

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
GOVERNMENTAL CENTER
Tuesday, April 19, 2005**

Present: Commissioner President Thomas F. McKay
Commissioner Kenneth R. Dement (*departed at 7:00 p.m.*)
Commissioner Lawrence D. Jarboe
Commissioner Thomas A. Mattingly, Sr.
Commissioner Daniel H. Raley
George G. Forrest, County Administrator
Kate Mauck, Senior Administrative Coordinator (Recorder)

CALL TO ORDER

The meeting was called to order at 9:12 a.m.

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve the minutes of the Commissioners' meeting of Tuesday, April 12, 2005. Motion carried, 5-0.

PROCLAMATION: ENVIRONMENTAL EDUCATION MONTH

The Board of County Commissioners presented a Proclamation to St. Mary's County Public Schools in honor of Environmental Education Month.

MARCEY HOUSE 12TH ANNUAL GOLF BENEFIT

Present: Larry Harvey, Director, Marcey House

The Director of the Marcey House, accompanied by representatives from the Marcey House Board and sponsoring agencies, extended a formal invitation to the Board of County Commissioners to participate in the 12th Annual Marcey House Benefit Golf Tournament. The event will be held on Friday, May 27, 2005 at the Wicomico Shores Municipal Golf Course.

COUNTY ADMINISTRATOR

1. Draft Agendas for April 26 and May 3, 2005

2. State's Attorney's Office

Present: Michael Stamm, Deputy State's Attorney

Commissioner Dement moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner President to sign the FY06 Child Support Enforcement Administration Cooperative Reimbursement Agreement and Application for the State's Attorney's Office. Motion carried, 5-0.

3. Office of the Sheriff

Present: Sheriff David Zylak
Erin Gass, Fiscal Manager

- a. **Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President to sign the FY06 Child Support Enforcement Administration Cooperative Reimbursement Agreement and Application for the Sheriff's Office. Motion carried, 5-0.**
- b. **Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize Commissioner President to sign the Intergovernmental Agreement between the MD Dept. of Juvenile Services and the Sheriff's Office to transport all youth to court from Juvenile Services Facilities. Motion carried, 5-0.**
- c. **Commissioner Dement moved, seconded by Commissioner Mattingly, to authorize the Sheriff's Office to apply for and accept the Federal Justice Assistance Grant (JAG) Program on-line via the Grants Management System. Motion carried, 5-0.**

5. Circuit Court

Present: (for items a & b) Bill Tench, Court Administrator; (for item c) Teresa Weeks

- a. **Commissioner Jarboe moved, seconded by Commissioner Dement, to approve grant award and authorize Commissioner President to sign Budget Amendment to transfer MD Drug Court Commission, Drug Court Special Projects Grant funds (MD0522) from the Unallocated Grant Reserve Account (\$63,909). Motion carried, 5-0.**
- b. **Commissioner Jarboe moved, seconded by Commissioner Mattingly, to approve grant award for MD Drug Court Commission, Drug Court Coordinator (MD0505) and authorize Commissioner President to sign related Budget Amendment (\$8,848). Motion carried 5-0.**

- c. **Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize Commissioner President to sign the FY06 Child Support Enforcement Administration Cooperative Reimbursement Agreement and Application for the Circuit Court. Motion carried, 5-0.**
5. **Walden Sierra**

Present: Dr. Kathleen O'Brien, Executive Director

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President to sign Transmittal Page for submittal of grant application to MD Dept. of Human Resources for additional allocation of \$5,000 to promote sexual assault awareness and prevention in St. Mary's County. Motion carried, 5-0.

6. **Department of Economic & Community Development**

Present: Donna Sasscer, Agriculture Manager

Commissioner Jarboe moved, seconded by Commissioner Mattingly, to authorize staff to schedule a public hearing for property owners (William Clay, Dale Cropper, James Faar, Joseph Lumpkins, Old Gum Supply, and James Horstkamp) who wish to participate in the MD Agriculture Land Preservation Program. Motion carried, 5-0.

7. **Dept. of Recreation, Parks and Community Services**

Present: Phil Rollins, Director

Commissioner Dement moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner President to sign the Capital Grant Application and Capital Projects Grant Agreement for the Piney Point Lighthouse Museum Bond Bill Chapter 432, 2004. Motion carried, 5-0.

8. **Department of Public Works and Transportation**

Present: George Erichsen, Director

- a. **Public Works Agreement for Forrest Farm Subdivision, Section 3, Phase 6. Located in the 3rd Election District with an expiration date of February 1, 2006. A Letter of Credit has been provided by the Mercantile Southern Maryland Bank in the amount of \$140,400. The road included in this agreement is: Waverly Court (956').**
- b. **Public Works Agreement for Forrest Farm Subdivision, Section 3, Phase 7. Located in the 3rd Election District with an expiration date of February 1, 2006. A Letter of Credit has been provided by the Mercantile Southern Maryland Bank**

in the amount of \$325,500. The roads included in this agreement are: Pembroke Drive (1,543'), Thornbury Drive (656'), and Brixton Court (421').

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President to sign Public Works Agreements a & b. Motion carried, 5-0.

- c. Public Works Agreement Addendum for Greenbrier Subdivision, Section 5. *Located in the 8th Election District with an expiration date of April 1, 2006. The Letter of Credit provided by the Maryland Bank & Trust Company in the amount of \$743,100 remains as posted based on the Department's Inspection Report dated February 22, 2005. The Public Works Agreement and Letter of Credit in the amount of \$743,100 were originally issued on May 19, 2004. The roads included in this agreement are: Freedom Drive (1,280'), Green Leaf Road (672'), Green Leaf Court (589'), Powhatan Court (237'), and Brookstone Court (311').*

Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize Commissioner President to sign Public Works Agreement c. Motion carried, 5-0.

- d. **Commissioner Mattingly moved, seconded by Commissioner Dement, to authorize staff to schedule a public hearing for the realignment of Brown Road (County Rt. 30224), located in the 3rd Election District. Motion carried, 5-0.**

9. Department of Land Use and Growth Management

Present: Phil Shire

Commissioner Mattingly moved, seconded by Commissioner Dement, to approve and authorize Commissioner President to sign Instrument of Final Transfer of Development Rights to John S. Gray. Motion carried, 5-0.

RESOLUTION TO ADOPT THE ZONING AND SUBDIVISION TEXT AMENDMENTS POLICY

Present: John B. Norris, III, County Attorney
Denis Canavan, Director, Land Use and Growth Management

The Department of Land Use and Growth Management presented a Resolution for consideration that would allow Commissioners to adopt a Zoning and Subdivision Text Amendment Policy. The Board of County Commissioners reviewed the policy provisions during their meeting last week, and directed the department to bring forth a Resolution for their signature.

Commissioners directed staff to ensure that there is a reliable notification system to all citizens on any changes that are introduced and/or made to the St. Mary's County Comprehensive Zoning Ordinance and the St. Mary's County Subdivision Ordinance. The public was reminded that one way of receiving notification is through signing up on the county's website for automatic notification. Mr. Canavan reported that citizens would be notified through every possible means available.

Commissioner Mattingly moved, seconded by Commissioner Dement, to adopt the Resolution for the purpose of establishing a policy to be utilized for all Text Amendments to either the St. Mary's County Comprehensive Zoning Ordinance or the St. Mary's County Subdivision Ordinance. Motion carried, 5-0.

DEPARTMENT OF LAND USE AND GROWTH MANAGEMENT: BRIEFING AND REQUEST FOR DIRECTION FOR ZONING ORDINANCE TEXT AMENDMENTS

Present: Denis Canavan, Director

The Department of Land Use and Growth Management provided a briefing and requested direction on Zoning Ordinance Text Amendments. The following three items for consideration were presented:

- Mandatory Connection to Community Water and Sewerage Service
- Lighting Standards
- Off-street Parking and Loading Spaces

After in-depth discussion on these items, it was noted that a public hearing would need to be conducted on any proposed changes. *Staff was given direction to move forward on each of the three items, and to prepare Zoning Text Amendments.*

COMMISSIONERS' TIME

Commissioner Raley

Expressed congratulations to the Chamber of Commerce and to county staff upon the recent relocation of the Chamber to their new offices at the airport. Stated that staff spent a lot of time and energy making it work for the Chamber, and also for Auto Pilot Magazine. The location will be a plus for everyone involved, and citizens were encouraged to visit the Chamber of Commerce offices.

Commissioner Dement

Reported that he, along with other Commissioners, attend the Annual RSVP Awards luncheon at the Dr. James Forrest Career & Technology Center on Thursday evening.

Reported that he stopped by the Volunteer Recognition Ceremony to honor the volunteers of St. Mary's Nursing Center on Thursday evening.

Reported that he attended the Groundbreaking Ceremony for the new Habitat for Humanity home on Saturday.

Reported that he and Commissioner Jarboe attended a 70th wedding anniversary celebration event for Joseph Walter Carter, Sr. and Agnes G. Carter on Saturday.

Announced that he threw out the first baseball at the Laurel Grove Park on Saturday evening in order to kick off the beginning of the season.

Reported that he attended the surprise 50th wedding anniversary celebration for Kenneth and Margaret Greenwell.

Congratulated Charlie and Gail Thompson for the all-day affair held in their honor in Callaway in order to raise funds which will assist in supporting them after they were burned-out a month ago.

Reported that he attended the Second District Volunteer Fire Department and Rescue Squad 2005 Open House event this past Sunday.

Reported that he attended the recent Earth Day event in Leonardtown.

Commissioner Mattingly

Expressed congratulations to Habitat for Humanity and for those who have worked hard on their Board. Reported that the newest Habitat house will have a unique residential fire sprinkler system, which may very well be the first of its kind in a residential home in the state of Maryland.

Reported that he stopped by the Metropolitan Commission's public hearing to discuss a project to provide public sewer service to the Andover Estates Road/Route 249 area, and outlined information regarding that hearing. It was a good meeting and good information was shared.

Commissioner Jarboe

Stated that an audit report on the Detention Center was recently in the Commissioners' mail log, and reported that congratulations are to be extended to Sheriff Zylak and Lieutenant Tim Cameron for 100% compliance that was reported on the audit.

Wicomico Shores issues – 1) Reported that he has recently received requests from citizens for the Sheriff’s Department to set up monitoring devices for speeding vehicles – stated that the Sheriff’s Department is responsible for ensuring these types of things are enforced, and not the Board of County Commissioners; 2) Asked for the Wicomico Shores Golf Advisory Board to look at ways to redesign the holes at the golf course so that residential homes are less likely to receive damage, and also for public safety reasons; and 3) Asked that the County Attorney’s Office look into a situation regarding an ownership problem in Wicomico Shores on property purchased in 1967...asked that their office approach this situation with compassion, as it is a tough situation to resolve...asked that their office review the matter and draft a letter to the citizen; Commissioner Jarboe will provide the appropriate paperwork.

Commissioner President McKay

Reported that he and Mr. Forrest had the pleasure yesterday of welcoming Lieutenant Governor Steele to Esperanza Middle School. The Lieutenant Governor is chairing the Commission on Quality Education in Maryland. Outlined the events of the day at Esperanza Middle School, and reported also that there will be a regional meeting at Thomas Stone High School that would cover the entire Southern Maryland area. Announcements will be coming forward on this subject in the future.

Reminded the public, and asked Commissioners to join, if possible, in hosting a Rural Legacy event in St. Mary’s County, this Thursday, beginning at 11:30 a.m. at the airport terminal. Outlined the individuals that would be present and the subject matter involved.

Invited the public to attend the Groundbreaking Ceremony for “The Gateways” Residential Homeownership Condominium Community that the Commissioners will be attending at 3:30 this afternoon.

Invited the public to attend the public hearing to be conducted this evening at 6:30 p.m. at the Governmental Center regarding proposed Comprehensive Water & Sewer Plan Amendments.

SOUTHERN MARYLAND HERITAGE AREA CONSORTIUM FIRST ANNUAL REPORT

Present: Carolyn Laray, Tourism Manager
Roz Racanello, Director, Southern Maryland Heritage Area Consortium

The first Annual Report for the Southern Maryland Heritage Area Consortium was presented and outlined in detail.

GROUNDBREAKING CEREMONY FOR “THE GATEWAYS” RESIDENTIAL HOMEOWNERSHIP CONDOMINIUM COMMUNITY

The Board of County Commissioners attended the Groundbreaking Ceremony for “The Gateways” Residential Homeownership Condominium Community, located at 21155 Lexwood Drive in Lexington Park, Maryland.

**PUBLIC HEARING – DEPARTMENT OF LAND USE AND GROWTH
MANAGEMENT – PROPOSED COMPREHENSIVE WATER AND SEWER
PLAN AMENDMENTS**

Present: Jeff Jackman, Senior Planner
 Denis Canavan, Director
 John B. Norris, III, County Attorney
 Bill Shreeve, Metropolitan Commission

The Department of Land Use and Growth Management presented seven proposed Comprehensive Water & Sewer Plan Amendments as outlined below. A public hearing regarding each matter was conducted by the Board of County Commissioners. Staff reported that the appropriate legal advertisement for each public hearing was placed in *The Enterprise* newspaper on March 30th and April 6th, 2005. Each property was properly posted at the appropriate location, and the adjoining property owners were appropriately notified. The following individual public hearings were conducted as follows:

1) CWSP #04-132-025, Cecil’s Mill Town Home – The community is in Lexington Park, and is currently listed in the Comprehensive Plan as a Development District. Proposed sewer amendment would be S-3D, and there are 123 proposed lots.

Commissioner President McKay opened the public hearing for public comment, with the following individual speaking:

Dean Wilkenson – R.A. Barrett & Associates (applicant’s engineer) – Outlined information about the property, and reported that water had previously been brought in, and now the applicant would like to bring the sewer system into compliance.

As no one else was present to speak regarding the matter, Commissioner President McKay closed the public hearing. The matter will remain open for written public comment for 10 days, and will then be placed on an upcoming agenda of the Board of County Commissioners for final discussion and a decision.

2) CWSP #04-120-039, The Crossings at Riverside Farm – The community the project is located in Drayden/Great Mills and it is listed in the Comprehensive Plan as RPD. Proposed water is RW, and there are 48 lots planned.

Commissioner President McKay opened the public hearing, with the following individuals speaking:

Dean Wilkenson– R.A. Barrett & Associates (applicant’s engineer) – responded to questions by the Commissioners and outlined information regarding the property.

Bill McKissick - Dugan, McKissick, & Longmore – Outlined how TDRs are applied in the RPD, and reported that developers should not be taking advantage of loopholes in the Ordinance. Reported that it would make sense to have a deep well for a larger subdivision at this location. Asked Commissioners not to send a message to developers that TDR rules may change.

As no one else was present to speak regarding the matter, Commissioner President McKay closed the public hearing. The matter will remain open for written public comment for 10 days, and will then be placed on an upcoming agenda of the Board of County Commissioners for final discussion and a decision.

Commissioner Dement departed the meeting at this time.

3) CWSP #04-132-027, Brusters Real Ice Cream – The community is Hollywood, and the Comprehensive Plan lists it as Town Center. Proposed water would be W-3D, sewer would be S-3D, and lots – C.

Commissioner President McKay opened the public hearing for public comment. As no one was present to speak regarding the matter, Commissioner President McKay closed the public hearing. The matter will remain open for written public comment for 10 days, and will then be placed on an upcoming agenda of the Board of County Commissioners for final discussion and a decision.

4) CWSP #04-120-040, Stallman Subdivision Section 7 – The community is Great Mills, and is listed in the Comprehensive Plan as Development District; The proposed sewer would be S-3D and 5 lots are planned.

Commissioner President McKay opened the public hearing for public comment. As no one was present to speak regarding the matter, Commissioner President McKay closed the public hearing. The matter will remain open for written public comment for 10 days, and will then be placed on an upcoming agenda of the Board of County Commissioners for final discussion and a decision.

5) CWSP #04-132-006, Sotterley Road Center – The community is Hollywood, and it is listed in the Comprehensive Plan as Town Center. Proposed water would be W-3D, and proposed sewer would be S-3D, with lots – C.

Commissioner President McKay opened the public hearing for public comment. As no one was present to speak regarding the matter, Commissioner President McKay closed the public hearing. The matter will remain open for written public comment for 10 days, and will then be placed on an upcoming agenda of the Board of County Commissioners for final discussion and a decision.

6) CWSP #04-120-049, Russell Subdivision – The community is Piney Point, and is listed in the Comprehensive Plan as Town Center. Proposed water would be W-3D, and 12 lots are planned.

Commissioner President McKay opened the public hearing for public comment. As no one was present to speak regarding the matter, Commissioner President McKay closed the public hearing. The matter will remain open for written public comment for 10 days, and will then be placed on an upcoming agenda of the Board of County Commissioners for final discussion and a decision.

7) Town of Leonardtown Text Amendment – The community is Leonardtown, and is listed in the Comprehensive Plan as Development District. Proposed sewer would be in the form of text amendments.

Present - Laschelle Miller – Town Administrator. Ms. Miller reported that the Maryland Department of Planning is supportive of the plan and also the plans to expand the plant capacity. Reported that the Maryland Department of Planning has asked questions regarding the life expectancy of the sewer plant, that METCOM is willing to participate in the project, but is not at this time, and that the project is expected to be completed by 2008, and that an intergovernmental agreement would need to be “tweaked.”

Commissioner President McKay opened the public hearing for public comment. As no one was present to speak regarding the matter, Commissioner President McKay closed the public hearing. The matter will remain open for written public comment for 10 days, and will then be placed on an upcoming agenda of the Board of County Commissioners for final discussion and a decision.

ADJOURNMENT

The meeting adjourned at 7:38 p.m.

Minutes Approved by the Board of County Commissioners on _____

Kate Mauck, Senior Administrative Coordinator

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