

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Tuesday, July 27, 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 9:03 am.

APPROVAL OF CHECK REGISTER

Commissioner Mattingly moved, seconded by Commissioner Dement, that the bills submitted for July 27, 2010, be approved as presented. Motion carried with 3-1. Commissioner Raley abstained from voting. Commissioner Jarboe voted no.

APPROVAL OF MINUTES

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve the minutes of the meeting of Tuesday, July 13, 2010, as presented. Motion carried 5-0.

COUNTY ADMINISTRATOR TIME

1. Draft Agendas for August 3, 2010 and August 10, 2010.

2. College of Southern Maryland (*Brad Gottfried, President CSM; F. J. Talley, Vice President and Dean, CSM Leonardtown Campus; Tony Jernigan, Vice President Financial and Administrative Services*)

Commissioner Russell stated he did not feel comfortable with the wording in the last paragraph of the Petition which states that the County Commissioners of St. Mary's County shall provide all the remaining funds necessary to complete the described project even if the Board of Public Works approves a grant which is less than the amount requested by this Petition. Dr. Gottfried and the Commissioners agreed that the last paragraph will be removed prior the Commissioners signing the Petition.

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve and sign the Petition for Grant to the Maryland Higher Education Commission in the amount of \$223,473 for Furniture & Equipment in the Wellness Center at the Leonardtown campus as modified by the Commissioners. Motion carried 5-0.

3. Department of Public Works & Transportation *(George A. Erichsen, Director)*

Commissioner Mattingly moved, seconded by Commissioner Dement, to approve and authorize Commissioner President to execute the Public Works Agreement Addenda for the Henderson Farm Subdivision, Emerald Hills Subdivision, Dahlia Park of Wildewood Subdivision, and Westbury PUB Subdivision. Motion carried 5-0.

Commissioner Dement moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to execute the Sight Distance Easement Agreement with Snow Hill Manor Farm, LLC, for the purpose of acquiring a sight distance easement over and across Snow Hill Manor Reserve on North Snow Hill Manor Road. Motion carried 5-0.

4. Dept. of Public Safety *(Dave Zylak, Director; Jaclyn Shaw, Emergency Manager)*

Commissioner Mattingly moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to execute the Emergency Management Performance Grant Sub-recipient Agreement, Project US1112 from the U.S. Department of Homeland Security in the amount of \$97,121, and the related budget amendment increasing the project revenues and expenses in accordance with the actual award; and to approve and accept the Department of Public Safety's suggested spending plan for the grant. Motion carried 5-0.

5. Department of Economic and Community Development *(Bob Shaller, Director)*

(Robin Finnacom, President/CEO, Community Development Corporation)

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize Commissioner President Russell to execute the Inter-Governmental Agreement between the County and the Maryland Department of Human Resources on behalf of the Department of Economic and Community Development for job placement and retention services for clients of the Dept. of Social Services, for Project #US1131, in the amount of \$199,514, the related Certificate Regarding Lobbying form, and also the related Sub-recipient Agreement between the County and St. Mary's County Community Development Corp., Inc. Motion carried 5-0.

(Donna Sasser, Agriculture Manager, DECD; Dr. Christine Bergmark, Executive Director, Southern Maryland Agricultural Development Commission; Barry Roache, member of the Homegrown Farm Market LLC.; and Mike Bailey, engineer with DH Steffens)

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to execute the MOU with the Southern Maryland Agricultural Development Commission of the Tri-County Council of Southern Maryland, PFO803, in the amount of \$100,000 on behalf of the Department of Economic and Community Development; and execute the budget amendment aligning the project accounts in accordance with the award. Motion carried 5-0.

(Derick Berlage, Director, LUGM; Phil Shire, Deputy Director, LUGM; David Weiskopf, Deputy County Attorney)

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve the annual Fee-in-lieu value for the Open Lands Trust Fund in the amount of \$20,000 for fiscal year 2011. Motion carried 4-0. Commissioner Raley abstained from voting.

Commissioner Jarboe asked if there are many TDRs that are used to increase density. Mr. Shire will research and provide response.

6. Dept. of Recreation and Parks *(Phil Rollins, Director)*

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign the Lease Agreement between the Board of Education of St. Mary's County, Maryland and the Board of County Commissioners for St. Mary's County for 2.17± acres of land on the Lettie Marshall Dent School property which is needed for the Charlotte Hall Athletic Fields/Fifth District Park Expansion project. Motion carried 5-0.

7. Office of the County Attorney *(David Weiskopf, Deputy)*

Commissioner Mattingly moved, seconded by Commissioner Raley, to approve and authorize Commissioner President to execute the budget amendment in the amount of \$9,900 in Transfer Tax from the FIN10 Capital Reserve to the account PF0601 Lexington Manor Demolition project to process final invoice. Motion carried 5-0.

8. Sheriff's Office (*Sheriff Timothy Cameron; Mary Ann Thompson, Operations Manager, Detention Center*)

Commissioner Dement moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner President to execute the State of Maryland Capital Projects Grant Agreement, PF0901, on behalf of the Sheriff's Office, in the amount of \$5,513,000 for Phase I of the Adult Detention Center Minimum Security Facility Addition. Motion carried 5-0.

9. Dept. of Human Services (*Cynthia Brown, Interim Director*)

(Julie Ohman, CSA Coordinator)

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize Commissioner President Russell to sign the Condition of Human Service Agreement Statement – DHMH 433, Certification Regarding Lobbying and Disclosure of Lobbying Activities Forms related to the FY2011 CSA MOU Services/Administrative Grant (Agreement MH 486 OTH). Motion carried 5-0.

Commissioner Raley moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to execute the sub-recipient agreement related to the FY2010 Five County Crownsville Project Jail Services and Administration Grant (Agreement: MH 448 OTH), related to project #OT1089 from the Anne Arundel County Mental Health Agency on behalf of the St. Mary's County Department of Human Services for the provision of physician services allowing expansion in psychiatric services to those inmates leaving jail and/or transitioning from a 28-day substance abuse treatment facility in the amount of \$14,999. Motion carried 5-0.

Commissioner Dement moved, seconded by Commissioner Raley, to approve and authorize the Commissioner President to execute an original and a copy of the FFY 2010 Emergency Shelter Grant Application, project #US1156, from the Maryland Dept. of Housing and Community Development in the amount of \$50,000 on behalf of the Dept. of Human Services to support services for the homeless population in St. Mary's County. Motion carried 5-0.

COMMISSIONER'S TIME

The Commissioners highlighted upcoming events and those attended over the past two weeks.

**JOINT MEETING OF THE BOARD OF COUNTY COMMISSIONERS (BOCC)
AND THE BOARD OF EDUCATION (BOE)** held at the College of Southern
Maryland, Bldg. C, Room 216, 22950 Hollywood Rd., Leonardtown, MD

Present from BOE and St. Mary's County Public Schools (SMCPS):

Mr. Bill Mattingly, Chairman, Board of Education
Ms. Cathy Allen, Vice Chair
Ms. Marilyn Crosby, Board Member
Dr. Sal Raspa, Board Member
Mary Washington, Board Member
Dr. Michael Martirano, Superintendent, SMCPS, Sec./Treas., BOE
Kimberly Howe, Coordinating Supervisor of Capital Planning & Green Schools
Jeff Maher, Director of Teaching, Learning & Prof. Dev.
Ms. Zina McGowan-Thomas, Public Information Officer
Beverly Dahlstrom, Recorder for SMCPS

Additional County Staff Present:

Ms. Elaine Kramer, Chief Financial Officer
Derick Berlage, Director, Land Use and Growth Management
Jeff Jackman, Senior Planner, Land Use and Growth Management
Donna Gebicke, Recorder for BOCC
Amy Carter, Videographer

Commissioner President Russell called the meeting to order at 1:10 pm and provided opening remarks, along with BOE Chairman Bill Mattingly.

Dr. Martirano presented an update on student achievement, staff reorganization, enrollment growth and plans to incorporate new state and federal requirements into the County's educational delivery system.

WORK SESSION ON PROPOSED COMPREHENSIVE ZONING ORDINANCE DRAFT

Present: Derick Berlage, Director LUGM
Phil Shire, Deputy Director, LUGM
Jeff Jackman, Senior Planner, LUGM
Harry Knight, Permits Services Chief
SueVeith, Senior Planner, LUGM
Yvonne Chaillet, Zoning Administrator
Adam Knight, Inspections Chief

The work session focused on the following issues: (1) farmstead subdivisions; (2) zoning of Rue Purchase Rd. properties; (3) zoning of Old Hermanville Rd properties; (4) campgrounds in the RCA overlay zone; (5) digital plat submissions; (6) bulk fuel sales; (7) public safety towers; (8) revisions to enforcement procedures (Ch. 80), and (9) PD grandfathering.

PUBLIC HEARING: TO CONSIDER PROPOSED COMPREHENSIVE WATER AND SEWER PLAN AMENDMENT FOR MULTIFLORA ESTATES , CASE #09-200-003, TO CHANGE THE WATER AND SEWER CATEGORY FROM W-6D TO RW-D FOR 348.5 ACRES DESCRIBED AS TAX MAP 9, GRID 8, IN THE MECHANICSVILLE AREA.

Present: Phil Shire, Deputy Director, DLUGM
Jeff Jackman, Senior Planner, DLUGM
Randy Barrett of R. A. Barrett & Associates, Inc.

Commissioner President Russell opened the public hearing at 6:30 pm.

It was noted for the record that the notice of public hearing was published in The Enterprise newspaper on July 7 and July 9, 2010, and notices were mailed to adjoining property owners. Jeff Jackman provided background on the properties involved that were removed from the Mechanicsville Town Center in the Comprehensive Plan. The original subdivision (lots 1-5) was to be served by individual wells; however, with the planned expansion in the number of homes, a public water system would be required.

Mr. Barrett clarified the following in response to Commissioner's questions: the original homes as well as the additional homes will be required to connect to the water system; if there is a central water system houses will have to be constructed with a fire suppressant system; the water tank will be located in the middle of the parcel 369 and will be above ground with a storage capacity of 100,000 gallons.

Commissioner Raley asked that staff get back to him with the reason for the one negative Planning Commission vote to recommend approval of the water system.

Commissioner President Russell opened the hearing for public comments.

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

Jessica Watkins, 28385 Flora Corner Road, Mechanicsville, MD 20659

Speaking on behalf of several different landowners and residents of St. Mary's County, Ms. Watkins expressed concerns of the Multiflora Estates Development. She said if the water amendment is approved, it will be green light to extensive development along Route 5. She addressed several concerns of the community citing sections of the recently revised 2010 Comprehensive Plan and noting that one of the Board's goals is to "limit growth in rural areas to preserve open space and to protect and promote agriculture and forestry." She stated in keeping with the mandates from the Maryland State Department of Planning to establish priority preservation areas, the St. Mary's Comprehensive Plan proposes the addition of land east of MD-5 into the Huntersville Rural Legacy Area so neighbors have already met the call by the Board, and placed over 70 acres into a land trust. Ms. Watkins feels that if Commissioners vote for the CWSP

it would be in direct opposition to the 2010 Comprehensive Plan. She said the water resources should be reserved for the developments planned in growth areas, not those that are needed for preservation. She stated "we strongly urged the Board to reject the amendment to the CWSP; however, we are also asking the Board to consider postponing this vote until this land can be properly zoned in compliance with the revised Comprehensive Plan.

Mr. Barry Roache, 24045 Old Village Rd., Mechanicsville, MD 20659

Mr. Roache, member Roach LLC, has a half interest in a farm across the road from Flora Corner Road and cited the need for critical farm programs. He asked that the final decision on the water and sewer amendment be postponed until the final decision is made on what the zoning is going to be in this area.

Mr. John Montgomery, President, Mechanicsville Volunteer Fire Department, Hills Club Road, Mechanicsville, MD 20659

Mr. Montgomery encouraged sprinkler system in the homes and asked if the water system goes in could a pipeline go across the road to the fire station.

Mr. John E. Miller, 39425 Esther Lane, Mechanicsville, MD 20659

Mr. Miller asked if water system is approved, do the people who live there now have to connect or can we sell our house with the existing well we have. The answer was the opportunity would be available if someone wanted to hook up but they would not be obligated to connect.

Stan Kimmel, 39410 Esther Lane, Mechanicsville, MD 20659

Mr. Kimmel asked Mr. Barrett for the dimensions of the water storage tank to be installed and was told 100,000 and anticipates tower being 250' tall and anticipates 60' in diameter. Mr. Kimmel said with the size stated this would be an eyesore to the entire county. You are saying water would serve up to 160 homes which would increase the amount of residents you would put in there.

No name given

Firefighter in DC for years and if they have 1,000 houses or however many they put in, the water shed has to be enough and I am not sure what they are saying is correct.

Michael Gray, 28585 Harvest Lane, Mechanicsville, MD 20659

Mr. Gray is concerned with the number of houses you could see from the road with the high density lots. He feels 40% of the area is unsuitable for building, so the proposed plan of 1-1.2 acres would be 150 homes sitting in an open field. Opposed to massive development.

Ed Mattingly, 28280 Flora Corner Road, Mechanicsville, MD 20659

Mr. Mattingly stated he moved to this area because it was a nice county area. He lives directly in front of the entry to the new development. Map shows being centrally located and that is not true. The water tower is right on Flora Corner Road as you come in and there are plenty of other areas on the property it could be placed. The tower is not even close to where the homes are being built now.

Raymond Messick, 28775 Meade Lane, Mechanicsville, MD 20659

Mr. Messick moved into this area from Waldorf and is concerned this is the start of another Waldorf. Does not want to see the land destroyed.

Virgil Weismanth, 28685 Hancock Dr., Mechanicsville, MD 20659

Mr. Weismanth is concerned that along with new development comes more people and crime rate. He feels Mechanicsville area is understaffed with police protection as they have only 3 officers per shift patrolling the area. He said motorcycle gangs are moving in and graffiti is appearing on building in Charlotte Hall.

Jim Cox, 38750 Lavendar Lane, Mechanicsville, MD 20659

Mr. Cox asked what is the next closest property that has the RPD well system closest to this? He asked where the Commissioners want to go with this, why they want such a large vast housing development as a town center. He stated when he sees the plan for the water tower he thinks of Laurel Ridge and that does not strike him as an appropriate town center.

Anthony Cherry, 28790 Meade Lane, Mechanicsville, MD 20659

Mr. Cherry lived in area over 15 years. He had permission to drive on the property and while you say it is 300 acres, there is about 30% of the property is not suitable for development. He moved to the area because it was a rural area.

Randy Barrett of R. A. Barrett & Associates, Inc.

Mr. Barrett answered various questions from the audience throughout the night. He responded that none of the adjacent property is required to join the water system but that they would stub it at the end of the property so it would be available for commercial property or properties in the future. He acknowledged that with the property zoned RL more lots could be created however stated that they never tried to establish 1700 units which could be allowed. He cited that a significant number of local entities were concerned with seeing development from the roadway and said buffer areas would be established and have put ourselves in the position that we can move lots around. Another thing to be dealt with is the State Highway Administration requires 100' of new roadway constructed going into development. In the RPD the preferred methodology is that the development is adjacent to a town center. He understands the concerns of neighbors but has a property owner with nearly 300 acres and if we do not have this category change we are deeming the property non buildable. If this is approved, we will supply the fire protection to the area by providing this water system. We will be submitting more data to you with excerpts from all the plans you have adopted over the years showing we are in compliance with them. All data that has been submitted to LUGM is available to public through Freedom of Information.

Commissioner Russell noted that the record will remain open for ten days for additional written comments from the public and closed the hearing at 7:30 pm.

ADJOURNMENT

The meeting of the Board of County Commissioners adjourned at approximately 7:30 pm.

Minutes Approved by the Board of County Commissioners on _____

Sharon Ferris, Senior Administrative Coordinator (Recorder)