

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Tuesday, March 9, 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
Donna Gebicke (Recorder)

CALL TO ORDER

Commissioner President Russell called the meeting to order at 9:02 am. Mr. Savich announced that he would be leaving mid-day in order to participate with the Sheriff and some of his staff in a hearing in Annapolis regarding funding for the detention center.

APPROVAL OF CHECK REGISTER

Commissioner Mattingly moved, seconded by Commissioner Raley, to authorize the Commissioner President to sign the Check Register for checks dated March 9, 2010, as submitted. Motion carried 4-1. Commissioner Jarboe voted no.

In light of frozen staff positions, Commissioner Jarboe questioned an expenditure on page 24 for "vacancy ads," and requested that less costly methods of advertising be used in the future. Mr. Savich will provide a breakdown on the specific vacancies and advertising costs for each that are contained in this expenditure.

APPROVAL OF MINUTES

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve the minutes of the meeting of Tuesday, March 2, 2010, as submitted. Motion carried 5-0.

PROCLAMATION IN RECOGNITION OF WOMEN'S HISTORY MONTH WAS PRESENTED TO MEMBERS OF THE COMMISSION FOR WOMEN

COMMENDATIONS PRESENTED TO ST. MARY'S COUNTY HIGH SCHOOL HOPKINS ART ENDOWMENT SCHOLARSHIP RECIPIENTS

COUNTY ADMINISTRATOR

1. Draft Agenda for March 16, 2010 and March 23, 2010

2. **St. Mary's County Circuit Court** (*Pete Cucinotta, Drug Court Programs Coordinator; Hon. Karen H. Abrams, Administrative Judge; Hon. Michael Stamm, Judge*)

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to accept the grant application for the Office of Problem Solving Courts, Project MD1125, in the amount of \$189,656 on behalf of the Circuit Court Adult and Juvenile Drug Court Programs. Motion carried 5-0.

3. **St. Mary's County Sheriff's Office** (*Brian Eley, Civilian Administrator; Erin K. Shoemaker, Fiscal Manager*)

Commissioner Dement moved, seconded by Commissioner Mattingly, to approve and authorize the Sheriff's Office to submit the grant application documents electronically and mail the Law Enforcement Training Scholarship (LETS) in the amount of \$8,963 with the hard copy to be submitted for review at the award stage. Motion carried 5-0.

Commissioner Dement moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to execute the Amended Equitable Sharing and Agreement Certification, from the Department of the Treasury, on behalf of the St. Mary's County Sheriff's Office. Motion carried 5-0.

4. **Office of the County Attorney** (*Liz Passarelli, Real Property Manager*)

Commissioner Raley moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to sign the Right of Entry Agreement, by and between the Board of County Commissioners of St. Mary's County, Maryland, and Rustler Construction, Inc., to allow for the staging of its equipment for the Great Mills Road Streetscaping Project, on County owned property located on Great Mills Road, formerly known as Rose's Place, located in the Eighth Election District of St. Mary's County, Maryland. Motion carried 5-0.

5. **Department of Public Work & Transportation** (*George Erichsen, Director*)

Commissioner Jarboe moved, seconded by Commissioner Raley, to approve and authorize the Commissioner President to sign Public Works Agreement Addenda referred to as items A-F on Mr. Erichsen's Memo of March 3, 2010. (Forest Knolls Two Subdivision; Avonlea Subdivision; Section 2, Phase 2; Avonlea Subdivision, Section 2, Phase 3; Dahlia Park of Wildewood Subdivision; Primrose Park of Wildewood Subdivision; and Barrister's Landing Subdivision.) Motion carried 5-0.

Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign the Corrected Deed for Laurel Glen Subdivision, Phase V, Section II, located in the 8th Election District. Motion carried 5-0.

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign the Memorandum of Understanding between the Maryland State Highway Administration and St. Mary's County for improvements to the existing intersection of MD 237 and Amber Drive as part of SHA Contract SM7575171. Motion carried 5-0.

- 6. Department of Public Works & Transportation** (*George Erichsen, Director*) and **Dept. of Economic & Community Development** (*Bob Schaller, Director*); (*Brian Lopez, Vice President for Osprey Property Company LLC (the developer)*); (*James Brown, Jr., President of Victory Housing, the non-profit housing development arm of the Archdiocese of Washington*)

Commissioner Raley moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to direct staff to establish a new capital project (FDR Boulevard at Victory Woods) as described by staff and execute the associated budget amendments from Project HW 0703, in the amount of \$435,000 and to authorize staff to prepare the necessary agreements to ensure all sources of funding are in place prior to any disbursement of County funds. Motion carried 5-0.

COMMISSIONER'S TIME

The Commissioners highlighted upcoming events and those attended over the past week as well as personal interest items.

COLLEGE OF SOUTHERN MARYLAND: STATE OF THE COLLEGE REPORT

Present: Dr. Bradley Gottfried, President
Dr. F.J. Talley, Vice President and Dean, Leonardtown Campus
Mr. Joseph Slater and Dr. Janice Walthour, Trustees

Dr. Gottfried and Dr. Talley provided information on the "State of the College" that included statistics on enrollment, academic programs, articulations, progress on key strategic initiatives, and budget challenges.

DEPT. OF LAND USE AND GROWTH MANAGEMENT: WORK SESSION ON DRAFT UPDATE TO THE COMPREHENSIVE PLAN (Comp Plan)

Present: Derick Berlage, Director

Mr. Berlage reviewed the Comp Plan Update process and pending items.

Mr. Robert Brough, Land Development Manager, The Facchina Group, representing PBII, LLC, the entity that owns the property, read a statement for the record and declared that the property owner is

withdrawing his request to rezone from RPD to Industrial the 620 acres in North Hollywood (also known as the “Gollahon property.”

The Board finalized its position on the following individual properties and the majority agreed to direct staff to show the following in the final draft Comp Plan:

Facchina Property (also known as Hillville or Gollahon, 620 acres in North Hollywood)

Retain RPD zoning.

Golden Beach Road Property

Rezone to TMX (stream divides the property, south of the stream will show as TMX and north of stream will show as RMX)

Charlotte Hall Site (known as the “Davis Property”)

Rezone Charlotte Hall/Davis Property and adjoining County property as TMX.

Bradley Blvd., OBP Property east of Willows Rd. #4

Rezone to RL

Mechanicsville – Sloan Property and Roach and Poffenbarger Property

Rezone exclusively to RPD (for all properties)

New Public Requests Regarding Zoning:

Boothe Property

Retain RL zoning

Lockhart Properties in Lexington Park Development District

Commissioner Raley asked that the record reflect that he is not participating in this discussion due to potential conflict of interest.

Deferred property owner’s request not to change zoning to Transitional and not to require a minimum lot size of two acres until staff brings forward the proposed RLT zone for Board consideration and decision.

Mr. Berlage noted that the final Draft Plan incorporates the state’s guidance relative to variations in the Priority Preservation Areas element of the Comp Plan. At the request of Commissioner Raley, the Board agreed to schedule a thorough discussion on this element of the Plan (specifically 6-4 through 6-8) for March 16.

PUBLIC FORUM

Commissioner President Russell opened the public forum at 6:31 pm.

Public Comments (summary of each comment shown below):

Amy Henderson, 41365 Knight Rd., Leonardtown; Member, Board of Directors, NAMI SoMd

NAMI SoMd is requesting a transparent compilation and prioritization of the County's discretionary funding in the form of disbursements to special interest grants and programs for review and re-direction to must-have human services. As part of this compilation, we request a concurrent identification of federal and state funding that our County is either receiving or scheduled to receive for special programs and interests to identify County funds being disbursed to associations or in support of special interest areas that already receive or are scheduled to receive federal and state money. We believe this assessment will help identify where County funding for special interest and nice-to-have programs can be re-directed to support must-have human services priorities. St. Mary's County is missing out on opportunities for state and federal grant funding as a result of the BOCC's decision to do away with the Mental Health Authority of SMC and move mental health Core Service Agency functions to a Human Services Department within County government. If the BOCC perceives no need to change the current structure or believes it would be more costly, then need for comprehensive review of County spending on special interest programs and re-direction of this spending to must-have mental health and other human services becomes imperative. *(Written comments in full provided for the record).*

Commissioner Raley indicated that he was unaware of instances where the County is missing out on state and federal grants as a result of the decision to establish the Human Services Department and bring in the Mental Health Authority within County government and asked Ms. Henderson to provide the Commissioners with examples of these instances in writing.

Jean Torgerson, 25371 Allston Lane, Hollywood

Was before the Commissioners 20 years ago regarding the Southern Maryland Wood Treatment Plan/Superfund site and now it is concerning the 620-acre site known as the munitions site in Hillville. There was no public notice of request to change zoning from RPD to Industrial. Earlier today, property owner withdrew his request for rezoning. You did the right thing. Thank you. Community expects to be involved in decision-making process when questions are raised about the use of this property in the future. *(Written comments in full provided for the record).*

Dan Morris, 41925 Gibson Dr., Mechanicsville, Candidate for Commissioner and Member of Town Hall Alliance

Zoning decision regarding Golden Beach was made today during your Comprehensive Plan work session that will enable a wide variety of things to be built there. Does anyone know what is going to be built there? Were Golden Beach residents afforded opportunity to come and speak with you about this? Are there plans for low-income housing?

Steve Riley, 42329 Brook Manor Rd., Hillville

I understand the property owner has withdrawn his request for rezoning for the Hillville property. On behalf of the citizens in the area, thank you.

Cathy Dickens 25180 Jones Rd., Mechanicsville

I attended the Comprehensive Plan work session earlier today with some of my neighbors. We do not want anything to be done on the Hillville property on Friendship School Road. Don't ruin the pristine nature of this area.

Rich Johnson, 19026 Russell Road, Valley Lee, running for County Commissioner and part of the Town Hall Alliance

Thank you for not rezoning the Hillville property from RPD to Industrial. The process was messed up, though. A lot of people didn't know about this. Mill Cove - - builder wants high density housing in there. People want to know what you're going to do. Are you going to force them to hook up to water and sewer? I didn't see a public forum on Hillville issue.

Randy Guy, 39398 Ledford Dr., Clements, Running for County Commissioner

Thanks for Hillville decision. Hope you will take another look at Charlotte Hall area. I know letters only go to those whose property is being changed, but should get whole community involved before making decisions.

Deborah Rey, 18364 Chestnut St., Lexington Park

Have questions on House Bill 999 that looks like it will add taxes for imperious surfaces. *Staff will look into this proposed legislation and respond to Ms. Rey.*

Suzanne K. Henderson 45263 Mill Cove Harbor

Ask that you consider initiating investigation into land use policies for development in critical areas. Would it be possible to capture baseline data on health of rivers and streams before areas around them are developed, so that water quality before and after development can be documented. Would the BOCC or advisory bodies be interested in receiving this baseline data to use for your analysis and decision-making in the future.

Ken Carkhuff, 24880 Jones Rd., Mechanicsville

Decision made today, but have letter for the record. Came to some of the public meetings on Comp Plan Update, but Hillville was not specifically mentioned. Coalition of concerned citizens came together to oppose. Burden is on government to communicate with us - - over communicate.

Joan Ritchie

Staff and Planning Commission recommended against the request to rezone the Hillville property. What was justification for not taking their advice. How are you able to determine traffic impacts when you don't know what is going in on these properties. Is there any consideration given in Comp Plan to traffic and infrastructure needed to support rezoning?

Kathy York, 25540 Friendship School Road

Attended Comp Plan work session earlier today. It was the right thing to do (withdraw request for rezoning of Hillville property from RPD to Industrial). We do not need an industrial complex in the middle of the Mennonite community. The decision to keep RPD zoning is still cause for concern. Owner must have a plan. We don't want a compromise. Let's work with the developer to keep these acres rural. Traffic dangers are a big concern (especially related to gravel operation on Sloan property. Department of Land Use and Growth Management told us that the Sheriff's Office has

responsibility to enforce speed limit and other traffic regulations related to the gravel operation and public in general.

Commissioner Mattingly indicated that staff will follow up to see if property owner is complying with regulations imposed for conditional use.

The public meeting was closed and the Board of County Commissioner meeting adjourned at 7:45 pm.

Minutes Approved by the Board of County Commissioners on _____

Donna M. Gebicke, Administrative Assistant (Recorder)