

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
CHESEAPEAKE BUILDING
Tuesday, October 6, 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 October 6, 2009, as submitted. Motion carried 5-0.

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Mattingly, to adopt the minutes of the Commissioners' meeting of Tuesday, September 29, 2009, as amended. Motion carried 5-0.

PROCLAMATIONS:

The Board presented proclamations in recognition of the following:

- Leonard Hall Junior Naval Academy – 100th Anniversary (September 19, 2009)
- World Habitat Day (October 6th)
- Cyber Safety Month
- Domestic Violence Awareness Month

INVITATION TO 12TH AND FINAL SOUTHERN MD FARM LIFE FESTIVAL

Present: John Parlett, Jr.
Mary Ann Chasen, Christmas in April

The 12th and final Southern Maryland Farm Life Festival is scheduled for this weekend, October 10th and 11th. One hundred percent (100%) of the proceeds go to Christmas in April for St. Mary's County.

COUNTY ADMINISTRATOR

1. Draft Agenda for October 20, 2009 (no BOCC meeting 10/13)

2. **Dept. of Public Safety** (*Tommy Mattingly, Jr., Emerg. Communications Mgr.*)

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to execute the Emergency Medical Dispatch Training Grant, Project MD1056, from the Maryland Institute for Emergency Medical Systems on behalf of the Department of Public Safety for Communication Specialist training, in the amount of \$2,200 and the related budget amendment to increase the project budget by \$1,000. Motion carried 5-0.

3. **Dept. of Recreation and Parks** (*Phil Rollins, Director; and/or Arthur Shepherd, Recreation Div. Mgr.*)

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to execute the revised FY2010 Department of Health and Mental Hygiene Developmental Disabilities Administration, grant application/MOU agreement in the total amount \$28,258 and budget amendment to decrease the project budget by \$682. Motion carried 5-0.

4. **Dept. of Aging** (*Lori Jennings-Harris, Director; Peggy Maio, Fiscal Supervisor*)

Commissioner Dement moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to execute the FY2010 Application/Area Plan Update relative to the Older Americans Act Grants, for project number US1002, US1004, US1005, US1008, US1033, and US1009 from the Maryland Department of Aging on behalf of the St. Mary's County Department of Aging, in the amount of \$229,434, to provide various programs and services to the seniors of St. Mary's County. Motion carried 5-0.

Commissioner Dement moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to execute the Notification of Grant Award (NGA) for the FY2010 State grants, Project MD1001 through MD1004, MD1006, and MD1014, from the Maryland Department of Aging on behalf of the St. Mary's County Department of Aging for senior citizen services and programs in the amount of \$208,329, and the related budget amendment decreasing project MD1003 by \$1,566 and aligning salary/fringe for project MD1014 in accordance with the NGA. Motion carried 5-0.

5. Dept. of Human Services (*Bennett Connelly, Director; Cynthia Brown, Mgr., Community Services*)

Commissioner Dement moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to execute the St. Mary's County Homeless Women Crisis Shelter Program Standard Contract Modification Form, project number MD1057, from the Department of Human Resources on behalf of the Department of Human Services, to provide temporary shelter, meals, counseling, and information to homeless women of St. Mary's County in the amount of \$194,999 and the related budget amendment to decrease the project budget by \$6,724. Motion carried 5-0.

Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to execute the St. Mary's Homeless Women Crisis Shelter Program sub-recipient agreement, project number MD1057, between St. Mary's County and the Three Oaks Center, in the amount of \$60,517, effective October 1, 2009. Motion carried 5-0.

6. Dept. of Finance (*Elaine Kramer, CFO*)

Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign the 17 budget amendments presented, which reduce the General Fund Budget for state cuts to Highway User Revenues of \$3,470,678 and State Police Aid by \$300,956, and that the net excess of expense reductions identified by the county departments be added to our Revenue Stabilization Reserve, increasing that reserve by \$374,587, helping the County to address our own revenue shortfalls as well as other state cuts in FY2010. Motion carried 5-0.

Commissioner Raley moved, seconded by Commissioner Mattingly, to approve and sign Resolution number 2009-35 authorizing the sale of \$30million in bonds to fund previously approved capital projects and to authorize the sale of refunding bonds to reduce our debt service, as further described in the resolution and attachments thereto. Motion carried 4-1. Commissioner Jarboe voted no.

OFFICE OF THE COUNTY ATTORNEY: PRESENT 2010 LEGISLATIVE PROPOSALS AND REVIEW PROCESS

Present: David Weiskopf, Deputy County Attorney

No.	Proposed by	Proposal Description
1	Dr. Patricia Dunlap	To provide tax incentives for current homeowners who reduce their carbon footprint by installing alternative energy sources such as solar, wind and/or geo-thermal systems.
2	Dr. Patricia Dunlap	To encourage financial institutions to provide lower interest loans for green construction and green add-ons to already existing buildings that will be built to specifications resulting in a low carbon footprint.
3	Dr. Patricia Dunlap	To provide tax incentives for individuals and businesses that install wind farms on their property for use in producing electricity.
4	Dr. Patricia Dunlap	To reduce maintenance costs incurred by the State of Maryland by planting over grassy areas that need mowing with native wild flowers and meadow plants, which would reduce the fleet of mowers, weed-eaters, etc. and reemploy workers to other maintenance needs and to the green building trades.

Proposals 1 through 4 were characterized by Mr. Weiskopf as environmental. Commissioner Raley requested a financial analysis (financial impact relative to tax incentives). Mr. Weiskopf committed to having a rough estimate prepared. Proposals 2 and 4 were identified as statewide; #4 is currently being enacted by the state.

5	Tom Hanrahan	To limit Mortgage Interest deductions to \$10,000 and property taxes to \$2,500 for Maryland Income Tax purposes.
6	Tom Hanrahan	To de-fund abortion coverage with state Medicaid dollars.
7	Tom Hanrahan	To change allocation of state's electoral votes reward margin of victory.

Proposals 5, 6, and 7 were identified as statewide.

8	Liz Purcell Leskinen/ Wanda Twigg	To clarify that licensed registered nurses, Reserve Officers' Training Corp (ROTC) teachers, and supervisors who do not hold a teaching certificate will be included in the bargaining unit currently designated for teachers, administrators, and supervisors who do hold a teaching certificate.
9	Liz Purcell Leskinen/ Wanda Twigg	To provide that the Education Association of St. Mary's County could negotiate with the Board of Education of St. Mary's to negotiate a provision that all employees who decline to join EASMC will pay their fair share of the costs of benefits that they receive.
10	Wanda Twigg	To provide that the Collective Education Association of St. Mary's County could negotiate with the Board of Education of St. Mary's to negotiate a provision that all employees who decline to join CEASMC will pay their fair share of the costs of benefits that they receive.

Commissioner Mattingly asked for information about the number of employees / union employees and the number of people involved relative to licensed registered nurses, Reserve Officers' Training Corp (ROTC) teachers, and supervisors who do not hold a teaching certificate.

It was discussed that the union negotiates with the Board of Education to determine the percentage (dues/fees) and the percentage is subject to change for each negotiations contract cycle. Commissioner Raley asked for any additional clarification.

11	St. Mary's County Licensed Beverage Association	To establish a limit on the number of Class A (off-sale) liquor licenses.
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- Same proposal as submitted last year; summer study was not done
- Proposing one license per 1,350 people. Chart included with proposal outlining the projected number of Class A licenses available (by district) based on project population.
- No provisions for an appeals process (law is absolute)
- Wineries are exempt

12	Tim Cameron	To add a Corrections Officer's Bill of Rights for St. Mary's County.
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- HR Director agrees with the practical aspects
- Financial implications relative to suspensions (document could be modified to address)

13	Department of Finance	To revise Article 19, Section 37 to set December 31 as the deadline for St. Mary's to file its financial report with the Department of Legislative Services.
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14	Department of Finance	To request authority to issue \$25 million in public facilities bonds.
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Ms. Kramer provided clarification relative to Proposal #14 (re: Attachment A)

15	Mary Ruth Horton	To extend House Bill 623, Chapter 336, by passing an extension of the termination date to June 30, 2015, which will allow the current senior tax credit program to continue without interruption.
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16	John Vanatta	To enact a "keep right except to pass" law in Maryland.
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A letter was submitted by Mr. Glen Weder in support of treating cell phones/PDAs/Blackberries, etc. as hazardous materials while operating a motor vehicle and requires that they be placed in the trunk. Mr. Weder's letter also supports stiffening the Driving Under the Influence (DUI) charges to mandatory six to nine month license

suspension; mandatory one to two year jail term for DUI involving injury and mandatory twenty year jail term for DUI involving death.

Commissioner Jarboe asked if waiving property tax penalties can be done at the county level. Discussion ensued and it was determined that this item should be added to the proposal list.

The joint public meeting with the Southern Maryland Delegation is scheduled for November 3, 2009, at 6:30 PM. The BOCC is scheduled to take positions on November 10, 2009. Commissioner Raley said this year the County has asked to be involved with proposals from the Delegation that affect St. Mary's County and questioned if the BOCC would be able to take positions on those proposals.

DEPT. OF HUMAN SERVICES: UPDATE ON STATE CUTS TO HUMAN SERVICES IN ST. MARY'S COUNTY

Present: Bennett Connelly, Director, Dept. of Human Services
Ella May Russell, Director, Dept. of Social Services

Due to the decline in state revenues, the Governor has made significant reductions to state funded programs and services to local jurisdictions. Since January, 2009, state funded programs and services to agencies in St. Mary's County have been reduced by \$1,845,983.

Total Reported Reductions:

Private Agencies	\$1,404,803
Dept. of Social Services	288,710
Dept. of Human Services	152,470

Although funding has been reduced, it was reported that during the FY2008/2009 period, the County experienced a significant increase in several areas that are indicators of increased need for human services; including a 295% increase in domestic violence, 202% increase in loss of employment, 138% increase in home foreclosures, and a 125% increase in bankruptcies.

Ms. Russell reported that the Department of Social Services (DSS) is closed five days (before holidays) and that employees must take up to five furlough days. A state hiring freeze has been in place since 2001. DSS has been reduced by 36 positions (26%), while case load has increased by 227%. Ms. Russell noted that the state continues to have timeline requirements, such as 30 days to submit an application.

Departments, agencies, and the community are working collaboratively with recommendations from the Human Services Council to make adjustments. Although they are struggling, no non-public agencies have closed.

MOTION TO ADJOURN AS THE BOCC AND RECONVENE AS THE BOARD OF HEALTH

Commissioner Raley moved, seconded by Commissioner Dement, to adjourn as the Board of County Commissioners and reconvene as the St. Mary's County Board of Health. Motion carried 5-0.

BOARD OF COUNTY COMMISSIONERS SITTING AS THE ST. MARY'S COUNTY BOARD OF HEALTH

Present: Dr. William Icenhower, Health Officer
Tracy Kubinec, Deputy Health Officer
Daryl Calvano, Director, Environmental Health
Nancy Luginbill, Director, Health Services
Joy Sapp, Fiscal Services Chief

Dr. Icenhower reported on the status and control of influenza and the financial crisis facing St. Mary's County Health Department.

Status and control of influenza

There have been very little reports of HINI flu in St. Mary's County. With a small amount of vaccine on-hand, the St. Mary's County Health Department (SMCHD) started flu clinics last week and is waiting to receive vaccine from the federal government. In May 2009, the BOCC authorized \$45,000 in County funds for school flu immunization and \$11,000 for an emergency supply (138 doses) of H1N1 flu anti-viral drug.

The SMCHD is in the process of immunizing all school-aged children against seasonal flu, which has been expanded from Kindergarten through Grade 5 to Kindergarten through Grade 12. The parental consent response for seasonal flu immunization has been rigorous. Ms. Luginbill reported that students in about four schools are immunized per day. There have been some problems getting seasonal flu vaccine, which is in short supply throughout the state. H1N1 consent forms are being sent out to secondary schools today. The vaccine has been ordered but not yet received from the federal government.

Financial status

Dr. Icenhower reported that SMCHD is experiencing an unprecedented demand for public services while facing severe financial reductions; i.e., thirty-one (31) positions have been eliminated over the past three years due to attrition and layoffs, loss of \$1.1 million in funding over past two years, loss of \$435,000 in core funding, and \$90,000 in grants. Dr. Icenhower said the SMCHD is able to meet most public health obligations, but noted the programs that have been adversely impacted.

Ms. Kubinec provided an update on the impact to public health and clinical services, and nursing and clerical staff. There has been a net loss of 6.5 nursing positions in the last two fiscal years and five clerical positions. The loss of clerical staff is necessitating professionals take on clerical duties.

Mr. Calvano reported that Environmental Health has experienced a 22% reduction in staff. FY2008/2009 funding \$450,000; \$250,000 less than last three previous years (45% reduction).

The presenters were encouraged to give this same briefing to Southern Maryland Delegation members.

MOTION TO ADJOURN AS THE BOARD OF HEALTH AND RECONVENE AS THE BOARD OF COUNTY COMMISSIONERS

Commissioner Jarboe moved, seconded by Commissioner Dement, to adjourn as the St. Mary's County Board of Health and reconvene as the Board of County Commissioners for St. Mary's County. Motion carried 5-0.

COMMISSIONER'S TIME

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

**DEPARTMENT OF LAND USE AND GROWTH MANAGEMENT –
DECISIONS ON PROPOSED TEXT AMENDMENTS:**

Present: Yvonne Chaillet, Planner IV

The BOCC public hearings were held on September 22, 2009. There was no public testimony provided and no written comments were received during the 10-day open record period for either of the proposed text amendments.

1. TO AMEND SCHEDULE 50.4 TO MOVE USE TYPE 23, DAY CARE FAMILY HOME FROM "PUBLIC AND SEMIPUBLIC USE CLASSIFICATIONS" TO "ACCESSORY USE CLASSIFICATIONS"

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve the proposed Zoning Ordinance text amendment to reclassify Use Type 23 "day care, family home" from the Public and Semipublic Use Classifications to the Accessory Use Classifications", with an Effective Date of October 20, 2009. Motion carried 5-0.

2. TO AMEND SECTION 51.3.13 TO CORRECT AN OVERSIGHT IN USE TYPE 13, GROUP HOME

Commissioner Mattingly moved, seconded by Commissioner Dement, to approve the proposed Zoning Ordinance text amendment to correct the discrepancy between General Standard One and the description of a group home in Schedule

50.4 and to eliminate the requirement for floor area ratio, with an Effective Date of October 20, 2009. Motion carried 5-0.

**DEPARTMENT OF LAND USE AND GROWTH MANAGEMENT:
PRESENTATION OF DRAFT COMPREHENSIVE PLAN**

Present: Derick Berlage, Director
Jeff Jackman, Planner IV

Mr. Berlage presented the Draft 2009 Comprehensive Plan (Draft Plan) and reviewed the public process to date:

- Five community meetings
- Planning Commission public hearings (Spring 2009)
- Seven public Planning Commission work sessions
- Many citizens and businesses have provided input (verbal/written), each cataloged and reviewed by the Planning Commission
- Special work session with Navy representatives
- Special meeting held with the Human Service Council

Mr. Berlage noted the 2009 is an update to the existing Comprehensive Plan adopted in 2002. The major principles continue: over 80% of the County is in the RPD (Rural Preservation District) and new development is steered toward growth areas, of which there are three tiers -- development districts, town centers, and village centers. The total land mass of the County is 229,710 acres.

Mr. Berlage reviewed some of the more significant changes in the 2009 Draft Plan.

Growth Area Boundaries:

- April 2009 Staff Draft – 441 acres added; 3868 acres removed
- Planning Commission Draft – 643 acres added; 2213 removed
- Net change – 1570 acres net reduction in growth area (about one-half percent). Biggest changes pertain to New Market, Mechanicsville, and Hollywood Town Centers.

Policy Recommendations:

- Create an AICUZ around Webster Field
- Include a new chapter on Human Services
- Create an agricultural focus area or “priority preservation area” (required by state law)
- Create a natural resource focus area (required by state law)
- Create “water resources element” (required by state law)
- Create RL transition zone
- Plan to update the Lexington Park Development District (LPDD) Plan (It was noted the only change was the addition of Evergreen school.

As with the adopted 2002 Plan, the Patuxent River Naval Air Station is not included in the LPDD.)

It was noted that the Draft Plan maps contain additional land use categories, such as Rural Commerce and Crossroad Commercial. Mr. Jackman said the Draft Plan better articulates land uses, with each concept land use closely corresponding to existing conditions. There are no new zoning areas being introduced.

Mr. Jackman added that the Plan is a guide and that zoning is maintained via ordinances. Commissioner Raley questioned the ramifications of the Draft Plan in relation to the comprehensive rezoning process and said that information should be considered a critical component and available in conjunction with the upcoming BOCC work sessions.

In addition to the BOCC public hearings, BOCC work sessions will held during the November to December timeframe, with BOCC adoption of the Plan targeted for December 15, 2009.

Commissioner Mattingly moved, seconded by Commissioner Raley, to acknowledge receipt of the Planning Commission's recommended revised comprehensive plan draft and to direct staff to schedule three public hearings as follows: Thursday, October 29 to be held in the Commissioners' meeting room in the Chesapeake Bldg.; Thursday, November 5; and Tuesday, November 17; all to commence at 6:30 pm. Motion carried 5-0
It was clarified the locations for November 5th and 17th are to be scheduled in the northern and southern regions of the County.

Minutes Approved by the Board of County Commissioners on _____

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