

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
CHESEAPEAKE BUILDING
Tuesday, June 9, 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 9:00 AM.

ADDITIONS TO AGENDA

Mr. Savich announced two additions to the County Administrator agenda; i.e., 3B and 7.

APPROVAL OF CHECK REGISTER

Commissioner Raley moved, seconded by Commissioner Mattingly, to authorize the Commissioner President to sign the Check Register for checks dated June 9, 2009, as submitted. Motion carried 5-0.

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Dement, to adopt the minutes of the Commissioners' meeting of Tuesday, June 2, 2009, as presented. Motion carried 5-0.

PROCLAMATIONS

The following proclamation / commendation presentations were made by the Board:

- Maryland 375 Birthday Celebration at historic St. Mary's City, June 20, 2009
- National 4th Annual Dump the Pump Event and request to authorize Ride All Day For a Dollar Event
- Retirement: Jennie Page, Deputy Director, Office on Aging
- Commendation: Phil Shire, Deputy Director, Land Use and Growth Management

COUNTY ADMINISTRATOR

1. Draft Agenda for June 23, 2009 (no BOCC meeting on June 16)

2. **Dept. of Human Services** (*Bennett Connelly, Director;*
Julie Ohman, Mental Health Coordinator)

Commissioner Dement moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner President Russell to execute the Core Service Agency FY2010 PATH Grant Award, Project US1089, from the Department of Health and Mental Hygiene on behalf of the Department of Human Services, in the amount of \$45,950, to provide outreach, case management and mental health services for the homeless population in St. Mary's County. Motion carried 5-0.

Commissioner Dement moved, seconded by Commissioner Raley, to approve and authorize Commissioner President Russell to execute the Shelter Plus Care Housing Program Grant Agreement, Project US1096, from the Department of Health and Mental Hygiene on behalf of the Department of Human Services, in the amount of \$170,013, for individuals who do not qualify for traditional housing assistance due to their forensic histories. Motion carried 5-0.

3. **Dept. of Public Safety** (*Dave Zylak, Director*)

Commissioner Mattingly moved, seconded by Commissioner Dement, to authorize the Department of Public Safety to submit the four Maryland 911 Trust Fund Project Funding applications, in the total amount of \$53,020, through the Emergency Number Systems Board. Motion carried 5-0.

Commissioner Raley moved, seconded by Commissioner Mattingly, to advise Advance Life Support (ALS) to submit the application to MIEMSS for the 50/50 grant to purchase three (3) defibrillators with the understanding that there is currently \$33,000 available for matching funds, and that prior to accepting the award, ALS is advised to request from the County verification of funds for the matching amount. Motion carried 5-0.

4. **Dept. of Land Use & Growth Mgmt.** (*Derick Berlage, Director;*
Sue Veith, Environmental Planner)

Commissioner Mattingly moved, seconded by Commissioner Dement, to approve and authorize Land Use and Growth Management staff to submit the Critical Area Commission Grant application, Project #MD1027, from the Maryland Department of Natural Resources, in the amount of \$24,000, consistent with the copy reviewed by the Board of County Commissioners. Motion carried 5-0.

5. Dept. of Public Works and Transportation (*George Erichsen, P.E., Director*)

(Jacqueline Fournier, Transportation Mgr.; Mary Ann Coontz, STS Transp. Supv.; and Marsha Tidler, Dept. of Social Services)

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize Commissioner President Russell to execute the JARC I and II Grant Memorandum of Agreement, Project Number US1072 with the Department of Social Services, in the amount of \$40,000, the Certification regarding Lobbying, and the related Budget Amendment to decrease the project budget by \$10,000; and also to approve and authorize Commissioner President Russell to execute the JARC III Grant Memorandum of Agreement, Project Number MD1076 with the Department of Social Services, in the amount of \$35,000 and the related Budget Amendment to decrease the project budget by \$10,000.

Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign the Public Works Agreement Addenda for subdivision roads located in Clements Landing, Phases 1 and 2, and The Woods at Myrtle Point, Section 1; and to sign the Public Works Agreement and related Resolutions for roads located in the Hunting Creek PUD, as outlined on today's County Administrator's agenda as Item 5C. Motion carried 5-0.

Motion pertains specifically to the following:

- A. Public Works Agreement Addendum for Clements Landing Subdivision, Phases 1 and 2, located in the 8th Election District with an Expiration Date of May 1, 2010. *The roads included in this Agreement are: Alydar Drive (651'), Seabiscuit Court (1,099'), and Buck Hewitt Road Improvements (570').*
- B. Public Works Agreement Addendum for The Woods at Myrtle Point Subdivision, Section 1, located in the 8th Election District with an Expiration Date of April 1, 2010. *The roads included in this Agreement are: Placid Hill Road (632'), Placid Hill Place (144'), Woodhaven Drive (143'), and Quiet Oak Court (201').*
- C. Public Works Agreement for Continued Maintenance and Repair for the Hunting Creek PUD Subdivision, Section 1, located in the 8th Election District with an Expiration Date of April 1, 2010, and Resolutions accepting Crimson Drive, Bluebell Street, Crocus Street, and Lily Street into the maintenance system and posting a 25-mph speed limit and stop signs.

(Richard Tarr, Solid Waste Manager)

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign the Intergovernmental Agreement between St. Mary's County and Maryland Environmental Service for the used oil and anti-freeze recycling program. Motion carried 5-0.

6. St. Mary's County Public Schools (*Gregory Nourse, Director of Fiscal Services*)

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve the category transfers requested from the Board of Education totaling \$284,631 to cover only the Leave Pay-off and the Revised Funding for the Chesapeake Public Charter School and to ask the Board of Education to reflect the requests related to the SMART Technology Initiative and the Evergreen Start-up Costs in their FY 2010 budget; and further, to sign the letter to the Board of Education reflecting this approval as well as the request related to the remaining items to be reflected in the FY 2010 budget. Motion carried 5-0.

7. Office of the Sheriff (*Sheriff Tim Cameron; Mary Ann Thompson, Support Services Coordinator*)

Commissioner Raley moved, seconded by Commissioner Dement, to approve the Office of the Sheriff's request for submittal of Local Jail Capital Improvement Requests to the Department of Public Safety and Correctional Services for the State of Maryland, pursuant to the approved fiscal year 2010 budget. Motion carried 5-0.

DEPT. OF LAND USE & GROWTH MANAGEMENT:

Present: Derick Berlage, Director
Phil Shire, Deputy Director
Yvonne Chaillet, Planner IV

1. DECISION ON PROPOSED TEXT AMENDMENT TO ALLOW ELECTRONIC, CHANGEABLE COPY SIGNS FOR ON-PREMISE ADVERTISING

Referencing Page 4 of the staff report, Mr. Berlage reviewed the issues relative to allowing electronic changeable signs, permissible areas (noting that electronic digital signs will not be allowed in the Rural Preservation District), size restrictions, sign automation, and message content. Mr. Berlage said there's been no change to the first four issues. However, the fifth issue, relative to message content, has been modified to remove regulations or restrictions on message content.

Commissioner Mattingly moved, seconded by Commissioner Dement, to approve the proposed Zoning Ordinance Text Amendment to allow electronic changeable copy Signs, as recommended by the Planning Commission in PC Resolution No. 2009-01, with the exception of paragraph i.1, which I move be deleted in its entirety, and that this text amendment have an effective date of two weeks from the date of adoption by the Board of County Commissioners. Motion carried 4-1 (Commissioner Jarboe voted nay).

2. PRESENT THE COUNTY'S ANNUAL GROWTH POLICY FOR JULY 1, 2009 TO JUNE 30, 2010, FOR REVIEW AND ADOPTION

Referencing BOCC Resolution 08-40 that established the Annual Growth Policy (AGP), Mr. Shire stated that the Planning Commission and the Department of Land Use and Growth Management recommend maintaining the 1.9% growth rate for the period of 7/1/2009 to 6/30/2010.

Initially, a residential growth limit of 1.9% was adopted which established a cap (based on 41,816 dwelling units in the County in 2007) of 794 new dwellings which could be approved through June 30, 2009. Of these 794 potential dwellings, 556 (70%) were approvable in growth areas and 238 (30%) were approvable outside of growth areas. Due to economic conditions, the first year of the AGP saw a dramatic reduction in the number of dwelling units created and therefore, the limits imposed were not tested. As of June 1, 2009, a total of 315 dwelling units have been approved (only 40% of the approvable 794 units).

The Maryland Department of Planning (MDP) Planning Data Service shows 555 new dwelling units in St. Mary's County for 2008, which yields a grand total of 42,371 dwellings. In response to Commissioner Mattingly's question, Mr. Shire said he assumes the 555 includes Leonardtown; i.e., municipality growth.

Regarding APF (Adequate Public Facility), Mr. Shire added that the purchase of the Hayden Property can count towards capacity levels for the northern, elementary school service area.

Commissioner Raley moved, seconded by Commissioner Jarboe, to accept the recommendations of the Planning Commission and the Department of Land Use and Growth Management and that the Annual Growth Policy as adopted on August 19, 2008, be continued, using the 2008 dwelling count as calculated by the Department of Land Use and Growth Management. Motion carried 5-0.

COMMISSIONERS' TIME

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

MOTION TO ENTER INTO EXECUTIVE SESSION

Commissioner Mattingly moved, seconded by Commissioner Raley, to enter into Executive Session for the purpose of Personnel, specifically to discuss appointments to Boards and Committees. Motion carried 4-1 (Commissioner Jarboe voted no).

Personnel

Present: Commissioner Francis Jack Russell, President
Commissioner Kenneth R. Dement
Commissioner Lawrence D. Jarboe
Commissioner Thomas A. Mattingly, Sr.
Commissioner Daniel H. Raley
John Savich, County Administrator
Karen Everett, Public Information Officer
Delores Lacey, Public Information Office
Koni Gordon, Public Information Office
Donna Gebicke, Recorder
Authority: Article 24, Section 4-210(a)1
Time Held: 11:24 am – 12:24 pm
Subject Discussed: Appointments to Boards and Committees

ADJOURNMENT (Motion in open session)

Commissioner Jarboe moved, seconded by Commissioner Dement, 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)