

**ST. MARY'S COUNTY  
BOARD OF COUNTY COMMISSIONERS' MEETING  
GOVERNMENTAL CENTER  
Tuesday, April 10, 2007**

**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  
Betty Jean Pasko, Senior Admin. Coordinator (Recorder)

The Board of County Commissioners' Multi-Agency Meeting was held at the Leonardtown Library, beginning at 8:00 AM.

The Board of County Commissioners' meeting was called to order at 9:30 AM.

**ADDITIONS/DELETIONS TO AGENDA**

There were no additions/deletions to the agenda.

**APPROVAL OF CHECK REGISTER**

**Commissioner Mattingly moved, seconded by Commissioner Jarboe, to authorize the Commissioner President to sign the Check Register for checks dated April 10, 2007, as submitted. Motion carried 5-0.**

**APPROVAL OF MINUTES**

**Commissioner Mattingly moved, seconded by Commissioner Dement, to adopt the minutes of the Commissioners' meeting of March 27, 2007, as presented. Motion carried 5-0.**

**Commissioner Mattingly moved, seconded by Commissioner Dement, to amend the motion to change the service area categories in the Comprehensive Water and Sewer Plan for the Willows Run Subdivision, adopted at the meeting held on February 13, 2007, by striking out 29.2 (number of acres) and inserting 23.75, and by striking out 636 (Parcel number) and inserting 72. Motion carried 5-0.**

**PROCLAMATION: SEXUAL ASSAULT AWARENESS MONTH**

**Present:** Gary Lynch, Walden/Sierra, Inc.  
Yevonnie Lowe, Walden/Sierra, Inc.

Walden/Sierra, Inc. is committed to eliminating sexual violence through education, counseling, support services, and community action throughout St. Mary's County to promote equality, safety, and respect among all individuals. The Board of County Commissioners for St. Mary's County proclaimed the month of April as Sexual Assault Awareness Month and encouraged all citizens to work toward improving victim safety and raising public awareness about how to prevent sexual assault.

#### **PROCLAMATION: FAIR HOUSING**

Present: Dennis Nicholson, Executive Director, Housing Authority, DECD  
Terry Leonard, Co-Chair, So. MD Association of Realtors, Community Relations and Affordable Housing Committee  
Rhonda Garcia, Program Manager, Housing Authority, DECD  
Sandra Johnson, Resource Specialist, Housing Authority, DECD

The Board presented members of the St. Mary's County Housing Authority and the Co-Chair, So. MD Association of Realtors, Community Relations and Affordable Housing Committee, with a Proclamation proclaiming April 2007 as Fair Housing Month and encouraged all citizens to abide by the letter and spirit of the Fair Housing Law.

#### **PROCLAMATION: MARYLAND CHIEFS' CHALLENGE CAMPAIGN**

Present: Sheriff Timothy Cameron, St. Mary's County Sheriff's Office  
Dr. William Icenhower, St. Mary's County Health Department  
Cynthia Brown, Community Services Division Mgr., RP&CS  
Jacqueline Beckman, CTPS Coordinator, Highway Safety Program  
Members of the Sheriff's Office, MD State Police, Dept. of Natural Resources Police, and Dept. of Defense Police

The Board proclaimed April 3 through June 3, 2007, as the Maryland Chiefs' Challenge Campaign period. The community is encouraged to participate in this campaign to increase the use of safety belts, child safety seats, and booster seats with the goal of increasing State and County use rates, to support the efforts of enforcement agencies to increase compliance with State occupant protection laws, and to encourage part-time seat belt users to make a habit for life – to always buckle up.

#### **SHERIFF'S OFFICE: UPDATE ON ACCREDITATION PROCESS**

Present: Sheriff Timothy Cameron, St. Mary's County Sheriff's Office  
Deputy Carole Allen, Accreditation Manager, St. Mary's Co. Sheriff's Office

Sheriff Cameron announced that a team of assessors from the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA) will arrive on Saturday, April 14, 2007, to examine all aspects of the St. Mary's County Sheriff's Office policies,

procedures, management, operations, and support services. A public information session will be hosted on April 16, 2007, beginning at 7:00 PM, at the Southern MD Higher Education Center, Room 135.

**DEPARTMENT OF HUMAN RESOURCES: REQUEST FOR APPROVAL OF LENGTH OF SERVICE AWARDS ELIGIBILITY LISTS FOR ST. MARY'S COUNTY FIRE, RESCUE SQUADS AND ADVANCED LIFE SUPPORT DEPTS.**

Present: Sue Sabo, Director, Human Resources  
Karen Gates, Sr. HR Specialist, Human Resources

The Board was presented a listing of eligible active volunteers for each Fire Department, Rescue Squad, and Advanced Life Support Unit, who qualified for Length of Service Awards service credit in 2006. The Length of Service Awards Program (LOSAP) provides monetary pensions for volunteers, based on age and years of volunteer service.

**Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and sign eligibility lists as presented for the St. Mary's County Fire, Rescue Squads, and Advanced Life Support departments for those who qualified for the Length of Service Awards Program (LOSAP) Service Credit in 2006. Motion carried 4-0.** Commissioner Mattingly abstained from the vote. *Approved listings will be posted in the appropriate departments for no less than 30 days.*

**COUNTY ADMINISTRATOR**

1. Draft Agenda for April 17, and 24, 2007
2. **Dept. of Recreation, Parks and Community Service** (*Cynthia Brown, Community Services Division Mgr.; Jackie Beckman, Highway Safety Coordinator*)

**Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign the Maryland Highway Safety Budget Modification for Project Agreement and the related Budget Amendment, increasing the project budget by \$31,430, to reflect the receipt of additional grant funds. Motion carried 5-0.**

3. **State's Attorney's Office, Child Support Division** (*Lyle Long, Senior Investigator*)

**Commissioner Dement moved, seconded by Commissioner Mattingly, to accept the Cooperative Reimbursement Incentive Funds in the amount of \$5,086, and approve and authorize the Commissioner President to sign the Budget Amendment decreasing the project budget by \$914, aligning the project budget with the actual grant amount. Motion carried 5-0.**

4. **Sheriff's Office** (*Sheriff Tim Cameron; Erin Shoemaker, Fiscal Manager*)

**Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign the Budget Amendment in the amount of \$1,644 for the Sheriff's Office Child Support Cooperative Reimbursement Incentive Funds, reducing the budgeted amount to reflect the actual award. Motion carried 5-0.**

**Commissioner Dement moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign the Budget Amendment realigning the Law Enforcement and Corrections budgets. Motion carried 5-0.**

**Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign the Collaborative Supervision & Focused Enforcement Program (CSAFE) Consolidated Grant Application in the amount of \$38,600. Motion carried 5-0.**

**5. St. Mary's County Public Schools**

*Dan Carney, CFO; Charles Ridgell, Director of Curriculum and Instruction)*

**Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve additional funds for the FY2007 Restricted Program Fund, Fine Arts Initiative Grant, in the amount of \$32,921, which was approved by the Board of Education on March 14, 2007, and awarded after the completion and approval of the FY2007 Approved Budget document, and to sign the related consent letter. Motion carried 5-0.**

*(Dan Carney, CFO; Theo Cramer, Director of Academic Support)*

**Commissioner Raley moved, seconded by Commissioner Jarboe, to approve additional funds for the FY2007 Restricted Program Fund, Maryland School Performance Recognition Program in the amount of \$5,491.64, which was approved by the Board of Education on January 31, 2007, and awarded after the completion and approval of the FY2007 Approved Budget document, and to sign the related consent letter. Motion carried 5-0.**

**6. Office of the County Attorney and Department of Public Works & Transportation** *(Liz Passarelli, Real Property Manager; George Erichsen, P.E., Director, DPW&T)*

**Commissioner Jarboe moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to sign the Temporary Easement Agreement with Quality Built Homes, that shall terminate 30 days after the completion of the improvements, in support of installation of the new sewer main(s) (Leonard's Grant). Motion carried 5-0.**

**7. Department of Public Works & Transportation** *(George Erichsen, P.E., Director; Richard Tarr, Solid Waste Manager)*

**Commissioner Dement moved, seconded by Commissioner Raley, to approve and sign the Resolution waiving landfill fees for the 2007 Christmas in April Program. Motion carried 5-0.**

8. **Dept. of Economic and Community Development** (*John Savich, County Administrator, and Director, DECD*)

**Commissioner Raley moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to sign the final Cooperative Agreement between the Board of County Commissioners for St. Mary's County and the Commanding Officer of the Naval Air Station, Patuxent River, for Encroachment Mitigation and Prevention. Motion carried 5-0.**

*Document signing is scheduled for April 20, 2007, at the Frank Knox Center.*

**DEPARTMENT OF LAND USE & GROWTH MANAGEMENT:  
CONSIDERATION OF ZONING TEXT AMENDMENT PROHIBITING  
RESIDENCES IN THE APZ-2 ZONE**

Present: Denis Canavan, Director, LU&GM  
Jeff Jackman, Sr. Planner, LU&GM

Mr. Canavan presented for "first reader" a proposed Text Amendment to amend the Air Installations Compatibility Use Zone (AICUZ) by providing new residential development within the APZ-2 Zone (approximately 1,100 acres; 700 dwelling units), while not adversely affecting existing residential property. The proposed Text Amendment change affects Figure 43.3.A, titled "Land Use Compatibility in Aircraft Accident Potential Zones" of the Zoning Ordinance as follows:

- A. Repeal "B" in the row title "Single-Family" under the column titled "APZ-2" on page 43-7.
- B. Insert "C" in the row title "Single-Family" under the column titled "APZ-2" on page 43-7.
- C. Repeal footnote #2 on page 43-9 and readopt that same footnote, rewritten as follows: Residences are not allowed in the APZ-2 Zone after (*effective date of this amendment*) unless in conformance with paragraphs "a", "b", and "c" below.
  - a. Residences existing as of (*effective date of this amendment*) are not considered non-conforming and may be altered or replaced in conformance with the existing development standards and paragraph "c" below.
  - b. Vacant recorded lots within a residential subdivision may be used for residential purposes in accordance with existing development standards and paragraph "c" below.
  - c. Residential construction after (*effective date of this amendment*) will comply with existing development standards and applicable sound reduction measures found in Figure 43.2.A.

**Commissioner Raley moved, seconded by Commissioner Mattingly, to direct staff to proceed with the proposed Text Amendment prohibiting residences in the APZ-2 overlay zone and to go forward with procedure to have the appropriate public hearings with regards to the Planning Commission, and then with the Board of County Commissioners. Motion carried 5-0.**

*Commissioner Raley requested replacing the word “would” with the word “could,” on page 3, 3<sup>rd</sup> paragraph, second sentence, of the 4/7/07 memo from Denis Canavan to the Board. The sentence would then read as follows: “Staff notes that the Board of County Commissioners has authorized staff to prepare a text amendment that could provide for residential uses in the OBP Zone.”*

**DEPARTMENT OF HUMAN RESOURCES: REQUEST TO ADOPT  
RESOLUTION APPOINTING NEW SHERIFF’S OFFICE RETIREMENT PLAN  
FINANCIAL TRUSTEE**

Present: Sue Sabo, Director, Human Resources  
Michael Holycross, Morgan Stanley, SORP Financial Consultant

Citing problems with AST Trust, HR coordinated with Morgan Stanley (the plan’s financial consultant) to replace AST Trust with a new Trustee. Morgan Stanley, the Plan Administrator (Sue Sabo) and the Plan Coordinator (Dee Snyder) recommended to the Board of County Commissioners that Wells Fargo be appointed as the new Trustee.

**Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and adopt a Resolution appointing Wells Fargo Institutional Trust Services to act as a non-discretionary Successor Trustee of the Trust established as part of the Sheriff’s Office Retirement Plan and removing AST Trust as Trustee effective as of the date Wells Fargo accepts its appointment as Successor Trustee. Motion carried 5-0.**

**MOTION TO ENTER INTO EXECUTIVE SESSION**

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

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  
Sue Sabo, Human Resources Director

Donna Gebicke, Administrative Assistant to the BOCC, Recorder  
Authority: Article 24, Section 4-210(a)1  
Time Held: 11:55 am - 1:30 pm  
Action Taken: The Commissioners discussed personnel matters.

### **SOLID WASTE ADVISORY COMMITTEE (SWAC) ANNUAL REPORT**

Present: Richard Tarr, Solid Waste Manager, DPW&T  
Paul Waxman, Chair, Solid Waste Advisory Committee

Mr. Waxman presented the St. Mary's County Solid Waste Advisory Committee, 2006 Annual Report, and provided an overview of the committee's background, goals, accomplishments, current activities, and issues. Issues presented were: Review of SWAC purpose, Membership (two committee vacancies, struggling with quorum requirements; in 2006, 25% of the meetings were cancelled due to lack of a quorum), and Biodiesel fueling (relative to County vehicles).

Additionally:

- There was some discussion about recycling reusable items, such as providing washers and dryers to non-profit agencies for resale and providing old computers, peripherals, and TVs (not consoles) to SMARTCO.
- Commissioner Mattingly requested information regarding the location of curbside collection locations.
- At the request of Commissioner Jarboe, George Erichsen and Richard Tarr provided a brief update regarding the test program to convert some County vehicles to biodiesel.
- Commissioner Russell voiced support to help with membership issue.

### **DEPT. OF LAND USE & GROWTH MANAGEMENT: DECISIONS ON THE FOLLOWING PROPOSED AMENDMENTS TO THE COMPREHENSIVE WATER AND SEWER PLAN:**

Present: Jeff Jackman, Sr. Planner, LU&GM

#### **Cornerstone Presbyterian Church, Case#06-132-014**

The proposal is to amend service area Map III-35 to change service category from W-6 to W-3D for 5 acres described as Tax Map 35, Grid 13, Parcel 19, in the 8<sup>th</sup> Election District (community water service to existing church). The Board conducted a Public Hearing on March 6, 2007. During the open record period, a letter was submitted by William L. Mehaffey of Mehaffey and Associates on behalf of the applicant.

**Commissioner Raley moved, seconded by Commissioner Jarboe, for Case CWSP 06-132-014, Cornerstone Presbyterian Church, to amend the St. Mary's Comprehensive Water and Sewerage Plan as recommended by the Planning Commission to change the service area Map III-35 to service area category from W-6 (service in 6 to 10 years) to W-3D (service in 3 to 5 years, developer financed) for 5**

**acres described as Tax Map 35, Grid 13, Parcel 19, in the 8<sup>th</sup> Election District.  
Motion carried 5-0.**

**Laurel Preserve Subdivision (Gottlieb), Case #06-120-009**

The proposal is to amend service area Map 111-19 to change service category from No Planned Service to Rural Water for 186.59 acres (located in the Morganza / Laurel Grove area) described as Tax Map 19, Grid 1, Parcel 191, in the 6<sup>th</sup> Election District (service to 61 dwelling units). It was clarified the development would be phased in; two minor subdivisions, five lot subdivision on either side of the County road - initially one well (Aquia aquifer), with eventual full water system from the Patapsco aquifer. The initial well would then become a back-up. The Board conducted a Public Hearing on March 6, 2007.

**Commissioner Mattingly moved to amend service area maps for Laurel Preserve Subdivision. The motion did not receive a second and no vote was taken on the motion.**

**Charlotte Hall Center, Inc., Case #05-120-022**

The proposal is to amend Map III-04 to change service category from W-6 to W-3D for 20 acres described as Tax Map 4, Grid 10, Parcel 453, in the 5<sup>th</sup> Election District (community water service to development within an industrial zoning district). The Board conducted a Public Hearing on March 6, 2007.

**Commissioner Mattingly moved, seconded by Commissioner Raley, for Case CWSP 05-120-022, Charlotte Hall Center, Inc., to amend the St. Mary's Comprehensive Water and Sewerage Plan as recommended by the Planning Commission to change the service area Map III-04 to service area category form W-6 (service in 6 to 10 years) to W-3D (service in 3 to 5 years, developer financed) for 20 acres described as Tax Map 4, Grid 10, Parcel 453 in the 5<sup>th</sup> Election District. Motion carried 4-0, Commissioner Jarboe abstained from the vote.**

**New Elementary School Site (Wildewood), Case CWSP 06-132-036**

The proposal is to amend Maps III-33 and IV-33 from No Planned Service to W-3D and S-3D for Property Described as Tax Map 33, Grid 24, Parcel 245 in the 3rd Election District. During the open record period, a letter was submitted by Jacquelyn Meiser addressing the question raised during the Board's Public Hearing on March 20, 2007, regarding the source of the water to be supplied to the new school (correcting the water source as via the Patapsco aquifer). Additionally, MetCom confirmed the dwelling unit equivalency (will be about 18 EDUs).

**Commissioner Mattingly moved, seconded by Commissioner Jarboe, for Case 06-132-036, New Elementary School (SMCPS 0606), to amend the St. Mary's Comprehensive Water and Sewerage Plan as recommended by the Planning Commission to change the service area Maps III-33 and IV-33 to service area categories from No Planned Service to W-3D and S-3D (service in 3 – 6 years,**



**developer financed) for property described as Tax Map 33, Grid 24, Parcel 245 in the 3rd Election District. Motion carried 4-1(Raley).**

**Pembroke/Kessler Neighborhood, Case #06-132-031**

The proposal is to amend service area maps III-51 and IV-51 to change the service area category from W-6 and S-6 (service in 6 to 10 years) to W-3D and S-3D (service in 3 to 5 years, developer financed) for 6.2 acres described as Tax Map 51, Grid 23, Parcel 411 in the Eighth Election District in anticipation of a 28-unit residential development. The Board conducted a Public Hearing on March 27, 2007.

**Commissioner Raley moved, seconded by Commissioner Dement, for Case CWSP #06-132-031, Pembroke/Kessler Neighborhood, to amend the St. Mary's Comprehensive Water and Sewerage Plan as recommended by the Planning Commission to change the service area Maps III-51 and IV-51 from W-6 and S-6 (service in 6 to 10 years) to W-3D and S-3D (service in 3 to 5 years, developer financed) for 6.2 acres described as Tax Map 51, Grid 23, Parcel 411 in the 8<sup>th</sup> Election District. Motion carried 5-0.**

**Pembroke/Thompson Neighborhood, Case #06-120-010**

The proposal is to amend service area maps III-51 and IV-51 to change the service area category from W-6 and S-6 (service in 6 to 10 years) to W-3D and S-3D (service in 3 to 5 years, developer financed) for 5.32 acres described as Tax Map 51, Grid 16, Parcel 387 in the Eighth Election District in anticipation of an 11-lot residential development. The Board conducted a Public Hearing on March 27, 2007.

**Commissioner Raley moved, seconded by Commissioner Jarboe, for Case CWSP #06-120-010, Pembroke/Thompson Neighborhood, to amend the St. Mary's Comprehensive Water and Sewerage Plan as recommended by the Planning Commission to change the service area Maps III-51 and IV-51 from W-6 and S-6 (service in 6 to 10 years) to W-3D and S-3D (service in 3 to 5 years, developer financed) for 5.32 acres described as Tax Map 51, Grid 16, Parcel 387 in the 8<sup>th</sup> Election District. Motion carried 5-0.**

**Tamara's Chance, Case 06-132-022**

The proposal is to amend service area maps III-51 and IV-51 to change the service area category from W-6 and S-6 (service in 6 to 10 years) to W-3D and S-3D (service in 3 to 5 years, developer financed) for 14 acres described as Tax Map 51, Grid 23, Parcel 361 in the 8<sup>th</sup> Election District in anticipation of a 36-unit residential development. The Board conducted a Public Hearing on March 27, 2007.

**Commissioner Raley moved, seconded by Commissioner Dement, for Case CWSP #06-132-022, Tamara's Chance, to amend the St. Mary's Comprehensive Water and Sewerage Plan as recommended by the Planning Commission to change the service area Maps III-51 and IV-51 from W-6 and S-6 (service in 6 to 10 years) to W-3D and S-3D (service in 3 to 5 years, developer financed) for 14 acres described as Tax Map 51, Grid 23, Parcel 361 in the 8<sup>th</sup> Election District. Motion carried 5-0.**

**COMMISSIONER'S TIME**

Commissioner Dement

Provided opening remarks for the Community Forum on Health and Human Services, hosted by the Local Management Board on Tuesday.  
Along with Commissioner Raley, presented a 60<sup>th</sup> Anniversary Proclamation to Mr. & Mrs. Augustus Herbert on Saturday.

Commissioner Mattingly

Congratulations to Walt Biscoe for organizing the Community Forum on Alcohol and Substance Abuse.

Presented a Proclamation for the Doctor's Day celebration at the St. Mary's Hospital.  
The RPD Task Force met yesterday.  
End of Legislative Session yesterday; most of our legislative initiatives fared well.  
Happy Birthday to daughter-in-law, Kelli.

Commissioner Raley

Most everything covered by Commissioners Dement and Mattingly.

Commissioner Jarboe

Welcome Center in Charlotte Hall is now open 7 days a week.

Commissioner Russell

Thanks to Craig Kelly (great hand with clearing the snow off boat).

**ADJOURNMENT**

**Commissioner Dement moved, seconded by Commissioner Jarboe, to adjourn the meeting. Motion carried 5-0.**

The meeting adjourned at approximately 2:45 PM.

Minutes Approved by the Board of County Commissioners on \_\_\_\_\_

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Betty Jean Pasko, Senior Administrative Coordinator