

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
GOVERNMENTAL CENTER
Tuesday, August 28, 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

The meeting was called to order at 9:05 AM.

APPROVAL OF CHECK REGISTER

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to authorize the Commissioner President to sign the Check Register dated August 28, 2007, as presented. Motion carried 5-0.

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Dement, to adopt the minutes of the Commissioners' meeting of August 21, 2007, as corrected. Motion carried 5-0.

PROCLAMATION: FORGET ME NOT MONTH, ST. MARY'S DISABLED AMERICAN VETERANS, CHAPTER 26

Present: Robert Wilcoxon, Chairman of the Forget-Me-Not Committee
Chuck Myers

The Commissioners presented a proclamation declaring September 2007 as Disabled American Veterans' FORGET-ME-NOT month and urged the support of all citizens, interested groups, and organizations. The Disabled American Veterans organization works for the welfare of our disabled veterans and their families by offering a free service of filing claims for government benefits and by assisting with job, hospital, employment, and other issues.

COUNTY ADMINISTRATOR

1. Draft Agendas for September 4 and 11, 2007
2. **Dept. of Economic and Community Development** (*Bob Schaller, Director*)

(Hans Welch, Business Development Manager)

Mr. Schaller and Mr. Welch presented the FY06 and FY07 Annual Reports on the Waiver/Deferral Building Impact Fee.

The County Commissioners approved 50 deferrals in FY06 and 20 deferrals in FY07 for the Hunting Creek Project. Fees waived in FY06 equaled \$225,000 (\$4,500 x 50 units) and \$90,000 in FY07. After fifteen years, the owners of Hunting Creek must pay the County the impact fees that were waived. The impact fee deferral will reduce rent by \$25 per unit per month.

(Chuck Stein, past President, Patuxent Habitat for Humanity; Gary Williams, President, Patuxent Habitat for Humanity)

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and sign the Award Letter granting the Impact Fee Waiver for the Patuxent Habitat for Humanity and to approve and authorize the Commissioner President to sign the related Budget Amendment, in the amount of \$4,500, to set up the budget for the approved Impact Fee Waiver application. Motion carried 5-0.

(Jim Brown, Jr., President, Victory Housing, Inc.)

Commissioner Raley moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to sign the Memorandum of Understanding between the Board of County Commissioners and Victory Housing, Inc. to reimburse Victory Housing for additional costs relating to the preliminary site and market feasibility analysis work in the amount of \$23,252 and for the second phase of the work for engineering services in the amount of \$78,595 and to authorize funding disbursement in accordance with the MOU. Motion carried 5-0.

(Dennis Nicholson, Executive Director, Housing Authority; Colin Keohan, Deputy County Attorney)

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign the Grant Agreement, Sub-recipient Agreement, and Request of Funds and Certification for the CDBG Mobile Home Voluntary Relocation Assistance project, and to sign the related Budget Amendment in the total amount of \$385,288, reducing the Lexington Manor CDBG funds and reallocating \$270,288, along with additional CDBG

**funding in the amount of \$115,000, to the Mobile Home Park Relocation project.
Motion carried 5-0.**

(Robin Finnacom, DECD, and Executive Director)

Ms. Finnacom requested the following actions:

- To authorize the Commissioner President to sign the Memorandum of Understanding between the Board of County Commissioners and the Three Oaks Homeless Shelter. This MOU provides up to \$35,000 in county funds for the purpose of identifying possible sites for the relocation of the Center.
- To authorize the Commissioner President to sign the Budget Amendment that increases the Operating Allocation of the Three Oaks Homeless Shelter in the amount of \$35,000 for the purpose of the identifying possible sites for the relocation of the Center.

There was discussion regarding timing, scope of work, use of a consultant vs. in-house expertise, and funding sources. [The need for the state to agree on a site needs to be factored in to the](#) timeframe to relocate Three-Oaks services. The consultant's scope of work will include review of potential sites.

It was agreed to table action on this matter pending an additional briefing on overall project details.

PUBLIC HEARING: TO CONSIDER PROPOSED ORDINANCE FOR REVISING FEES COLLECTED FOR PROCESSING & REVIEWING ENVIRONMENTAL HEALTH PERMIT APPLICATIONS

Present: Dr. William Icenhower, M.D., M.P.H. Health Officer, St. Mary's Co. Health Dept.
Daryl Calvano, Director, Environmental Health, St. Mary's Co. Health Dept.

Dr. Icenhower opened the public hearing by stating that the hearing was advertised in the August 15, and 22, 2007, editions of the Enterprise newspaper. The purpose of the public hearing was to obtain comments regarding the proposed ordinance for revising fees for processing and reviewing environmental health permit applications by the St. Mary's County Health Department.

The ordinance includes an exhibit; i.e., Exhibit A "Fee Schedule 2007" reflecting the current fee and the proposed 6% increase for the following: Soils Evaluation (Perc Test), Septic System Inspection, Record Plat Approval (Sewage Reserve Area/per lot), Site Plan Approval, Well Permit, Water Sample, Burning Permit, Trash Truck Inspection, Private Pool Permit, Public Pool Permit, Addition Permit/existing dwelling, Septic Installer License, Food Service Permit, Temporary Food Permit, and Food Service Plan Review (new and remodel).

Commissioner Russell opened the hearing for public testimony. There was no public testimony. Commissioner Russell closed the public hearing and declared the record remain open for ten days, during which time written comments can be sent to the Board of County Commissioners.

COUNTY ADMINISTRATOR, CONT'D

3. **Office of the Sheriff** (*Lt. Ed Willenborg; Erin Shoemaker, Fiscal Manager; Karen Russell, Health Department*)

Commissioner Dement moved, seconded by Commissioner Mattingly, to authorize the Sheriff to sign and accept the Tobacco Use Prevention, Education, and Cessation Program grant package and to approve and authorize the Commissioner President to sign the related Budget Amendment in the amount of \$5,600 increasing project revenues and expenses to align the project with the actual grant award amount. Motion carried 5-0.

Ms. Russell agreed to provide the Commissioners with a copy of the quarterly report referenced in Section II-5 of the Letter of Agreement between the Sheriff's Office and the Health Dept.

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign the updated agreement with the Teen Court Program and the Sheriff's Office. Motion carried 5-0.

4. **Dept. of Land Use & Growth Management** (*Phil Shire, Deputy Director; Sabrina Hecht, Planner IV*)

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign the Proposed Instruments of Final Transfer for a total of two Transferable Development Rights (TDRs) for one additional lot in the RPD Zone: Subdivision Case File #06-110-144, Four Meadows, Lot 5000-11A and Lots 5000-11B in accordance with Chapter 26, Schedule 32.2 and Section 52.7.2 of the Comprehensive Zoning Ordinance. Motion carried 5-0.

5. **Department of Aging** (*Lori Jennings-Harris, Director; Jennie Page, Deputy Director; Peggy Maio, Fiscal Supervisor*)

Commissioner Dement moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign the St. Mary's County Department of Aging Notification of Grant Award on the Medicaid Waiver Grant Project US0862 and the related Budget Amendment in the amount of \$850, decreasing project revenues and expenses, to align the project with the actual grant amount. Motion carried 5-0.

Commissioner Dement moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to sign the St. Mary's County Department of Aging Notification of Grant Award on the FY08 State grants totaling \$196,140. Motion carried 5-0.

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

Commissioner Raley moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to sign the Maryland State Highway Administration's Offer of Just Compensation to purchase in fee simple a portion of the railroad right-of-way for the proposed improvements for the Md. Route 237 (Chancellors Run Road) Project and to either authorize the Commissioner President and/or the County Attorney to be given the authority to sign the motion to withdraw the funds from the Clerk of the Court. Motion carried 5-0.

COMMISSIONER'S TIME

Commissioner's Time was waived.

MIRANT PINEY POINT PIPELINE, LLC: REVIEW STATE OF THE MIRANT PINEY POINT PIPELINE

Present: Billy Moore, Group Leader, Piney Point Pipeline, LLC
Walter Johnson, Supervisor, Pipeline Operations
Doug Agnes, Senior Pipeline Engineer
Misty Allen, Manager, Mid-Atlantic External Affairs

After the introduction provided by Mr. Moore, the presentation began with a video, "In Southern Maryland", about the Piney Point Pipeline, followed by a general information and project presentation and discussion.

Originally owned by Pepco, the pipeline was constructed in the early 1970's. In December 2000, it was obtained by Mirant. Following several improvements and upgrades, Mirant returned the pipeline to service in June 2001, and has maintained an excellent safety and environmental record since the return to service. There are thirty miles of pipeline running through St. Mary's County (from Piney Point to Ryceville, where the pipeline "T's", running to the Morgantown and Chalk Point plants). Mr. Moore reported that the pipeline was reinforced under roadways and explained the design. The additional reinforcement costs are covered by the contractor(s), and Mirant signs-off on the appropriate project documentation.

Mr. Moore confirmed that Mirant has updated St. Mary's County contact information; e.g., Public Safety and Public Information Office contacts, and a process is in place to review and update contact information annually.

MOTION TO ENTER INTO EXECUTIVE SESSION

Commissioner Jarboe moved, seconded by Commissioner Dement, to enter into Executive Session for the purposes of Real Property, which is to review the NewTowne

Players Lease Agreement, and Personnel, which is to discuss a promotion in the Sheriff's Office. Motion carried 5-0.

EXECUTIVE SESSION

Personnel

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
Christy Chesser, County Attorney
Sue Sabo, Director, Human Resources
Timothy Cameron, Sheriff
Capt. John Horne, Office of the Sheriff
Donna Gebicke, Recorder

Authority: Article 24, Section 4-210(a)1

Time Held: 11:33am – 12:07 pm

Action Taken: Commissioners discussed a promotion in the Sheriff's Office.

ACTION FROM EXECUTIVE SESSION

MOTION: Commissioner Raley moved, seconded by Commissioner Dement, to approve an additional rank of Corporal within the Sheriff's Office, effective August 29, 2007, and to authorize the Commissioner President to sign the Settlement Agreement and Mutual Release in the case of the Sheriff's Office litigation involving Harold Young. Motion carried 5-0.

ST. MARY'S COUNTY BUSINESS/TOURISM VISITS

The Commissioners visited the following local businesses:

- Sotterley Plantation, 44300 Sotterley Lane, Hollywood
- Apple Basket, 27056 Mt. Zion Church Rd., Mechanicsville
- St. Mary's County Welcome Center, 37575 Charlotte Hall Rd., Charlotte Hall

ADJOURNMENT

Minutes Approved by the Board of County Commissioners on _____

Betty Jean Pasko, Senior Administrative Coordinator

