

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

APPROVAL OF MINUTES

Commissioner Jones moved, seconded by Commissioner Jarboe, to approve the minutes of November 13, 2012, as presented. Motion carried 5-0.

COUNTY ADMINISTRATOR

1. Draft Agenda for December 4, 2012. There will be no meeting on November 27, 2012.
2. **St. Mary's County Public Schools** (*Dr. Michael Martirano, Superintendent of Schools; Gregory Nourse, Assistant Superintendent of Fiscal Services and Human Resources; Dr. Charles Ridgell, Director of Student Services*)

Commissioner Jones moved, seconded by Commissioner Morris, to approve the Grant award from the Department of Defense to St. Mary's County Public Schools in the amount of \$2,499,940 and increase the FY2013 Restricted Fund revenues and expenses in the amount of \$1,499,940 and authorize the 2.0 additional FTE's in fiscal year 2013, as approved by the Board of Education on October 24, 2012. Motion carried 5-0.

3. **Circuit Court** (*Pete Cucinotta, Drug Court Programs*)

Commissioner Morris moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President Russell to execute the Sub-recipient Agreement

between the St. Mary's BOCC and Walden-Sierra, Inc. in the amount of \$12,475 on behalf of the Circuit Court. Motion carried 5-0.

4. Sheriff's Office (*Sheriff Timothy Cameron, Erin Shoemaker, Fiscal Manager*)

(Corporal Mark Howard, Sheriff's Office)

Commissioner Morris moved, seconded by Commissioner Morgan, to approve and authorize Commissioner President Russell to execute the budget amendment to realign both the revenue and expense accounts for the Federal and Local Forfeiture accounts for FY2013 and authorize the purchase of a tactical armored vehicle. Motion carried 4-1. Commissioner Jones voted nay.

Commissioner Jones requested that with the change in policy, the Sheriff's Office work with Finance to provide quarterly reports on the balances available in the Federal and Local Forfeiture accounts and when these funds are available for use so that everyone is getting the same information.

Commissioner Jones moved, seconded by Commissioner Morris, to approve and accept the Bulletproof Vests Partners, Project US1316, from the Department of Justice on behalf of the St. Mary's County Sheriff's Office in the amount of \$27,667 and authorize Commissioner President Russell to execute the related budget amendment to increase the project by \$17,977. Motion carried 5-0.

(Captain Michael Merican, Detention Center, Sheriff's Office)

Commissioner Jarboe moved, seconded by Commissioner Morris, to approve and authorize Commissioner President Russell to accept the FY12 State Criminal Alien Assistance Program Award, Project US1368, from The Department of Justice on behalf of the St. Mary's County Sheriff's Office for incarcerating undocumented criminal aliens in the amount of \$609 and execute the related budget amendment to decrease the project by \$1,774. Motion carried 5-0.

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

Commissioner Morris moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President Russell to execute the budget amendment transferring County funds in the amount of \$24,280 from the FIN 13 Capital Reserve to the Mechanicsville Road Bridge Project, HW-1002, required for the project reconciliation. Motion carried 5-0.

Commissioner Jones requested the Public Information Officer post another notice that the proposed updates to the Stormwater Management, Grading, Erosion & Sediment Control Ordinance are posted on the County's Website.

Commissioner Jarboe moved, seconded by Commissioner Morris, to authorize staff to prepare the necessary documents and proceed with the scheduling of a Public Hearing on January 22, 2013 for the update to the Stormwater Management, Grading, Erosion & Sediment Control Ordinance as presented to staff. Motion carried 5-0.

(Richard Tarr, Highways Manager, Dept. Public Works and Transportation)

Commissioner Morris moved, seconded by Commissioner Jones, to approve and authorize Commissioner President Russell to execute the Local Government Insurance Trust Training Grant application in the amount of \$3,250 for the County Highways Division to attend OSHA Trench Construction and Safety Awareness Training. Motion carried 5-0.

APPOINTMENT OF BOCC VICE CHAIR FOR 2013

Commissioner Jones moved, seconded by Commissioner Morris, to appoint Commissioner Lawrence D. Jarboe as the Board of County Commissioners Vice Chairman for 2013. Motion carried 4-0. Commissioner Jarboe abstained.

ADOPTION OF BOCC 2013 MEETING SCHEDULE

Commissioner Jarboe moved, seconded by Commissioner Morris, to adopt the 2013 Board of County Commissioners Meeting Schedule as presented. Motion carried 5-0.

COMMISSIONERS TIME

The Commissioners highlighted events attended over the past week.

Commissioner Jarboe introduced Luke Randle who was attending the meeting to meet requirements for the Boy Scout Citizenship in the Community merit badge.

CHESAPEAKE BAY FOUNDATION (CBF): MAKING THE WATERSHED IMPLEMENTATION PLAN (WIP) WORK FOR ST. MARY'S COUNTY

Present: Elaine Lutz, Maryland Staff Attorney, CBF
Beth McGee, Senior Regional Water Quality Scientist, CBF

Ms. McGee stated that there is no easy solution to cleaning up the bay and that the tough economic climate is a real issue for all counties; however, St. Mary's County has a well thought-out WIP plan and the County should keep moving forward with their plan. Maps indicating nitrogen and phosphorus testing locations within the Chesapeake Bay Watershed

area were provided to the Commissioners. Breton Bay, St. Mary's River and Wicomico River all have nutrient issues. She discussed a recent letter sent to counties by the law firm of Funk and Bolton who is representing the "TMDL Coalition" headed by Dorchester County. The Coalition is questioning how effective local WIPs are for local water quality and overall health of the Bay. She feels the placing of blame on sources outside Maryland and the misinterpretation of a report the Susquehanna is dumping more pollution in the Bay because the Conowingo Dam can't trap as much pollution as it used to are misconceptions. She encouraged Commissioners to stay the course.

Commissioner Jarboe suggested that the goal to clean up the bay will not be accomplished until natural filters are brought back, and that rather than focusing on farmers or individuals with septic tanks, the priority should be on bringing back living filters like oysters, menhaden fish and aquatic vegetation.

Commissioner Morris stated he would like to see the hard science to back up assumptions made on the amount of nutrients going into the bay from St. Mary's County. Referring to a map provided by the CBF, he noted that no testing had been done in St. Mary's County and asked how assumptions were made and if anyone has gone out and done any soil testing. Ms. McGee did not know of any specific studies in St. Mary's County, but she will check on it and provide information.

Commissioner Morgan noted that the CBF reviewed the WIP plans and asked if the CBF acted as a consultant to DNR. Answer was no.

Commissioner Russell requested information on depth of water and sediment build up behind the Conowingo Dam.

PUBLIC HEARING: PROPOSED TEXT AMENDMENT TO THE ZONING AND SUBDIVISION ORDINANCES TO CONFORM DEFINITIONS OF MAJOR AND MINOR SUBDIVISIONS WITH SENATE BILL 236

Present: Phil Shire, Director, Dept. Land Use and Growth Management
Bob Bowles, Planner IV, Dept. Land Use and Growth Management

Mr. Shire noted for the record that notice of the public hearing was advertised in *The Enterprise Newspaper* on 2 and 9, 2012, and described the provisions of the proposed text amendment.

There were no public comments. The hearing was closed for public comments at 10:29 am.

JOINT PUBLIC MEETING OF THE BOCC & THE ST. MARY'S COUNTY DELEGATION ON 2013 LEGISLATIVE PROPOSALS

Presenter: George Sparling, County Attorney

Delegation Members in Attendance: Senator Roy Dyson

Delegate John Bohanan, Jr.
 Delegate Anthony O'Donnell
 Delegate John F. Wood, Jr.

The purpose of the Joint Public Meeting was to provide an opportunity for the Commissioners, the Delegation, and the public to hear presentations and provide comments on the 2013 Legislative Proposals. Mr. Sparling introduced each proposal listed below, submitters provided additional information where appropriate and the Commissioners and Delegation provided comments. The meeting was open for public comments as well. Only one public comment was offered and it is summarized below (#4, Ms. Jacquelyn Meiser).

#	Proposed by	Proposal Description
1	Board of County Commissioners	<p>To enable the Commissioners of St. Mary's County to enact an ordinance concerning property maintenance.</p> <p><i>Delegation members expressed concerns about the need to balance property rights and personal financial situations with the need to take action in extreme cases for the general health and welfare of the community as a whole. A copy of the Property Maintenance Task Force Report and Recommendations will be forwarded to the Delegation.</i></p>
2	Commissioner Morris	<p>To exempt from the Tier III and IV development limitations subdivisions in which all lots are 15 acres or more.</p>
3	Commissioner Morris	<p>To enable the Commissioners of St. Mary's County to determine a building impact fee on a per square-foot basis.</p> <p><i>Delegate Bohanan questioned whether an excise tax might be the only mechanism for such an option. Mr. Sparling will provide information on the distinction between building excise taxes and development impact fees.</i></p>
4	Commissioner Jarboe	<p>To make connection to MetCom water and/or sewer facilities optional for a property owner with a septic system and/or well in compliance with Health Department regulations.</p> <p>Public Comment: <i>Ms. Jacquelyn Meiser, Executive Director, Metropolitan Commission The proposal would create optional connection for all abutting properties, rather than for only those properties located outside the intended service area. If adopted, there would be no mandatory connection requirement for any property to any newly constructed water or sewer line. Detrimental results would include: (1) User charges would have to be adjusted to accommodate the increased uncertainty with user charge revenue flows; (2) Since capital planning is based on projected system capacity needs and demands, which is</i></p>

		<i>based on the number of properties served by a given water or sewer line, adequate analysis will need to be given to current growth planning and public facility strategies if system needs become more uncertain; and (3) a study group has been formed at the direction of the Board of County Commissioners to study the precise issue of mandatory water and sewer connections and to make recommendations regarding any necessary and appropriate legislative changes regarding this matter. Since the study group will begin its work in a week, it is premature to make any amendment to Section 113-10 at this time – prior to appropriate study +and recommendation on the subject.</i>
5	Dept. of Finance Elaine Kramer	Request for Bond authority in the amount of \$30,000,000 <i>Regarding the 800 MHZ item, Delegate O'Donnell asked that staff coordinate with Calvert County on interoperability issues.</i>
6	Dept. of Economic & Community Dev (DECD) Laura Boonchaisri	To add St. Mary's County to the counties in which a Class 6 pub-brewery license may be issued.
7	DECD Laura Boonchaisri	To add St. Mary's County to the counties in which a Class 7 micro-brewery (on- and off-sale) license may be issued.
8	Dept. of Aging & Human Services	To delete the requirement that the psychiatrist or psychologist serving on the St. Mary's County Adult Protective Services Review Board be affiliated with the St. Mary's County Health Department.
9	County Attorney	To repeal a public local law authorizing the adoption of subdivision regulations.
10	County Attorney	To revise the provisions regarding the salaries and budgetary procedures for funding the Office of the State's Attorney for St. Mary's County.
11	Building Trades Foundation (By request)	To enable the Board of County Commissioners to grant to a non-profit entity a deferral of the building impact fee.

ADJOURNMENT

Meeting adjourned at 8:18 pm.

Minutes Approved by the Board of County Commissioners on _____

Sharon Ferris, Senior Administrative Coordinator (Recorder)