

Commissioners of St. Mary's County Meeting Minutes (Tuesday, November 3, 2015)

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Members present

Commissioner President James R. Guy
Commissioner Michael L. Hewitt
Commissioner Tom Jarboe
Commissioner Todd B. Morgan
Commissioner John E. O'Connor
Dr. Rebecca Bridgett, County Administrator
Sharon Ferris, Recorder

1. WELCOME

Commissioner President Guy called the meeting to order at 9:00 in the Chesapeake Building meeting room, Governmental Center.

Approval of Minutes

I move to approved the minutes of October 27, 2015 as presented.

Motion by Commissioner Todd B. Morgan, second by Commissioner Tom Jarboe.

Final Resolution: Motion Carries

Yea: Commissioners Guy, Hewitt, Jarboe, Morgan, O'Connor

2. PRESENTATION

Public Forum for Board of Education Vacant Seat

The Commissioners are interviewing candidates for the vacant Board of Education position. Prior to making a selection, the Commissioners asked the 34 applicants to provide a brief overview of their qualifications in open forum at the Commissioners' regular business meetings on November 3, 10, and 17, 2015. The following candidates provided their qualifications today.

- Jacinta Bottoms-Spencer
- Beverly Bowen
- Denise Breckon
- John Butler
- Daniel Carney
- George Connelly, Jr.
- Wayne Lockley
- Patricia Pinnell
- Matthew Snyder
- James Tomasic

3. COUNTY ADMINISTRATOR

A. DRAFT AGENDAS for November 10 and 17, 2015

B. METCOM - FY2016 Capital Improvement Budget Amendment

I move the Commissioners of St. Mary's County approve the budget transfer to create a new Capital Project, St. Clements Shores Wastewater Treatment Plant Expansion and provide funding for the feasibility study of the treatment plant in the amount of \$70,000, with the transfer being made from the Sewer Contingencies, as approved by the Metropolitan Commission Board on September 24, 2015 and approved by the Planning Commission on October 26, 2015.

Motion by Commissioner Michael L. Hewitt, second by Commissioner Tom Jarboe.

Final Resolution: Motion Carries

Yea: Commissioners Guy, Hewitt, Jarboe, Morgan, O'Connor

C. SHERIFF'S OFFICE - Cooperative Reimbursement Agreement FFY2016

I move to approve the Cooperative Reimbursement Agreement FFY2016, Project US1617 from the State of Maryland, Department of Human Resources for Child Support Enforcement in the amount of \$548,918 and the related Budget Amendment which includes decreasing grant funding by \$6,176 and decreasing County funding by \$3,750 using the Commissioners Emergency Reserve and authorize the Commissioner President to execute the related documents.

Motion by Commissioner John E. O'Connor, second by Commissioner Todd B. Morgan.

Final Resolution: Motion Carries

Yea: Commissioners Guy, Hewitt, Jarboe, Morgan, O'Connor

D. DEPT OF PUBLIC WORKS & TRANSPORTATION - Maryland Aviation

Administration (MAA) Grant Agreement: Relocate Airport Road and Extend Taxiway A

I move to approve the Grant Agreement, Project #PF1306 with the Maryland Aviation Administration in the amount of \$153,651 for the State's share of the Relocate Airport Road and Extend Taxiway A Project, in support of the approved Airport Master Plan for the St. Mary's County Regional Airport, and to authorize the Commissioner President to execute the related documents.

Motion by Commissioner Tom Jarboe, second by Commissioner Todd B. Morgan.

Final Resolution: Motion Carries

Yea: Commissioners Guy, Hewitt, Jarboe, Morgan, O'Connor

E. FINANCE - Recommendation for Contract Award Approval-Recycling & Waste Management Lot 3 Services

I move to authorize the Procurement Officer to award Lot 3 of the Recycling & Waste Management Services solicitation 16-DPWT-82868 to Lucky Dog Industries, LLC for an estimated annual spend of more than \$1 million subsequent to receiving, verifying & accepting all contract related documents from the contractor.

Motion by Commissioner John E. O'Connor, second by Commissioner Tom Jarboe.

Final Resolution: Motion Carries

Yea: Commissioners Guy, Hewitt, Jarboe, Morgan, O'Connor

F. COUNTY ATTORNEY - Sign Regulations

Present: George Sparling, County Attorney
Phil Shire, Director LUGM

The Dept. of Land Use and Growth Management recently sent out notices to enforce sign regulations as defined in Chapter 65 of the Comprehensive Zoning Ordinance. The sign issue is now complicated by a recent Supreme Court opinion in the case of Reed versus the Town of Gilbert that struck down an ordinance and imposed a requirement of “content neutrality.” This ruling suggests that local government may not have the authority to treat one sign differently from any other sign. The Department of Land Use and Growth Management in conjunction with the Office of the County Attorney is in the process of drafting a proposed global revision of the text of the Comprehensive Zoning Ordinance which includes sign regulations. Mr. Sparling suggested the sign violation enforcement recently undertaken by the Department of Land Use and Growth Management should be held in abeyance until it is clearly defined what the constitutional parameters are. Commissioners agreed.

Commissioner O'Connor requested a copy of the Supreme Court ruling.

4. PRESENTATION

A. COUNTY ATTORNEY - 2016 Legislation

Present: George Sparling, County Attorney

Mr. Sparling requested direction from the Commissioners on the agenda items for the Joint Meeting with the St. Mary's County Delegation on November 17, 2015. He reviewed the following requests for endorsement that have been received to date:

- Delegate O'Donnell requested that repeals of certain public local laws as part of the revision of the *Code of St. Mary's County, Maryland* that were proposed last year be included in this year's agenda.
- The Alcohol Beverage Board submitted a proposal to the delegation.
- Peter Murphy, President of the Charles County Board of County Commissioners, requested support for joint legislation imposing upon those convicted of animal cruelty the costs for care of the animals while in custody.
- Delegate Matt Morgan's proposal to exempt St. Mary's County businesses from personal property tax.

Commissioner O'Connor requested consideration of:

- Golf Carts in the County in subdivisions where speed limit is under 35 mph (*Commissioners agreed to include on joint Delegation meeting agenda*)
- Term limit of 3 years for BOE (*agreed to include on joint Delegation meeting agenda*)
- Establishing St. Mary's County Sheriff's Office as an independent entity. They would have their own Human Resources and Finance Depart unless they wanted to have an

MOU with the County. (*Commissioners noted they would like to hear from the Sheriff and have community input before moving forward on this issue.*)

- Recognize the Fraternal Order of Police Lodge #7 as a collective bargaining unit. (*Commissioners noted they will need a letter from the FOP requesting this before they can decide whether to forward to the Delegation.*)
- Open Meetings Act –stricter penalties for executive session infractions. Mr. Sparling noted this could be handled by local authority. Amendments to the Open Meetings Act would go through Legislative process. *Commissioner O'Connor asked Mr. Sparling to draft something that included penalties. Commissioner Jarboe noted the importance of transparency and cited email transparency as another concern. He suggested looking more closely to what is put in Executive Session. Commissioner Morgan noted that in this era of electronic technology and communications and considering that regulations are move restrictive for St. Mary's County than any other county in the state, it does bring more questions than answers. Commissioner O'Connor suggested control method such as hard copies only of documents which would be collected at the end of meeting. (This subject will be added to the proposed joint meeting agenda for discussion).*
- Ethics Ordinance – would like to see Attorneys prohibited from having a private law practice outside the agency they represent. (*Not supported by other commissioners*)

Commissioner Jarboe requested consideration of:

- State and local tax abatement - will be working with DED to develop language to bring forward for discussion asking the state to help us out in this regard (*agreed to add economic development incentives to proposed joint agenda as discussion item*)
- Timeline required for development - from concept to completion
- Environmental Development Units – costs of these units has continued to increase, new business is deterred and current businesses that want to expand can't due to high costs to connect to water/sewer) (*agreed to add to the proposed joint meeting agenda as discussion item*).

Commissioner Hewitt requested consideration of the following relative to MetCom:

- Starting discussions on implementing items recommended by Davenport Group Study - would like to see bond amortization extended to 40 years (*add to joint meeting agenda as discussion item*)
- Cost and financing of water and sewer connections - put mechanism in place so poor, elderly can hook up to water and sewer, e.g., St. Clements Shores (*add to joint meeting agenda as discussion item*)
- Discuss Chapter 113

Dr. Bridgett suggested that topics pertaining to MetCom could be part of the agenda at the next Joint meeting with MetCom on November 17, 2015.

5. MAIN AGENDA ACTION ITEMS

A. DEPT OF LAND USE AND GROWTH MANAGEMENT - Introduction of Applicant's Request for Zoning Map Amendment in Hollywood

Present: Phil Shire, Director
Jeff Jackman, Senior Planner

Mr. Shire requested a public hearing be held on the proposed zoning map amendment for property located in the heart of Hollywood (old Swing and Swat location). The property consists of 20 acres with the front two acres zoned TMX and the back 18 acres zoned RL. The proposed amendment would rezone the entire property to TMX.

I move that the Department of Land Use and Growth Management be authorized to schedule a public hearing on the proposed amendment of Zoning Map 34, Parcel 327, Early Properties, LLC

Motion by Commissioner Tom Jarboe, second by Commissioner Michael L. Hewitt.

Final Resolution: Motion Carries

Yea: Commissioners Guy, Hewitt, Jarboe, Morgan, O'Connor

6. COMMISSIONER'S TIME

The Commissioners highlighted events attended over the past week and provided general comments.

7. LUNCH/RECESS

8. OUTSIDE EVENT

The Commissioners attended the unveiling of the Kenny Dement Memorial at Chancellor's Run Regional Park followed by a Transfer of Key and Dedication Ceremony at the Patuxent River Naval Air Museum & Visitors Center.

9. ADJOURN

The meeting adjourned at approximately 2:30 pm.

Minutes Approved by the Commissioners of St. Mary's County on _____

Sharon Ferris, Senior Administrative Coordinator (Recorder)