

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Tuesday, August 10, 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 9:00 am.

APPROVAL OF CHECK REGISTER

Commissioner Mattingly moved, seconded by Commissioner Raley, that the bills submitted for August 10, 2010, be approved as presented. Motion carried 4-1. Commissioner Jarboe voted nay.

APPROVAL OF MINUTES

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve the minutes of the meeting of Tuesday August 3, 2010. Motion carried 5-0.

Commissioner Raley moved, seconded by Commissioner Jarboe, to amend the motion adopted at the July 27, 2010, meeting to change the words to read "to approve the annual fee-in-lieu value for open lands trust fund in the amount of \$20,000 for fiscal year 2011," and that we insert "transferable development rights" between the words "Annual" and the phrase "Fee-in-Lieu." Motion carried 5-0.

COMMENDATIONS WERE PRESENTED TO THE ST. MARY'S COUNTY TENNIS TEAM – USTA JR. MARYLAND CHAMPIONS. Coaches: Matthew Taggert and Derek Sabedra. Players: Robert Bishop, Lydia Browne, William Clark, Danielle Gorman, Hope Ironmonger, Zach Maier, Connor McKissick, Tiffany Moreia, Grace White and Spencer White

COUNTY ADMINISTRATOR

1. Draft Agendas for August 24 and 31, 2010. There will be no meeting on August 17, 2010.
2. **Sheriff's Office** (*Captain Steve Hall, Commander of the Special Operations Division*)

Commissioner Mattingly moved, seconded by Commissioner Dement, to approve and authorize the Sheriff's Office to execute the School Bus Safety Enforcement Grant, MD1123, from the Governor's Office of Crime Control and Prevention in the amount of \$20,007. Motion carried 5-0.

3. **Department of Public Works and Transportation** (*George Erichsen, Director, Gary Whipple, P.E., Engineering Services Div.*)

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President Russell to execute the contractual agreements associated with the Mechanicsville Road Bridge Replacement project in the total amount of \$5,736 and to authorize the Finance Department to issue the necessary checks consistent with the Agreements. Motion carried 5-0.

4. **Department of Public Safety** (*Dave Zylak, Director, Dept. Public Safety; Carol Sullivan, Chief, St. Mary's County Advanced Life Support*)

Commissioner Mattingly asked if consideration was given to asking for more than one vehicle at this time rather than replacing the wrecked vehicle this year and coming back next year to ask for another one.

Commissioner Dement moved, seconded by Commissioner Raley, to authorize the Finance Department to proceed with a Public Hearing, to be held on August 24, 2010, for the purpose of a supplemental appropriation in the amount of \$56,862.00. Motion carried 5-0.

DEPARTMENT OF PUBLIC SAFETY: UPDATE ON EMERGENCY COMMUNICATIONS TOWERS

Present: Dave Zylak, Director, Department of Public Safety
Jeff Martin, RCC Consultants

Mr. Zylak updated the Commissioners on the enhancement to the County's 800MHz radio system. The Commissioners previously agreed to move forward with an interim solution until the NextGen system could be delivered. After further analysis, it was determined that the NPSPAC build-out project, already under way, would be completed in the same timeframe as the interim solution and would provide the same in-county coverage. Mr. Zylak asked approval to abandon the interim solution and continue

working in the direction of the NextGen 800 MHz radio system. The funding originally budgeted for the interim solution can now be utilized for the NexGen system expected to be on-line by July 2012.

Commissioner Mattingly moved, seconded by Commissioner Raley, to authorize the Department of Public Safety to continue working in the direction of the proposed RCC timeline for the NextGen 800 MHz Radio System. Motion carried 5-0.

DEPARTMENTS OF PUBLIC WORKS AND TRANSPORTATION AND LAND USE AND GROWTH MANAGEMENT/COLLEGE OF SOUTHERN MARYLAND/ST. MARY'S HOSPITAL/TOWN OF LEONARDTOWN/DESMAN ASSOCIATED: FINAL REPORT ON THE RT. 245 TRAFFIC PLANNING STUDY

Present: George Erichsen, Director, Department of Public Works and Transportation
David, Taxman, Desman Associates

Mr. Taxman presented the results of an extensive study of the MD 245/MD 5 Corridor taking into consideration existing roadway operational conditions; anticipated development of subdivisions; St. Mary's Hospital expansion plans; the continued development of the College of Southern Maryland; design of a new library; expansion of the Governmental Center property; Hayden property Master Plan development; and new proposals for development in and around the proposed study area. The study recommended various actions to alleviate existing and future traffic issues.

COMMISSIONER'S TIME

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

PUBLIC HEARING ON THE PROPOSED TEXT AMENDMENT TO ALLOW A PUBLIC SAFETY FACILITY LOCATED IN THE RPD AND ADJACENT TO A GROWTH AREA TO HAVE ONE FREESTANDING, ON-PREMIST ELECTRONIC CHANGEABLE COPY SIGN.

Present: Yvonne Chaillet, Planner IV, Department of Land Use and Growth Management

Commissioner Russell opened the Public Hearing at 11:20 am

Ms. Chaillet stated that the notice of hearing was published in the newspaper on July 23 and 28, 2010. Ms. Chaillet summarized the Planning Commission's public hearing held on June 28, 2010, to accept public comment on the proposed amendment to the Zoning Ordinance to allow a public safety facility, located adjacent to a Development District, Town Center, or Village Center, one on-premise electronic changeable copy sign. At that public hearing, staff was asked to consider recommending to the County Commissioners that they amend the Comprehensive Plan to

incorporate the Hollywood Volunteer Fire Department (HVFD) into Town Center so they would be able to have a digital sign. Bill Mattingly, representing the HVFD, testified in support of the amendment at the hearing. The record closed on July 8, 2010 with no comments received during the open period. On July 12, 2010, the Planning Commission met and was unable to make a recommendation to the County Commissioners as the motion to approve the text amendment failed for lack of majority. (3 in support, 3 opposed).

The Commissioners expressed their views concerning the Hollywood Volunteer Fire Department (HVFD) not being designated in the Hollywood Town Center but just across the street from it on Rt. 235; the fact that the HVFD is not wanting a new sign but to add digital lighting to the existing sign; the money raised by functions at the Fire Department Social Hall supports the fire department, buying new equipment, etc. thus reducing the need for additional fire taxes; other Public Safety Facilities not located in Development Districts (Hollywood Rescue Squad, Golden Beach Fire Department, Mechanicsville Fire Department and Seventh District Fire Department and Rescue Squads); why the Planning Commission is recommending against the text amendment and what steps would be needed to add Public Safety entities into Development Districts. Ms. Chaillet explained that staff thought it would be impractical at this time to recommend amending the Comprehensive Plan for the sole purpose of incorporating one other property in the Hollywood Town Center. Mr. Berlage said it would require a change to the Comprehensive Plan to incorporate HVFD into the Town Center; the text amendment before you today would be the way to address your concern through the zoning ordinance.

Commissioner Russell opened the hearing for public comments.

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

Wayne M. Abernathy, 29837 Lincoln Rd., Mechanicsville, MD 20659

Mr. Abernathy was against the proposed digital sign at the fire department. He stated that digital signs have no place being at businesses and they sure don't belong at Public Safety Facilities. He is concerned with signs drawing your attention from the road to the signs.

Bill Mattingly, 24699 Morgan Rd., Hollywood, MD 20636

Mr. Mattingly, President of the HVFD asked for support of the proposed amendment. He said they want to replace the existing lighted sign, which has been there for 20 years, with a digital sign. The sign is used for a variety of announcements such as burning bands during drought seasons which might some day save lives, community events to raise funds, like the carnival and others public safety notifications that were previously mentioned. Currently an individual has to climb a ladder to change the notifications; the digital sign is changed by computer.

Mr. Mattingly also entered into Public Record a letter from the Hollywood Volunteer Rescue Squad supporting the HVFD request.

Commissioner Russell noted that the record will remain open for ten days for additional written comments from the public and closed the hearing at 11:51 am.

WORK SESSION ON PROPOSED COMPREHENSIVE ZONING ORDINANCE DRAFT

Present: Derick Berlage, Director; Phil Shire, Deputy Director; Harry Knight, Permits Services Chief; Jeff Jackman, Senior Planner; Sue Veith, Senior Planner; Yvonne Chaillet, Zoning Administrator; John Groeger, Deputy Director, Department of Public Works and Transportation

The Comprehensive Zoning Ordinance work session addressed the following issues: (1) Staff proposal to rezone two operating marinas to CM (one in Ridge and one in Piney Point); (2) receive report on the Critical Areas Commission discussion of campgrounds and (3) address several comments from Commissioner Mattingly.

PUBLIC HEARING TO CONSIDER AMENDMENT OF THE VILLAS ON WATERS EDGE SHORE EROSION CONTROL DISTRICT ESTABLISHING ORDINANCE 2007-07 REVISING THE BOUNDARY OF THE DISTRICT TO INCLUDE THE ADJOINING CEDAR COVE COMMUNITY ASSOCIATION PROPERTY

Present: George Erichsen, Director, Department of Public Works and Transportation
Allen Settle, Project Engineer, Department of Public Works and Transportation

Commissioner Russell opened the Public Hearing at 6:31 pm.

Commissioner Jarboe moved, seconded by Commissioner Dement to adjourn as the Board of County Commissioners and Reconvene as the District Council for the Villas on Waters Edge Shore Erosion Control Taxing District. Motion carried 5-0.

Mr. Erichsen read the notice of public hearing into the record, which was published in the Enterprise newspaper on July 28, 2009 and August 4, 2010, and provided a letter sent to property owners in the area notifying them of the hearing.

Mr. Settle explained the expansion will allow use of the property for vehicle access to supply materials and equipment to the project work site, location of a stockpile staging area, and construction of approximately 90 linear feet of a low profile revetment.

Commissioner Russell opened the hearing for public comments.

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

Charles Holzberger, 48403 Sunburst Dr., Lexington Park, MD 20653

Mr. Holzberger, President, Villas Homeowners Association said the Association supports the inclusion of the Cedar Cove Civic Association into the Villas on Waters Edge Shore Erosion Taxing District. The Villas Homeowners Association is supporting the inclusion of Cedar Cove Civic Association at no cost to the CCCA to ensure total erosion control of northern border area and to eliminate truck and heavy equipment traffic on their private roads and parking areas. The CCCA agreement to allow the CCCA gravel parking area and beach to be used as a staging area greatly reduces the disruption to the Villas peaceful bayside community. He requested that the Board of County Commissioners approve this request.

Commissioner Russell noted that the record will remain open for ten days for additional written comments from the public and closed the hearing at 6:52.

PUBLIC HEARING TO CONSIDER PROPOSED RESOLUTION CONFIRMING THE CONTINUATION OF THE VILLAS ON WATERS EDGE SHORE EROSION CONTROL DISTRICT

Present: George Erichsen, Director, Department of Public Works and Transportation
Allen Settle, Project Engineer, Department of Public Works and Transportation

Commissioner Russell opened the public hearing at 7:00 pm.

Mr. Erichsen read the notice of public hearing into the record, which was published in the Enterprise newspaper on July 28, 2019 and August 4, 2010, and provided a letter sent to property owners in the area notifying them of the hearing. All approvals are in place with the anticipated construction start-up in the November/December timeframe. Updated project cost estimates show the 91 homeowners will pay \$253 per year for the next 20 years.

Commissioner Russell opened the hearing for public comment.

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

Charles Holzberger, 48403 Sunburst Dr., Lexington Park, MD 20650

Mr. Holzberger said he is representing the Villas on Waters Edge HOA as its President to support approval and continuation of the Villas on Waters Edge Shore Erosion Control Taxing District project. Prior attempts at erosion control by the developer met with disaster in 2003 and 2005 when powerful storms destroyed half of the existing berm and the boardwalk atop the berm. This winter's blizzard resulted in another foot to two feet

of berm dropping onto the beach or berm below. While no one favors an increase in taxes, there is no other option in this case. The only way to control the erosion is this revetment project and the only way to affordably fund the project is through the taxing district. It is the opinion of the Board of Directors of the HOA that the project's proposed costs are reasonable and necessary to ensure long-term viability of the community. We recommend the Board of County Commissioners approve the request to continue this project and pray for completion before the next big storm.

Mr. Erichsen noted that over the last 145 years 220 ft of shoreline has moved inward and in the past 8 years it has moved 40 ft inward.

Commissioner Russell noted that the record will remain open for ten days for additional written comments from the public and closed the hearing at 7:08 pm.

Commissioner Jarboe moved, seconded by Commissioner Raley, to adjourn as the tax district council and reconvene as the Board of County Commissioners. Motion carried 5-0.

ADJOURNMENT

The meeting of the Board of County Commissioners adjourned at 7:10.

Minutes Approved by the Board of County Commissioners on _____

Sharon Ferris, Senior Administrative Coordinator (Recorder)