

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
GOVERNMENTAL CENTER**

Tuesday, October 23, 2007

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, Sr. Administrative Coordinator (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 dated October 23, 2007, as submitted. Motion carried 5-0.

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Dement to adopt the minutes of the Commissioners' meeting of October 16, 2007, as presented. Motion carried 5-0.

RECOGNITION

Joan Williams, President, Southern Maryland Volunteer Firemen's Association, received recognition in honor of being the first female president of the SMVFA.

COUNTY ADMINISTRATOR

1. Draft Agendas for October 29, 30 and November 6, 2007

2. **St. Mary's County Public Schools** (*Daniel Carney, CFO; Theo Cramer, Director of Academic Support*)

Commissioner Raley moved, seconded by Commissioner Dement, to approve the Board of Education's request to increase their FY08 Restricted Fund budget by \$26,773, pursuant to their action taken on October 10, 2007, to incorporate the Local Donation made for Reading Intervention Programs, and to sign the letter evidencing this approval. Motion carried 5-0.

3. **Circuit Court** (*Teresa Weeks, Senior Legal Assistant*)

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign the State of Maryland Department of Human Resources Child Support Enforcement Administration Cooperative Reimbursement Agreement, Contract Number CSEA/CRA-08-020, and the related Budget Amendment, increasing the County match portion for the grant by \$448, in accordance with the actual agreement/award. Motion carried 5-0.

4. **State's Attorney Office** (*Lyle Long, Investigator*)

Commissioner Dement moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to sign the State of Maryland Department of Human Resources Child Support Enforcement Administration Cooperative Reimbursement Agreement, Contract Number CSEA/CRA-08-021, and the related Budget Amendment, increasing the County's match portion for the grant by \$18,365, in accordance with the actual agreement/award. Motion carried 5-0.

5. **Sheriff's Office** (*Sheriff Tim Cameron; Lt. Edward Willenborg*)

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign the State of Maryland Department of Human Resources Child Support Enforcement Administration Cooperative Reimbursement Agreement, Contract Number CSEA/CRA-08-022, and the related Budget Amendment, decreasing the project budget revenues by \$4,328, in accordance with the actual agreement/award. Motion carried 5-0.

6. **Dept. of Public Works and Transportation** (*George Erichsen, P.E., Director*)

Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign the Public Works Agreement for the Barrister Landing Subdivision, located in the 8th Election District, with an Expiration Date of December 1, 2008. Motion carried 5-0.

Jacqueline Fournier, Transportation Manager, provided an overview of the following FY2008 items (listed as 6b through 6g of the County Administrator agenda):

- Americans with Disabilities Act Transportation Operating Grant Agreement.
- Capital Grant Agreement to purchase Diagnostic Software.

- Capital Grant Agreement and related Budget Amendment decreasing the project budget revenues and expenses by \$920 in accordance with the actual agreement/award.
- Statewide Special Transportation Assistance Program Grant Agreement.
- MTA Rural and Community Based Grant Agreement.
- Rural Public Transportation Operating Grant and the related Budget Amendment, increasing the County's match portion by \$8,693, in accordance with the actual grant agreement/award.

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve the Dept. of Public Works and Transportation items, listed on the BOCC County Administrator's agenda as item 6b through 6g, and to authorize the Commissioner President to sign the associated grants and Budget Amendments. Motion carried 5-0.

George Erichsen provided an overview of the Disaster Preparedness: Debris Management Operations Plan that was recently approved by the Federal Emergency Agency.

The Commissioners recognized Mr. Erichsen and his department for the distinction of being the first jurisdiction in the state to have an approved debris management/operations plan.

7. Office of the County Attorney (*Colin Keohan, Deputy County Attorney*)

Mr. Keohan presented the following proposed public hearing schedule to receive public comments concerning the possibility of placing Home Code Rule on a future ballot. It was clarified by Mr. Savich that the locations are tentative and that Board approval authorizes the notice of intent to publish dates and firm-up the locations.

- Tuesday, November 13, 2007, 6:30 PM, at the Northern Senior Center (or vicinity)
- Tuesday, December 4, 2007, 6:30 PM, at the Lexington Park Library (or vicinity)
- Tuesday, January 15, 2008, 6:30 PM, at the Ridge VFD (or vicinity)
- Tuesday, February 5, 2008, 6:30 PM, at the Governmental Center, Leonardtown

Commissioner Dement moved, seconded by Commissioner Raley, to approve the Schedule as proposed by staff for the Public Hearings required to be held pursuant to Article 25B, Section 5, of the Annotated Code of Maryland for the purpose of considering the Adoption of Code Home Rule. Motion carried 5-0. *Commissioner Jarboe clarified that his vote is in support of the schedule is not necessarily a vote in support of a Code Home Rule form of government.*

8. Board Appointment (*John Savich, County Administrator*)

Commissioner Mattingly moved, seconded by Commissioner Raley, to appoint

Kenneth M. Capps to the Nursing Center Governance Board, term to expire 6/30/2010. Motion carried 5-0.

ST. MARY'S RIVER WATERSHED ASSOCIATION: "STATE OF THE ST. MARY'S RIVER REPORT"

Present: Joe Anderson, President
Dr. Robert Paul, Vice President
Bob Lewis, Executive Director
Sue Veith, member, Board of Directors and Environmental Planner, Dept. of Land Use and Growth Mgmt.

Led by Dr. Paul, the presentation provided information regarding water quality health and problems, specifically relative to erosion and development, along with recommendations for actions to protect and restore the watershed in concert with planned development. The St. Mary's River Watershed is comprised of 45,336 acres and is the largest watershed entirely contained within the County. The Association recommends initiation of a WRAS (Watershed Restoration Action Strategy), which is an action plan stating specific goals, objectives, and commitments to guide actions of the public, watershed organizations, land trusts, and government.

Ms. Veith clarified that the state is in the process of developing new storm water management regulations. They are currently in the comments phase and expect to have drafts ready by the end of the year; with new regulations ready by the spring of next year.

The presentation also highlighted EPA Evaluation Report No. 2007-P-00031, "Development Growth Outpacing Progress in Watershed Efforts to Restore the Chesapeake Bay."

MOTION TO ENTER INTO EXECUTIVE SESSION

Commissioner Raley moved, seconded by Commissioner Dement, to enter into Executive Session for the purpose of discussing Real Property matters, specifically, potential acquisition of public facilities sites and other properties. Motion carried 5-0.

EXECUTIVE SESSION

Real Property

Present: Commissioner Francis Jack Russell, President
Commissioner Kenneth R. Dement
Commissioner Lawrence D. Jarboe
Commissioner Thomas A. Mattingly, Sr.

Commissioner Daniel H. Raley
John Savich, County Administrator
Phil Rollins, Director, Recreation, Parks & Community Services
Liz Passarelli, Real Property Manager
Sue Veith, Environmental Planner, Dept. of Land Use & Growth Mgmt.
Donna Gebicke, Recorder

Authority: Article 24, Section 4-210(a)11

Time Held: 10:55 am – 11:25 am

Action Taken: Commissioners discussed potential parkland acquisitions.

EXECUTIVE SESSION

Real Property

Present: Commissioner Francis Jack Russell, President
Commissioner Kenneth R. Dement
Commissioner Lawrence D. Jarboe
Commissioner Thomas A. Mattingly, Sr.
Commissioner Daniel H. Raley
John Savich, County Administrator
Liz Passarelli, Real Property Manager
Donna Gebicke, Recorder

Authority: Article 24, Section 4-210(a)11

Time Held: 11:25 am – 11:29 am

Action Taken: Commissioners discussed potential real property acquisitions.

PUBLIC HEARING: PROPOSED AMENDMENTS TO THE COMPREHENSIVE WATER & SEWERAGE PLAN FOR GOLF COURSE DRIVE PROPERTY, CWSP-07-200-001, TO CHANGE THE SERVICE AREA CATEGORY FROM W-6 AND S-6 TO W-3D AND S-3D FOR 1.15 ACRES DESCRIBED AS TAX MAP 16, GRID 3, PARCEL 246

Present: Jeff Jackman, Sr. Planner, Land Use & Growth Management

The Public Hearing began with Mr. Jackman providing an overview of the case. The request is in anticipation of providing water and sewerage to a proposed single family dwelling within the Wicomico Shores subdivision, located in the 4th Election District. The property is zoned RNC.

Notice of the Public Hearing was advertised in the October 5 and 10, 2007, editions of The Enterprise newspaper. Notices were also posted on the property and mailed to adjoining property owners.

The Health Department, Metropolitan Commission, and Technical Evaluation Committee support the provision of community sewer service to the subject property.

The Planning Commission conducted a public hearing on September 10, 2007, and voted to adopt Resolution No. 07-16 to approve the request and to convey to the Board of County Commissioners its recommendation that the CWSP be amended as proposed.

It was clarified that the proposal is for one lot (one dwelling), there will be no subdividing, and there will be no resulting golf course encroachment.

Commissioner President Russell opened the hearing for public testimony at 11:42 a.m. Mr. Bill Higgs indicated that he was there in support of the request and to answer any questions. No other public comments were presented. Commissioner Russell closed the public hearing at 11:44 a.m. and declared that the record would be kept open ten days for written comments.

EXECUTIVE SESSION MOTION

Commissioner Raley moved, seconded by Commissioner Mattingly, that as a result of the Executive Session yesterday, to authorize the Community Development Corporation (CDC) to complete negotiations on the Lexington Manor Redevelopment Project and to develop a Contract of Sale and also a Developer's Rights and Responsibilities Agreement to present for public consideration during at least more than one public hearing. Motion carried 5-0.

MOTION TO ENTER INTO EXECUTIVE SESSION

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to return to Executive Session to continue discussing Real Property matters. Motion carried 5-0.

EXECUTIVE SESSION

Real Property

Present: Commissioner Francis Jack Russell, President
Commissioner Kenneth R. Dement
Commissioner Lawrence D. Jarboe
Commissioner Thomas A. Mattingly, Sr.
Commissioner Daniel H. Raley
John Savich, County Administrator
Liz Passarelli, Real Property Manager
Donna Gebicke, Recorder

Authority: Article 24, Section 4-210(a)11

Time Held: 12:05 pm – 12:23 pm

Action Taken: Commissioners discussed potential real property acquisitions.

EXECUTIVE SESSION MOTION

Commissioner Mattingly moved, seconded by Commissioner Raley, to direct staff to proceed as discussed in Executive Session on matters relative to potential acquisition of public facilities sites. Motion carried 5-0.

RURAL PRESERVATION TASK FORCE REPORT

Task Force

Members Present: Phil Dorsey, John Parlett, Merl Evans, Bubby Norris
Also in attendance: George Baroniak, Chairman, Agriculture Advisory Board
Denis Canavan, Director, Land Use & Growth Management
Bob Schaller, Director, Dept. of Economic and Community Dev.
Elaine Kramer, CFO
Donna Sasscer, Agriculture Manager, DECD
Lisa Ledman, Sr. Office Specialist, DECD

The Rural Preservation Task Force mandate is to recommend to the BOCC additional measures that would effectively protect land in the Rural Preservation District (RPD) that is of great agriculture and/or environmental value.

The presentation included a discussion of Installment Purchase Agreements (IPAs), eligibility criteria for those agreements, and potential future of the Rural Preservation Task Force.

Mr. Dorsey provided the following statistics relative to the number of agriculture farms in St. Mary's County: 658 farms in 1977, 621 farms in 1997, 577 farms in 2002. Mr. Dorsey said there's no data since 2002 and called attention to the aggressive building cycle over the past five years, speculating that another 3500 to 4000 acres has been lost in the past five years. With the tobacco buy-out winding down and the increased price of agricultural land, an Installment Purchase Agreement Program was presented as a viable option for land preservation, in concert with other options, such as the Transferable Development Rights (TDR) program. Advantages of IPAs include tax-free interest (with a balloon payment after "x" years) for the landowner, and the County can purchase more land at today's rate. Frederick County (also a commissioner form of government) was cited as a "best model" for developing an IPA program for St. Mary's.

House Bill 140, effective June 1, 2005, authorizes St. Mary's County to enter into IPAs for an aggregate purchase price of up to \$20 million, plus interest, to acquire the development rights for agricultural or forestry land.

Funding source options discussed were a dedicated property tax increase (\$40. per property tax bill), recordation tax increase (additional \$1. per \$10. collected), and a dedicated percentage of transfer tax.

Stressing the importance of presenting clear options to the public, Mr. Baroniak reviewed drafts of the following: IPA eligibility factors and criteria, limitations on development, and an IPA ranking system (points based).

Mr. Parlett requested that the Task Force continue and provided an overview of issues that would be addressed. The Board indicated support for continuing the Task Force and to fill the vacancy resulting from Task Force Chairman Robin Hahnel moving out of the state.

It was proposed that St. Mary's could do appraisals locally, based on a point system. Mr. Canavan said the program could be supported with existing in-house staff and that LU&GM will work with DECD to support.

Commissioner Jarboe moved, seconded by Commissioner Dement, to authorize the Department of Economic and Community Development to proceed with an Installment Purchase Agreement (IPA) program for purposes of agricultural preservation. Motion carried 5-0.

Staff was requested to return to the Board with specifics to include the funding mechanism for the program. Mr. Canavan said they could be prepared to return in the early part of December. The Board encouraged public participation in the Task Force meetings.

FY 2009 BUDGET DISCUSSION

County staff provided presentations of Capital, Enterprise Funds and Emergency Support Fund, followed by a General Budget – FY2009 discussion.

PUBLIC MEETING: PRESENTATION OF 2008 LEGISLATIVE PROPOSALS

Present: Colin Keohan, Deputy County Attorney
Also in Attendance: Senator Roy Dyson
Delegate Anthony O'Donnell
Delegate Johnny Wood
Delegate John Bohanan

The purpose of the Joint Public Meeting was to provide an opportunity for the Commissioners, the Delegation, and public to hear presentations and provide comments on the 2008 Legislative Proposals. Presentations and public comments were made by persons as noted on the following proposals

Proposal # 1 Proposed by: David and Lynn Lowe

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| Proposal Description | <ul style="list-style-type: none">• To require promoters of outdoor musical festivals in St. Mary's County with 500 or more spectators in attendance to obtain a license for the event. Current law requires a license for 1,000 spectators or more.• To require that promoters of outdoor musical festivals in St. Mary's County provide both adequate security for persons affected by the outdoor musical festival and for their property. Currently, St. Mary's County is exempt from this requirement.• To require promoters of outdoor musical festivals in St. Mary's County to post a cash bond with its application for a health permit. Currently, if the promoter owns the property, the cash bond requirement is waived.• To require promoters of outdoor musical festivals in St. Mary's County to post a cash bond versus pledging real or personal property. |
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Presenter **David Lowe, 13489 Point Lookout Road, Ridge, MD 20680**

A copy of the PowerPoint slides used to present the proposal was provided.

The following individuals provided testimony in opposition of the proposal:

Joseph H. Goddard, 20529 White Point Rd., Leonardtown MD 20650

- Lil' Margaret Bluegrass Festival held on Mr. Goddard's farm in memory of his daughter.

- 20 years, no incidents
- Notifies Sheriff's Office, police, Health Dept., and obtains the appropriate permits.
- Concerned about spectator number decrease to 500 and cash bond 25k (does not hold the festival for a profit)

Robert Steele Pogue, 36898 Bushwood Wharf Rd, Bushwood, MD 20618

- Joined by Bubby Norris, both members of the 7th District Optimist Club
- Hundreds of hours dedicated to Blessing of the Fleet event, money received is spent back in St. Mary's County
- Proposal will result in more hurdles

William Jarboe, 22590 Key Way, Leonardtown MD 20650

- Molly Hatchett concert (one of the contact persons)
- Paperwork obtained and bond (insured); 50k to do event, 2m for insurance
- Moved event to another location, there were no problems or incidents

Proposal # 2 Proposed by: Linda Vallandingham and Robert Jarboe

Proposal Description To repeal the legislation creating the Metropolitan Commission for St. Mary's County and, if necessary, to authorize St. Mary's County to create, within county government, a Sanitation Department.

Presenters **Linda Vallandingham, 21705 Indian Bridge Rd, California, MD**
Robert Jarboe, 20040 Pear Hill Rd., Leonardtown, MD

Mrs. Vallandingham submitted a copy of her presentation to the meeting recorder.

The following individuals provided comments in general opposition of the proposal:

Noel Temple (Tim) Wood, 44478 White Stone Place, P.O. Box 140, Tall Timbers, MD 20690-0140 (Mr. Temple submitted a copy of his presentation to the Recorder).

- Served on the MetCom committee
- MetCom is a highly competent, well managed organization

Frank Taylor, 21651 Rose Bank Rd, Leonardtown, MD

Urged careful consideration before making changes, MetCom has operated successfully for many years.

Kenneth Booth, 46138 Booth Farm Lane, Great Mills, MD 20634

- Maintain MetCom as is, few complaints, good bond standing
- MetCom expertise is specialized

- Committee may need a representative for each voting district

Proposal # 3 Proposed by: Mary Wood

Proposal Description To exempt agri-tourism operations in St. Mary's County from the "Amusement Tax."

Presenter **Mary Wood, 39136 Avie Lane, Mechanicsville, MD 20659**

It was questioned what the current amusement tax rate is (it was later verified as 2%). Commissioner Raley recommended defining Agri-Tourism (open farms to public, charge admission?) The County Attorney's office will look into.

The following individual provided comments in support of the proposal:

Joseph H. Goddard, 20529 White Point Rd., Leonardtown, MD 20650

Mr. Goddard stated that the amusement tax for Lil' Margaret's was 7.5%.

Proposal # 4 Proposed by: Walter Burch

Proposal Description To require that pound net fish traps be illuminated by lights, to reduce the amount of night-time boating injuries. Currently, pound nets are only required to be marked with reflective tape.

Presenter *Mr. Burch was unable to attend this meeting. Proposal and related correspondence was presented by Colin Keohan, Deputy County Attorney*

A copy of the presentation was submitted by Mr. Koeohan. Commissioner Jarboe asked how many fatalities have occurred over the past several years and if the traps were illuminated. It was clarified that there had been one death and the traps were not illuminated.

The following individuals provided comments in general support of the proposal:

Ken Hastings, 39044 Holley Drive, Mechanicsville, MD 20659

- Did not work on proposal with the submitter, but concept close (to Costal Conservation)
- Offered to help, has a database with data on nets in local waters

Bill Curry, 555 Maple Way, Lusby, MD

- Also a member of Costal Conservation

- So. MD has changed, more new boaters (broader issue)
- Advocates need for safe boating education
- Three deaths, Chesapeake Bay
- Rules for placing reflective tape, no rules for maintaining

Proposal # 5 Proposed by: The Justice and Advocacy Council of St. Mary's County

Proposal Description To require the owner of a mobile home park to give the County, Housing Authority, and/or a tenant organization an opportunity to buy the mobile home park before it is sold in order to prevent the displacement of county residents from affordable housing.

Presenter Barbara Thompson, 24744 Sotterly Rd., Hollywood, MD

Ms. Thompson provided reference documents to the meeting recorder. Commissioner Raley questioned the order of priority (Section II, d, 5 of the proposal). Proposal is similar to Montgomery County legislation.

The following individuals provided comments in general support of the proposal:

M. Sanchez, 22283 Scott Circle, Lexington Park, MD

- Doesn't have money to buy a trailer
- Should be grateful for relocation, but is concerned about crowding and crime (next door neighbor was robbed)
- When people are not working, there will be crime; help them help themselves

Arvell McGhir, White Oaks, Lexington Park, MD

- Lives in White Oaks, wanted a quiet community
- Is a busy store manager; doesn't have time or money to find another place
- Was told they had to have sheds, received letter that sheds are not going to be moved (9k to move)