

**ST. MARY'S COUNTY  
BOARD OF COUNTY COMMISSIONERS' MEETING  
Tuesday, May 18, 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 9:00 am.

**APPROVAL OF CHECK REGISTER**

**Commissioner Mattingly moved, seconded by Commissioner Raley, that the bills submitted for May 18, 2010, be approved as presented. Motion carried 4-1.**  
Commissioner Jarboe voted no.

**APPROVAL OF MINUTES**

**Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve the minutes of the meeting of Tuesday, May 11, 2010, as presented. Motion carried 5-0.**

**PROCLAMATIONS WERE PRESENTED IN RECOGNITION OF NATIONAL DRUG COURT MONTH AND THE CENTURY 21 NEW MILLENNIUM 2<sup>ND</sup> ANNUAL COMMUNITY VOLUNTEER TENT EVENT**

**2010 HISTORIC PRESERVATION AWARDS**

Present: Grace Mary Brady, Historic Preservation Planner, Dept. of Land Use & Growth Management  
Historic Preservation Commission Members Robert Gibbs, Chair; Carol Moody; Susan Erichsen; Scott Lawrence; and Harold Willard

The Board and Historic Preservation Commission presented the Annual Historic Preservation and Service Awards to:

Merideth Taylor, producer and writer, “With All Deliberate Speed: One High School’s Story,” a documentary on the desegregation of Great Mills High School.

Robert A. Adams, Jr., author and publisher, “SANDLOT SUNDAYS,” a history of the Charles and St. Mary’s County Baseball League from 1947 to 2007.

Peter and Elizabeth Wiggington and craftsperson, Mr. Ben Wynkoop, for their dedication of significant resources of time and money to restore the Thomas and Mildred Reeves house.

Audrey Pratt for her historic preservation of “Bard’s Field,” its cemetery, grounds and winter kitchen.

Donald and Lucy Eaton for preservation and restoration of Bushwood Post Office and Ellis Grist Mill.

Linda Davis Reno helping people research their roots and for being an expert on the Confederate families from St. Mary’s County.

J. Whitson Rogers and Sarah Taylor Rogers for restoring the Hess House and saving structures from demolition, including local mail boxes and various buildings from the Piney Point area.

The restoration of the Mackall Barn at Historic St. Mary’s City was made possible by funding from Mr. and Mrs. Richard Moe; 1772 Society; Guild of Colonial Artisans and Tradesmen from 1607 to 1783; Maryland Heritage Area Authority and Historic St. Mary’s City. The work was completed by craftsman, Mr. Jeff Thompson of Colonial Woodwrights.

## COUNTY ADMINISTRATOR

1. Draft Agendas for May 18, 19, 20 and 25, and June 1, 2010
2. **Circuit Court** (*Pete Cucinotta, Coordinator, Drug Court Programs; Honorable Michael Stamm, Judge; Gary Lynch, Walden-Serra; Sarah Tyson, SMCPS; Clyntia Graham, Big Brothers/Big Sisters*)

**Commissioner Dement moved, seconded by Commissioner Mattingly, to approve and accept the grant application from the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, in the amount of \$298,163 for the Juvenile Drug Courts Mentoring and Support Services Initiative. Motion carried 5-0.**

3. **Dept. of Economic & Community Development and Housing Authority**  
*(Bob Schaller, Director, DECD; Dennis Nicholson, Executive Director, HASMC; Jacklyn Reabe, Program Manager, HASMC; Stephanie Proctor, HASMC Commissioner)*

**Commissioner Raley moved, seconded by Commissioner Mattingly to execute the Resolution for the Community Development Block Grant application and approve and authorize the Commissioner President to execute the Certificate of Assurances and Certifications from the Maryland Department of Housing and Community Development on behalf of the Housing Authority of St. Mary's County, Maryland, in the amount of \$534,000 to assist the Housing Authority with the installation of a sprinkler system at Indian Bridge Apartments, an affordable 112 unit rental housing development. Motion carried 5-0.**

4. **Dept. of Human Services** *(Kelsey Bush, Youth and LMB Coordinator)*

**Commissioner Mattingly moved, seconded by Commissioner Jarboe, to accept the FY11 Notice of Funding Availability for LMB Support, Community Engagement and Needs Assessment and For Early Intervention and Prevention Funding grant application, project numbers MD1188, MD1161, MD1165, MD1166, and MD1167 from the Governor's Office on Children on behalf of the Department of Human Services in the amount of \$408,582 for administration and programs of the Local Management Board. Motion carried 5-0.**

5. **Recreation and Parks** *(Phil Rollins, Director)*

**Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to execute an Easement Agreement between the Board of County Commissioners for St. Mary's County and SMECO for the purpose of running a new underground/overhead distribution line to service the new Collections Management and Storage Facility at the St. Clement's Island Museum site. Motion carried 5-0.**

6. **Department of Public Works & Transportation** *(George A. Erichsen, Director; Zane Rettstatt)*

**Commissioner Dement moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to execute the DNR Waterway Improvement Fund (WWIF) Grant Application for FY10, DNR Grant # MDG-0911, County Capital Project # MA0401, from the Maryland Department of Environment on behalf of the Dept. of Public Works and Transportation and to execute the associated budget amendment in the amount of \$75,000. Motion carried 5-0.**

**Commissioner Raley moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to sign Public Works Agreements for Laurel Preserve North Subdivision and Laurel Preserve South Subdivision, both located in the 6<sup>th</sup> Election District, with an Expiration Date of June 1, 2012. 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.

Commissioner Jarboe asked the County Administrator to discuss the letter from Jim Pool, Administrator of the Bay Montessori School, with the Director of Public Works and Transportation and try to come to a resolution.

Commissioner Mattingly commented on statements made in a local paper regarding the Emergency Communications Contract and read motions from the Commissioners meeting minutes clarifying that the Board that was in office previous to Commissioners Mattingly and Raley's first term in office directed staff to sign the contract with MCI on November 17, 1998. During the same meeting, it was noted that the contract had been reduced from \$10.8 to \$10.4m (no record was found in the minutes explaining the reduction from \$15m to \$10.8m). Although authorized, the contract was not signed before the new Board took office a few weeks later (Commissioners Mattingly and Raley's first term in office). The new Board held to the last negotiated agreement of the prior Board, and on December 15, 1998, moved to direct staff to send a letter to MCI stating that the County is unable to accept any change to the County's November 18 offer and invited MCI to execute the original November 18 offer. The motion carried with Commissioner Mattingly abstaining. The contract that was negotiated on November 18 by the previous Board was signed on December 22, 1998.

## **RECESS**

The Board recessed at 10:34 am until the Joint Public Hearing at 6:30 pm.

## **JOINT BOARD OF COUNTY COMMISSIONERS AND PLANNING COMMISSION PUBLIC HEARING ON PROPOSED COMPREHENSIVE REVISION OF THE MAPS AND TEXT OF THE ST. MARY'S COUNTY COMPREHENSIVE ZONING ORDINANCE HELD AT THE BAY DISTRICT FIRE DEPARTMENT SOCIAL HALL, 46900 SOUTH SHANGRI-LA DRIVE, LEXINGTON PARK, MD**

Planning Commission members present: Brandon Hayden, Chair; Larry Chase; Shelby Guazzo; Susan McNeil; Joe Meinert; and Martin Seibert.

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

Mr. Berlage presented a PowerPoint summary of the zoning map and text revisions of the Zoning and Subdivision Ordinances that will be reviewed as next steps in the implementation of the 2010 Comprehensive Plan.

The process includes public work sessions and three joint Board of County Commissioners and Planning Commission public hearings. The record will be kept open for written comments from the public until June 15, 2010. Notices were mailed to every property owner recommended for re-zoning and the Notice of Public Hearing was published in *The Enterprise* newspaper on April 30 and May 5, 2010.

Commissioner President Russell opened the hearing for public comments.

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

Joyce Chappell, 207 East Tantallon Dr., Ft. Washington, MD

Tax Map 256 and 379, keep property CMX. Want to maintain potential to sell to commercial developers. Property in family for 100 years.

R.A. Dudderar 45655 Swanfall Way, California, MD

Proceed with proposed RLT as currently proposed. It's better than keeping the status quo. Since 2004 have requested removal of critical area from development districts. Illogical and contradictory to have critical area in development district. During last comprehensive planning process, alternative RLT was proposed to address concerns over density issues. Important piece of preservation of critical areas.

Brooks Jackson, 45336 Mill Cove Harbor Rd., California

Adopt RLT as it has been proposed. You are aware of long history. EPA recently agreed to settle lawsuit to improve water quality in the Chesapeake which will bring about restrictions that should have been here long ago. You now have a head start in the changes that are going to have to be made to clean up the Bay. Pleased to see new lighting standards for new development. Unshielded lights willy-nilly are unpleasant. Would like to see a phasing in of requirements to existing standards for properly hooded lights, retrofit in the future.

Richard Huff, 24107 Mill Cove Rd., California

Agree with Mr. Dudderar's comments. RLT zone goes along way toward solving a lot of problems. Also in favor of outdoor lighting standards.

Todd Morgan, Millstone Landing, on behalf of Navy Alliance.

Pleased with encroachment and AICUZ in surrounding areas of base. Still a major factor in our concerns. Density butts up to AICUZ zone. Suggest that requirements be graduated so that lower density builds up to pyramid plane. PAX is economic engine that drives the county.

Robin Guyther, P.O. Box 502, Leonardtown, MD

Tax Map 61, Grid 21, Parcel 131, known as the "Tavern Property," 44600 Tall Timbers Road. Request R-10 zoning with restrictions on number of units. Was RTC prior to last comprehensive plan now RPD. Unfair rezoning in 2002 made it a non-conforming use. Restore development rights to the owner that he had before. Zone property to accommodate the uses: 4 dwelling units that existed on the site in 2002. The proposed zoning would require the owner to purchase 2 TDRs at a cost between \$20,000 and \$30,000 to retrieve former development rights. To accommodate the four dwelling units, RH zoning would be required. Although RH zoning allows up to 10 units per acre, the number of units is restricted by the four EDUs assigned to the property and Piney Point is now at capacity in this area. Return rights without having to pay for TDRs. Request R-10 zoning with restrictions on number of units.

Henderson's, 49675 Buzz's Marina Way, Ridge, MD, Mr. Don Loker spoke on behalf of the Hendersons.

Correct mistake made in the 70's. Tax Map 71, Parcel 246, Buzz's Marina. Two previous owners before the Hendersons. Accommodate as commercial marine. Will have to address critical area for category. Now both LDA split with RCA the major part. LDA at lower end of marina. Function as a commercial marine. Rumors are that no more split zoning will be allowed. Understand – but need to keep mine, not do away with entirely, if property owner requests to keep split, they should be able to. Will lose rights already enjoy. Expand to take in all area that's being used as commercial marina.

Sue Lockhart, 47374 Rue Purchase, Lexington Park, MD

Do not change our zoning to transitional and do not require a minimum lot size of two acres. Correct mapping errors of critical area zone by removing RCA and replace with LDA on our 12 acres on 3 lots on Rue Purchase Rd. Due to existing sewer categories and existing sewer line on two sides of my properties, request that property remain LDA and not be changed to RLT. We have given an additional easement to the County for future widening of Rue Purchase and pay monthly to the amortization of the sewer line. We currently have one dwelling on the three properties and are not connected to the sewer line. We understand that it is now being proposed that our zoning will change from a possible 5 dwellings per acre to 2 acres per dwelling. This will drastically limit value of our property and ability to develop due to costs of road upgrades and sewer expansion that are far greater than the development potential. Our property value will decrease with no offsets to the negative impacts of being part of the development district. Please look at my property again and make sure you are making the right application. The majority is in CA.

Gary Barnes, 20408 and 20412 Old Hermanville Rd.

Tax Map 51, Grid 23, Parcel 423, Lots 1 and 2, 3 acres. Leave RL – don't change to RLT. No reason to do this. All around me is developed. How are we preserving rural area when it's already developed. Why pick on my little finger of land.

Carolyn Huff, 24102 Mill Cove Rd., California

Support RLT zoning, particularly two-acre limit in critical area.

Bob Massey, Lexington, Park

(Live in Drum Point, property is in Lexington Park) State passed Stormwater Management Act in 2007. 2009-10 modified. As a developer, we are “required to demonstrate that ESD is used to the maximum extent practicable,” however, we are prohibited from doing this by current P&Z rules limiting private roads and by Public Works requirements to use impervious paved roadways. Request the P&Z and Public Works follow state law under 4-203 (b) (5) (ii) (1) to remove their impediments to the full usage of ESD and also under 4-203 (b)(5)(ii)(2) above to modify P&Z and/or Public Works requirements so that developers have the ability to comply with the MD requirements for maximum usage of ESD.

Robert Willey, 23919 Mill Cove Rd., California, MD

Keep two-acre residential lot requirement in critical area. Keep dense development away from the critical area. Will help improve water quality, tourism, seafood industry. State and federal initiative to clean up Bay and Patuxent River.

John Aud, next to Barnes property, 20417 Hermanville Road

Leave property as it is. Property behind me included in this? It’s a flood area. How could they develop? *(Staff will determine location of property and circumstances and bring information to the BOCC work session.)*

Commissioner President Russell closed the hearing at 7:15 pm and accepted a motion to adjourn the meeting of the Board of County Commissioners for May 18, 2010.

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

\_\_\_\_\_  
Donna M. Gebicke, Administrative Assistant (Recorder)