

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Tuesday, March 1, 2011**

Present: Commissioner President Francis Jack Russell
Commissioner Lawrence D. Jarboe
Commissioner Cynthia L. Jones
Commissioner Daniel L. Morris
Commissioner Todd B. Morgan
John Savich, County Administrator
Sharon Ferris (Recorder)

CALL TO ORDER

Commissioner President Russell called the meeting to order at 9:01 am.

APPROVAL OF MINUTES

Commissioner Morgan moved seconded by Commissioner Jarboe, to adopt the minutes of the meeting of Tuesday, February 22, 2011. Motion carried 5-0.

COUNTY ADMINISTRATOR

1. Draft Agendas for March 8 and March 15, 2011
2. **Department of Public Works and Transportation** (*George Erichsen, Director*)

Commissioner Jones moved, seconded by Commissioner Jarboe, to approve and accept the Airport Land Acquisition grant application to the Federal Aviation Administration on behalf of the St. Mary's County Regional Airport in the amount of \$86,350 for the purpose of Airport Road and Lawrence Hayden Road relocation in support of the approved Airport Master Plan, and to authorize Commissioner President Russell to execute Contracts of Sale with Winward Land Development, LLC and Great Mills V, LLC. Motion carried 5-0.

(Jacqueline Fournier, Transportation Manager, Dept. of Public Works and Transportation)

Commissioner Jarboe moved, seconded by Commissioner Jones, to approve and authorize Commissioner President Russell to execute the FY2012 Annual Transportation Plan to submit to the Maryland Transit Administration, on behalf of the Department of Public Works and Transportation in the amount of \$2,761,398. Motion carried 4-0. (Commissioner Morris was not in the room when vote was taken)

3. Department of Human Services (*Cynthia Brown, Interim Director*)

Commissioner Morgan moved, seconded by Commissioner Morris, to approve and authorize Commissioner President Russell to execute the Federal Fiscal Year 2010 Emergency Solutions Grant Program Agreement, project #US1156, from the Maryland Department of Housing and Community Development in the amount of \$24,900, the related budget amendment to decrease the grant amount by \$6,896, and the related Sub-recipient Agreements between the County and Angel's Watch, Department of Social Services, Leah's House and Three Oaks Center. Motion carried 5-0.

4. Department of Recreation and Parks (*Phil Rollins, Director*)

Commissioner Morris moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President to sign the St. Mary's County Arts Council Community Arts Development Grant for the annual Recreation and Park's Summerstock Musical in the total amount of \$4,000. Motion carried 5-0.

5. Department of Finance (*Elaine Kramer, CFO*)

Commissioner Jarboe moved, seconded by Commissioner Morris, to approve and authorize Commissioner President Russell to execute the budget amendment reducing the appropriation authority and closing out the FIN10 Capital Reserve in the amount of \$5,735,012 and increasing the Paygo Account in the FIN11 Capital Reserve in the amount of \$2,237,775. Motion carried 5-0.

DECISION ON PROPOSED COMPREHENSIVE WATER AND SEWER PLAN AMENDMENT (THOMPSON PROPERTY)

Present: Derick Berlage, Director, Dept. of Land Use and Growth Management
David L. Chapman, Capital Facilities Planner, Dept. of Land Use and Growth Management
Shawn Day, Duball, LLC

A Resolution to amend Service Area Maps III-34 and IV-34 of the St. Mary's County Comprehensive Water and Sewerage Plan to change the Service Categories from W-6D And S-6D To W-3D and S-3D (service in 3-5 years, Developer financed) for 7.9 acres described as Tax Map 34, Grid 13, Parcel 82, in the 3rd Election District, Case No: CWSP #10-200-002, known as the Thompson Property, was presented for approval. A public hearing was held on February 1, 2011. There was no public testimony provided at the Hearing and no written comments were received during the 10-day open record period for the proposed text amendment.

Commissioner Morris commented that it was his understanding that Huckleberry Way was not to be used as regress/egress to the proposed subdivision, and that it was going to be blocked off. A few Wildewood residents have contacted him regarding a letter they received stating construction equipment would be

using Huckleberry Way, and he is concerned that this is not consistent with comments made by the developer at the Public Hearing. Mr. Day, representing Wildewood, said he recalled the same comment; however, the letter Wildewood residents received was in regard to a wetland mitigation project which is separate from the proposed subdivision. The Commissioners asked that they be provided with a copy of the subject letter forwarded to the Wildewood residents. They also agreed that the PUD process should be reviewed and brought forward to the public, along with the Wildewood development plan approved by the County years ago. Mr. Berlage provided two options on the category change before Commissioners today: either defer action until the County and the developer have a written understanding of the type of construction activity going to take place using Huckleberry Way, or approve the category change based on representation of the developer that they are willing to work with us and come up with such an agreement. In regard to the PUD review, it will take the Department of Land Use and Growth Management a few weeks to complete.

Commissioner Morgan moved, seconded by Commissioner Morris, to defer action on this Land Use and Growth Management issue until March 15, until adequate information can be provided to the Board and Department of Land Use and Growth Management Director from the Developer, in particular to the effect of Huckleberry Lane on this development. Motion carried 5-0.

PUBLIC HEARING TO CONSIDER AN ORDINANCE GRANTING A PROPERTY TAX CREDIT AGAINST PROPERTY TAX IMPOSED ON REAL PROPERTY THAT IS OWNED BY HABITAT FOR HUMANITY

Present: Robert Schaller, Director, Department of Economic and Community Development
Don Parsons, Exec. Director, Patuxent Habitat for Humanity

Commissioner Russell opened the hearing at 11:30 am.

Mr. Schaller noted for the record that notice of public hearing to consider an Ordinance granting a property tax credit against property tax imposed on real property owned by Habit for Humanity was posted in The Enterprise newspaper on February 15 and 25, 2011.

Commissioner Jarboe asked if the motion before the Commissioners today could be changed to include exemption for property tax imposed on real property for all non-profit organizations. Mr. Sparling, County Attorney, noted that Property Tax Article 9-252 of the Annotated Code of Maryland authorizes the property tax exemption specifically for Habitat for Humanity. Additional state legislation would be required to provide the exemption to all non-profit organizations.

There were no public comments.

Commissioner Russell closed the hearing at 11:38 am and announced that the Board of County Commissioners will receive public comments on this matter for an additional ten days.

COMMISSIONER'S TIME

The Commissioners highlighted events attended over the past week.

COMMISSIONERS TOURED FDR BLVD. ALIGNMENT FROM MD RT. 235 IN CALIFORNIA TO WILLOWS ROAD IN LEXINGTON PARK

PUBLIC FORUM

Commissioner President Russell opened the Public Forum for public comments at 6:30 pm.

Public Comments. *(Comments as noted below are intended as highlights of testimony given and are not verbatim.)*

Eileen M. Hislop, 44163 St. Andrews Lane, California, MD 20619

St. Andrews Church Road from Rt. 235 to Rt. 5 - needs major road repair, shoulders are inadequate (narrow and drop off significantly) and lack of police presence for speeders (only available for accidents). Asked Commissioners to make St. Andrews Church Road a priority - bring it to the State Highway staff and the County's attention.

Daniel Rebarchick, 45100 Nolan Ct., Hollywood, MD

Independent business owners are being run out of the County. Suggested Commissioners look at the possibility of charging impact fee for new businesses coming into the area to help control new business growth and help independent business owners. They are impacting us, but don't have to pay fee as homeowners do. Commissioners should look at the fact that tourism is the 2nd largest industry in the County but only a few people in the County are working on it. County has a lot to offer tourists. Independent Business Association meeting will be held at Lenny's Restaurant March 22, from 5:30- 7:00 pm.

Chris Henderson, 49675 Buzz's Marina Way, Ridge MD 20680

Concerned with issues on property she purchased in 2005 (Buzz's Marina/Campground) and subsequent interactions with Land Use and Growth Management. In process of resolving a land use dispute regarding our non-conforming campground. Following Board of Appeals decision, matter is now in Circuit Court of Appeals. St. Mary's County Code Inspector and a Sheriff's Deputy came to campground at approximately 1:00 in the morning and told two couples they were not allowed to camp there. Why were the police called in? Why didn't they attempt to contact the property owner? Who told the Code Enforcer to come to our property and contact our customers in the middle of the night? We have been trying to work with the County Commissioners and the Department of Land Use to address our issues, but after this incident, it is time to step up the pace on getting this resolved.

John Sprenger, 22987 Wedgewood La, California MD 20619

Wildewood Community – Came before the Commissioners in September 2009 with concerns of development going on in Wildewood. Original Wildewood philosophy of being environmentally friendly

has given way to destroying the environment and high residential density. Challenger Estates no trees preserved. Future 192 Condos on Wildewood Blvd. Over 100 acres not developed - 700 homes are planned. Wildewood not covered by new guidelines because it is grandfathered in - total development to be completed by 2050. Heard Planning Commission came in with a proposed amendment for a subdivision - why can't there be a major amendment to limit grandfather clauses to a certain number of years? Provided Commissioner Morgan maps that are in for tech review and pictures for the record.

David Triantos, 43271 Riverwinds Dr., Leonardtown, MD 20650

Public TV –MetroCast changed Public TV shows from 9:00-10:00 pm to 12:00-3:00 am last May. Now showing reruns. MetroCast charges a monthly franchise fee and Public TV in Southern Maryland gets nothing from the fees - asked Commissioners if they would look into it. Provided Commissioners a CD of this Friday's show.

Joe Wible, Sr., 41560 Austin Ct., Leonardtown, MD 20650

Represent not only my views tonight but lot of other conservatives in the County. You recently approved new projects: Jail, Library and FDR Boulevard. How are you going to pay for them? It would be helpful to know how, have media to give more info - certainly hope not on backs of homeowners and small businesses. Developers who will benefit from the expansion of FDR should participate. Elected officials in the federal government like to take credit for all growth and jobs in Southern Maryland - this has caused the need for new roads and jails, so federal government should help. You were elected by conservatives who expect you to look at things in a conservative manner and not raise taxes.

Paul Kelly, 41885 Medley's Neck Rd., Leonardtown, MD 20650

Thanked commissioners for holding public forums, thinks they are very helpful and hopes more citizens will start coming out. Expansion of correctional facility - excess waste water management going to be necessary - asked if the plans for the expansion of the correctional facility include an ecologically friendly sewerage system – no water waste systems for solid waste and using rain water for urinals can save the County hundreds of dollars in water expenses. Instead of putting more and more in a correctional facility, consider alternative sentencing. Suggested all stakeholders (BOCC, States Attorney, Judges, and Sheriff the defense attorney or reps from that group) review the sentencing process and consider alternative ways to punish people, sentence them without incarceration. Citizens are hit twice first with the crime and then with cost to keep them. Have to hire 67 new correction officers. Data shows it costs \$25,000 – \$30,000 per criminal. Have them pay some of their own expenses. Example: if person has a 90 day sentence and has a job, don't put him in jail 90 days, put him in on the weekends and charge him 30% per diem of what it would have cost the county to actually incarcerate him the 90 days

Joan Ritchie, 23250 Jennifer Court, Leonardtown, MD 20650

Retired. Concerned with projects on books. State of Maryland budget crunch - talk of adding 4 cents on property tax averaged over the next 2 years and increase gas tax almost 50% - federal government also increasing same taxes. Heard Annapolis is going to return teachers pensions back to the county. FDR Boulevard - going to create a drag strip from Lexington Park to St. Andrews Rd. The big traffic jam is on 235 when cars are going across the bridge in the evening. Library – we have services, I use them and never have a problem finding a parking place – could put that project on hold. Jail – not in favor of coddling inmates. Spray/Drip System on Hayden Farm property may very well negate school – real possibility if it is not in original plan with state – need all the answers before you proceed. Budget process – asking to

look at a budget now when you don't know what is coming out of Annapolis – have all answers before you make decision.

Rick Benefield, 23823 Louise Lane, Hollywood, MD 20636

Commissioners are elected by the people for the people and need clear direction. As you face challenges each of you look into your own character - converse with constituents. Lots of challenges in this County – lot of bright things ahead. Challenge you to review actions as it affects citizens. Understand the plight of Buzz's Marina. Seek to do your job and be diligent.

Jim Downy, 26115 Woodridge Drive, Mechanicsville, MD

Three Notch Trail - new section from Baggett Park to Rt. 5 not completed. End of November completed 1st coat of asphalt and grass. Spoke to Public Works the end of December – no more funds until next FY for another coat of asphalt and tree planting. Although work is not completed, asked if the trail could be open to pedestrian use only.

Deb Rev, 18364 Chestnut, Lexington Park, MD 20653

Asked if Commissioners really made a decision to go forward with FDR Boulevard, Library and Jail and if the budget was balanced. At the last Public Forum you stated state and local governments have deficits, so you would assume revenues will decrease. State gas tax increasing - what are you doing on our behalf with legislature to stop that? Was dismayed to see Superintendent asking for more dollars to maintain cost and putting more requirements on schools. Schools now offering dance, yoga, Pilate and multiple types of PE classes. In a time of shortages, the School Board should be streamlining instead of putting in more requirements on schools requiring them to increase their costs. Need to stop spending, take a look at what programs are effective and fund those, and then move forward.

Mr. Jim Grubbe

Shares concern with Mr. Rebarchick on small businesses and family enterprises. Was asked by Carolyn Laray to go to Annapolis to testify on tourism program in the County. Tourism showcases what makes this County attractive. My contact is with Land Use and Growth Management and Department of Economic and Community Development (mainly tourism) and they need resources to tell the story and to improve the economy in this County - people in these County offices are doing their jobs very well and their support is needed. Slashed budgets – you should look where you get best return on your investments.

Commissioner President Russell closed the Public Forum and adjourned the Board of County Commissioners meeting at 7:46 pm.

Minutes Approved by the Board of County Commissioners on _____

Sharon Ferris, Senior Administrative Coordinator (Recorder)