

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
GOVERNMENTAL CENTER
Tuesday, November 20, 2007**

Present: Commissioner President Francis Jack Russell
Commissioner Kenneth R. Dement
Commissioner Lawrence D. Jarboe
Commissioner Thomas A. Mattingly, Sr.
Commissioner Daniel H. Raley (absent)
John Savich, County Administrator
Betty Jean Pasko, Sr. Administrative Coordinator (Recorder)

CALL TO ORDER

Commissioner President Russell called the meeting to order at 9:03 AM.

APPROVAL OF CHECK REGISTER

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to authorize the Commissioner President to sign the Check Register dated November 20, 2007, as submitted. Motion carried 4-0.

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Dement, to adopt the minutes of the Commissioners' meeting of November 13, 2007, as presented. Motion carried 4-0.

COMMENDATIONS:

The following Department of Public Works & Transportation employees received commendations:

Robert C. Dement, Jr. for life-saving actions to resuscitate a citizen who collapsed in the Convenience Center parking lot.
George L. "Roy" Spalding, Jr. and **John Bowen** for life-saving actions to assist a citizen who had fallen at the St. Andrew's Landfill.

PROCLAMATION:

Gloria Jean Thompson, RN Supervisor, St. Mary's County Medical Adult Day Services Program, Department of Aging, was presented a retirement proclamation. Ms. Thompson began employment with the Department of Aging as a Nurse Manager on March 20, 1995, and will retire effective December 1, 2007.

UNITED WAY AND COMMUNITY HEALTH CHARITIES CAMPAIGN

Present: Ellen Servetnick, Executive Director, St. Mary's United Way
Tracy Schrock, St. Mary's Co. Dept. of Human Resources
Mary Lynn Stone, Honorary Campaign Chairperson for United Way

The United Way and Community Health charities campaign drive for St. Mary's County Government runs from November 26 through December 14, 2007. There are 39 member agencies in St. Mary's. Last year, over \$480,000 was raised. A brief video dedicated to the volunteers in St. Mary's County was viewed. For additional information or to plan a program, call 301-862-5577.

COUNTY ADMINISTRATOR

Mr. Savich noted that Item #6 would be deferred until Commissioner Raley is available to participate in the discussion and provided a brief update on actions in Annapolis relative to the St. Mary's County budget. St. Mary's County budget has been reduced by about 5.5 million. The reduction is comprised of two elements; reduction in revenue (net) 960k and the largest reduction, 4.5 million, is largely with the Board of Education (almost 4.2 million) and \$200,000 to Program Open Space and Highway User Fees. Mr. Savich will provide information packages to the Commissioners regarding the state's budget.

1. Draft Agendas for December 4 and 11, 2007 (no BOCC meeting next week, November 27)
2. **Dept. of Public Works and Transportation** (*Jackie Fournier, Transportation Mgr.*)

Commissioner Dement moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President Russell to sign the FY2008 Transportation Grant Assurances for the St. Mary's Public Transportation programs. Motion carried 4-0.

3. **Department of Aging** (*Jennie Page, Deputy Director; Peggy Maio, Fiscal Supervisor*)

Commissioner Dement moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner President Russell to sign the St. Mary's County Department of Aging's Grant Award for the Senior Rides Demonstration Program and the related Budget Amendment which reduces the BOCC Emergency Appropriations Reserve by \$6,250. Motion carried 4-0.

(Alice Allen, Operation Manager)

Commissioner Dement moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President Russell to sign the Memorandum of Understanding between the Tri-County AmeriCorps Service Project, Inc. and the St. Mary's County Department of Aging to be the host organization for three part-time members, during October 1, 2007 through September 30, 2008, at a cost of \$8,655. Motion carried 4-0.

4. **Dept. of Recreation, Parks, and Community Services** (*Phil Rollins, Director*)

Commissioner Mattingly moved, seconded by Commissioner Dement, to approve and authorize Commissioner President Russell to sign the Modified Shore Erosion Control Project Agreement for the Piney Point Lighthouse Shore Erosion project and the related Budget Amendment, to reflect both increased project costs and a re-alignment of funding. Motion carried 4-0.

(Jim Hodges, Chair, Wicomico Shores Golf Course Advisory Board; Patty Meyers, Golf Course Manager)

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve the staffing realignment of the Wicomico Shores Golf Course as presented by staff and to establish the position of Food, Beverage and Banquet Supervisor, Grade 7, and to eliminate the position of Assistant Golf Course Manager, with the understanding the position will be a contractual position. Motion carried 4-0.

5. **Dept. of Economic and Community Development and Finance** (*Bob Schaller, Director; Donna Sasscer, Agriculture Mgr.; Jimmy Spence, Agriculture Board member*)

Commissioner Jarboe moved, seconded by Commissioner Dement, to sign the letter to the Maryland Agriculture Land Preservation Foundation showing FY2008 properties ranked using the Land Evaluation and Site Assessment (LESA) System. Motion carried 4-0.

6. **Local Management Board and County Administration** (*Bennett Connelly, LMB; Sabrina Hecht, Chief of Staff*)

The Memorandum of Understanding between the Local Management Board and the Board of County Commissioners to develop a plan for a Human Services office and appoint Bennett Connelly as the Transition Director was deferred to the next BOCC meeting, December 4, 2007.

DEPT. OF ECONOMIC & COMMUNITY DEVELOPMENT: DECISION REGARDING PETITIONS FROM OWNERS OF THE FOLLOWING PROPERTIES TO SELL AN EASEMENT TO THE MD AGRICULTURAL LAND PRESERVATION FOUNDATION

Present: Bob Schaller, Director
Donna Sasscer, Agriculture Manager

Ms. Sasscer presented the Resolution and reviewed the related properties. The public hearing was held on November 6, 2007. No additional written public comments were received during the 10-day open record period for the three properties.

Commissioner Dement moved, seconded by Commissioner Mattingly, to approve and sign the Resolution recommending that the following properties be submitted to the Maryland Agricultural Land Preservation Foundation for consideration of an application to sell an easement on each property: (1) Three Notch Road, Dameron, described as Tax Map 63, Grid 10, Parcel 140; (2) 39010 Dr. Johnson Road, Helen; and (3) 23310 Bushwood City Rd., Bushwood. Motion carried 4-0.

Commissioner Jarboe 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 4-0.

**BOCC SITTING AS THE ST. MARY'S COUNTY BOARD OF HEALTH:
HEALTH DEPARTMENT PRESENTATION ON PARTNERSHIP IN THE
CHESAPEAKE & POTOMAC HOME HEALTH AGENCY**

Present: Dr. William Icenhower, M.D., M.P.H., Health Officer

Dr. Icenhower provided an overview of the partnership history, funding allowances received for FY06 and 07, and how the funding allowances were allocated. The Chesapeake and Potomac Home Health Agency was created in 1995 through the combined efforts of the Health Department, St. Mary's Hospital, Civista Hospital, and Calvert Memorial Hospital. This year, FY08, \$375,000 will be received from the partnership. Funding is to be used for patient care and cannot be used for increasing personnel costs or capital improvements.

Dr. Icenhower explained that the FY08 funding has been used for county-wide flu immunization of elementary school students, substance abuse, and other health services.

There was discussion regarding prevention and symptoms of staff infection (MRSA). There have been no MRSA infections associated with St. Mary's County schools. When questioned regarding the outlook for conducting perc tests, Mr. Daryl Calvano responded they have been monitoring and the water table is extremely low. Snow would be very beneficial because there would be less run off than with heavy rains. The water table is approximately three feet lower than it was at the start of the wet season, which is typically in February.

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. Motion carried 4-0.

FINANCE DEPARTMENT: ACCEPTANCE OF THE 2007 AUDIT

Present: Elaine Kramer, CFO, and Finance staff members
Timothy Murphy, Partner, Murphy & Murphy
Lisa Brown, Auditor in Charge for St. Mary's County Audit

Ms. Kramer recognized the contributions of all county departments and especially the Finance staff in the preparing audit. Ms. Kramer called attention to her memo that was provided with the financial statements, particularly the Management's Discussion and Analysis, which was drafted in anticipation of what the BOCC's position will be regarding a number of items in terms of the fund balance outlook.

Mr. Murphy reviewed the report, which included audit results of the St. Mary's County Library, MetCom, and the Building Authority. The auditing firm issued a favorable, unqualified opinion, which is the highest level that can be awarded, noted that the County is financially sound, in compliance with laws and policies, and that good financial controls are in place.

The assets of St. Mary's County Government exceeded its liabilities at the close of the most recent fiscal year by \$172.2 million (net assets). The net assets were \$21 million. The general fund reflects designations of approximately \$30 million, including a bond rating of \$10 million, and a rainy day of \$1.5 million. Mr. Murphy also reviewed the financial highlights and the various financial spreadsheets, statements, and data contained within the report.

Ms. Kramer stated that the state's audit should be released soon. Once the County's audit report is finalized, it will be posted on the website and copies will be provided to the libraries.

Commissioner Dement moved, seconded by Commissioner Mattingly, to accept the report of the independent auditor on the financial statements for St. Mary's County for fiscal year 2007 as presented. Motion carried 4-0.

COMMISSIONER'S TIME

The Commissioners highlighted events for the past week and personal interest items.

MOTION TO ENTER INTO EXECUTIVE SESSION

Commissioner Jarboe moved, seconded by Commissioner Mattingly, to enter into Executive Session for the purpose of discussing Real Property Acquisition matters, specifically acquisition of properties for future FDR Blvd and potential parkland property. Motion carried 4-0.

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 (absent)~~
John Savich, County Administrator
Sabrina Hecht, Chief of Staff
Christy Chesser, County Attorney
Liz Passarelli, Real Property Manager
Denis Canavan, Director, Land Use & Growth Management
Phil Rollins, Director, Recreation, Parks & Community Services
Donna Gebicke, Recorder

Authority: Article 24, Section 4-210(a)11
Time Held: 12:30 pm – 12:55 pm
Action Taken: Commissioners discussed potential acquisition of property.

MOTION FROM EXECUTIVE SESSION

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to direct staff to proceed as discussed in Executive Session on matters related to real property acquisition. Motion carried 4-0.

PUBLIC HEARING: ST. MARY'S COUNTY COMPREHENSIVE WATER & SEWER PLAN REVISION (TO RECEIVE PUBLIC TESTIMONY ON THE TEXT AND MAPS OF THE OCTOBER 2007 PLANNING COMMISSION RECOMMENDED DRAFT OF THE ST. MARY'S COMPREHENSIVE WATER AND SEWER PLAN)

Present: Denis Canavan, Director, LU&GM
Jeff Jackman, Sr. Planner, LU&GM

The public hearing was held at the Governmental Center and began at 6:30 PM. Commissioner President Russell announced the purpose of the public hearing and Mr. Jackman provided a detailed review that included the background, Planning Commission (PC) recommendation, and staff analysis information. Mr. Jackman stated for the record that notice of the public hearing was published in the November 2 and 7, 2007 editions of the Enterprise newspaper.

The current Comprehensive Water & Sewer Plan (CWSP) version was adopted in 1993 (there have been many amendments). The draft revised CWSP contains new water and sewerage area maps that consolidate the many piecemeal amendments since 1993.

Service areas have also been aligned to implement the growth management concepts of the countywide Comprehensive Plan (adopted in 1999, modified in 2002).

Via map exhibits, Mr. Jackman called to attention to two areas that had been included in development districts by the Comprehensive Plan, and that had been removed from the development districts and placed in the rural preservation district when the Comprehensive Plan and the implementing zoning were updated. The 1993 CWSP designated these areas as planned for future water and sewer. These areas are located generally north and west of Leonardtown in the 3rd Election District and west of Indian Bridge Road in the 8th Election District.

On August 6, 2007, LU&GM mailed certified letters to the 331 owners of properties within these affected areas to inform them about the recommended change in service maps; i.e., W-6 or S-6 service areas that are recommended to be placed within a no planned service (NPS) category. Copies of the list property owners were provided to the Commissioners and submitted for inclusion into the record. There were six responses; i.e., two letters and four speakers at the August 27, 2007 hearing (generally questioning or opposing). Those comments are summarized in the November 20, 2007 Public Hearing Staff Report prepared and presented by LU&GM.

The Planning Commission's October 2007 recommended draft CWSP designates these areas as NOT planned for service in accordance with the current Comprehensive Plan. Signed copies of PC Resolution No 07-17 were provided to the Commissioners and submitted for inclusion into the record. Planning Commission Resolution 07-17 was unanimously approved (vote: 7 ayes, 0 nays, 0 abstained) on October 22, 2007.

LU&GM concurs with the PC recommendations with one exception. For Parcels 24A and 24B of Tax Map 42, known as the "Johnson Property", and a portion of the proposed St. Mary's Crossing development, the PC recommends that the category be RW-D and RS-D consistent with the 2002 Comprehensive Plan, (for these 87 acres that are outside of the Lexington Park Development District defined by that plan). The July 2007 public hearing draft of the CWSP had shown these parcels as RW-D and RS-D. Mr. John B. Norris, III testified at the PC hearing on August 27, 2007 that the Board of County Commissioners (BOCC) had already changed the category on these parcels by adopting Resolution W/S 05-13. The interdepartmental team (staff from LU&GM, Metropolitan Commission, the Office on Environmental Health, and Leonardtown Municipal Government, commenced in January 2007) recommends that these acres be shown within a W-3D and S-6D categories pursuant to the BOCC Resolution W/S 05-13. Staff recommends the new CWSP place Parcels 24A and 24B in W-3D and S-3D categories (with zoning remaining as RL Low Density Residential).

BOCC discussion period commenced at approximately 7:00 PM. There was a general clarification of the properties (relative to agricultural properties with failing systems, access to public water and sewer), development district boundary lines, planned growth/development, and the need to address failing septic systems. It was clarified that the County's master plan (Comprehensive Plan) should be the lead or the primary plan, with other plans written to support it.

The Public Hearing was opened for public testimony at 7:15 PM.

Public Testimony

Robert Jarboe, Leonardtown MD

Mr. Jarboe presented testimony regarding inconsistencies for eligibility to public water and sewer, specifically Andover Estates (Rt. 249) which includes St. George's Peninsula (designated as no planned service), questioning boundary lines, the number of identified failing septic systems, and the number existing homes/proposed EDUs.

Mr. Jarboe submitted testimony documentation to be included into the public hearing record.

Linda Vallandingham, California MD

Mrs. Vallandingham presented testimony in support of Mr. Jarboe's comments; i.e., sewer and water maps are not consistent with the current CWSP in relation to the Lexington Park Development District. Mrs. Vallandingham questioned why there is a designation (map 42) being shown other than no planned service for state property that is zoned RPD.

Mrs. Vallandingham submitted testimony documentation to be included into the public hearing record.

John Norris, III, P.O. Box 1039, California MD 20619

Mr. Norris presented testimony on behalf of his client, Mr. Johnson, in support of designating approximately 87 acres (Tax Map 42, Parcels 24A and 24B) as W-3D and S-3D, providing background information specific to this property.

Mr. Norris submitted testimony documentation to be included into the public hearing record.

Glenn G. Gass, P.O. Box 131 Colton's Pt., MD 20626

Mr. Gass, P.E., presented testimony on behalf of his client, Chaney Enterprises, in support of property north of Leonardtown to remain in the water and sewer areas. Chaney Enterprises has been in ongoing work with the county to formulate long-term use plans; i.e., since early 1990's regarding the Loveville surface mine. They have done everything the County has asked, and to change the rules now will be unfair.

Audrey Scott, P. O. Box 5480, Waldorf MD

Representing Green Hill LLC and Chaney Enterprises, Ms. Scott commented that the comprehensive plan should reflect reality at the present time; it is a tool – not law, that should be updated with some schedule of regularity. The plan is 14 years old and to revise will be a massive undertaking, but it is probably one of the most important things that you will do (as elected officials). Commenting that growth has and will continue to occur, Ms. Scott made reference of the number of homes that are being sold in St. Mary's

County (versus the number of homes in other areas of the state that are remaining on the market and not being sold).

Ms. Scott presented testimony that growth areas, where water and sewer system are available, need to be expanded. The existing growth areas are not going to be adequate to accommodate the growth that is destined to St. Mary's County.

Ms. Scott said that she was not aware of the down zoning with the parcel on Maypole Road (425 acres) and added that the logic of retaining that in the S-6 and W-6 zone is the most practical and logical way to go.

Shelby Guazzo, Chaptico MD

As a member of the Planning Commission, Ms. Guazzo expressed concern regarding LU&GM staff's position agreeing with the Planning Commission in all but one issue; i.e., issue with the Johnson farm and that the staff report (sent to BOCC), was not sent to the Planning Commission. The Planning Commission voted 7-0 to maintain those 87 acres Parcels A & B of the larger Parcel 24 as a rural designation because that was the comprehensive plan.

Commissioner Russell closed the public hearing at 7:55 PM and declared that the record remain open for 10 days.

MOTION TO ADJOURN

**Commissioner Jarboe moved, seconded by Commission Dement, to adjourn.
Motion carried 4-0.**

Minutes Approved by the Board of County Commissioners on _____

Betty Jean Pasko, Sr. Admin. Coordinator