVE WATER AND SEWERAGE PLAN 2013

Present: David L. Chapman, Capital Facilities Planner, Dept. of Land Use and Growth Management
Phil Shire, Director, Dept. of Land Use and Growth Management

A Public Hearing was held on November 5, 2013, with no public testimony received during the hearing or during the 10-day open comment period. The proposed amendment will update the Comprehensive Water and Sewerage Plan with the latest approved Capital Improvement Budget for the St. Mary's County Metropolitan Commission and a number of tables listing the usage and capacity of public water and sewer systems. This update is required annually in accordance with the Environment Article of the *Maryland Annotated Code* and *St. Mary's County Annotated Code*.

Commissioner Jones moved, seconded by Commissioner Morgan, to approve and sign a Resolution to adopt amendments to the St. Mary's County Comprehensive Water and Sewerage Plan. Motion carried 5-0.

**PUBLIC HEARING: REQUEST TO AMEND ST. MARY'S COUNTY
COMPREHENSIVE ZONING ORDINANCE TO REZONE WALDENSIERRA
PROPERTY FROM RPD TO RMX**

Commissioner Russell opened the public hearing at 10:20

Present: Phil Shire, Director, LUGM
George Sparling, County Attorney

Notice of public hearing was posted in *The Enterprise Newspaper* on November 1 and 8, 2013. Walden-Sierra has been operating on County property zoned as a conditional use. Due to an oversight during the 2010 Comprehensive Plan update, the County-owned property occupied by Walden-Sierra was not rezoned from RPD to RMX. The County has subdivided six acres of County-owned property and would like to rezone it in anticipation of conveying the property to Walden-Sierra.

Commissioner Russell opened the public hearing for public comments.

There were no public comments. Commissioner Russell stated the record would remain open for an additional 10 days to receive public comments on this matter and closed the public hearing at 10:29 am.

DEPT. OF LAND USE AND GROWTH MANAGEMENT:

Present: Phil Shire, Director, LUGM
Bob Bowles, Planner IV, LUGM

- 1. Decision on Proposed Comprehensive Zoning Text Amendment to Clarify the Exemption of Small Non-residential Development from Adequate Public**

Facilities Requirements

2. Decision on Proposed Text Amendment to Clarify Adequate Public Facilities Requirements for Roads in Designated Development Districts and Town Centers

Both Public Hearings were held on October 29th. Commissioners were provided with testimony received during the hearing and written comments received during the ten-day open comment period. Staff suggests that smaller projects should be exempt because they do not have a huge impact on surrounding areas. Other counties have adopted such exemptions. Frederick County exempts non-residential uses of 50 peak-hour trips, Queen Anne County exempts non-residential uses of 25 peak hours, and Charles exempts non-residential uses based on square feet. Charles County's policy is 1,200 square feet. We are suggesting 5,000 square feet. Mr. Shire noted there are pros and cons being expressed throughout the community concerning these issues. As a matter of policy when a project comes up for review, the State Highway Department or Department of Public Works and Transportation may ask for an impact study unless it generates less than 50 peak hour trips.

Commissioner Jarboe indicated that he felt the Charlotte Hall Master Plan should be completed prior to taking action on these two items.

Commissioner Morgan concurred with Mr. Shire that these actions should be taken and emphasized that water and sewer is not on the table at this time. The only issues are small non-residual development and requirements for roads in the area and industrial zoning to create and jobs and services.

Commissioner Morris asked if the 5,000 square foot number is not set in stone, could 3,000 be used. He noted he is opposed to any additional residential building in that area at this time.

Commissioner Russell noted it may take until 2016 to get a master plan established and that is a long time to keep folks waiting. We need to do something now.

Commissioner Jones moved, seconded by Commissioner Morgan, to amend §70.3 of Chapter 285 of the Code of St. Mary's County, Maryland, to clarify the exemption of small non-residential development from adequate public facilities requirements. Motion carried 4-1. Commissioner Jarboe voted nay.

Commissioner Morgan moved, seconded by Commissioner Jones, to amend §70.7.2.d of Chapter 285 of the Code of St. Mary's County, Maryland, to clarify adequate public facilities requirements for roads in designated development districts and town centers. Motion carried 4-1. Commissioner Jarboe voted nay.

PUBLIC HEARING: PROPOSED PROPERTY MAINTENANCE ORDINANCE

Commissioner President Russell opened the public Hearing at 6:30 pm.

Present: George Sparling, County Attorney

Notice of public hearing with the text of the proposed Ordinance was published in *The Enterprise Newspaper* on November 1 and 8, 2013. The draft Ordinance is designed to address a problem that has come to light over the years of property that can be called “blighted” and the fact that the County has no mechanism to take care of it. This is proposed as a draft Ordinance and was written under a local law that was introduced and passed in the General Assembly effective October 1, 2013. The idea was to draw up as narrow an Ordinance as possible to begin with to achieve a balance between the rights of the community to have their property values protected against blighted property and not to overreach the rights of private property owners. As currently written, the Ordinance only pertains to the Lexington Park Development District and some small areas adjacent to Leonardtown. The idea behind narrowing the coverage was to develop experience with the Ordinance, and if necessary, revise it to broaden the areas at a later date. Listed in the Ordinance are the extensive rights for any property owner that might receive a notice as a result of this Ordinance.

Commissioner 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.)*

William Scarrafia, 44757 Woodlake Court, California, MD 20619

- The 2010 Board of County Commissioners requested the St. Mary’s County Chamber of Commerce formulate a task force to look into blighted structures in St. Mary’s County and make recommendations on what revisions to local laws may be appropriate to deal with the situation.
- The Chamber facilitated a Property Management Task Force which consisted of a wide variety of individuals from the community.
- The task force reviewed the International Property Maintenance Code but determined not to use it as a guideline.
- The task force met for several months focusing on public safety and health while still protecting individual’s rights.
- What the task force submitted is something that the Dept. of Land Use and Growth Management can use.
- The proposed Ordinance is a result of the report from the Property Management Task Force
- Submitted for the record, a letter originally forwarded to Commissioner Russell dated November 2, 2011, which contained the final report and recommendations from the task force

Carl Franzen, 46125 East Sunrise Drive, Lexington Park, MD 20653

- Served on Property Management Task Force
- Broad group of representation from community

- Spent much time determining definition of blighted property
- Task Force came up with Ordinance
- Blighted property can have a social/economic effect on your neighborhood
- Decided international property maintenance guidelines were too stringent
- Proposed standards be developed and applied uniformly
- Adopt standards to determine what properties are blighted

Jennifer Kordell, 46673 Midway Drive, Lexington Park, MD 20653

- In favor of Ordinance
- Takes pride in her property
- Provided Commissioners with pictures of blighted property across the street from her house

Cherry Daniels, 22712 Millcreek Dr., Bushwood, MD 20621

- Treasurer of Board of Directors for Longview Beach Homeowners Association
- Longview is an older, established, beautiful community, and we are trying to keep it that way
- Approves of the Ordinance and would like County help
- Asked why the proposed ordinance only pertained to development district

Commissioner Russell noted that this ordinance is proposed for the development district but if this Board feels it should be carried county-wide, it is at the discretion of the Commissioners to change the draft.

Paula Martino, 8440 Old Leonardtown Rd., Hughesville, MD 20637

- Government Affairs Director for Southern Maryland Association of Realtors and appointed by the County to be a member on the task force to address property rights
- In densely populated area it does become an issue if property owners do not care for their property
- Property values are affected by blight
- Morale of community is affected if windows are broken out or houses are deteriorating
- Need effective code that goes a long way towards correcting the issue
- Properties you may think have gone back to bank but they are actually in a limbo state
- Once the bank takes over property they want to sell it
- Consider a code enforcement tool that is in other jurisdictions called “Clean and Lean” which is going after negligent property owner whether it is an individual or a bank - you clean up the property then place a lien on the property to cover the cost of cleaning it so tax payers are not stuck paying the bill
- Support Ordinance

Carl Franzen, 46125 Ease Sunrise Drive, Lexington Park, MD 20653

- Banks take over property and sell as short sale

- MLS has a data base of bank acquired homes
- Banks are beginning to take less money for short sales to get rid of them and not have the upkeep of property
- One item we decided not to put in the Ordinance is grass standard

Commissioner Russell closed the public hearing for public comment and closed the public hearing at 7:00 pm.

ADJOURNMENT

Commissioner Russell adjourned the Board of County Commissioners meeting at 7:01pm.

Minutes Approved by the Board of County Commissioners on _____

Sharon Ferris, Senior Administrative Coordinator (Recorder)