

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
CHESEAPEAKE BUILDING
Tuesday, April 28, 2009**

Present: Commissioner President Francis Jack Russell
Commissioner Kenneth R. Dement
Commissioner Lawrence D. Jarboe
Commissioner Thomas A. Mattingly, Sr.
Commissioner Daniel H. Raley
John Savich, County Administrator
Betty Jean Pasko, Sr. Administrative Coordinator (Recorder)

CALL TO ORDER

Commissioner President Russell called the meeting to order at 9:05 AM.

APPROVAL OF CHECK REGISTER

Commissioner Mattingly moved, seconded by Commissioner Raley, to authorize the Commissioner President to sign the Check Register for checks dated April 28, 2009, as presented. Motion carried 5-0.

APPROVAL OF MINUTES

Commissioner Dement moved, seconded by Commissioner Mattingly, to adopt the minutes of the Commissioners' meeting of Tuesday, April 21 2009, as presented. Motion carried 5-0.

PROCLAMATION

The Commissioners presented a proclamation declaring May 2, 2009, as "Stuff-the-Bus Day" and encouraged citizens to join in this effort to replenish local food banks. Employees may also donate in conjunction with the County Government's Employee Wellness Day on April 30, 2009.

DISTINGUISHED ST. MARY'S COUNTY MANAGER, EMPLOYEE OF THE YEAR, AND PEOPLE'S CHOICE

Present: Sue Sabo, Director, Human Resources
June Robrecht, Deputy Dir., Human Resources
Kathy Arnold, HR Specialist/Risk Manager

2009 Employee of the Year Recipients:

Karen Gates, Department of Human Resources, Administrative Category
Robert Oliver, Wicomico Shores Golf Course Division, Department of Recreation and Parks, Non-Administrative Category

Arthur Shepherd, Department of Recreation and Parks, Manager Category

Nominated by her peers, **Claudia Unkle** from the Treasurer's Office received the "People's Choice Award".

OFF-CAMPUS EVENTS

The BOCC attended the following events:

St. Mary's County Special Olympics Spring Games

10:00 AM - Opening Ceremony for St. Mary's County Special Olympics Spring Games at Leonardtown High School, 23995 Point Lookout Rd., Leonardtown

Ribbon Cutting: New St. Mary's Transit System Buses

11:00 AM - Ribbon Cutting: New St. Mary's Transit System Buses, Dept. of Public Works & Transportation, 44825 St. Andrews Church Road, California

The business meeting reconvened at 1:30 PM in the Commissioners' Meeting Room, Chesapeake Building.

COUNTY ADMINISTRATOR

1. Draft Agendas for May 5 and 12, 2009
2. **Office of the Sheriff** (*Erin Shoemaker, Fiscal Mgr.; and Bonnie Lancaster, Fiscal Specialist, II*)

Commissioner Jarboe moved, seconded by Commissioner Dement, to accept the Police Protection State Aid Report for FY2008 Actual Expenditures and FY 2009 Estimated Expenditures and to authorize the Commissioner President to sign Form One for FY2008 Actual Expenditures and Form Two for FY2009 Estimated Expenses as included in the report. Motion carried 5-0.

3. **Dept. of Aging** (*Lori Jennings-Harris, Director; Peggy Maio, Fiscal Supervisor*)

Commissioner Dement moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign the Notification of Grant Award for the Nutrition Service Incentive Program (NSIP) in the amount of \$47,709, and the related Budget Amendment increasing NSIP Grant Project Number US0906 by \$5,069 in alignment with the actual grant amount. Motion carried 5-0.

Commissioner Dement moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to sign the Notification of Grant Award for the Senior Health Insurance Program (SHIP) in the amount of \$13,488 for the grant period beginning April 1, 2009 and ending March 31, 2010. Motion carried 5-0.

4. Department of Public Safety (*Dave Zylak, Director*)

Commissioner Mattingly moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign the Bio-Terrorism Hospital Preparedness Program Agreement in the amount of \$17,422 and the related budget amendment reducing the grant budget by \$34,078 and realigning accounts in accordance with the grant award. Motion carried 5-0.

5. Department of Economic & Community Development (*Bob Schaller, Director; Carolyn Laray, Tourism Division Mgr.; and Kathleen Reif, Dir., St. Mary's County Libraries*)

Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign the Southern Maryland Heritage Area Consortium 2009 Mini-Grant Application requesting \$1,000 for the Young Adventurers Heritage Passport Program. Motion carried 5-0.

COMMISSIONERS' TIME

The Commissioners highlighted upcoming events, events attended over the past week and personal interest items.

ST. MARY'S COUNTY METROPOLITAN COMMISSION: PRESENTATION OF FY 2010-2014 CAPITAL IMPROVEMENT BUDGET, FY 2010 OPERATING BUDGET, AND REQUEST FOR APPROVAL OF NEW STAFFING POSITIONS

Present: Jackie V. Meiser, Director
Chet Frederick, Chief Engineer
Becky Schick, CFO
Ann Cullins, Director, HR
Mike Sullivan, Chief, Facilities and Operations Mgr.

Ms. Meiser introduced Metropolitan Commission (MetCom) representatives in attendance, described the presentation layout and reference binder, and announced that MetCom will not be moving forward with the request for a legal position at this time.

The budget was presented in three primary sections; i.e., Capital Improvement Budget FY2010 through 2014; Operating Budget FY2010; and Personnel Request FY2010.

Capital Improvement Budget FY2010 through 2014

Presented an Executive Summary of Sewer and Water Projects for FY2010 through FY2014 and previous years combined.

The proposed yearly funding sources and amounts for Sewer Projects were categorized and identified by Direct Pay – System Improvement Charges, Grants, Loans, and Navy. The proposed funding sources and amounts for Water Projects were categorized and identified by Direct Pay – System Improvement Charges, Loans, and Reserves from Former Rate Structure.

FY08, 09 and 10 Capital Improvement Rates per Equivalent Dwelling Unit (EDU) -

- System Improvement Charges – per month were presented for water and sewer (sub-categorized by residential and commercial). System improvement charges are designed to cover debt service for loans for the upgrade and replacement of existing systems and direct pay of smaller projects.
- Capital Contribution Charges (one-time charge at the time of connection) were presented for water and sewer (sub-categorized by residential and commercial). Capital Contribution Charges are designed to cover the debt service for loans to build new water supply and sewer collection systems to expand capacity to provide service to new customers.

A detailed project worksheet is available (in the reference binder) for each Capital Improvement Project.

Discussion:

Commissioner Jarboe noted the significant increase in FY 2010 sewer projects (\$41m) vs. only \$5m in FY2011. The increase is attributed to the ENR (Enhanced Nitrogen Removal) upgrade at the Marlay-Taylor Wastewater Treatment Facility that is forecasted for \$30m and must be completed by 2012.

Currently, discharge is at four million gallons per day; looking at surface discharge options once 6m gallons reached per day. Mr. Savich is pursuing a policy response regarding using land protected by the Rural Legacy program for land-based application. MDE response has been will review on a case-by-case basis.

MetCom took over operations of the wastewater treatment facility in Charlotte Hall six weeks ago from a private owner. There are plans in place for MetCom to assume ownership once upgrades and modifications are completed. Commissioner Jarboe questioned if there had been any public communications or involvement with MetCom assuming the operations of the facility and requested public communications for any similar future projects or in conjunction with transitioning ownership of this facility.

Commissioner Raley noted a problem with the Patuxent Park program; i.e., from central lines to individual dwelling units. Since MetCom's responsibility stops at the property lines, he asked if upgrading those connecting lines could be part of community legacy grant money.

Operating Budget FY2010

- The FY2010 Operating Budget
 - Includes salary step increase
 - Does not include any Cost of Living Adjustments (COLA)
 - Budget includes the costs associated with the four personnel modification requests (however, it was noted that the Legal Assistant position (benefits) will come out; cost of hiring a contractor will stay in).
 - Budget, as proposed, is supported by an 8% increase (4% annualized increase) in both water and sewer monthly charges. It was noted that water and sewer service charges have not increased since FY08. It was additionally noted that the average annualized service charge increase (FY1999 to FY2008) is 4.65% for water and 6.27% for sewer.
- The biggest contributing factors to the FY09 budgetary increases are salaries, hospitalization costs, and electricity costs.
- Presented yearly metrics data for the number of customers, average number of water meters, water pumped, and number of sewer stations for FY05 – FY09 (as of 3/31/09) and projected for FY2010.
- FY2010 proposed monthly service rates (per household) are the lowest in the tri-county area.

Personnel Request FY2010

Justification was presented regarding the following personnel requests. The additional, part-time Legal Assistant position is not being pursued at this time, but funds will remain in the budget should the decision be made to pursue on a contract basis in the future.

- Water Operator
 - One additional, full-time (previously requested in FY09, included in FY09 budget)
 - Salary and benefits – \$46k
 - Currently four positions (request will increase to five)
 - No position increase in 17 years
 - Customer base increase from 6,875 to 15,192
- Wastewater Operator
 - One additional, full-time
 - Salary and benefits - \$45k
 - Currently seven positions (request will increase to eight)
 - No position increase in 17 years
 - Customer base increase from 9,487 to 15,192
- Water Meter Technician
 - Upgrade existing contractual position to a full-time regular employee with benefits (benefits of \$12,835.)
 - Currently one regular full-time position and one contractor position without benefits (request will increase to two)

Discussion:

SCADA position approved last year has been difficult to fill. It would not be feasible to create a .5 FTE SCADA position and a .5 FTE Wastewater Operator, as suggested by

Commissioner Raley. The SCADA position requires full-time monitoring and controlling systems remotely.

It was clarified that the need for an additional Wastewater Operator did not increase due to assuming operations of the Charlotte Hall facility; the need was valid prior to assuming operations, which has had a very minor impact on staffing.

There was also some discussion about future growth concerns and commercial development. The St. Mary's County Comprehensive Plan addresses future growth. Additionally, future growth items will be addressed via the MetCom Study Taskforce.

Commissioner Raley suggested following up on County changes relative to health care costs. Ms. Schick added that a significant budget increase (\$1/2 million) was due to OPEB.

Commissioner Raley stated that he could support the Water Operator and the Waste Water Operator, but not the Water Meter Technician upgrade at this time.

Commissioner Mattingly moved, seconded by Commissioner Dement, to approve three new staffing positions; i.e., Water Operator, Wastewater Operator, and the Water Meter Technician upgrade, as requested by MetCom pursuant to Section 113 of the St. Mary's County Code. Motion carried 3-2, (Commissioners Raley and Jarboe voted nay).

MOTION TO ADJOURN AS THE BOCC AND RECONVENE AS THE BOARD OF HEALTH

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to adjourn as the Board of County Commissioners and reconvene as the St. Mary's County Board of Health. Motion carried 5-0.

BOARD OF COUNTY COMMISSIONERS SITTING AS THE ST. MARY'S COUNTY BOARD OF HEALTH

Present: Dr. William Icenhower, Health Officer
Nancy Luginbill, Dir., Health Services
Daryl Calvano, Dir., Environmental Health
Victor Krasnokutsky, Envir. Sanitarian Manager II

Dr. William Icenhower and Nancy Luginbill briefed the Board on the status of the Swine Flu outbreak.

- Anyone with symptoms is encouraged to call their doctor and not to go to the emergency room or doctor's office. The best preventive measures are: washing hands often, staying away from anyone coughing, and no unnecessary travel to Mexico.

- Mr. Savich offered the County's PIO support for dispensing information.
- MOU will be developed regarding potential school cases. Meeting with school nursing staff on Friday. Participated in teleconference with CDC; discussed possible containment relative to schools.
- Recent drill with Emergency Operations, State agencies, and MEMA went well. Drill scenario was about the distribution of medication during a pandemic.
- Concern about how national stockpile of Tamiflu medication will be released. Medication is most effective if started within 48 hours.

Mobile on-Farm Processing Operations – Daryl Calvano

A proposal was submitted by the St. Mary's County Department of Economic and Community Development on behalf of the farming community, primarily for the Amish and Mennonite communities, that would allow the utilization of farm facilities to process products for sale. Processing food products for sale requires a license; the Department of Health and Mental Hygiene issues this type of license. A concept plan dealing with importing community drinking water for processing food has been submitted and accepted by the State as a prototype.

Compliance of local public swimming pools and spas with the Virginia Graeme Baker Act (VGB) for the prevention of suction entrapment and entanglement hazards –

Daryl Calvano

- There are 53 public swimming pools /spas in the County. One-half have submitted plans for gaining compliance; 19 have been approved.
- Thirty pools are outstanding
- We are likely to receive calls because these pools will not be able to open for the Memorial Day weekend if not in compliance. They will need to submit a compliance schedule.
- All year-round pools in the County are in compliance.
- Design Plan (compliance document) is normally completed by a design professional

Miscellaneous:

- PERC testing not over; scheduled through the end of the week.
- Bed and Breakfast – kitchen stumbling block; Health Dept. review and approval not required if less than eight bedrooms.
- Health Dept. has preventive brochures / information regarding Lyme disease.
- Last year, the County, St. Mary's County Public Schools, and the Health Dept. funded \$15,000 each for the flu shot immunization program in elementary schools. No money has been allocated in the FY2010 budget for flu shots. Dr. Icenhower wants to resurrect this program and wants to be able to order vaccines much earlier.

MOTION TO ADJOURN AS THE BOARD OF HEALTH AND RECONVENE AS THE BOARD OF COUNTY COMMISSIONERS.

Commissioner Dement moved, seconded by Commissioner Mattingly, to adjourn as the St. Mary's County Board of Health and reconvene as the Board of County Commissioners for St. Mary's County. Motion carried 5-0.

**DEPT. OF RECREATION AND PARKS: PROPOSED ELMS BEACH
MANAGEMENT CHANGES AND IMPLEMENTATION OF ENTRANCE FEES**

Presenting: Phil Rollins, Director
David Guyther, Parks Div. Mgr.
Tyrone Harris, Park Operations Coordinator

The Elms Beach Park has experienced a significant increase in visitation over the past few years, especially on weekends and holidays. On a typical weekend, an average of more than 500 visitors use the park. On a holiday weekend, the average number triples to more than 1500 visitors. The usable park area is comprised of approximately five acres. The parking area can only accommodate about 75 vehicles. This has created a chaotic and sometimes unsafe situation. Increased usage has also led to other problems such as trash, inadequate toilet facilities, conflicts between users, and general overcrowding.

Staff proposals included charging a park entrance fee for each vehicle coming into the park on weekends and major holidays from May 23 to September 30 -- \$5.00 per vehicle for St. Mary's County residents and \$8.00 per vehicle for out-of-county residents; and closing the park once the maximum number of vehicles had entered and encouraging the overflow visitors to try other local parks such as Piney Point and Myrtle Point. The Recreation and Parks Board unanimously supported the recommendation to charge entrance fees.

The Recreation and Parks Board also endorsed staff's recommendation to make the Elms Beach pavilion an alcohol free pavilion and to discontinue renting the pavilion for group functions on holidays and holiday weekends from May-September due to overcrowding.

The Board of County Commissioners (Board) did not favor charging a fee to local residents but favored promoting the use of Piney Point and Myrtle Point as beach options; however consideration must be given to the lack of parking and restroom facilities at these sites. Mr. Guyther noted that Myrtle Point is not easily accessible for maintenance personnel as there is no pathway for truck access. The Board also supported making Elms Beach an alcohol free facility and discontinuing rental of the pavilion on holiday weekends.

In addition to summarizing tasks to pursue making Elms Beach alcohol free and to define steps to facilitate and maintain orderly control, Mr. Savich said that perhaps there considerations that need to be explored in conjunction with the operating and capital budgets; i.e., will need to get a breakdown working with the Department of Parks and Recreation.

**DEPARTMENT OF LAND USE AND GROWTH MANAGEMENT:
INTRODUCTION (FIRST READING) OF A PROPOSED ZONING TEXT
AMENDMENT TO ALLOW EXTENSION OF TIME LIMITS IMPOSED BY
THE ORDINANCE**

Presenting: Derick Berlage, Director, LU&GM
Phil Shire, Deputy Director, LU&GM
Bob Schaller, Director, Dept. of Economic and Community Dev. (DECD)

In light of current economic conditions, staff presented a proposed text amendment for the purpose of extending time limits imposed by the Zoning Ordinance. The proposal would extend for two years the validity period of approved projects that expire between January 1, 2009, and December 31, 2010. These include preliminary subdivision plans, concept or final site plans, building permits, Sediment and Erosion Control plans, Public Works and Transportation permits and plans, MetCom plans, and plans in the TEC process. No changes could be made to approved plans and permits. It was noted that the extension of time limits would apply to individuals and developers. Staff briefed the Planning Commission on the proposal at its meeting on April 27, 2009.

Staff requested waiving the 30-day comment period and the second reading and requested “emergency action” consideration toward processing and approving the text amendment. Several process options were presented.

Commissioner Raley moved, seconded by Commissioner Dement, to schedule May 26, 2009, for a public hearing to be held jointly by the St. Mary’s County Board of County Commissioners and the St. Mary’s County Planning Commission, to be followed by the Planning Commission making a recommendation to be considered by the County Commissioners on the proposed zoning text amendment to extend approvals of development projects as presented by the Director of the Department of Land Use and Growth Management. Motion carried 5-0.

Commissioner Raley asked that the presentation at the joint public hearing include whether concept plans need to be included in the proposal.

MOTION TO ADJOURN

Commissioner Dement moved, seconded by Commissioner Jarboe, to adjourn the meeting of the Board of County Commissioners. Motion carried 5-0.

Minutes Approved by the Board of County Commissioners on _____

Betty Jean Pasko, Sr. Admin. Coordinator (Recorder)