

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Tuesday, June 3, 2014**

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

CALL TO ORDER

Commissioner President Russell called the business meeting of the Board of County Commissioners to order at 9:00 am in the Chesapeake Building meeting room, Governmental Center.

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Jones, to approve the minutes of May 27, 2014, as presented. Motion carried 5-0.

COUNTY ADMINISTRATOR

1. Draft Agendas for June 10 and 17, 2014.

2. County Administrator (Dr. Rebecca Bridgett) Department of Finance (Jeannette Cudmore, Deputy Director)

Commissioner Morgan moved, seconded by Commissioner Jarboe, to approve and authorize staff to prepare the necessary documents for a seven year loan for the Leonardtown Volunteer Fire Department in the amount of \$200,000 from the Fire & Rescue Revolving Loan Fund to assist in costs for a 2014 Seagrave custom pumper/tanker and approve and authorize Commissioner President Russell and staff to execute the necessary documents with the understanding that the County Attorney will have approved them for legal sufficiency prior to execution of the documents. Motion carried 5-0.

Commissioner Morris moved, seconded by Commissioner Morgan, to approve and authorize staff to prepare the necessary loan documents for a seven year loan for the Bay District Volunteer Fire Department in the amount of \$405,000 from the Fire &

Rescue Revolving Loan Fund to assist in costs for a rescue squad vehicle and to approve and authorize Commissioner President Russell and staff to execute the necessary documents, with the understanding that the County Attorney will have approved them for legal sufficiency prior to the execution of the documents. Motion carried 5-0.

3. Office of the County Attorney (*George Sparling, County Attorney*)

Commissioner Jones moved, seconded by Commissioner Morris, to adopt the proposed Resolution amending Resolutions No. W/S 92-01 and 94-04 to correct a clerical error by increasing the allocation of equivalent dwelling units of sewerage treatment capacity to Map 69, Parcel 242, to one and to increase the total number of equivalent dwelling units allocated to St. George's Island to 237. Motion carried 5-0.

4. Department of Aging and Human Services (*Lori Jennings-Harris, Director; Cynthia Brown, Division Manager; Matthew Reisdorph, Treatment and Prevention Coordinator*)

Commissioner Jarboe moved, seconded by Commissioner Morgan, to approve and authorize Commissioner President Russell to execute:

- (1) the FY2015 Alcohol and Drug Abuse Administrative Grant Narratives and budget award documents related to project numbers MD1559, 1597, 1589, 1598, US1523, 1524 and 1555 from the Maryland Alcohol and Drug Abuse Administration on behalf of the St. Mary's County Department of Aging and Human Services for Substance Abuse Prevention and Treatment Services in the amount of 3, 709,937; and,**
(2) the related budget amendment to bring the project budgets in accordance with award. Motion carried 5-0.

5. Department of Economic and Community Development (*Robin Finnacom, Acting Director*)

Commissioner Morgan moved, seconded by Commissioner Jones, to approve the Spending Plan for the Base Realignment and Closure and Sequestration set-aside funding on behalf of the Department of Economic and Community Development in the amount of \$80,993. Motion carried 4-1. *Commissioner Jarboe voted nay.*

6. Sheriff's Office (*Brian Eley, Civilian Administrator*)

Commissioner Morgan moved, seconded by Commissioner Jarboe, to authorize the Sheriff's Office staff to submit the grant application documents electronically for US1564 – Edward J. Byrne Memorial Justice Assistance Grant, from the Governor's Office of Crime Control and Prevention and to increase the amount by \$777.95; and, to approve and authorize Commissioner President Russell to execute the hard copy of said Grant Application subsequent to the electronic filing. Motion carried 5-0.

7. Department of Public Works and Transportation (*George Erichsen, Director*)

Commissioner Jarboe moved, seconded by Commissioner Morris, to approve and sign the Resolutions to accept Pembroke Street, Concord Court, Rosslare Court, Grassholm Court, Haverford Court, Whittemore Court, and Middlegate Drive, located in the Pembroke Subdivision, Phase III and IV; Lanyon Court, located in in the Gardiner's Place Subdivision; Primevere Road located in the Wildewood Subdivision; South Coral Place and Lei Drive located in the Lexington Manor Subdivision, all in the 8th District, into the County Highway Maintenance System and to approve and sign Ordinances authorizing the posting of speed limit and stop signs. Motion carried 5-0.

DEPT. OF PUBLIC WORKS AND TRANSPORTATION: PROPOSED AMENDMENT OF ST. MARY'S COUNTY STORMWATER MANAGEMENT, GRADING, EROSION AND SEDIMENT CONTROL ORDINANCE – PERFORMANCE BONDING EXEMPTION

Present: George Erichsen, Director, Dept. Public Works and Transportation

A Public Hearing was held May 20, 2014, with no public comment received at the hearing or during the 10-day open comment period. The proposed amendment exempts quasi-public entities, such as MetCom, Board of Education, SMECO, etc., from the requirement to provide the County with performance bonds or other security to guarantee construction of improvements required under the Ordinance. The County will still issue permits, collect fees to review and to inspect.

Commissioner Jones moved, seconded by Commissioner Morris, to approve and sign the Ordinance to amend Chapter 261 of the Code of St. Mary's County, Maryland (St. Mary's County Stormwater Management, Grading, Erosion and Sediment Control Ordinance) to exempt bodies politic and corporate and certain other quasi-public entities from the requirement of delivering security to guarantee performance. Motion carried 5-0.

OFFICE OF THE COUNTY ATTORNEY: DECISION ON PROPOSED AMENDMENTS OF ADMINISTRATIVE PROVISIONS IN THE COMPREHENSIVE ZONING ORDINANCE REGARDING THE BOARD OF APPEALS

Present: George Sparling, County Attorney

This amendment is the third and final step to revise procedures of the Board of Appeals. A public hearing was held on May 20, 2014, to receive public input with no public comment given at the hearing or during the 10-day open comment period. The Land Use Article clearly expresses a legislative intent that the Board of Appeals is an independent body. The historical practice that has located the Board of Appeals within the Department of Land Use and Growth Management is legally and perceptually problematic in the case of appeals. This Ordinance will establish the Board of Appeals as an independent unit; broaden access

to Board of Appeals by repealing the requirement for payment of a fee and expenses in order to exercise the right of appeal; facilitate adoption of revised rules of procedure by the Board of Appeals that will simplify notice of requirements and minimize cost for appeals; and delegate administration of appeals to the legal counsel for Board of Appeals.

Commissioner Morgan moved, seconded by Commissioner Morris, to adopt the proposed amendments of administrative provisions in the Comprehensive Zoning Ordinance regarding the Board of Appeals to conform to the Land Use Article of the Annotated Code of Maryland and of Chapter 223 of the Code of St. Mary's County, Maryland, to rescind requirement of payment of filing fee and advertising costs for appeals. Motion carried 5-0.

COMMISSIONER'S TIME

The Commissioners highlighted events of the past week and future items.

Commissioner Jones noted the Federal Emergency Management Agency has released updates to Coastal Flood Maps, known as Flood Insurance Rate Maps and invited citizens to attend an Open House on the updates, Monday, June 9, from 6 to 8:30 pm, at the Dr. James A. Forrest Career and Technology Center 24005 Point Lookout Rd, Leonardtown, MD 20650.

PUBLIC HEARING: PROPOSED COMPREHENSIVE WATER AND SEWERAGE PLAN AMENDMENT FOR CHARLOTTE HALL LC, CASE CWSP #14-200-002 TEXT AMENDMENT TO CWSP

Commissioner President Russell opened the public hearing at 11:30/

Present: Jeffrey Jackman, Senior Planner, Dept. of LU&GM

Notice of Public Hearing was published in *The Enterprise Newspaper* on May 16 and 23, 2014. The Maryland Department of Environment advised that the Charlotte Hall LC wastewater treatment system must be incorporated in the Comprehensive Water and Sewerage Plan prior to approving a permit to expand the capacity of the current system. Language proposed in Exhibit 1 A. would read: "There are several residential and commercial developments that create a need for community sewerage systems. Adequate wastewater treatment systems should be planned to accommodate on-going development in these growth areas. Systems currently providing such service include the following:" Added to Exhibit 1 A. 2. "Charlotte Hall LC: serving properties along Three Notch Road (MD5) between Mt. Wolfe Road and Golden Beach Road is a gravity collection system that conveys effluent to a Hoot pretreatment system. The flow is then pumped to a subsurface low pressure distribution field. In 2009 the Maryland Department of Environment issued Permit 09-DP-3225 for this system. In 2014 MDE was asked to reissue the permit to modify the discharge to a maximum daily flow of 37,500 gallons per day and an average daily flow of 18,750 gallons per day". Charlotte Hall, LC will be added to Exhibit 2, Table 4-2A Inventory of Community and Rural Shared Systems.

Commissioner Jarboe requested that the Commissioners be provided with the number of EDUs this expansion would facilitate prior to the Commissioners voting on this amendment. Mr. Jackman said he would provide.

Commissioner Russell opened the public hearing for public comments.

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

Elliott Burch, Jr. 273 Mechanicsville Rd., Mechanicsville MD 20659

EDUs would be far less than 100. I have no intention of putting in anything but Commercial Buildings.

Dale Burch, 30170 Big Horn Ct., Charlotte Hall, MD 20232

In the report it says that the Charlotte Hall LC serves commercial development. Understand what Mr. Burch is trying to achieve to accommodate development. I object to the changes made in Exhibit 1 A. because we are not talking about anything but commercial, and I don't want to introduce anything other than what is stated here. All information is not available today. I suggest putting off any decision for a public meeting so that everyone can hear what information is brought before the Commissioners.

Commissioner Russell noted that the record would be left open for an additional ten days to receive public comments on this matter and closed the hearing at 12:00 noon.

**GROUND BREAKING FOR SPRING RIDGE MIDDLE SCHOOL
ADDITION/RENOVATION PROJECT, 19856 THREE NOTCH RD,
LEXINGTON PARK**

The Commissioner joined the Board of Education for a groundbreaking ceremony for the addition/renovation of the Spring Ridge Middle School.

**PUBLIC FORUM AT THE 2ND DISTRICT VOLUNTEER FIRE DEPARTMENT,
45245 DRAYDEN RD., VALLEY LEE**

Commissioner Jarboe was absent as he was representing the Commissioners at a ceremony at the Southern Maryland BMX Track in Chaptico Park.

Commissioner Russell opened the Public Forum at 6:30 pm.

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

Chris Insley, Sandy Bottom Rd., Hollywood, MD 20636

Bobby and Theresa Pilkerton, Sandy Bottom Rd. Hollywood, MD 20636

Concerned with proposed new Woodmore Subdivision (50 lots) planned on the northeast side of Sandy Bottom Road and the impact it will have on the neighborhood. It is proposed that MetCom will install public water and sewerage service to the proposed neighborhood which will run in front of our homes and then we will have to pay fees to MetCom. We have 30 children who live along this road and don't want the increased traffic and are also concerned about school buses in that area. We are speaking to people in the neighborhood, and we plan to go to the Planning Commission hearing next week but wanted to bring to your attention tonight.

John Walters, 21063 Lockspur Ct., Leonardtown, MD 20650

Attended April meeting and asked a question and I'm pleased to report that I received a response letter within 30 days; however, the letter does not answer my question (*the letter was read by Mr. Walters*). The question was "why isn't the nearest fire and rescue squad the first responder for Evergreen Middle School and Wildewood development." You said St. Mary's County Schools are required to submit an Emergency Plan Annual Certification Statement and supporting documentation to the Maryland State Department of Education. Is the policy a producing document, a policy recommending document, or simply a document saying what is, is. When I presented in April you mentioned the Emergency Service Board. I take it that they should have input on first responders for schools. When do they meet? I wonder if their insurance company knows they are being served by Bay District which is X number of miles away versus the closest Fire and Rescue Departments and if it is impacting their insurance rates and the school's insurance rate - someone should consider that. I look forward to a prompt response and not another statement of what is, is. The letter did not answer my questions.

ADJOURNMENT

Commissioner Russell adjourned the Board of County Commissioners meeting at 12:51 pm.

Minutes Approved by the Board of County Commissioners on _____

Sharon Ferris, Senior Administrative Coordinator (Recorder)