

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
CHESEAPEAKE BUILDING
Tuesday, September 1, 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 (Recorder)

CALL TO ORDER

Commissioner President Russell called the meeting to order at 9:00 AM.

APPROVAL OF CHECK REGISTER

Commissioner Raley moved, seconded by Commissioner Jarboe, to authorize the Commissioner President to sign the Check Register for checks dated September 1, 2009. Motion carried 5-0.

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Dement, to adopt the minutes of the Commissioners' meeting of Tuesday, August 25, 2009, as presented. Motion carried 5-0.

PROCLAMATION

Members of the Disabled American Veterans, St. Mary's Chapter 26 received a proclamation recognizing the organization and the month of September for its annual FORGET-ME-NOT campaign.

COUNTY ADMINISTRATOR

1. Draft Agenda for September 15, 2009. There will be no meeting of the Board of County Commissioners on September 8, 2009. Mr. Savich announced item #8, St. Mary's County Public Schools, will be moved to be presented after item #2, and items 6b, 6c, and 7d were all new items added to the agenda.

2. Dept. of Recreation and Parks (*Phil Rollins, Director*)

(Merrill "Chico" Rivers, Chairperson)

Commissioner Dement moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President Russell to sign the amended Bylaws of the Wicomico Shores Golf Course Advisory Board, with an effective date of September 1, 2009. Motion carried 5-0.

Commissioner Dement moved, seconded by Commissioner Raley, to approve and authorize Commissioner President Russell to sign the budget amendment that will decrease the Portable Toilet/Trash Removal grant project (#MD1007) by \$8,200 to align the budget with the actual grant award. Motion carried 5-0.

Commissioner Dement moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner President Russell to sign the budget amendment closing out a portion of the Piney Point Public Land Project #PL0802 and returning \$72,381 to the FIN10 Capital Reserve. Motion carried 5-0.

3. St. Mary's County Public Schools and Department of Finance

(Dr. Michael J. Martirano, Superintendent; Gregory Nourse, Dir. of Fiscal Services)

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve the FY2010 Categorical Transfer Requests and Restricted Fund Adjustments as presented on the document provided by the Board of Education on August 5, 2009 and to sign the supporting consent letter. Motion carried 5-0.

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President Russell to sign the Annual Budget Report cover form, which sets forth selected data regarding the FY2010 approved budget for the Board of Education. Motion carried 5-0.

(Elaine Kramer, CFO and Director, Department of Finance)

Commissioner Mattingly moved, seconded by Commissioner Raley, to approve and authorize Commissioner President Russell to sign the budget amendment increasing the FY2009 Senator Amiss Fire/Rescue allocation grant. Motion carried 5-0.

4. Dept. of Economic and Community Development / Housing Authority

(Bob Schaller, Dir., DECD; Dennis Nicholson, Exec. Dir., HASMC)

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President Russell to sign the letter to the Maryland Department of Housing and Community Development, Community Development Administration, irrevocably transferring \$3,170,491 of the county's On-Behalf-Of Tax Credit Bond Allocation for FY2009 to the Community

Development Administration for use in issuing housing bonds on behalf of St. Mary's County. Motion carried 5-0.

5. Department of Public Safety

(Dave Zylak, Director; Tom Mattingly, Jr., Emergency Communications Mgr.)

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize Commissioner President Russell to sign the budget amendment closing out the FY2009 Emergency Number Systems Board Grant, Project MD0938, for supplies and materials, in the amount \$13,275, and returning those funds to the reserve account. Motion carried 5-0.

Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize the Department of Public Safety to accept the project funding from the Maryland's 9-1-1 Trust Fund through the Emergency Number Systems Board and to approve and authorize the Commissioner President to sign the budget amendment to recognize the Direct Vendor Pay and increase the project budget in the amount of \$190,765 using the Supplemental Reserve. Motion carried 5-0.

6. Department of Human Services *(C. Bennett Connelly, Director)*

(Jacqueline Beckman, Community Traffic Safety Coordinator)

Commissioner Mattingly moved, seconded by Commissioner Dement, to approve and authorize Commissioner President Russell to sign the St. Mary's County Community Traffic Safety Program grant award agreement, project US1021, from MD State Highway Administration's Highway Safety Office on behalf of the Department of Human Services for traffic safety initiatives to reduce the number of and severity of motor vehicle crashes, injuries and fatalities in the amount of \$109,300, and the related budget amendment to decrease the project budget by \$6,900. Motion carried 5-0.

(Jaime Jones, Human Services Coordinator)

Commissioner Raley moved, seconded by Commissioner Jarboe, to accept the FY2010 Children's Cabinet Award, Project #'s MD1060 through MD1067 and MD1088, from the Governor's Office for Children on behalf of the Dept. of Human Services for the day-to-day administrative functions and program funding in the amount of \$810,932, and to authorize the Commissioner President Russell to sign the related budget amendments to decrease the project budgets by \$676,510. Motion carried 5-0.

Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize Commissioner President Russell to sign the eight Sub-recipient Agreements between the County and the Sub-recipients on behalf of the Dept. of Human Services for program funding related to the Governor's Office for Children, Children's Cabinet Award, Project #'s MD1061 through MD1067, in

the total amount of \$559,329, which is consistent with the FY2010 approved budget. Motion carried 5-0.

7. Office of the Sheriff (*Major John Horne, Erin Shoemaker*)

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize Commissioner President Russell to sign the budget amendment reducing the COPS Hiring Recovery Program, project #USRA03, from the Dept. of Justice on behalf of the St. Mary's County Sheriff's Office in the amount of \$823,920. Motion carried 5-0.

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President Russell to sign the budget amendment reducing the COPS Hiring Support Program, project #USRA04, from the Governor's Office of Crime Control and Prevention on behalf of the St. Mary's County Sheriff's Office in the amount of \$100,000. Motion carried 5-0.

Commissioner Dement moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner President Russell to sign the budget amendment reducing the COPS Support County Costs, project #OT1004 in the amount of \$247,150, reverting these funds to the Emergency Reserve. Motion carried 5-0.

Commissioner Dement moved, seconded by Commissioner Raley, to approve and authorize Commissioner President Russell to sign the Equitable Sharing Agreement and Certification from the Dept. of the Treasury, on behalf of the St. Mary's County Sheriff's Office. Motion carried 5-0.

8. Dept. of Public Works and Transportation (*George Erichsen, Director*)

Commissioner Dement moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner President Russell to sign the proposed lease for space within the Capt. Walter F. Duke Terminal Building at the St. Mary's County Regional Airport in order to provide temporary crew quarters in support of MedSTAR Transport medical flight operations for St. Mary's County. Motion carried 5-0.

DEPT. OF LAND USE AND GROWTH MANAGEMENT: PROPOSED ZONING TEXT AMENDMENT TO SECTION 65.2(6)(G) OF THE ZONING ORDINANCE TO MODIFY THE REQUIREMENTS FOR POLITICAL CAMPAIGN SIGNS

Present: Derick Berlage, Director
Yvonne Chaillett, Planner IV

In Bell v. Baltimore County, a federal district court decision found unconstitutional a Baltimore County ordinance regulating political yard signs. St. Mary's has a similar

provision which restricts the length of time political campaign signs may be displayed by residents on their private property.

Pursuant to Section 65.2(6)(g) of the Ordinance pertaining to political campaign signs, temporary campaign signs may be erected in all zoning districts and are limited in size to a maximum 32 square feet. These signs may not be erected more than 45 days prior to the election and must be removed within 15 days after the primary election if the candidate is not a candidate in the general election. All remaining political signs must be removed within 15 days after the general election.

Staff recommends removing the language regulating political campaign signs by deleting the time limitations. Staff considers this a minor text amendment and proposed waiving the second reading and waiving the required public hearing before the Planning Commission. There was consensus among the Board that the proposed text amendment should go through the same process as other sign-related text amendments. The opportunity to regulate sign size was also discussed.

Commissioner Raley moved, seconded by Commissioner Jarboe, regarding the proposed text amendment relative to political campaign signs, that staff be directed to proceed to the Planning Commission for their review and public hearing process. Motion carried 5-0.

COMMISSIONERS' TIME

The Commissioners highlighted upcoming events and those attended over the past week as well as personal interest items.

Commissioner Raley requested that future agendas include an update on the Patuxent Park project and a briefing on the state's process for citizens to request a soft shoreline waiver for construction of bulkheads and revetments.

MOTION TO ADJOURN

Commissioner Mattingly moved, seconded by Commissioner Dement, to adjourn the meeting. Motion carried 5-0. Meeting adjourned at 10:50 AM.

VISIT COUNTY STAFF

Following adjournment, the Commissioners visited staff at the Department of Public Works and Transportation offices, located at the Governmental Center and on St. Andrew's Church Road.

Minutes Approved by the Board of County Commissioners on _____

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