

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Governmental Center
Tuesday, January 28, 2003**

Present: Commissioner President Thomas F. McKay
Commissioner Kenneth R. Dement
Commissioner Lawrence D. Jarboe
Commissioner Thomas A. Mattingly, Sr.
Commissioner Daniel H. Raley
Alfred A. Lacer, County Administrator
Donna Gebicke, Administrative Assistant to BOCC (Recorder)

CALL TO ORDER

The meeting was called to order at 9:00 a.m.

APPROVAL OF CHECK REGISTER

Commissioner Mattingly moved, seconded by Commissioner Raley, to authorize Commissioner McKay to sign the Check Register. Commissioner McKay abstained from the vote. Motion carried.

APPROVAL OF MINUTES

Commissioner Dement moved, seconded by Commissioner Mattingly, to approve the minutes of the Commissioners' meeting of Tuesday, January 21, 2003, as submitted. Motion carried.

PROCLAMATION AND UPDATE: 10TH ANNIVERSARY OF TOMORROW'S CHILD

Present: Ms. Bonnie Elward, RN, and Founder of Tomorrow's Child
Dr. Francine Hawkins, Global Village

Ms. Elward and Dr. Hawkins spoke of the collaborative efforts between their agencies and community resources benefiting SMC children. Programs such as the Young Marines, the Ladies and Gentleman's Club, the mediation center, and working with adolescent fathers, have developed over time. A summer camp to be held at St. Mary's College starting June 23, 2003 for 35 children. The current program focus is creative arts, including songwriting, making quilts, musicianship, media, and dramatic arts. New volunteers are always welcome.

**PUBLIC HEARING: SUPPLEMENTAL APPROPRIATION/EMERGENCY
MANAGEMENT AGENCY/PURCHASE OF AUTOMATED
EXTERNAL DEFIBRILLATORS (\$22,192)**

Present: Stanley Williams, Jr., Deputy Director, EMA
Elaine Kramer, Director of Finance

A legal notice appeared in *The Enterprise* on January 15, and 22, 2003, announcing this public hearing. Eight (8) defibrillators will be purchased for use in police vehicles. The hearing was opened to the public, no comment was received and the hearing was closed. The record will remain open for the next ten (10) days in order to receive written comment. A decision will follow thereafter.

COUNTY ADMINISTRATOR

Present: Alfred A. Lacer, County Administrator

1. Draft Agendas: February 4 and February 11, 2003

2. ~~Health Department (Dr. Icenhower)~~

~~To approve and authorize Commissioner President to sign the Community Health Advisory Committee's revised Bylaws Dr. Icenhower was unable to attend this meeting.~~

3. Lexington Park Plan (Robin Finnacom, Dir. LPP, John Norris, Cnty. Atty.)

To sign Resolution accepting \$58,000 from the MD Development Assistance Authority Fund to finance a feasibility study of the Lexington Park Focus Enterprise Zone and Air Installation Compatibility use Zone as part of the update of the Lexington Park - Tulagi Place Master Plan and to authorize Commissioner President to sign the Grant Agreement

Commissioner Mattingly moved, seconded by Commissioner Raley, to sign the resolution accepting the \$58,000 grant from MD Development Assistance Authority Fund to finance a feasibility study and authorize Commissioner McKay to sign the grant agreement. Commissioners McKay, Dement, and Jarboe voted against the motion. Motion failed 3-2.

4. Department of Planning and Zoning (Jon Grimm, Director DPZ)

a. To authorize Commissioner McKay to sign the CLG Subgrant application. The financial impact is \$750 State funds, \$200 cash match from the County, and \$100 in-kind match from the County, all to be included in the DPZ FY04 budget request.

b. To authorize Commissioner McKay to sign the letter and the grant application for the PILG Grant (Jeff Jackman, Senior Planner, Teresa Wilson, Hist. Preserv. Planner).

Commissioner Jarboe stated his concern about demolishing buildings that are 50 years old or older. Before destroying these buildings, the historic preservation commission needs to examine them and make appropriate recommendations.

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to authorize Commissioner McKay to sign the CLG subgrant application as well as the letter and grant application for the PILG grant (items 4. a. and b.). Motion carried.

5. Department of Public Works (George Erichsen, Director)

a. To authorize Commissioner McKay to sign the Public Works Agreement Addendum (PWAA) for Kingston Subdivision, Phase 2, located in the 3rd Election District, with an expiration date of May 1, 2004.

Commissioner Raley moved, seconded by Commissioner Dement, to authorize Commissioner McKay to sign the PWAA for Kingston Subdivision. Motion carried.

b. To authorize Commissioner McKay to sign the Public Works Agreement Addendum for Pepper Ridge of Wildewood Subdivision, Phase 4, located in the 8th Election District, with an expiration date of January 1, 2004.

Commissioner Raley moved, seconded by Commissioner Jarboe, to authorize Commissioner McKay to sign the PWAA addendum for Pepper Ridge in Wildewood. Motion carried.

c. To authorize Commissioner McKay to sign the Public Works Agreement Addendum for Greenbrier Subdivision, Section 4, located in the 8th Election District, with an expiration date of February 1, 2004.

Commissioner Raley moved, seconded by Commissioner Jarboe, to authorize Commissioner McKay to sign the PWAA addendum for Greenbrier Subdivision. Motion carried.

- d. To approve signing the Resolution establishing a No Parking Zone on Murray Road, County Route 30403, beginning approximately 0.68 miles from its intersection with Fresh Pond Neck Road for a distance of approximately 300 feet north, and ending adjacent to the old Fish Commission Pond, 1st Election District, Ridge, Maryland.

Commissioner Raley moved, seconded by Commissioner Dement, to sign the resolution establishing a no parking zone on Murray Road. Motion carried.

6. Draft Resolution (*John Norris, County Atty.*)
To approve and sign the draft resolution establishing the Department of Land Use and Growth Management

Commissioner Dement moved, seconded by Commissioner Jarboe, to adopt and sign the resolution as submitted. Motion carried.

ST. MARY'S NURSING CENTER ANNUAL REPORT

Present: Don Lewis, Administrator
Ernie Williams, President and Secretary/Treasurer

SMNCI has accomplished the following over the last nine months: (1) formed a 501(c)(3); (2) employed a full-time administrator; (3) passed the Annual Licensing Survey by the Office of Health Care with a "Zero" deficiency rating; (4) study on pain management served as a model for the Delmarva Foundation; (5) upgraded and expanded the computer network; (6) employed a Human Resource Director; (7) made the part-time Nurse Practitioner position into a full-time position; (8) the Center serves as one of the clinical sites for CSM's nursing programs; (9) SMNCI is a testing site for the Geriatric Nursing Assistant test so applicants no longer need to travel to Silver Spring for testing; and (10) the 9 month financial report shows no operating losses.

BRETON BAY WATERSHED PLAN AND RESTORATION ACTION STRATEGY UPDATE

Present: Jon Grimm, Director DPZ
Sue Veith, Senior Planner, DPZ

Mr. Grimm presented an update and overview of the WRAS including its purpose, objectives, progress to date, and next steps. The watershed resembles a large arc that runs west of Leonardtown, up Nelson Run, cuts through the Valley View subdivision off of Budd's Creek Road, wraps around to where Summerseat is out of Route 247, and runs with Route 235 down to the airport and down to Breton Bay, running with St. Andrews Church Road. The EPA has listed Breton Bay as being impaired for nutrients, sediments, and fecal coliform. The objective is to correct this deficiency.

As a follow-on to the January 29th community meeting, a third meeting will be held on February 26, 2003, at the Leonardtown Middle School Cafeteria from 6-9:00 p.m. At this time, a final draft of the WRAS watershed plan will be presented for comment. It is expected, per the WRAS grant proposal, that a formally adopted WRAS will be completed before July 2003.

PROPOSED AMENDMENT TO ARTICLE XV, CHAPTER 267 OF THE CODE OF PUBLIC LAWS OF SMC RELATING TO REAL PROPERTY TRANSFER TAX

Present: John Norris, County Attorney

A public hearing was conducted on January 7, 2003, to consider the amendment to the county transfer tax law that would allow an eligible purchaser of real property to take advantage of the transfer tax credit by having an authorized agent sign the necessary affidavit on their behalf. No

written comment was received during the open record period. Verbal comments in support of the proposed amendment were received from Mr. Bill McKissick, Jr. at the January 7, 2003, public hearing

Commissioner Raley moved, seconded by Commissioner Jarboe, to adopt and sign the ordinance to amend Article XV, Chapter 267 of the Code of Public Laws of SMC relating to Real Property Transfer Tax. Motion carried.

PROPOSED RELEASE OF EASEMENT FOR PROPERTY ADJACENT TO LEONARDTOWN WHARF: DECISION

Present: Richard Rohrbaugh, Director Facilities Management

The ten day open comment period has passed following an earlier public hearing. No comments were received.

Commissioner Mattingly moved, seconded by Commissioner Raley, to authorize Commissioner McKay to sign the Release of Easement. Motion carried.

Staff was directed to inspect the property to ensure that there are no signs indicating the area as county property.

COUNTY COMMISSIONERS' TIME

Commissioner Dement

- Toured the Sheriff's offices and Detention Center last week.
- Attended the Ridge VFD installation of officers banquet. Congratulations to all the new officers. Commissioner Raley was a great emcee for this event.
- Attended a ribbon cutting ceremony with Commissioner Jarboe for Lucky Ones who have a new facility. They perform a necessary service to the tri-county community.
- Well wishes to my wife's sister who had surgery.

Commissioner Mattingly

- Wish to congratulate and recognize Catholic Schools Week.
- Congratulations to Chief Gatton for his ten years of service and to the new Chief, John Morrison, at the Ridge VFD. With Commissioner Jarboe, we represented the Board at the Leonardtown Rescue Squad and presented them with a plaque.
- Attended Comptroller Schaefer's swearing in ceremony in Annapolis.
- Represented the Board at the Board of Education's appeal for school funding also in Annapolis.
- Congratulations to Wayne Swan. Happy retirement.
- Sadly, Charles Young passed away. Our condolences to Charlotte Young and family for their loss. He will be missed.
- Tri-County Council will be held in Annapolis.

Commissioner Jarboe

- Received a letter from the Office of the Sheriff dated January 15, 2003, regarding election for the Sheriff's office retirement board.
Commissioner Jarboe asked to see the response letter.

Commissioner Raley

- Congratulations to Chief John Morrison and to James Raley for his 50 years of service to the Ridge VFD.
- The letter from the US Department of Housing and Urban Development raised mortgage limits from \$151,000 to \$166,000 for SMC. We had requested that the limit be raised to \$233,000. *Staff was directed to find out why this request was not granted.*

Commissioner McKay

- There is a public hearing at the SMHEC starting at 6:30 p.m. this evening on the Comprehensive Zoning Ordinance Amendments.
- Next Tuesday, February 4, at 6:30 p.m., there will be a public hearing relative to the new cable franchise ordinance and agreement.

ADJOURNMENT

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to adjourn the meeting. Motion carried. The meeting adjourned at 11:33 a.m.

PUBLIC HEARING – Southern Maryland Higher Education Center, California, MD *This section of the minutes recorded by Peggy Childs, Planning and Zoning.*

All Commissioners were present. Also present were Al Lacer, County Administrator; Jennifer Fabbicante and Delores Lacey of the Public Information Office. DPZ staff present were Jon Grimm, Director; Tina Bowles, Office Supervisor; and Peggy Childs, Recording Secretary. County Attorney John B. Norris, III was also present. Although a public hearing was conducted by the previous Board of County Commissioners, this hearing was held to allow the new commissioners to receive public comment on the proposed amendments.

ZONING ORDINANCE AMENDMENTS

This public hearing was advertised in The Enterprise newspaper on 1/10/03 & 1/17/03. The hearing was relocated to the Southern Maryland Higher Education Center from Room 14 of the Governmental Center, and commenced at 6:45 p.m. The following public comments were received:

Article 2 - J. D. Blackwell - Requests his development project be grandfathered under ZO #90-11.

Article 5 - Glenn Woods - Page 51-4, lines 39-42 – Clarify whether this refers only to accessory structures and not all existing residences.

Bob Trautman, Surveyor

51.3.79.c(2), Extractive Industry – Reduce 200-foot setback from exterior property lines, with adjoining property owners' agreement, by adding to end of first sentence: “, if agreed to in writing by all adjoining property owners.”

51.3.79.c(4), Extractive Industry - Allow “surface treatment” for access roads to gravel mining activities rather than requiring asphalt paving; i.e., delete “paved” and substitute “surface-treated”

Randy Guy

Include roller skating rinks, swimming pools and miniature golf as permitted uses in Uses 66 and 67, Recreational facility, minor indoor and minor outdoor in TMX, RMX.

J. D. Blackwell, owner of Blue Wind

Page 50-12, Uses #54 and 55 - Allow bike repair as permitted use in RMX; leave industrial uses as *limited*.

Howard Fleming

51.3.79.c(4) – Agrees with Bob Trautman that access roads to gravel mining should be “surface-treated,” and asphalt paving should not be required.

Article 7 – Adequate Public Facilities

Vince Whittles, Chamber of Commerce President

Inadequate housing primary concern. Supports proposed changes to encourage development and required infrastructure in development districts.

Attorney Bill McKissick, Lexington Park

This is not the time to slow down development because of the need for adequate housing. Supports Planning Commission's recommendations.

Attorney Joe Densford, Leonardtown

Need adequate housing for programs and employment the Base will bring to county; there's another BRAC coming in a couple of years. Encourage development and allow developers to contribute their fair share for schools.

Clare Whitbeck, Leonardtown Cost of Carver Elementary School is \$22,000 per seat. Are developers willing to contribute the \$11,200 per new home required to provide an elementary school seat? We need new schools and allowing our schools to become overcrowded is not the solution. Build the schools. Don't change the rules.

John Parlett, Developer and former Member of the Board of Education

Proposed compromise:

- 1) Maintain the 3 school district approach with boundaries as set by the County Commissioners; Use 107% of state-rated capacity for all schools to determine school capacity. Count capacity of proposed school projects only after they have been state-approved for design and have received county design funding.
- 2) Allow designated growth areas to borrow up to 10% per year of the available capacity from an adjoining area.
- 3) Establish an 8-12 member ongoing committee made up of stakeholders from all interest groups to: a) monitor the school APF program; and b) to make recommendations for adjustments to the school APF policy and associated implementation regulations as necessary.

Mr. Parlett says this proposal would:

- 1) Provide approximately 2,736 new units to be approved countywide, approximately a 4-year supply.
- 2) Require local funding commitments before new capacity could be counted.

- 3) Assist in directing growth to designated growth areas.
- 4) Not allow uncontrolled development to occur at the expense of our children's educational future.

Shelia Dietz, Vice-President, St. Mary's County Council of PTAs

Commercial and residential development must occur on a schedule compatible with the expansion of adequate public facilities. Rather than changing the criteria for schools and other public facilities, we should adhere to the process currently in place and look for ways to get our public infrastructure caught up with development already approved and in place.

Tom Cracinovich, Great Mills

Has seen impacts in other areas because planning was not done right. We need to manage growth and to build more schools. Suggests erring on the side of caution when it comes to development because once a project is on the ground, it's done. People need a place to live *and* a place to go to school.

Shelby Guazzo, Chaptico

- 1) Kids need smaller class sizes. Keep the 3 service areas; keep the 100% state-rated capacity. There is wiggle-room; that's why we have trailers, which are allowed for programmatic needs.
- 2) The Chamber of Commerce's letter dated 10/17/02, #17 in the amendment package, should be read and studied by all.
- 3) If the county allow fees-in-lieu, charge a realistic number. Right now it is \$11,000; in 3 years it will be \$15,000.
- 4) Phasing Plans for development projects should be followed, or we shouldn't do them at all.

Karen Sauter, California

- 1) To revert back to one service district would create the need for redistricting every other year.
- 2) To allow 120% of state-rated school capacity will mean overcrowded schools and large class sizes and is not in the best interest of our present schoolchildren. We can demonstrate need for schools without 120% capacity.
- 3) Mitigation has irreversible impacts in relation to schools that it doesn't have in other areas, because it steals years of learning away from children presently in school.
- 4) Please don't change the APF portion of the Ordinance. Let's not go back to the old rules.

Rose Crowley, Southern Maryland Association of Realtors

We are in the throes of a crippling housing shortage; there is NO affordable housing available to meet the needs of the rapidly growing Patuxent River and contractors. Please consider the economic benefits of the real estate industry to the vitality of our local economy and adopt the proposed amendments recommended by the Planning Commission.

Rich Richardson, Leonardtown

- 1) Here to support the proposed APF amendment. We must consider apples and apples and not apples and oranges.
- 2) Don't limit the landowner as to what he can do with his land. Protect the landowner's rights.

Peg Lang, California

Opposed to the APF amendment. Please work together with everyone involved and come up with a better solution than building houses when we don't have classroom seats.

This concluded public comment. No comments were offered on Article 3, Article 6, the Subdivision Ordinance, or Zoning Maps.

Commissioner McKay closed the public hearing at 7:49 p.m. The record will remain open for 10 days for written comment. Written comments received at the hearing: Vince Whittles, Chamber of Commerce; John Parlett; Shelia Dietz; Karen Sauter, Southern Maryland Association of Realtors, Inc. Royce Miller, Maryland International Raceway (written comments *only*)

Minutes Approved by the

Board of County Commissioners on 2/4/03

Donna Gebicke
Donna Gebicke, Administrative Assistant
to the Board of County Commissioners