

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
CHESEAPEAKE BUILDING
Tuesday, November 24, 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
Donna Gebicke (Recorder)

CALL TO ORDER

Commissioner President Russell called the meeting to order at 9:03 am.

REVISION TO AGENDA

It was agreed to begin the Comprehensive Plan Work Session at 1:00 pm, rather than 1:30 pm.

APPROVAL OF CHECK REGISTER

Commissioner Raley moved, seconded by Commissioner Mattingly, that the bills submitted by staff for checks dated November 24, 2009, be approved, with the exception of the item cited at the top of page 15, which is not approved. Motion carried 5-0.

APPROVAL OF MINUTES

Commissioner Mattingly moved, seconded by Commissioner Dement, to adopt the minutes of the second Public Hearing on the draft St. Mary's County Comprehensive Plan, Thursday, November 5, 2009, as corrected. Motion carried 4-0, with one abstention. (Commissioner Jarboe abstained since he was not present at the November 5 public hearing).

Commissioner Mattingly moved, seconded by Commissioner Dement, to adopt the minutes of the meeting of Tuesday, November 17, 2009, as corrected. Motion carried 5-0.

COUNTY ADMINISTRATOR

1. Draft Agenda December 1, 2009 and December 8, 2009

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

Revenue and Categorical Transfer Request for FY 2010

- #1 Revenue and Categorical transfer requests in the General Fund for FY2010 using FY2009 Fund Balance to cover the reduction in County appropriation for FY2010.
- #2 Additional State revenue to cover the Non-public School Placement expenditure costs for FY2010.
- #3 Expenditure Categorical transfer requests in the General Fund to cover the annual leave payoff to date, for retirees that have left the system since July 1, 2009.
- #4 Departmental requests, and movement of two FTE's from the Student Personnel Services to Mid-Level Administration category, due to a reorganization adjustment for FY2010, and to be consistent with the MSDE manual.
- #5 Reduction of the revenue and related expenditures, and elimination of 1.0 FTE position in the Revolving Fund due to the elimination of the Department of Social Services Training & Support program in FY2010.
and
- #6 Adjustments in the Restricted Fund due to the actual awards of 18 grants, which include reductions in revenue, addition of revenue, and adjustments to expenditure accounts for those grants.

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve the six Revenue and Categorical Transfer items for FY 2010 as cited on today's County Administrator Agenda as item 2 (above), as submitted, citing that they were approved by the Board of Education on October 28, 2009, and to approve the letter to the Board of Education citing same. Motion carried 5-0.

3. Sheriff's Department (*Erin K. Shoemaker*)

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize Commissioner President Russell to execute the Budget Amendment in the amount of \$195,389, closing out the Edward Byrne Memorial Competitive Grant – Project USRA05 – because the grant was not received from the Department of Justice. Motion carried 5-0.

Commissioner Dement moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner President Russell to execute Form One, Police Protection FY09 Actual Expenditures Form – MD1030, to be submitted to the GOCCP on behalf of the Sheriff's Office. Motion carried 5-0.

4. Dept. of Economic and Community Development (*Bob Schaller, Director, DECD; Dennis Nicholson, Executive Director, HASMC; Tomica Scriber, Program Manager*)

Commissioner Dement moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner President Russell to execute the FY 2010

Rental Allowance Program Grant Request in the amount of \$40,000 and authorize the Commissioner President to sign the Rental Allowance Program Grant Application, Assurance of Compliance Certification and the Grant Agreement. Motion carried 5-0.

5. **Dept. of Public Works and Transportation** (*George A. Erichsen P. E., Director and Airport Manager; and David Webster, Civil Air Patrol Squad Director*)

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize Commissioner President Russell to sign the proposed Lease for space within the Captain Walter F. Duke Terminal Building at the St. Mary's County Regional Airport in order to support the Civil Air Patrol and its Mission Base Initiative for enhanced search and rescue and emergency response operations. Motion carried 5-0.

(Allen M. Settle, Project Manager)

Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize Commissioner President Russell to sign the project agreement providing an interest free loan in the amount of \$350,000 from the Maryland Dept. of Natural Resources, to sign a contract with the Maryland Dept. of Natural Resources to perform the construction of the project, and to sign a budget amendment in the amount of \$90,220, to realign and reduce the funding of the Kingston Creek Waterway Improvement Taxing District Project #2. Motion carried 5-0.

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

Regarding the revised bylaws of the Human Relations Commission, Commissioner Mattingly asked if the second sentence in Article 4, Section 4, "The interim appointee will complete the term of the member he or she is replacing and may be subsequently appointed for *an additional four (4) years*," is consistent with bylaws of the other boards and commissions. Typically, when appointed to fill an uncompleted term, the appointee is eligible to serve an additional *two, complete* four-year terms, which is the term limit for members appointed to an initial full, four-year term.

(Cynthia Brown, Sr. Mgr., Human Services Dept., staff Human Relations Commission)

Commissioner Jarboe moved, seconded by Commissioner Dement to approve and authorize Commissioner President Russell to execute the revised bylaws of the St. Mary's County Human Relations Commission to include change as discussed today. Motion carried 5-0.

Commissioner Raley moved, seconded by Commissioner Mattingly to approve and sign a Resolution designating the St. Mary's County Human Services Council as the Local Drug and Alcohol Abuse Advisory Council, as prescribed by Md. Code Health-General §8-1001, and to approve and sign a Resolution designating the St. Mary's County Human Services Council as the Mental Health Advisory, as

prescribed by Health General Article 21 §§10-308 through 312 and 401 of the Annotated Code of Maryland. Motion carried 5-0.

DEPT. OF LAND USE & GROWTH MANAGEMENT (LUGM): DECISION ON PROPOSED TEXT AMENDMENTS TO COMPREHENSIVE ZONING ORDINANCE, SECTION 26.2.2.B TO PROVIDE GRANDFATHERING FOR USE OF TDRs IN RURAL LEGACY AREA

Presenting: Phil Shire, Deputy Director, LUGM

On November 10, 2009, the Board of County Commissioners held a public hearing on the proposed text amendments. No public comments were received during the hearing, nor were any received during the ten-day, open record period.

Commissioner Raley moved, seconded by Commissioner Mattingly, to approve the proposed Text Amendments to Section 26.2.2.b of the Comprehensive Zoning Ordinance in order to provide grandfathering for use of TDRs in the Rural Legacy Area and to sign the adopting Ordinance, with an effective date of December 8, 2009, as submitted by staff. Motion carried 5-0.

DEPT. OF LUGM: SECOND READING OF THE COMPREHENSIVE ZONING ORDINANCE, CHAPTER 75, FOREST CONSERVATION TEXT AMENDMENT AND ORDINANCE #05-03, USER FEES, SECTION Y AMENDMENT

Presenting: Bob Bowles, Senior Planner, LUGM; Phil Shire, Deputy Director

The proposed text amendments are needed to conform to the new regulations implemented by the state, so that the County is in compliance with state law when approving projects affected by the Forest Conservation Act. A first reading of the proposed text amendment was presented to the BOCC on October 20, 2009. The BOCC requested public and County staff input. One comment was received from Phil Rollins, Director of Recreation and Parks and provided to the BOCC for the record.

Commissioner Mattingly moved, seconded by Commissioner Raley, to accept the proposed text amendments to bring the Zoning Ordinance, Chapter 75, Forest Conservation, into compliance with 2009 Legislative changes to the Forest Conservation Annotated Code of Maryland, and to direct the Planning Commission to proceed with a public hearing and prepare a recommendation to the Board of County Commissioners on the proposed amendments. Motion carried 4-1, with Commissioner Jarboe voting nay.

Commissioner Mattingly requested that a letter be sent to the Delegation expressing the BOCC's concern about the negative impact of the new regulations.

HUMAN SERVICES COUNCIL: REPORT ON DEPT. OF HUMAN SERVICES

Presenting: Joan Gelrud, Chair, Human Services Council

Ella May Russell, Vice Chair
Bennett Connelly, Director, Dept. of Human Services

A briefing on the impact of reductions in state grants to the Department of Human Services was provided. The Department of Human Services became operational on July 1, 2008 to plan, coordinate and monitor human services. The majority of the revenue for the operation of the Department is from state grants for services and administrative staff. Due to a reduction in state revenues, the state has reduced funding in FY11 by \$1.1 billion statewide. There have been \$1,845,983 in reductions to state-funded programs and services in St. Mary's County from January 2009 to October 2009. Further cuts are expected later in FY10 and FY11. The Department of Human Services has received \$228,370 in reductions from January 2009 to November 2009. This includes a 13% reduction in administrative budget as of November 2009, with further reductions in FY11.

Several proposals to address these budget reductions were developed by County staff, including reduction of staff salaries, reduction of County positions, increasing County funds in FY11 to maintain staff, and privatizing the Department. The Human Services Council approved the recommendation made today to the BOCC to privatize the Department of Human Services effective January 2010 in order to continue the work of the Department with reduced state funding. A summary of each of the three proposals was presented to the BOCC for discussion. Benefits to privatization as identified by the Human Services Council include: (1) increased flexibility and ability to quickly adjust if funding changes; and (2) the opportunity to apply to foundations and other entities for funding available only to non-profits.

Discussion included whether or not the Council had considered consolidating the Office on Aging with the Department of Human Services and whether privatization might be a step backward toward meeting the goal of improving the delivery of services to citizens through increased collaboration and coordination.

It was agreed that staff will develop more detailed scenarios as to how the options would work for presentation to the BOCC so that a decision can be made at the beginning of the budget process (January 2010).

COMMISSIONER'S TIME

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

RECESS

Meeting was in recess from 11:11 am until 1:00 pm Work Session.

**WORK SESSION ON THE DRAFT UPDATE TO THE ST. MARY'S COUNTY
COMPREHENSIVE PLAN**

Presenting: Derick Berlage, Director, LUGM; Phil Shire, Deputy Director;
Jeff Jackman, Senior Planner

Commissioners participated in a Comprehensive Plan Work Session that included discussion on major policy issues and specific changes to growth area boundaries.

ADJOURN

The meeting adjourned at approximately 3:35 pm.

Minutes Approved by the Board of County Commissioners on _____

Donna M. Gebicke, Administrative Assistant (Recorder)