

ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
GOVERNMENTAL CENTER

Tuesday, May 16, 2006

Present: Commissioner President Thomas F. McKay

Commissioner Kenneth R. Dement

Commissioner Lawrence D. Jarboe

Commissioner Thomas A. Mattingly, Sr.

Commissioner Daniel H. Raley

George G. Forrest, County Administrator

Donna Gebicke, Administrative Assistant (Recorder)

The meeting was called to order at 9:10 a.m.

AGENDA

The Commissioners agreed to add an Executive Session to the agenda for the purpose of discussing personnel matters.

APPROVAL OF CHECK REGISTER

Commissioner Raley moved, seconded by Commissioner Jarboe, to authorize the Commissioner President to sign the Check Register as presented and to approve the outstanding check for copier maintenance held over from the meeting of May 2, 2006. Motion carried 5-0.

APPROVAL OF MINUTES

Commissioner Dement moved, seconded by Commissioner Mattingly, to adopt the minutes of the Commissioners' meeting of May 9, 2006, as corrected. Motion carried 5-0.

PROCLAMATIONS

Proclamations were presented to representatives of the St. Mary's County Nursing Center in recognition of National Nurses' Week, National Nursing Home Week, and National Nursing Assistants' Week.

Sheriff Zylak and officers representing the Office of the Sheriff received a proclamation from the Commissioners in recognition of National Police Week.

BOARD OF LIBRARY TRUSTEES ANNUAL REPORT

Kathleen Reif, Director, introduced Library Board and staff members in attendance and presented the annual report.

COUNTY ADMINISTRATOR

1. Draft Agendas for May 23 and May 30, 2006, were presented.

2. **Department on Aging** (*Jennie Page, Acting Director; and Peggy Maio, Fiscal Supervisor*)

Commissioner Dement moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to sign the SHIP (Senior Health Insurance Program) budget amendment in the amount of \$2,881 to set-up budget authority for the FY06 portion of the SHIP Notification of Grant Agreement that runs from 4/1/06 thru 3/31/07. Motion carried 5-0.

3. **Department of Land Use and Growth Management** (*Denis Canavan, Director*)

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President to sign the budget amendment to remove the FY2006 budget authority in the State Highway Administration Scenic Byways Project Grant due to non-receipt of the grant in FY2006; thereby decreasing the department's "consultant" and increasing the Commissioner's emergency appropriations reserve account by \$21,000. Motion carried 5-0.

4. **Department of Public Works & Transportation** (*George Erichsen, Director, DPW&T*)

Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize Commissioner President to sign SMECO Easement Agreement required for installation of underground electric service at the Charlotte Hall Welcome Center and St. Mary's County Airport property, and to relocate existing electrical service shared with adjacent property owner and to provide new electrical service for the Patuxent River Naval Air Museum. Motion carried 5-0.

5. **Public Safety** (*Tim Cameron, Director; and Michael Barnett, Chief, Advance Life Support Unit*)

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign the budget amendment realigning \$7,278 from the Animal Control Exempt Finance Account into the Advance Life Support Exempt Finance Account to assist with the purchase of the replacement ALC response vehicle. Motion carried 5-0.

Commissioner Dement moved, seconded by Commissioner Raley, to approve and authorize the Commissioner President to sign the budget amendment realigning \$10,000 from the ALS Paramedic Training Budget into the ALS Operating Budget to assist with increased fuel costs. Motion carried 5-0.

6. Department of Economic and Community Development (*John Savich, Director*)

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President to sign the FY2006 Budget Amendment to increase Tourism's Advertising Expense Account and Tourism's General Government/Other Income Revenue Account and to decrease the Supplemental Reserve Revenue and Expense Accounts in the amount of \$10,575. Motion carried 5-0.

(*Donna Sasscer, Agriculture Mgr.*)

Commissioner Dement moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign the Release Agreement terminating Norbert P. Abell's enrollment in the St. Mary's County Agricultural Land Preservation District Five Year Program. Motion carried 5-0.

COMMISSIONERS' TIME

Commissioner Jarboe

Grand opening ceremonies for the Welcome Center in Charlotte Hall will take place this Saturday. The Center looks great. Carolyn Laray, our Tourism Manager, and Public Works are doing a great job, the trail system is tying in well with the parking lot at the library, and the north end of the County has something to be very proud of. Thanks to all of the Commissioners and the Department of Public Works for your support of this project.

Commissioner Raley

We have experienced the loss of an elderly family member and I will not be able to attend some of the events later this week. I ask those involved to understand. Thanks to the Board for taking on the Welcome Center as a signature project and for making the decision to do it the right way. Also want to recognize staff's hard work on the project and encourage visitors to come by the Center and enjoy what St. Mary's County has to offer.

Commissioner Dement

Attended the Piney Point Lighthouse Waterfront Festival. Congratulations to Bill and Frances Trossbach. Presented a proclamation to Evelyn Arnold for her years of service as Clerk of the Court. I will be attending my granddaughter's First Communion on Saturday, so I will have to miss the grand opening of the Charlotte Hall Welcome Center.

Commissioner Mattingly

Congratulations the Chamber of Commerce for another very successful business showcase. Congratulations to Dr. Elaine Ryan who is retiring as President of the College of Southern Maryland in June. We attended her "roast" and joined many others who wished her well and thanked her for the great job she has done over the years, particularly during the transition from Charles County Community College to the regional College of Southern Maryland.

VOTE TO MOVE INTO EXECUTIVE SESSION

Commissioner Raley moved, seconded by Commissioner Dement, to move into Executive Session for the purpose of discussing personnel matters, as provided for in Article 24, Section 4-210(a)1, Personnel. Motion carried 5-0.

EXECUTIVE SESSION

Personnel

Present: Commissioner Thomas F. McKay, President

Commissioner Kenneth R. Dement

Commissioner Lawrence D. Jarboe

Commissioner Thomas A. Mattingly, Sr.

Commissioner Daniel H. Raley

George Forrest, County Administrator

Sue Sabo, Director, Human Resources

Donna Gebicke, Administrative Assistant to the BOCC, Recorder

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

Time Held: 10:23 am – 10:37 am

Action taken: The Commissioners discussed personnel issues.

ACTION FROM EXECUTIVE SESSION

Commissioner Raley moved, seconded by Commissioner Jarboe, to direct staff to proceed as discussed in Executive Session with regards to personnel matters. Motion carried 5-0.

PUBLIC HEARING: REQUESTS FROM LANDOWNERS TO ESTABLISH MARYLAND AGRICULTURE LAND PRESERVATION DISTRICTS

Donna Sasscer, Agricultural Manager, certified that the public hearing was advertised in a newspaper of general circulation on April 30 and May 7, 2006, and presented for review and public comment the following petitions for establishment of Maryland Agriculture Land Preservation Districts, all of which have met the required criteria:

(1) 36611 Notely Hall Road, Chaptico, Maryland
20621, as depicted on St. Mary's County Tax Map 30,
Grid 7, Parcel 298;

(2) 21939 Mossely Lea Lane, Avenue, Maryland
20609, as depicted on St. Mary's County Tax Map 38,
Grid 24, Parcel 33;

(3) 44655 Clarks Mill Road, Hollywood, Maryland 20636, as depicted on St. Mary's County Tax Map 34, Grid 3, Parcel 307;

(4) 40470 Parsons Mill Road, Loveville, Maryland 20656, as depicted on St. Mary's County Tax Map 19, Grid 20, Parcel 164;

(5) Oalkey Road & Cobrums Wharf Road, Avenue, Maryland 20609, as depicted on St. Mary's County Tax Map 39, Grid 7, Parcel 223;

(6) 38656 Gilberts Lane, Avenue, Maryland 20609, as depicted on St. Mary's County Tax Map 39, Grid 7, Parcel 54;

(7) 25400 Maidenside Lane, Loveville, Maryland 20656, as depicted on St. Mary's County Tax Map 19, Grid 20, Parcel 147;

(8) 23881 Fancy Discovery Lane, Chaptico, Maryland 20621, as depicted on St. Mary's County Tax Map 30, Grid 4, Parcel 19;

(9) 22945 Bayside Road, Compton, Maryland 20627, as depicted on St. Mary's County Tax Map 21, Grid 23, Parcel 13;

(10) 21818 Oakley Road, Avenue, Maryland 20609, as depicted on St. Mary's County Tax Map 39, Grid 19, Parcel 67;

(11) 21540 White's Neck Road, Bushwood, Maryland, 20618, as depicted on St. Mary's County Tax Map 46, Grid 1, Parcel 2;

(12) 48640 Spring Ridge Road, Dameron, Maryland, 20628, as depicted on St. Mary's County Tax Map 59, Parcels 409, 194, 402 & 2;

(13) 24139 Hurry Road, Chaptico, Maryland, 20621, as depicted on St. Mary's County Tax Map 30, Grid 4, Parcel 95;

(14) 42990 Latimore Lane, Leonardtown, Maryland, 20650, as depicted on St. Mary's County Tax Map 49, Grid 3, Parcel 41;

(15) Three Notch Road, Lexington Park, Maryland, 20653, as depicted on St. Mary's County Tax Map 63, Grid 23, Parcel 72;

(16) 20648 Old Saw Mill Lane, Leonardtown, Maryland, 20650, as depicted on St. Mary's County Tax Map 49, Grid 20, Parcel 197;

(17) 50447 Hays Beach Road, Scotland, Maryland, 20687, as depicted on St. Mary's County Tax Map 73, Grid 4, Parcel 220;

(18) 26815 Baptist Church Road, Mechanicsville, Maryland, 20659, as depicted on St. Mary's County Tax Map 13, Grid 13, Parcel 219;

(19) Colton Point Road, Avenue, Maryland, 20609, as depicted on St. Mary's County Tax Map 38, Grid 5, Parcel 19;

(20) Colton Point Road, Avenue, Maryland, 20609, as depicted on St. Mary's County Tax Map 38, Grid 12, Parcel 138;

(21) Colton Point Road, Avenue, Maryland, 20609, as depicted on St. Mary's County Tax Map 38, Grid 17, Parcel 139; and

(22) Colton Point Road, Avenue, Maryland, 20609, as depicted on St. Mary's County Tax Map 38, Grid 12, Parcel 140; and

There was no public comment given. The hearing was closed, but will remain open for ten days for written comment.

LAW ENFORCEMENT APPRECIATION DAY

The Commissioners participated in Law Enforcement Day activities on the grounds of the Governmental Center.

DEPARTMENT OF ECONOMIC & COMMUNITY DEVELOPMENT (DECD)

House Keys 4 Employees Program

John Savich, Director, DECD, presented the documents necessary to implement the House Keys 4 St. Mary's County Program, including: a sample Employer Participation Agreement with the Maryland Department of Housing and Community Development; a draft authorizing Resolution;

employee/volunteer agreement forms; draft sub-agreement designating the Housing Authority as disbursement agent; and a letter to the Housing Authority requesting that they serve as the disbursement agency for the program. Final action on the House Keys 4 Employees program by the Board of County Commissioners will follow approval of the sub-agreement by the Housing Authority.

Business Roundtables Follow Up

Hans Welch, Business Development Manager, provided the Commissioners with a report on the Business Roundtables and Commissioners' visits to local businesses that have taken place from January through April 2006. The report included a review of the concerns raised by participating businesses and the solutions provided by County staff. The plan is to schedule Commissioners' visits to local businesses and Business Roundtables every four-six weeks.

DEPARTMENT OF LAND USE AND GROWTH MANAGEMENT

Proposed Comprehensive Water & Sewerage Plan Text Amendment to Remove the Term "facilities" (First Reader)

Denis Canavan, Director, reviewed the background on the proposed text amendment. The Board of County Commissioners approved a water and sewer amendment in December 2005 to allow for construction of the future Wildewood Elementary School. The inclusion of the word "facility" at the end of the sentences in sections 1.3.1 and 1.3.3 of the amendment was intended to encompass an accessory use associated with an elementary or secondary school. It was not intended to broaden the scope of the amendment to include other uses not associated with a school. Whether or not the word "facility" is in or out of the amendment language, the schools could still have accessory uses. However, the adoption of the language with the word "facility" has resulted in concerns expressed by citizens that a "facility" not directly related to education (such as a bus maintenance facility) could be included on the site. The Department of Land Use and Growth Management does not agree with the concerns, but agrees with deleting the word to eliminate the concerns.

Commissioner Jarboe moved, seconded by Commissioner Raley, to accept the first reader of the proposed text amendment to the Comprehensive Water and Sewerage Plan to remove the term "facility" from the Amendment approved in December 2005, to bypass the "second reader" step, and to send the proposal directly to the Planning Commission for a recommendation. Motion carried 4-1. Commissioner President McKay voted nay.

Zoning Text Amendment to Prohibit the Use of Transfer Development Rights for an Increase in Residential Density in a Rural Legacy Area (First Reader)

The goal of the proposed text amendment is to prohibit the use of TDRs for an increase in residential density greater than one dwelling unit per five acres. The current zoning provisions allow a base density of one dwelling unit per five acres, with a potential density of one dwelling unit per three acres with the use of TDRs. The original version of the text amendment simply prohibited the use of any TDRs in the Rural Legacy Area. The more recent, comprehensive TDR revisions would also prohibit the density greater than the base density of one unit per five acres, albeit a TDR may be needed to achieve the base density.

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to accept the first reader of the proposed amendment to prohibit the use of Transfer Development Rights for an increase in residential density in a Rural Legacy area, to bypass the second reader step, and to direct staff to forward the proposal directly to the Planning Commission for their recommendation. Motion carried 5-0.

DEPT. OF PUBLIC WORKS AND TRANSPORTATION: PROPOSED ORDINANCE

George Erichsen, Director, presented an Ordinance for the purpose of levying an amount against the 59 properties within the Golf Course Drive Extended Road Improvement Taxing District to repay the Board of County Commissioners the cost of improving and upgrading the former private road. The annual benefit assessment for each of the 59 properties will be \$217.99 over a period of 20 years. A public hearing on the proposed Ordinance was held on June 14, 2005. The District was originally established by Ordinance #95-13 and the construction was completed on November 17, 2002.

The FY2007 budget includes funds to install underdrains along portions of Golf Course Drive to alleviate drainage issues caused by the high water table, underground springs, and soil conditions in the area.

Commissioner Jarboe moved, seconded by Commissioner Raley, to table the proposed Ordinance for the fixing and levy of a benefit assessment charge for the Golf Course Drive Extended Road Improvement Taxing District until we can witness the final road drainage improvements that have been included in the FY07 budget. Motion failed 1-4.

Commissioner Mattingly moved, seconded by Commissioner Dement, to approve the proposed Ordinance for fixing and levy of a benefit assessment charge for the Golf Course Drive Extended Road Improvement Taxing District as presented. Motion carried 4-1. Commissioner Jarboe voted nay.

The Department of Public Works and Transportation will notify individual property owners that the Commissioners have included funds in the FY07 CIP budget that will address issues with drainage ditches and when this work will commence.

RIBBON CUTTING FOR FOREST LANDING PIER

The Commissioners departed the Governmental Center to attend the ribbon cutting on Forest Landing Road in Hollywood.

ADJOURNMENT

The meeting adjourned at 4:30 p.m.

Minutes Approved by the Board of County Commissioners on _____

Donna Gebicke, Administrative Assistant