

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
GOVERNMENTAL CENTER
Tuesday, June 5, 2007**

Present: Commissioner President Francis Jack Russell
Commissioner Kenneth R. Dement
Commissioner Lawrence D. Jarboe
Commissioner Thomas A. Mattingly, Sr.
Commissioner Daniel H. Raley
Phillip Rollins, County Administrator (Alt.)
Betty Jean Pasko, Senior Admin. Coordinator (Recorder)

CALL TO ORDER

The meeting was called to order at 9:00 am.

APPROVAL OF AGENDA

Commissioner Mattingly moved, seconded by Commissioner Raley, to approve the agenda as distributed. Motion carried 5-0.

APPROVAL OF CHECK REGISTER

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to authorize the Commissioner President to sign the Check Register for checks dated June 5, 2007, as submitted. Motion carried 5-0.

APPROVAL OF MINUTES

Commissioner Mattingly moved, seconded by Commissioner Dement, to adopt the minutes of the Commissioners' meeting of May 29, 2007, as distributed. Motion carried 5-0.

COUNTY ADMINISTRATOR

1. Draft Agendas for June 12 and 26, 2007 (no meeting on June 19)
2. **Department of Public Works & Transportation** (*George Erichsen, P.E., Director*)

(Jackie Fournier, Transportation Manager)

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve three days during the week of June 21, 2007, as second annual "National Dump the Pump Days" in St. Mary's County and to authorize staff to begin the public awareness campaign. Motion

carried 5-0.

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign the Deed from San Souci Associates, LLD, for the 25 foot road dedication/reservation and 30 foot transportation corridor reservation for proposed FDR Boulevard. Motion carried 5-0.

Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign the Public Works Agreement, once the Record Plat Package has been submitted and approved, for the Hunting Creek Subdivision, Section 1, located off Willows Road in the 8th Election District, with an Expiration Date of July 1, 2008. Motion carried 5-0.

3. **Department of Land Use & Growth Management** (*Phil Shire, Deputy Director*)

Commissioner Jarboe moved, seconded by Commissioner Mattingly to approve and authorize the Commissioner President to sign the proposed Instrument of Final Transfer for four transferable development rights (TDRs), for two additional lots in the RPD zone, Agnes Lacey Property, Lots 3 & 4. Motion carried 5-0.

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign the proposed Instrument of Final Transfer for one transferable development right (TDR), for one additional lot in the RNC zone, Mowry Breeze, Lot 2. Motion carried 5-0.

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign the proposed Instrument of Final Transfer for one transferable development right (TDR), for one additional dwelling unit in the CMX zone, Sub-division Case File #06-140-020, Chickadee Condos, Unit 24, in accordance with Chapter 26, Schedule 32.2 of the Comprehensive Zoning Ordinance. Motion carried 5-0.

Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign the proposed Instruments of Final Transfer for a total of thirty-eight (38) transferable development rights (TDRs), for nineteen (19) additional lots in the RPD zone, The Crossings at Riverside. Motion carried 3-2 (Commissioners Jarboe and Mattingly voted against the motion). *Commissioner Dement seconded the motion, but expressed concern with*

the potential loophole with defining or placing restrictions on “attached accessory units” and managing the ownership age requirements (55 or older). However, it was clarified the motion does not address either concern.

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

Commissioner Mattingly moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign the Human Services Contract Proposal and the Memorandum of Understanding between the Maryland Department of Health and Mental Hygiene and the St. Mary’s County Department of Aging for FY2008 Adult Day Care Funding. Motion carried 5-0.

5. **Dept. of Economic and Community Development** (*Robin Finnacom, Exec. Director, CDC*)

Commissioner Raley moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to sign the following: the Intergovernmental Agreement between the Maryland Dept. of Human Services, the St. Mary’s County Dept. of Social Services, and the Board of County Commissioners, for Job Placement and Job Retention Services, and the related Certification Regarding Lobbying; and to sign the Sub-recipient Agreement with the Community Development Corporation, Inc. Motion carried 5-0.

6. **Boards, Committees and Commission Appointments** (*Phil Rollins, Alt. County Administrator*)

Family Violence Coordinating Council

The Rev. Paula Robinson, “Survivor of Family Violence or a family member” Rep. - No Term to Expire

Commission on the Environment

Troy C. Hansen -Term to Expire: 12/31/2011

Caroline E. Law Miller - Term to Expire: 12/31/2009

Commissioner Jarboe moved, seconded by Commissioner Mattingly, to appoint the individuals, as stated by the County Administrator to the Family Violence Coordinating Council and the Commission on the Environment. Motion carried 5-0.

DEPT. OF HUMAN RESOURCES: DECISION ON PROPOSED SIXTH AMENDMENT TO SHERIFF’S OFFICE RETIREMENT PLAN

Present: Sue Sabo, Director, HR

The Public Hearing on the proposed amendment was held on May 22, 2007. There were no comments received during the ten day open record period. Ms. Sabo and Mr. Savich met with Sheriff Cameron and Captain Horne and have conducted staff presentations regarding the amendment and pension and health benefits. Anyone with questions or concerns was encouraged to contact Ms. Sabo.

The amendment Effective Date is June 30, 2007.

Commissioner Raley moved, seconded by Commissioner Dement, that the Sixth Amendment to the St. Mary's County Sheriff's Office Retirement Plan, as presented by staff, and as the subject of a recent public hearing, be approved and incorporated into the Sheriff's Office Plan document. Motion carried 5-0.

FAMILY VIOLENCE COORDINATING COUNCIL UPDATE

Present: Dr. Kathleen O'Brien, Chair, St. Mary's County Family Violence Coord. Council
Laura Joyce, Vice-Chair, Southern Maryland Center for Family Advocacy
H. S. "Lanny" Lancaster, Three Oaks Center

The purpose of the St. Mary's County Family Violence Coordinating Council, established by the Board of County Commissioners in June 2006, is to increase the efficiency and coordination efforts of the community to combat and end domestic violence. Dr. O'Brien provided each of the Commissioners with a copy of the bylaws, organization structure chart, and membership list. Referencing the bylaws, Dr. O'Brien reviewed the council's purpose, goals, and activities. Ms. Joyce provided an overview of the case review team and Mr. Lancaster reviewed cost and shelter availability data, including number of beds, costs relative to hotel stays, yearly grants, and operational costs for domestic violence shelters.

The number to call for assistance with domestic violence issues in St. Mary's County is 301 863-6661, which is professionally staffed, 24 hours a day, seven days a week.

ARMY CORPS OF ENGINEERS: ST. MARY'S RIVER WATERSHED RESTORATION FEASIBILITY STUDY

Present: Sue Veith, Environmental Planner IV, LU&GM
Amy Guise, Manager, Army Corps of Engineers
Steven Kopecky, Project Manager, Army Corps of Engineers

In 2000, the Army Corps of Engineers (ACOE) partnered with the County to develop a Watershed Management Feasibility Study for the St. Mary's River that would provide a comprehensive watershed management study identifying any needed water resources improvements in the interest of navigation, flood control, erosion control, environmental restoration and ecosystem improvement. In November 2000, the County executed a

Feasibility Cost Share Agreement with the ACOE to perform a \$1.2M feasibility study in the St. Mary's River watershed to develop tools and analysis to guide development in the principal growth area for the County (Phase 1) and to identify projects, perform preliminary designs and in implementation plan necessary to seek federal approval and funding (Phase 2). Based on that agreement, the County provided funding for 50% of the cost of the preparing the agreed upon scope of work. The County has provided \$126,000 in cash match for Phases 1 and 2 (\$100,000 in FY2001, and \$26,000 in FY2002) and approximately \$474,000 in in-kind services.

The presenters provided an overview of work completed to date and the next steps necessary to finalize and submit the study and projects for congressional approval, which will require an additional \$200,000 (50% provided by the ACOE and 50% provided by the County). Additionally, the ACOE will commit \$100,000 for ACOE staff labor and requests \$100,000 from the County for in-kind services. The study area covers four watersheds; i. e., Wicomico River, St. Clement's River Breton Bay, and St. Mary's River, and associated estuaries.

The presenters reviewed information provided in the Report Summary for the Lower Potomac – St. Mary's River Watershed Restoration Study, dated January 2007. The study high-lights stream degradation, oyster loss, water quality degradation, and SAV losses as fundamental problems.

After raising concern about the impact of "up stream" environmental conditions of the Potomac River (e.g., relative to plant at Cobb Island) on the St. Mary's watershed, Commissioner Mattingly asked if Charles County was asked to participate. Ms. Guise responded that they were not very interested in pursuing. Relative to oyster protection, Commissioner Jarboe questioned threat of diseases, herbicide, and relevance of water quality versus native species. In response to a number of constituent concerns regarding length of time to get County approvals/permits for building piers and seawalls, Commissioner Raley questioned the viability of having the most senior staff person (Environmental Planner IV) dedicated to this study. All commissioners indicated concurrence with the importance and goals cited by the study and today's presentation.

Commissioner Jarboe moved, seconded by Commissioner Mattingly, to approve the proposed modification of scope and tasks for the Lower Potomac, St. Mary's River Watershed Restoration Feasibility Study, which includes an increase in total budget and in County in-kind match only, and approve and authorize the Commissioner President to sign "Amendment No. 1" to the agreement between the Army and St. Mary's County. Motion carried 4-1 (citing concerns for the length of time; i.e., seven years that the work has continued in the "study" phase and the anticipated two-year timeline for a Congressional response, as well as the already heavy workload of staff whose major responsibility is to assistance citizens on a daily basis, Commissioner Raley voted against the motion).

COMMISSIONER'S TIME

Commissioner Dement

Extended congratulations to all of the graduating classes in the County.
Presented a proclamation to Leroy and Margaret Williams, 50th Anniversary.

Commissioner Mattingly

Congratulations to the graduates, another safe graduation year in the County.
Along with other Commissioners, attended the Veteran's Home Memorial Day ceremony in Charlotte Hall.
Congratulations to Valerie Pilkerton and Larry Hayden, who were married over the weekend.

Commissioner Raley

Questioned the status of a recent concern raised about the fence on County property at Rt. 235. Mr. Rollins responded that it was discussed at a recent XMT meeting and plans are in place to remove the fence.
Upcoming cooperative community/tourism event Soap Box Derby – June 9, will be held at Ryken.
Was not able to make some County functions due to poison ivy.
Happy 1st Birthday to granddaughter, Isabella.

Commissioner Jarboe

The Charlotte Hall Library 25 year celebration will also be on June 9th. Also, will be celebrating the ribbon cutting for Phase 2 of the Three Notch Trail.

Commissioner Russell

Happy Birthday to John Savich.
Attended the gang related issues forum at Lexington Park, was very informative.
Leonardtown Lion's Club Crab Feast will be June 10 on the grounds at the Governmental Center.

ADJOURNMENT

Commissioner Raley moved, seconded by Commissioner Mattingly, to adjourn.

Motion

carried 5-0. The meeting adjourned at 12:15 a.m.

Minutes Approved by the Board of County Commissioners on _____

Betty Jean Pasko, Senior Administrative Coordinator