

**ST. MARY'S COUNTY  
BOARD OF COUNTY COMMISSIONERS' MEETING  
GOVERNMENTAL CENTER  
Tuesday, May 8, 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 Commissioner's Meeting commenced at 9:30 AM at the Governmental Center.

**APPROVAL OF CHECK REGISTER**

**Commissioner Raley moved, seconded by Commissioner Jarboe, to authorize the Commissioner President to sign the Check Register, for checks dated May 8, 2007, as submitted. Motion carried 5-0.**

**APPROVAL OF MINUTES**

**Commissioner Jarboe moved, seconded by Commissioner Dement, to adopt the minutes of the Commissioners' meeting of April 24, 2007, as amended. Motion carried 5-0.**

**Commissioner Jarboe moved, seconded by Commissioner Raley, to adopt the minutes of the Commissioners' meeting of May 1, 2007, as presented. Motion carried 5-0.**

**PROCLAMATIONS:**

The Commissioners presented proclamations in recognition of the following:

**National Drug Court Month** – May 2007 (St. Mary's County Drug Court Team)

Present: Judge Michael Stamm; Pete Cucinotta, SMC Drug Court Coordinator;  
and other teammembers

**National Nurses Week** - May 6 – 12, 2007, and **National Nursing Home Week** - May 13 – 19, 2007  
(St. Mary's Nursing Center)

Present: Kim Wood, Director of Nursing  
Don Lewis, Administrator

**Small Business Month** – May, 2007 (St. Mary’s County Chamber of Commerce)

Present: Phil Riehl, Chair  
Mary Ann Murray, Chair-elect  
Tom Jarboe, 1<sup>st</sup> VP  
Ray Dodson, Treasurer  
Bill McKissick, Immediate Past Chair  
Bill Scarafia, President  
Frank Taylor  
Patrick Dugan  
Hans Welch, Business Manager, DECD  
Cynthia Dellagatta, Economic Development Coordinator, DECD

**Mental Health Month** – May, 2007 (NAMI)

Ms. Connie Walker, President, National Alliance on Mental Illness (NAMI) for Southern Maryland, provided an update regarding May being Mental Health Month; i.e., the “Walks for the Mind of America” on April 29<sup>th</sup> (raised \$11,000 for Southern Maryland), “Grading the State” results (for the State and the County), and training (regarding law enforcement) is scheduled on May 23 and 24 (four, four-hour sessions). NAMI Southern Maryland will hold its annual membership meeting on May 14 at 6:30 PM at the Charlotte Hall Library.

**COUNTY ADMINISTRATOR**

1. Draft Agendas for May 15, and May 22, 2007
2. **Department of Public Safety** (*David Zylak, Director; Stanley Williams, Emergency Services Coordinator*)

**Commissioner Mattingly moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign the Budget Amendment, in the amount of \$33,335, closing out the FY07 project budget for the MIEMSS Bio-Terrorism for Pre-Hospital Providers Grant, that was not awarded by the federal government in FY07. Motion carried 5-0.**

3. **Dept. of Recreation, Parks, and Community Services** (*Phil Rollins, Director*)

**Commissioner Dement moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to sign the Budget Amendment, in the amount of \$9,500, increasing the Leonardtown Wharf Project budget revenues and expenses in accordance with the State Program Open Space grant award. Motion carried 5-0.**

4. **Marcey House** (*Larry Harvey, Director, Marcey House*)

**Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign the FY07 Marcey House STOP Grant documents: the Human Services Contract Proposal, the Sub-Recipient Agreement with the Health Department, and the related Budget Amendment in the amount of \$8,585, increasing the project budget revenues and expenses. Motion carried 5-0.**

**Commissioner Mattingly moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign the FY07 Marcey House Standard Grant documents: the Human Services Contract Proposal, the Sub-Recipient Agreement with the Health Department, and the related Budget Amendment, in the amount of \$5,042, recognizing the Direct Vendor Pay portion of the grant which is paid directly to the Health Department for administrative costs. Motion carried 5-0.**

5. **Dept. of Public Works and Transportation** (*George Erichsen, P.E., Director*)  
**Actions Requested:**

a. To approve and authorize the Commissioner President to sign the Public Works Agreement for St. Jerome's Crossroads Subdivision, located in the **1<sup>st</sup> Election District**, with an expiration date of March 1, 2008.

b. To approve and authorize the Commissioner President to sign the Public Works Agreement Addendum for the Greens Rest Farm Subdivision, Section 5, located in the **2<sup>nd</sup> Election District**, with an expiration date of April 1, 2008.

~~e. To approve and authorize the Commissioner President to sign the Public Works Agreement for Henderson Farm Subdivision, located in the **5<sup>th</sup> Election District**, with an expiration date of March 1, 2008, and the related Sight Distance Easement Agreement.\* *Removed from agenda as requested by George Erichsen, 5/4/07*~~

d. To approve and authorize the Commissioner President to sign the following Public Works Agreement Addendums: Ben Oaks Subdivision, Sections 1, 2, 3, and 4, with an expiration date of May 1, 2008; and Avonlea Subdivision, Section 2, Phase 1, with an expiration date of March 1, 2008; both located in the **5<sup>th</sup> Election District**.

e. To approve and authorize the Commissioner President to sign the following Public Works Agreement Addendums: Gardiner's Place Subdivision, Section 1, with an

expiration date of January 1, 2008; and for the Southwoods PUD Subdivision, Phase 3, with an expiration date of April 1, 2008; both located in the **8<sup>th</sup> Election District**.

f. To approve and authorize the Commissioner President to sign the Public Works Agreement for Wildewood Condominiums Subdivision, located in the **8<sup>th</sup> Election District**, with an expiration date of June 1, 2008, and the related Payment Agreement.

**Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign the Public Works Agreement identified in item (5) a., and the Addenda identified in item b., item d., and item e. Motion carried 5-0.**

**Commissioner Mattingly moved, seconded by Commissioner Raley, to direct staff to take item f, Wildewood Condominiums Subdivision, back to the developers for further negotiations of the signal light bond. Motion carried 5-0.**

6. **County Administrator** (*John Savich, County Administrator*)

**Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign Employment Contract between the St. Mary's County Government and Robert R. Schaller, as the Director, Economic and Community Development. Motion carried 5-0.**

**Commissioner Mattingly moved, seconded by Commissioner Raley, to approve and authorize the Commissioner President to sign the following Employment Contracts: Elaine M. Kramer, Chief Financial Officer; Phillip D. Rollins, Director, Recreation, Parks, and Community Services; Denis D. Canavan, Director, Land Use & Growth Management; George A. Erichsen, Director, Public Works and Transportation; Robert Kelly, Director, Information Technology; Lori D. Jennings-Harris, Director, Department of Aging; Susan L. Sabo, Director, Human Resources; and Karen Christy Holt-Chesser, St. Mary's County, County Attorney. Motion carried 5-0.**

**DEPT. OF HUMAN RESOURCES & SHERIFF'S OFFICE RETIREMENT PLAN ADMINISTRATOR: REQUEST APPROVAL TO HOLD PUBLIC HEARING FOR SIXTH AMENDMENT TO THE SHERIFF'S OFFICE RETIREMENT PLAN ON MAY 22, 2007**

Present: Sue Sabo, Director, HR

The Board of Trustees for the Sheriff's Office Retirement Plan recommended a sixth amendment that will change the method in which the annual cost of living adjustment is computed to a fixed 3% each year. The current cost of living adjustments are based on the increase in the Consumer Price Index with a maximum annual increase of 4%.

**Commissioner Jarboe moved, seconded by Commissioner Dement, to direct staff to schedule a Public Hearing for the Sixth Amendment to the Sheriff's Office Retirement Plan to be scheduled May 22, 2007. Motion carried 5-0.**

**DEPT. OF LAND USE AND GROWTH MANAGEMENT: DECISION ON PROPOSED AMENDMENTS TO THE COMPREHENSIVE ZONING ORDINANCE FOR THE PURPOSES OF MODIFYING THE PROPOSED BUILDING HEIGHT LIMITS ALLOWED IN SCHEDULE 32.1 AND CORRECTING A SPELLING ERROR**

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

The Public Hearing was held April 24, 2007. During the ten day open record period, one written comment was received, which was included with the Post Public Hearing Staff Report that was provided to the Commissioners.

Mr. Canavan reiterated the proposed changes to Schedule 32.1 of the Zoning Ordinance:

- A. Deleted footnote #7 following the words "Maximum Height"
- B. Inserted a new footnote #7 next to the 40-foot height limit of the RPD, RSC, RCL, RL, RNC, and RMX zones.
- C. Amended the language of footnote #7 to read as follows: Principal structures may be erected to a maximum height of 50 feet when the side and rear yards are increased one foot for each foot of height in excess of the height restrictions for the zone. Existing buildings constructed as of (*effective date of this amendment*) are not considered a non-conforming building height.
- D. Inserted a new footnote #12 following the words "Maximum Height".
- E. Inserted new footnote #12 to read as follows: Height of all structures subject to site-by-site analysis for compliance with Chapter 43, AICUZ and AE height restrictions. Structures with a building height greater than 45 feet shall install an approved sprinkler system. Height of communication towers are exempt from height restrictions of Schedule 32.1 and regulated by the provisions contained in Chapter 51 of this Ordinance.
- F. Corrected spelling error in footnote #10.

Mr. Canavan elaborated that at the Planning Commission's Public Hearing (March 12, 2007), there was testimony given expressing concern with any allowance for a building to exceed 40 feet within the RMX zone along Three Notch Road (MD Rt. 235) between Shady Mile Drive and Patuxent Beach Road (MD Rt. 4). Following deliberation, the Planning Commission voted to recommend approve of the proposed amendments but with a modified wording of footnote 7, striking the allowance for principal structures to be erected to a height of 50' when side and rear yards are increased.

Staff maintains that allowance for a height limit of 50' is necessary to accommodate flexibility of design. Typical construction plans for three-story office buildings have shown floor of 12 feet high (36 feet for three floors). Roof pitch and accommodations for mechanical equipment (such as elevators) require additional height. Mr. Canavan elaborated building height (pitched roof) is the mean difference between the eave and the roof ridge.

**Commissioner Mattingly moved, seconded by Commissioner Raley, to approve the recommendations in reference to building height limits; on the modification of the proposed building heights as allowed in Schedule 32.1, and to correct the spelling error; i.e., to place the maximum height of structures as identified (draft Attachment 1) at 50 foot, modifications to footnotes 7 and 12 as presented, and making the spelling error correction to footnote 10. Motion carried 3-2 (Commissioners Russell and Jarboe voted against the motion).**

### **HISTORIC PRESERVATION COMMISSION: PRESENTATION OF HISTORIC PRESERVATION AWARDS AND HISTORIC PRESERVATION MONTH PROCLAMATION**

Present: Teresa Wilson, Historic Preservation Planner, DECD

Ms. Wilson provided an overview of the nominees for the 2007 Historic Preservation Awards and described the related accomplishments for each.

A proclamation was presented recognizing May 2007 as Historic Preservation Month. Co-sponsored by St. Mary's County and the National Trust for Historic Preservation, this year's theme is "Making Preservation Work."

The following nominees received proclamations:

#### Service Awards

Unified Committee for Afro-American Contributions

Peter Himmelheber

St. Nicholas Church/Chapel, Patuxent River (Monsignor Joseph Lamonde)

#### Project Awards

St. Nicholas Church/Chapel, Patuxent River (Monsignor Joseph Lamonde)

Professors Daniel Ingersoll and Kate Meatyrd

Marrick Homes – Rick Bailey, President

### **COMMISSIONER'S TIME**

#### Commissioner Mattingly

On behalf of the Board, attended the inauguration for [Dr. Brad Gottfried](#), President of the College of Southern Maryland.

Along with Commissioner Raley, attended a rural legacy tour in the Mattapany Rural Preservation District with Donna Sasscer and Tom McCarthy.

#### Commissioner Raley

Requested staff follow-up with Richard Tarr and George Erichsen regarding hours of operation (convenience centers); receiving a lot of complaints from Ridge and Valley Lee.

Requested repainting/clearing fence at Frank Knox (Rts. 235 & 712; next to Navy fence). Regarding a recent newspaper/internet article, BOCC has not purchased Rose's Bar.

#### Commissioner Jarboe

Requested the County Attorney look at "Amusement Tax" exemptions for local Government (for farming communities); specifically, do we have authority locally to provide any relief for agri-tourism activities.

Commissioner Raley added that while at the meeting, there was a proposal put forth by Sen. Middleton to look at taking the Agriculture Development Commission "out from under the umbrella" of the Tri-County Council; proposal is being discussed and will take the approval of several government entities.

#### Commissioner Dement

Thanked the volunteers that supported Christmas in April; toured five projects in the County with his wife.

Presented birthday proclamations to Lawrence Copsey, Christine Morgan, and Betty Quade-Courchen

### **MOTION TO ENTER INTO EXECUTIVE SESSION**

**Commissioner Mattingly moved, seconded by Commissioner Raley, to enter into Executive Session for the purpose of discussing Personnel (Boards and Committees, Property Tax Assessment Board). Motion carried 4-1 (Commissioner Jarboe voted against the motion).**

**Commissioner Jarboe moved, seconded by Commissioner Raley, to enter into Executive Session for the purpose of discussing Real Property Acquisition. Motion carried 5-0.**

### **EXECUTIVE SESSION**

#### Real Property Acquisition

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

Christy Chesser, County Attorney  
Elaine Kramer, Chief Financial Officer (*portion of discussion*)  
Liz Passarelli, Real Property Manager  
Robin Finnacom, Executive Director, Community Development  
Corporation (*portion  
of discussion*)  
Kimberly Howe, Supervisor of Capital Planning, SMCPS (*portion of  
discussion*)  
Bradley Clements, Chief Operating Officer, SMCPS (*portion of the  
discussion*)  
Donna Gebicke, Administrative Assistant to the BOCC, Recorder  
Authority: Article 24, Section 4-210(a)11  
Time Held: 12:07 – 12:59 pm  
Action Taken: The Commissioners discussed real property matters.

### **VISITS TO BUSINESSES**

The Board of County Commissioners visited the following businesses during the afternoon:

Triton Metals, 43979 Airport View Dr., Hollywood  
Bowhead Support Services & Bowhead Technology Services, 21487 Great Mills Road,  
Lexington Park  
Compass Systems, 21471 Great Mills Road, LP

### **PUBLIC HEARING: PROPOSED AMENDMENTS TO THE COMPREHENSIVE WATER & SEWERAGE PLAN FOR PARK PLACE, CWSP#06-132-039, TO CHANGE SERVICE AREA MAPS III-34 AND IV-34 FROM W-6 AND S-6 TO W- 3D AND S-3D FOR 40.96 ACRES, TAX MAP 34, GRID 17, PARCELS 104 AND 122 IN THE 8<sup>TH</sup> ELECTION DISTRICT**

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

Commissioner Russell began the public hearing at 6:30 PM. Mr. Jackman presented the public hearing particulars. The public hearing was advertised in the April 22 and 29, 2007, editions of the St. Mary's Today, and in the April 20 and 25, 2007, editions of the Enterprise. Additionally, notification of the public hearing was sent out to the property owners and posted on the subject property. Reviewing the Public Hearing Staff Report, Mr. Jackman continued by stating the requested amendment is determined to be compatible with the St. Mary's County Comprehensive Plan. Concept approval was granted by the Planning Commission on January 22, 2007 (proposed development in RMX/RNC zoning districts). The Park Place project proposes a mix of apartments, townhouses, offices, retail uses, restaurants, and a local hotel in the RMX zoned land. In the RNC zoned land, the project proposes 30 single family detached units. The total project water and sewage flow is estimated at 305 EDUs. Based on current flows, the Lexington Park water distribution system and the Marlay Taylor wastewater treatment



plant are adequate to provide these services. The principal Technical Evaluation Committee (comments from the Health Department and Metropolitan Commission) supports the provision of community sewer to the subject properties.

Following a public hearing on March 26, 2007, the Planning Commission approved PC Resolution 07-09 in support of the amendment (6-0 vote, 1 abstention).

Mr. Jackman reviewed a property location exhibit and the Park Place Concept Plan. Commissioner Mattingly requested a full-size Concept Plan document (specifically, development and building standards data).

#### Public Comment

Tom Russell, c/o SMECO, P.O. Box 1937, Hughesville, MD 20637

As the Environment Affairs Coordinator for SMECO, Mr. Russell explained that he is here not as a proponent or opponent. Mr. Russell stated that the transmission lines (crossing Shady Mile Dr., under Patuxent River) are critical locations. Mr. Russell expressed willingness to participate and stated that serious discussions will need to occur if project continues.

Dan Arner, 45505 Woodlawn Dr., California, MD 20619

Mr. Arner clarified his interest (relative to property located in Town Creek to Shady Mile Dr.) is not with water and sewer, but more with concerns relative to Planning and Zoning, which led him to believe this is the only time the public has to voice concern regarding traffic on Woodlawn Drive (which is a narrow road, traveled by a lot of citizens). When there is large construction equipment on the road, there is no place to go (no shoulder). Also, people have expressed interest in tapping into the sewer line (septic system is failing). Mr. Arner asked where and when do citizens voice concerns, not regarding water and sewer.

Norma Pipkin, P.O. Box 31, California, MD 20619

Mrs. Pipkin voiced opposition to the request (amendment). Citing examples of commercial growth (First Colony) and changing rules (relative to inspection and permits), Mrs. Pipkin stated that "residential neighborhood and conservation mean a great deal to them."

Bill Pipkin, P.O. Box 31, California, MD 20619

Mr. Pipkin voiced opposition to the request (amendment). Mr. Pipkin voiced concerns with escalating construction, especially Rt. 235, north of Lexington Park, and habitat conservation.

Commissioner Russell closed the Public Hearing at 6:58 PM and declared the record remain open for ten days. During the open record period, written comments may be submitted to the Department of Land Use and Growth Management or the Board of County Commissioners.

#### **ADJOURNMENT**

**Commissioner Dement moved, seconded by Commissioner Mattingly, to adjourn.  
Motion carried 5-0.**

The meeting adjourned at approximately 7:00 p.m.

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

\_\_\_\_\_  
Betty Jean Pasko, Senior Administrative Coordinator