

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Tuesday, August 31, 2010**

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
Sharon Ferris (Recorder)

CALL TO ORDER

Commissioner President Russell called the meeting to order at 9:00 am.

ADDITIONS/DELETIONS TO AGENDA

1. Add an Executive Session at approximately 4:30 pm for the purpose of discussing personnel, specifically appointments to Boards and Committees
2. Remove the 3:15 request to hold a public hearing on International Building Codes and replace that item with an update from Verizon on 911 issues.

Commissioner Russell asked for a motion to go into executive session at approximately 4:30 for the purpose of discussing personnel. Commissioner Mattingly moved, seconded by Commissioner Raley. Motion carried 4-1. Commissioner Jarboe voted nay.

APPROVAL OF CHECK REGISTER

Commissioner Mattingly moved, seconded by Commissioner Raley, that the bills submitted for August 31, 2010, be approved as presented. Motion carried 5-0.

APPROVAL OF MINUTES

Commissioner Dement moved, seconded by Commissioner Mattingly, to approve the minutes of the meeting of Tuesday, August 24, 2010 as presented. Motion carried 5-0.

PROCLAMATIONS WERE PRESENTED IN RECOGNITION OF: DISABLED AMERICAN VETERANS FORGET-ME-NOT MONTH, NATIONAL ALCOHOL AND

**DRUG ADDICTION RECOVERY MONTH, AND NATIONAL EMERGENCY
PREPAREDNESS MONTH**

COUNTY ADMINISTRATOR

1. Draft Agenda for September 21 2010. There will be no meetings on September 7 and 14, 2010.

2. Department of Recreation and Parks (*Phil Rollins*)

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President Russell to execute the budget amendment that will decrease the Portable Toilet/Trash Removal Grant project #MD1107 by \$550 and return this amount to Supplemental Reserve Account. Motion carried 5-0.

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President Russell to execute the budget amendment that will decrease the Derelict Boat and Debris Removal grant project PL0801 by \$5,000 and return this amount to the Supplemental Reserve Account. Motion carried 5-0.

3. Department of Finance (*Elaine Kramer*)

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President Russell to sign the budget amendment to reduce the appropriation authority in the supplemental reserve revenue and expense reserves by \$4,000,000 for FY2010. Motion carried 5-0.

(George Erichsen, Director, Dept Public Works and Transportation)

Commissioner Jarboe moved, seconded by Commissioner Dement, to authorize the Contracting Officer to award the contract for the replacement of the Mechanicsville Road Culvert, as recommended, to the lowest and responsive bidder, and to execute a contract subject first to approval of the contractor by the State Highway Administration on behalf of the Federal Highway Administration and then upon the execution of the corresponding financial documents. I also move that we authorize Mr. Erichsen to follow-up on his recommendation that we ask the State to approve a re-alignment of any

remaining ARRA funds on this project to the Pegg Road ARRA project. Motion carried 5-0.

4. Department of Public Works and Transportation (*George Erichsen, Director*)

Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize Board of County Commissioner President approve the two Public Works Agreements and three Public Works Agreement Addenda listed in Mr. Erichsen's memo to Ms. Gebicke dated August 24, 2010, that the Board of County Commissioners approve as requested by staff. Motion carried 5-0.

- 1. Evelyn Grace Subdivision located in the 2nd Election District with an Expiration Date of July 1, 2011.**
- 2. Tom Hodges Auto Sales, Inc. located in the 6th Election District with an Expiration Date of July 1, 2011.**
- 3. Pembroke Subdivision, Phase 2, located in the 8th Election District with an Expiration Date of August 1, 2011.**
- 4. Pembroke Subdivision, Phases 3 and 4, located in the 8th Election District with an Expiration Date of August 1, 2011.**
- 5. Riverbay Townhomes Subdivision, Section 1, located in the 8th Election District with an Expiration Date of August 1, 2011.**

5. Office of the County Attorney (*George Sparling, County Attorney*)

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize Commissioner President Russell to execute a Memorandum of Understanding to permit the location of an Early Voting Center in Room 14 of the Potomac Building at the St. Mary's County Governmental Center for the St. Mary's County Board of Elections to use for the 2010 Primary and General Elections. Motion carried 5-0.

6. Department of Land Use and Growth Management (*Derick Berlage, Director; Sue Veith, Environmental Planner*)

Commissioner Mattingly moved, seconded by Commissioner Raley, to approve and authorize the Commissioner President to execute the FY 2011 Critical Area Grant Agreement, Project #MD1127, from the Maryland Department of Natural Resources Critical Area Commission on behalf of the Department of Land Use & Growth Management in the amount of \$11,000 for reimbursement of a

percent of salary and fringe for County staff who perform tasks under the Critical Area scope of work program. Motion carried 5-0.

DEPT. OF LAND USE AND GROWTH MANAGEMENT: DECISION ON PROPOSED COMPREHENSIVE ZONING ORDINANCE AND SUBDIVISION ORDINANCE

Present: Derick Berlage, Director, Dept. of Land Use and Growth Management

Mr. Berlage highlighted accomplishments the Commissioners made in changing portions of the zoning ordinance.

- Supported rural preservation
- Placed new land in rural preservation
- Adopted design standards for rural subdivisions
- Added new scenic corridor areas on Three Notch Rd.
- Took action to preserve the rural character of the east side of Mechanicsville
- Made a number of improvements in growth centers
- Created stronger recreation standards in housing areas
- Modernized parking and lighting standards
- Asked Chamber of Commerce to initiate a design standard working group

Commissioner Jarboe addressed two issues that he would like resolved prior to adoption of this zoning ordinance: (1) a proposed slaughter house and (2) restriction of adult entertainment enterprises in the revitalization district. He received a petition with over 300 signatures from residents opposed to a proposed slaughterhouse in their Mechanicsville community. The Community Development Corporation asked that adult entertainment not be permitted in the revitalization area of Lexington Park.

Mr. Berlage recommended making no changes to the Zoning Ordinance presented for adoption today and noted that Commissioners can request text amendments at any time. He suggested that his department needs time to analyze each proposal, determine options available, and work through the public comment process.

Commissioners Raley, Mattingly, and Russell agreed that the issue of the slaughter house and adult entertainment could be addressed by text amendments at a later date allowing the Planning Commission time to consider the recommendations and work through the public hearing process.

Commissioner Mattingly moved, seconded by Commissioner Raley, to adopt Ordinance No. Z-10-02 to repeal and reenact the Comprehensive Zoning Ordinance (Ordinance No. Z-02-01) and to adopt Ordinance S-10-01 to repeal and reenact the Subdivision Ordinance (Ordinance No. Z-02-02) to take effect September 14, 2010. Motion carried 4-1. Commissioner Jarboe voted nay.

ST. MARY'S COUNTY CHAMBER OF COMMERCE STATE OF THE COUNTY LUNCHEON

The Commissioners attended the annual St. Mary's County Chamber of Commerce State of the County Luncheon.

PUBLIC HEARING: PROPOSED AMENDMENT TO THE COMPREHENSIVE WATER AND SEWERAGE PLAN FOR BOARD OF EDUCATION MARGARET BRENT MIDDLE SCHOOL/CHOPTICON HIGH SCHOOL CONNECTION, CASE CWSP 10-200-001

Present: Jeff Jackman, Senior Planner, Dept. Land Use and Growth Management
Dave Chapman, Capital Facilities Planner, Dept. Land Use and Growth Management

Commissioner President Russell opened the public hearing at 3:02.

It was noted for the record that the notice for this public hearing was published in *The Enterprise* newspaper on August 13 and 18, 2010. The Planning Commission recommended an amendment to the Comprehensive Water and Sewage Plan to include the interconnection of existing private sewerage systems at Chopticon High School and Margaret Brent Middle School. This sewerage system would be used exclusively by the schools and would not require obtaining any new easement rights. Connecting the two schools is more cost-effective than making required upgrades to the Margaret Brent Middle School plant.

Commissioner President Russell opened the hearing for public comments.

There were no public comments.

Commissioner Russell noted that the record will remain open for ten days for additional written comments from the public and closed the hearing at 3:25 pm.

911 UPDATE

Present: Dave Zylak, Director Public Safety

Mr. Zylak updated the Commissioners on recent failures of the emergency 911 system. A Verizon representative is scheduled to attend the September 21st BOCC meeting to address these issues.

DEPT. OF LAND USE AND GROWTH MANAGEMENT: DECISION ON PROPOSED ZONING TEXT AMENDMENT TO ALLOW A PUBLIC SAFETY FACILITY IN THE RPD ONE ELECTRONIC CHANGEABLE COPY SIGN

Present: Yvonne Chaillet, Planner, Dept. Land Use and Growth Management

A public hearing on the subject was held on August 10th with two people giving testimony. The record was held open for public comments until August 20th. Staff did not receive any additional comments.

Commissioner Dement moved, seconded by Commissioner Mattingly, to approve the text amendment to Section 65.3.4.i of the Comprehensive Zoning Ordinance to allow a public safety facility one on-premise changeable copy sign. Motion carried 5-0.

DEPT. OF PUBLIC WORKS AND TRANSPORTATION: REQUEST TO HOLD PUBLIC HEARING CONCERNING STATE REQUIRED INCLUSION OF A RECYCLING STRATEGY FOR ALL COUNTY-FUNDED SCHOOLS AND TRADE SCHOOLS/COLLEGES IN THE COUNTY'S COMPREHENSIVE SOLID WASTE MANAGEMENT & RECYCLING PLAN

Present: Richard Tarr, Solid Waste Manager, Dept. of Public Works and Transportation

The public hearing request is to consider a text amendment to update the Comprehensive Solid Waste Management and Recycling Plan to incorporate language on recycling in the school systems to meet new requirements for the Maryland Department of Environment. Mr. Tarr said this would be an administrative up-date; the public schools are recycling and have done so for years.

Commissioner Dement moved, seconded by Commissioner Mattingly, to schedule a public hearing concerning state-required inclusion of a recycling strategy for all county-funded schools and trade schools and colleges in the County's Comprehensive Solid Waste Management & Recycling Plan. Motion carried 5-0.

COMMISSIONER'S TIME

The Commissioners highlighted upcoming events, those attended over the past two weeks and personal items of interest.

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
Karen Everett, Public Information Officer
Sarah Cannavo, Boards and Commissions Admin.
Donna Gebicke, Recorder

Authority: Article 24, Section 4-210(a)1
Time Held: 4:10 pm - 4:20 pm
Subject Discussed: Appointments to Boards and Committees

PUBLIC FORUM: HELD AT THE CHESAPEAKE BUILDING, 41770 BALDRIDGE ST., LEONARDTOWN, MD

Commissioner President Russell opened the Public Forum at 6:30 pm.

ACTION FROM EXECUTIVE SESSION (Motion taken in open session)

Commissioner Raley moved, seconded by Commissioner Mattingly, that the Commissioners approve Ms. Rose Miller to the Nursing Center Governance Board and Mr. Paul Colonna to the Metropolitan Commission for specified terms. Motion carried 4-1. Commissioner Jarboe voted nay.

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

Richard Howard, Jr., 2210 Clove Terrace, Baltimore, MD 21209

Live in Baltimore but own property on Reeves Rd. next to proposed slaughterhouse. Against slaughterhouse. Reeves Rd. is not suitable for commercial traffic. Does not meet requirements of major arterial road. This project should never be allowed to go forward.

William Hamel, 38701 Hidden Pond Court, Mechanicsville, MD 20659

Against slaughterhouse. Believes in farmer's right to farm - installation of slaughter is not right to farm issue. Built house before 2002 Zoning Ordinance and there was a buffer at that time that would have protected us. Negatively affect property values. Farm surrounded by high dollar houses. Not right place to put high intense industrial use

facility. Property does not have room to build a slaughterhouse and meet 500' requirement. Ask that you enforce the remaining provisions under the existing ordinance and reject this particular property for a slaughterhouse.

Commissioner Mattingly clarified that this body is not the ones who will ultimately approve or disapprove, it is the Board of Appeals.

Richard Pelz, Mechanicsville, MD

Here on behalf of Circle-C Oyster Ranchers Association and Bob Parkinson. The state declared that bacteria levels were too high for oyster harvesting in St. Thomas Creek but was not forthcoming on source of pollution. Asked Commissioners for their help to have the state determine what is causing high levels of bacteria in St. Thomas Creek and to do a shoreline survey. County Commissioners are given the responsibility of protecting aquaculture waters throughout the County. Bob has over 300 bushels of oysters that state will not let him move to clean waters for sale. Do not want to see oyster grower go out of business.

Commissioner Russell assured Mr. Pelz that the Commissioners would follow up with a letter to MDE.

Brian Springer, 19605 Blake Farms Lane, Valley Lee, MD 20692

In support of Christmas in April - wants to see compromise to use fairgrounds

Wayne Abernathy, 29839 Lincoln Rd., Mechanicsville, MD 20659

Mr. Abernathy stated he attended a Public Forum on June 22nd and presented the Commissioners with a memo asking for information on the County Radio System Upgrade. Requested information from PIO and it has been over 70 days – still no response. Saw article in *The Enterprise* in May with 2011 Budget having funds to patch the system. He said all he is asking for is information and has received nothing.

Commissioner Russell presented Mr. Abernathy with a letter signed this morning by the Commissioners addressing this issue.

Howard Thompson, P. O. Box 511, Hollywood, MD 20636

Christmas in April is a nation-wide event held at same time every year. Fairground areas not available to Christmas in April because of Holly Face Church's Carnival. Every 7 years have this issues, last time Christmas in April changed date to accommodate the Church which caused loss of some volunteers. Have a volunteer organization ranging from 1,500 to 2,000 people. Concern for safety with trucks going in/out of fairgrounds while carnival going on. Problem with picnic held at end of day because area normally used by Christmas in April is being used for Carnival. Working with Father Callis to try to work out solutions, but want Commissioners aware of challenges we are facing.

Mary Ann Chasen, 45915 Pine Rd., Lexington Park, MD 20653

Provided Christmas in April accomplishments. Concern with safety of participants in both events. Asked Commissioners for support.

Charles Baker, 38961 Reeves Rd., Mechanicsville, MD 20659

Against slaughterhouse. You said earlier it is out of your hands but Board of Appeals belongs to you. Most of community unhappy - 300 signatures who are opposed brought to you and we feel that it was dismissed by members here.

Susan Rollins, 38991 Reeves Rd., Mechanicsville, MD 20659

Oppose slaughterhouse. Concerned with number of children in neighborhood. Won't feel safe in community.

Mr. Frances Countiss, Reeves Rd. Mechanicsville, MD 20659

Against slaughterhouse. Unfair to citizens. Unhealthy – he compared to asbestos which you cannot see but has side affects. Concern with air/water quality and burning of carcasses. Location is between 2 sub divisions – concern for safety of community. Not opposed to slaughterhouse in St. Mary's County just put in it right place.

Mike Lutz – 38941 Reeves Rd., Mechanicsville, MD 20659

What is the status of petition we submitted which referenced a 1,000' buffer zone – is it a dead issue or are going to look at it further up the road? Old zoning ordinance required buffer zone. Why not find spot for slaughter house - why not find an industrial space? Check with Farm Bureau to see if they have grants or whatever.

Commissioner Russell commented that the change should be handled by text amendment and he will work with Mr. Jarboe and the Department of Land Use and Growth Management to make it a reality but we need to go through the process and do it the right way.

Commissioner Mattingly commented that the Agriculture Specialist in DECD has been working on finding an appropriate space for a slaughterhouse for a few years, and we recently discussed a mobile unit. An appropriate place nor the funding has been determined. The recommendation should go through planning commission, public hearing and then to the BOCCs. He noted the process takes about 125 days.

Raphael Gunther, 21900 Magnolia Dr., California, MD 20619

Worked with Christmas in April since 1990. Many volunteers and lot of money donated. People volunteering from not only St. Mary's County but as far away as Winchester VA. Always held on last Saturday in April and volunteers plan a year in advance for this program.

Doug Sanbourn, 20535 Deerwood Park, Leonardtown, MD 20650

Worked with Christmas in April organization since he moved to county (15 years). Anything you can do to help will be greatly appreciated.

Ken Ritter, 21955 Stoneybrook Ct., Lexington Park, MD 20653

Christmas in April House Captain for 14 years. Invited all Commissioners to work on a house with him. Will forward email tomorrow to formally invite

Mr. Jarboe suggested a solution to the Christmas in April evening meal event might be to stage all work activities at the fairgrounds and then set up the evening meal/social function on the governmental grounds at the Leonard Hall Recreation Center. He suggested getting in touch with Phil Rollins, Recreation and Parks to check availability. Could use as a Plan B.

Jacqueline Countiss, 38833 Reeves Rd., Mechanicsville

Against slaughterhouse. Researched slaughterhouses and found an increase in lung cancer associated with slaughterhouse workers. Looked at Food and Agriculture for UN site and it said slaughterhouses should be situated away from residential areas. Even developing countries like Indonesia have banned slaughter houses in neighborhoods and I would think we would be more advanced. Questions to ask: what operating hours would be; number of animals to be processed; how to deal with water contamination; and how to control odors - air pollution. Asked Commissioners for help. Might be a compromise.

Commissioner President Russell closed the forum at 7:48

ADJOURNMENT

The meeting of the Board of County Commissioners adjourned at 7:50 pm.

Minutes Approved by the Board of County Commissioners on _____

Sharon Ferris, Senior Administrative Coordinator (Recorder)