

ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Tuesday, August 7, 2012

Present: Commissioner President Francis Jack Russell
Commissioner Lawrence D. Jarboe
Commissioner Cynthia L. Jones
Commissioner Daniel L. Morris
Commissioner Todd B. Morgan
John Savich, County Administrator
Sharon Ferris (Recorder)

CALL TO ORDER

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

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Jones, to approve the minutes as presented. Motion carried 5-0.

COUNTY ADMINISTRATOR TIME

1. Draft Agenda for August 21, 2012. There will be no meeting on August 14.
2. **Department of Aging and Human Services** (*Cynthia Brown, Division Manager; Mathew Reisdorph, Treatment and Prevention Coordinator*)

Commissioner Morris moved, seconded by Commissioner Morgan, to approve and authorize Commissioner President Russell to execute the FY2013 ADA Substance Abuse Treatment and Prevention Services Conditions of Grant Award documents and Acceptance Form for projects #'s MD1359, 1389, 1397, 1398, US1323, 1324 and 1355 and the Sub-recipient agreements between the County and St. Mary's Hospital of St. Mary's County, Inc. Motion carried 5-0.

DEPT. OF LAND USE AND GROWTH MANAGEMENT: REQUEST FOR MODIFICATION OF THE INTERNATIONAL RESIDENTIAL CODE FOR EXEMPTION OF DWELLING UNIT FIRE SPRINKLER SYSTEMS

Present: Phil Shire, Director, Dept. of Land Use and Growth Management
George Sparling, County Attorney

The state of Maryland adopted the 2012 versions of the International Building Code effective January 1, 2012, including the International Residential Code for one and two family dwellings and the International Energy Conservation Code, with modifications incorporated by the Maryland Department of Housing and Community Development as the Maryland Building Performance Standards. The State then allows local jurisdictions to adopt local amendments to the State's Code. The proposed amendment updates a previously adopted County amendment that does not require sprinkler systems in new construction single family dwellings that are on private wells. This is the last time this amendment can be implemented as the options will not be available to jurisdictions in 2015.

Commissioner Jarboe moved, seconded by Commissioner Morris, to adopt the proposed local amendment to Chapter 203 of the Code of St. Mary's County, the Maryland Building Performance Standards, in order to make that previously adopted amendment applicable to the 2012 Maryland Building Performance Standards. Motion carried 4-1. Commissioner Morgan voted nay.

DEPARTMENTS OF ECONOMIC AND COMMUNITY DEVELOPMENT AND LAND USE & GROWTH MANAGEMENT: FY 2013 RECOMMENDATION FOR FEE-IN-LIEU OF TRANSFERABLE DEVELOPMENT RIGHTS (TDRS)

Present: Donna Sasscer, Agriculture Manager, Dept. Economic and Community Development
Phil Shire, Director, Dept. of Land Use and Growth Management

Every year the County reviews and establishes the annual Transferrable Development Rights (TDR) Program Fee-in-lieu to determine value for the Open Lands Trust. In 2009, the TDR rate was set at \$20,000 and has remained the same throughout 2012. During FY12 only two (2) TDRs were transferred totaling \$17,600; therefore, staff recommends that the Fee-in-lieu remain at \$20,000 for FY13.

Commissioner Morgan moved, seconded by Commissioner Morris, to approve the annual Transferable Development Rights Fee-in-Lieu Value for the Open Lands Trust Fund in the amount of \$20,000 for fiscal year 2013. Motion carried 5-0.

OFFICE OF THE COUNTY ATTORNEY: CONSIDER PURCHASE OF REAL PROPERTY FOR EXPANSION OF AIRPORT

Present: George Sparling, County Attorney
George Erichsen, Director, Dept. of Public Works and Transportation

Mr. Sparling noted that notice of the proposed land acquisition was posted 15 days prior to the Request for Acquisition as required by law. The property, adjacent to Airport Road, will be used to relocate the road to allow further expansion of the St. Mary's County Airport. Mr. Erichsen noted that a grant application to reimburse the County for all expenses incurred for this transaction will be forthcoming.

Commissioner Morgan moved, seconded by Commissioner Morris, to authorize Commissioner President Russell to execute all documents required for the acquisition from Pointless, LLC of 0.9855 acres of land for \$72,000. Motion carried 5-0.

PROCEDURE FOR REVIEW OF DEPARTMENTS OF PUBLIC WORKS AND TRANSPORTATION AND LAND USE AND GROWTH MANAGEMENT DEVELOPMENT DECISIONS

Present: George Sparling, County Attorney

Discussions between the County and development engineers prompted the need to establish a formal review process for decisions made by the Departments of Public Works and Transportation and Land Use and Growth Management in the application of the St. Mary's County Road Ordinance and the St. Mary's County Stormwater, Grading, Erosion and Sediment Control Ordinance. The first step in the proposed procedures would be to appeal to the Department Head in writing with a copy to the County Administrator. If issues are not resolved at the Department Head level, a more complete written appeal could be made to the BOCC, which would be reviewed by the County Attorney for completeness and then referred to a Hearing Officer. An independent Hearing Officer would review the facts and provide a recommendation to the BOCC who will then make the final decision on the issue.

Commissioner Morgan moved, seconded by Commissioner Morris, that the Board of County Commissioners adopt the proposed Resolution establishing procedures for review of decisions and actions by the Department of Public Works and Transportation and also Land Use and Growth Management in the application of the St. Mary's County Road Ordinance and the St. Mary's County Stormwater, Grading, Erosion and Sediment Control Ordinance. Motion carried 5-0.

COMMISSIONER'S TIME

The Commissioners highlighted events attended over the past week.

Commissioner Jarboe acknowledged Allen McDonal attending today's meeting as part of his plan to earn a Boy Scout badge.

**PUBLIC HEARING: PROPOSED TRANSFER OF STRUCTURES AT 22675
AND 22691 OLD ROLLING ROAD TO LOTS OWNED BY PATUXENT
HABITAT FOR HUMANITY**

Commissioner President Russell opened the Public Hearing at 10:00 am.

Present: George Sparling, County Attorney
Robin Finnacom, CEO, Community Development Corp.
Pam Schubert, Executive Director, Habitat for Humanity

The County is considering transferring ownership of four structures located on Old Rolling Road in the right-of-way for FDR Boulevard to Habitat for Humanity Inc. in lieu of demolishing the structures. Habitat is applying for grant funding to relocate the structures to property owned by Patuxent Habitat for Humanity in Lexington Park. The four structures will ultimately create additional workforce housing in the Lexington Park area.

Commissioner Russell opened the Public Hearing for public comments.

There were no public comments and Commissioner Russell closed the public hearing at 10:12 am.

MOTION TO ENTER INTO EXECUTIVE SESSION

Commissioner Morgan moved, seconded by Commissioner Jones, to enter into Executive Session for the purpose of discussing real property matters, specifically St. Mary's County public school sites. Motion carried 5-0.

EXECUTIVE SESSION

Real Property

Present: Commissioner Francis Jack Russell, President
Commissioner Lawrence D. Jarboe
Commissioner Cynthia L. Jones
Commissioner Daniel L. Morris
Commissioner Todd B. Morgan
John Savich, County Administrator
Dr. Salvatore Raspa, Chairman, Board of Education, St. Mary's County
Dr. Michael Martirano, Superintendent
Bradley Clements, COO, St. Mary's County Public Schools
Donna Gebicke, Administrative Assistant

Authority: Article 24, Section 4-210(a)11
Time Held: 10:36 am – 11:42 am
Subject Discussed: Real Property (school sites)

PUBLIC FORUM

Commissioner President Russell opened the Public Forum for public comments at 6:30 pm at the Lexington Park Library, 21677 F.D.R. Boulevard, Lexington Park

Public Comments. *(Comments as noted below are intended as highlights of testimony given and are not verbatim.)*

George Edmonds, P.O. Box 27, Piney Point, MD

- Questioned the lag time on starting new expansion of the jail
- Concerned that \$6M of state funding would be lost

Commissioner Russell noted that the RFP went on ebidmarketplace.com at 4:50 today.

Leonard Kohl, Callaway, MD

- Feels we have lost sense of what Lexington Park is and it needs to be defined
- Recommended inexpensive measures to show a sense of caring
 - Open a formal entrance to Nicolet Park
 - Resolve parking issues at Freedom Park
 - New park and ride signs
 - Paint parking strips in front of businesses on Tulagia Place
- Need signs designating that you are entering/leaving Lexington Park

Claudia DeValera, 21940 Springvalley Dr., Lexington Park, MD

- Requested a street light be installed near her property for security reasons

ADJOURNMENT

Commissioner Russell closed the Public Forum and adjourned the BOCC meeting at 6:50 pm.

Minutes Approved by the Board of County Commissioners on _____

Sharon Ferris, Senior Administrative Coordinator (Recorder)