

ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
GOVERNMENTAL CENTER

Tuesday, June 13, 2006

Present: Commissioner President Thomas F. McKay

Commissioner Kenneth R. Dement

Commissioner Lawrence D. Jarboe

Commissioner Thomas A. Mattingly, Sr.

Commissioner Daniel H. Raley

John Savich, for George G. Forrest, County Administrator

Betty Jean Pasko, Senior Admin. Coordinator (Recorder)

The meeting was called to order at 9:13 AM

APPROVAL OF CHECK REGISTER

Commissioner Mattingly moved, seconded by Commissioner Raley, to authorize the Commissioner President to sign the Check Register as presented. Motion carried 5-0.

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Dement, to adopt the minutes of the Commissioners' meeting of June 6, 2006, as presented. Motion carried 5-0.

PROCLAMATIONS

Retirement Proclamations were presented to Barbara Vallandingham, Inspections Coordinator, Land Use and Growth Management, and Myra Raspa, Instructional Resource, Dept. of Curriculum & Instruction, St. Mary's County Public Schools.

COUNTY ADMINISTRATOR (John Savich, for George Forrest)

1. Draft Agenda June 27, 2006 (no BOCC meeting on 6/20).

2. Walden/Sierra, Inc. (*Kathleen O'Brien, Ph.D., Executive Director; Charles Wood, Finance Director*)

Commissioner Mattingly moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign the Revised Conditions of Award for Fiscal

Year 2006 relating to Walden's grants from the Maryland Alcohol and Drug Abuse Administration. Motion carried 5-0.

3. Circuit Court (*Pete Cucinotta, St. Mary's Co. Juvenile Drug Court Coordinator*)

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign the Fiscal Year 2007 budget amendment that decreases the Maryland Drug Court Commission Grant project budget by \$22,861 to align it to the grant award. Motion carried 5-0.

4. Sheriff's Office (*Captain Kenneth Cusic; Dolly Baroniak, Grants Coordinator Sheriff's Office*)

Commissioner Dement moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign the Grant Award in the amount of \$15,660 from the Office of Justice for the Office of the Sheriff to procure equipment to support local law enforcement. Motion carried 5-0.

5. Department of Aging (*Jennie Page, Acting Director; Peggy Maio, Fiscal Supervisor*)

Commissioner Dement moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to sign the Dept. of Aging Notification of Grant Award on SHIP (Senior Health Insurance Program) in the amount of \$12,418 and related Budget Amendment increasing the project budget by \$4,085. Motion carried 5-0.

Commissioner Mattingly moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign the revised Memorandum of Understanding between the Maryland Department of Health and Mental Hygiene and the St. Mary's County Dept. of Aging for Adult Day Care funding in the amount of \$83,642. Motion carried 5-0.

6. Department of Recreation, Parks, and Community Services (*Phil Rollins, Director, RP&CS*)

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve and sign the letter of endorsement in support of the Application for Funding in the amount of \$30,000 from the National Recreational Trails Program for Phase IV of the Three Notch Trail Project. Motion carried 5-0.

7. Board of Education (*Mr. Daniel L. Carney, Chief Financial Officer; Ms. Kathleen M. Lyon, Executive Director of Student Services*)

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve signing the letter approving the Board of Education's request to include the Integration of School & Mental Health Systems Grant in the amount of \$10,000 in the FY 2006 budget. Motion carried 5-0.

8. Finance Dept. (*Jeannett Cudmore, Deputy Finance Director*)

Commissioner Raley moved, seconded by Commissioner Mattingly, to adopt Ordinance 2006-06 which reflects the updated rate of service charge authorized by the MD Dept. of Assessments and Taxations that was not reflected in Revenue Ordinance 2006-04 adopted on May 30, 2006. Motion carried 5-0.

9. County Administrator (*John Savich, for George Forrest*)

Commissioner Jarboe moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to sign the employment contract for Lori Jennings-Harris, who shall be employed as Director, Department of Aging. Motion carried 5-0.

Office of the County Attorney: Resolution Establishing Domestic Violence Council

Present: Christy Chesser, County Attorney

Dr. Kathleen O'Brien, Director, Walden/Sierra

As a result of the Task Force appointed by the Commissioners (RE: 2/14/2006 BOCC meeting), Ms. Chesser presented a Resolution for the purpose of establishing a Family Violence Coordinating Council. Dr. O'Brien (who served on the Task Force) high-lighted the recommendation to add the State's Attorney's Office as a member of the core group and reviewed duties outlined in the Resolution.

Commissioner Raley moved, seconded by Commissioner Dement, to approve and sign a Resolution for the purpose of establishing the St. Mary's County Family Violence Coordinating Council. Motion carried 5-0.

Dept. of Land Use & Growth Management: Request Waiver of Text Amendment Policy Timeline Provisions for Specific Text Amendments

Present: Denis Canavan, Director LU&GM

Mr. Canavan requested authorization to waive time constraints for the following text amendments, thus allowing continuation of the process (versus having to reintroduce and restart the clock to fit the adopted policy; i.e., 125 day completion time):

- Transfer Development Rights
- Off-site Signage for non-profit and service organizations (Public Hearing is scheduled for 6/27)
- Off-site Signage for Home Occupations (Public Hearing is scheduled for 6/27)
- Cluster Development provisions (Public Hearing is scheduled for 7/11)

Commissioner Jarboe recommended granting a 60 day extension instead of a waiver.

Discussion ensued regarding establishing definitive timelines for processing Text Amendments. *Mr. Canavan will provide a list of 'in process' Text Amendments to the Commissioners.*

Commissioner Jarboe moved, seconded by Commissioner Mattingly, that the Commissioners grant a 60-day extension for the following Text Amendments: Cluster Development provisions, Off-site Signage for Home Occupations, Off-site Signage for non-profit and service organizations, and also Transfer Development Rights. Motion carried 5-0.

COMMISSIONER TIME

Commissioner Mattingly

Congratulations to grandson, Hunter, who graduated from kindergarten this past week.

Congratulations to Chris and Dixie Jordon, married this past weekend.

Congratulation to retiring College of Southern Maryland President Elaine Ryan.

Attended Board of Education "Recognition of Retirees" on 6/7.

Attended Chamber of Commerce 2006 Annual Meeting session on 6/12.

Attended Maryland Fire & Rescue Services Memorial Foundation, Inc.'s 'Dedication of the Maryland Fallen Firefighters Memorial in Annapolis' on Sunday, 6/11. Research was done dating back to the 1800's and there are about 340 names on the monument. Commissioner Mattingly encouraged anyone going to Annapolis to take a few minutes to visit the memorial (located in front of the Goldstein Bldg.).

Commissioner Jarboe

In conjunction with the St. Clements Shores ribbon cutting and Great Mills Canoe/Kayak Launch/parking lot opening, Captain Jackie Russell wants to do a 'run down the St. Mary's River' by a skiff, canoe, or a kayak. Commissioner Jarboe requested a 30-day advance notice of the parking lot ribbon cutting to coordinate with Captain Russell.

Commissioner Raley

Congratulated the Lexington Park Lions and the Cedar Point Federal Credit Union for sponsoring the 2006 Southern Maryland Soap Box Derby on Saturday, 6/10.

Attended the Crab Festival on Sunday, 6/11; nice crowd and a beautiful day.

In conjunction with the Chamber of Commerce meeting, congratulated Vince Whittles, Business Person of the Year; Bill McKissick, outgoing Chairman; and Phil Riehl, incoming Chairman.

Commissioner Dement

Commissioners attended dedication of the Captain Walter F. Duke Airport Terminal Building on Tuesday, 6/6.

Attended Norris and Dudderar, P.C. Attorneys at Law Grand Opening and Ribbon Cutting and extended them well wishes.

Also recognized good turnouts for Soap Box Derby and the Crab Festival.

Congratulations to granddaughter, Brooke, for graduating from Banneker.

Commissioner McKay

On 6/12, along with Commissioner Jarboe, attended a presentation that Captain Bo Henry will be making to Eastern Shore Counties concerning operations at Patuxent River.

Mr. Savich will follow-up on planning/state planning discussion points (Patuxent River flight paths).

Presented, on behalf of the Board of County Commissioners, a Commendation and Letter to Scott Tugwell, of Mechanicsville, for accomplishing the rank of Eagle Scout. Congratulations to Scott and his family.

VOTE TO MOVE INTO EXECUTIVE SESSION

Commissioner Raley moved, seconded by Commissioner Dement, to enter into executive session for the purpose of discussing real property acquisition, litigation, and personnel with regards to reclassifications, contracts, and benefits. Motion carried 5-0.

EXECUTIVE SESSION

Personnel

Present: Commissioner Thomas F. McKay, President

Commissioner Kenneth R. Dement

Commissioner Lawrence D. Jarboe

Commissioner Thomas A. Mattingly, Sr.

Commissioner Daniel H. Raley

Sue Sabo, Director, HR

John Savich, Director, DECD

Jeannette Cudmore, Deputy Finance Director (for a portion of discussion)

Donna Gebicke, Administrative Assistant to the BOCC, Recorder

Authority: Article 24, Section 4-210(a)1

Time Held: 10:37 am – 11:05 am

Action taken: The Commissioners discussed personnel matters.

Real Property Acquisition

Present: Commissioner Thomas F. McKay, President

Commissioner Kenneth R. Dement

Commissioner Lawrence D. Jarboe

Commissioner Thomas A. Mattingly, Sr.

Commissioner Daniel H. Raley

Christy Holt Chesser, County Attorney

John Savich, Dir., DECD

Liz Passarelli, Real Property Manager

Phil Rollins, Dir., Rec., Parks, & Community Services (for portion of discussion)

Donna Gebicke, Administrative Assistant to the BOCC, Recorder

Authority: Article 24, Section 4-210(a)11

Time Held: 11:07 am – 12:20 pm

Action taken: The Commissioners discussed potential property acquisition.

Litigation

Present: Commissioner Thomas F. McKay, President

Commissioner Kenneth R. Dement

Commissioner Lawrence D. Jarboe

Commissioner Thomas A. Mattingly, Sr.

Commissioner Daniel H. Raley

Christy Holt-Chesser, County Attorney

John Savich, Director, DECD

Carol Gallagher, Procurement Manager (portion of discussion)

Donna Gebicke, Administrative Assistant to the BOCC, Recorder

Authority: Article 24, Section 4-210(a)8

Time Held: 12:22 pm – 12:54 pm

Action taken: The Commissioners discussed pending litigation matter.

Personnel

Present: Commissioner Thomas F. McKay, President

Commissioner Kenneth R. Dement

Commissioner Lawrence D. Jarboe

Commissioner Thomas A. Mattingly, Sr.

Commissioner Daniel H. Raley

Sue Sabo, Director, HR

John Savich, Director, DECD

Donna Gebicke, Administrative Assistant to the BOCC, Recorder

Authority: Article 24, Section 4-210(a)1

Time Held: 12:55 pm – 1:00 pm

Action taken: The Commissioners discussed personnel matters.

Real Property Acquisition

Present: Commissioner Thomas F. McKay, President

Commissioner Kenneth R. Dement

Commissioner Lawrence D. Jarboe

Commissioner Thomas A. Mattingly, Sr.

Commissioner Daniel H. Raley

John Savich, Director, DECD

Liz Passarelli, Real Property Manager

William Russell, Building Services

Donna Gebicke, Administrative Assistant to the BOCC, Recorder

Authority: Article 24, Section 4-210(a)11

Time Held: 1:10 pm – 1:18 pm

Action taken: The Commissioners considered real property issue.

Department of Economic & Community Development: Hunting Creek Impact Fee Deferral and Payment in Lieu of Taxes

Present: John Savich, Director DECD
Swynice Hawkins, Executive Director of Southern MD Tri-County Community Action
Corbin Anderson, Osprey Properties (Developer)

Mr. Savich presented the Impact Fee Deferral Request for the Hunting Creek development on Willows Road in Lexington Park. Requested 70 Impact Fee deferrals (50 for the current fiscal year, balance of 20 for FY 2007) for a term of fifteen years. After fifteen years, the owners of Hunting Creek must pay the County the impact fees for 70 units. Hunting Creek project consists of 70 townhouse rental units and 30 single family homes for a total of 100 units of workforce housing in St. Mary's County.

Mr. Savich also presented the Payment in Lieu of Taxes (PILOT) request for Hunting Creek development. The PILOT will apply to the 70 townhouse rental units located on Willows Road in Lexington Park and would apply annually for thirty years. The PILOT equates to a savings of \$300 per unit, per year.

Commissioner Raley moved, seconded by Commissioner Jarboe, to sign the Award Letter granting the Impact Fee Waivers for the Southern Maryland Tri-County Action Committee for the Hunting Creek development located on Willows Road in Lexington Park and to authorize the Commissioner President to sign the Budget Amendments that set up the budget for the approved Impact Fee Waiver application. Motion carried 5-0.

Commissioner Raley moved, seconded by Commissioner Dement, to authorize the Commissioner President to sign the agreement for Payment in Lieu of Taxes between Southern Maryland Tri-County Community Action Committee and the County that would provide for workforce housing units located in the Hunting Creek development on Willows Road in Lexington Park, Maryland. Motion carried 5-0.

Commissioner Raley moved, seconded by Commissioner Mattingly, to approve and sign the Hunting Creek Resolution supporting the development of housing in St. Mary's County to be financed either directly by the Department of Housing and Community Development of the State of Maryland or through the Department's Community Development Administration. Motion carried 5-0.

Department of Economic & Community Development: House Keys Resolution

Present: John Savich, Director DECD
Courtney Franklin, Economic Development Coordinator
Dennis Nicholson, Executive Director, St. Mary's County Housing Authority
Sue Sabo, Director, Human Resources

House Keys 4 St. Mary's County Program (HK4SMCP) is a St. Mary's County Government Homeownership and Mortgage Assistance Program, matched by the State, to assist eligible SMC employees. HK4SMCP enables eligible St. Mary's County employees to receive additional down payment and/or closing cost assistance on the purchase of a home in St. Mary's County.

Mr. Savich presented the documents necessary to implement the House Keys 4 St. Mary's County Program: (1) Authorizing Resolution, (2) Employer Participation Agreement with the MD Dept. of Housing and Community Development, and Sub-agreement between the Board of County Commissioners for St. Mary's County and the Board of Commissioners of the Housing Authority of St. Mary's County designating the Housing Authority as the disbursement agent.

Commissioner Jarboe moved, seconded by Commissioner Dement, to sign the House Keys 4 St. Mary's County Program Resolution authorizing the implementation of the program in St. Mary's County, Maryland; and to authorize the Commissioner President to sign the Employer Participation Agreement form with the MD Dept. of Housing and Community Development; and to authorize the Commissioner President to sign the Sub-agreement with the Housing Authority of St. Mary's County, designating the Housing

Authority as the disbursement agent for House Keys 4 St. Mary's County Program. Motion carried 5-0.

SOLID WASTE ADVISORY COMMITTEE: SOLID WASTE ADVISORY COMMITTEE ANNUAL REPORT

Present: Paul Waxman, Chairman
Rick Tarr, Solid Waste Mgr.
Clare Whitbeck, Committee Member

Presenters provided an overview of the St. Mary's County Solid Waste Advisory Committee 2005 Annual Report. *Commissioner President McKay suggested preparing an interim report (from the annual report) within the next three or four months, focusing on what can be done to make St. Mary's a leading County for recycling.*

DEPART GOVERNMENTAL CENTER

The Commissioners departed the Governmental Center to attend the Ribbon Cutting for the New Community Playground at the St. Clement's Shores Park and returned for the public hearings at 6 pm.

(The following portion of the minutes was recorded by Donna Gebicke)

PUBLIC HEARING: ST. CLAIR OFFICE BUILDING CWSP #05-131-023

Present: Jeff Jackman, Senior Planner, Dept. of Land Use and Growth Management (LUGM)
Denis Canavan, Director, LUGM
Billy Mehaffey, Mehaffey and Associates, Agent for the Owner

Mr. Jackman noted for the record that the public hearing was advertised in the May 28 and June 4, 2006, editions of the St. Mary's Today newspaper. The purpose of the hearing is to receive public comment on a proposal to amend service area maps III-34 and IV-34 of the Comprehensive Water and Sewer Plan to change service categories for the St. Clair Office Building project.

Following a review of the background information and process to date relative to the proposal, the hearing was opened for public comment.

There was no one present wishing to speak to this matter and the hearing was closed at 6:20 p.m., but will remain open for ten days for written comments.

ACTION FROM EXECUTIVE SESSION

Commissioner Jarboe moved, seconded by Commissioner Dement, to direct staff to proceed as discussed on matters of property acquisition and personnel. Motion carried 5-0.

PUBLIC HEARING: COMPREHENSIVE PLAN AMENDMENTS/LEXINGTON PARK DEVELOPMENT DISTRICT BOUNDARY

Present: Jeff Jackman, Senior Planner, LUGM
Denis Canavan, Director, LUGM

Mr. Jackman noted for the record that the public hearing was advertised in the May 28 and June 4, 2006, editions of the St. Mary's Today newspaper. The purpose of the hearing is to receive public comment on a proposal to amend Fig. 2-1 through 2-5 of the Lexington Park Development District Master Plan to change the boundary of the Lexington Park Development District to include the 55-acre Wildewood School site and to exclude from the Development District the 192.5 acres that are Myrtle Point, and to include tax maps: 42, Parcel 119; 41, p/o Parcel 24, Parcels A & B; 34, Parcel 689; and 34, Parcels 116 and 136.

Commissioner Raley asked that the letter sent to the Commissioners from Marcas LLC regarding this matter be made a part of the public hearing record.

Following a review of the background information and process to date relative to the proposal, the hearing was opened for public comment.

Bernard F. Beavan, 42798 St. Andrews Church Road, Leonardtown

Please return our property to the Lexington Park Development District (LPDD). It has been in my family since 1928 and in my ownership since 1973. I was previously in the LPDD and zoned RL until it was removed without my knowledge in February 2002. This was unfair. It was never zoned RPD and was always within the LPDD and zoned RL. Restore the property to its previous status - it is not RPD and never was. I have a signed contract to sell, but need sewer access restored. We are not asking for something we never had; restore what was taken from us by putting it back in the LPDD. It was removed in error and was a mistake.

Brook Matthews, 23854 Old Chaptico Wharf Road, California, Matthews Realty

I support enabling Mr. Beavan's property to connect to water and sewer. It made no sense when it was taken out of LPDD and none today. The neighborhood supports inclusion with the LPDD. Intersection of Indian Bridge and St. Andrews Church recently adorned with a self storage operation. This property has never been in agriculture production. Including it within the LPDD will not reduce the amount of land available for agriculture.

Kennedy Abell, 22809 Washington St., Leonardtown

Voted twice to return . . . after two public hearings. Staff drew the lines in error.

Linda Vallandingham, 21705 Indian Bridge Road, California, on behalf of myself and Robert Jarboe (statement in full was provided in writing and is available at the Board of County Commissioners' office)

We are opposed to any changes to the Comprehensive Water & Sewerage Plan that would increase the size of the LPDD. The four RL properties are outside of the LPDD and should be zoned the same as the other properties that are outside of the LPDD which is Rural Preservation District (RPD). We believe that if the County were operating with a current CWSP, we would not be using so many text amendments to fix every little thing that comes up. The Planning Commission held a Public Hearing on the CWSP on May 27, 2003, and sent their recommendation to the Board of County Commissioners on July 14, 2003. The BOCC held their Public Hearing on September 30, 2003. We have not been able to find, nor has the county staff been able to find anywhere that the BOCC has adopted a new CWSP. State law requires counties to have a Comprehensive Land Use Plan which shall be reviewed by the Planning Commission at least once every six years and the governing body shall review and update the CWSP every three years. We are operating with a Plan that is 13 years old. If CWSP and Comprehensive Land Use Plan were current, the areas in question as it relates to these four RL zoned properties and the LPDD would be "no planned service." Commissioner McKay stated on

5/9/06 that the CWSP had not been adopted because they were still reviewing the LPDD. This is not acceptable to us as Mr. Canavan stated more than once that we should lead with the Comprehensive Land Use Plan. Shouldn't we also follow with a current CWSP? It would appear that the proper thing to do would be not to change the boundary lines of the LPDD at this time and take no action on the four RL zoned properties until there is a current CWSP in place.

Wanda Norris, 21745 Indian Bridge Road, California (complete statement was provided in writing and was also signed by James M. Norris, Mary E. Norris, Raymond and Charlotte Norris, John A. and Mary L. Vallandingham, Francis A. and Gloria N. Bean, and Tracy E. and John No. Vallandingham and is available at the Board of County Commissioners' Office)

We agree with Linda Vallandingham and Robert Jarboe and strongly believe that IF the Beavan property is going to be included in the LPDD, that the lines should be redrawn to include all property on the west side on Indian Bridge Road. To bring the Beavan property into the LPDD would be unfair treatment to the other property owners on Indian Bridge Road that were in the LPDD prior to the adoption of the 2002 Comprehensive Plan. What is fair for one, is fair for all. We have attached a copy of a letter written by Mr. Beavan dated August 24, 2001, requesting that his property remain zoned RL. The Board of County Commissioners granted his request to remain RL when the other property owners were down-zoned to RPD and taken out of the development district along with this property. None of us received formal notification that we were down-zoned. We do not understand why consideration is being given to changing one of these properties when all that was needed was for the BOCC to adopt the draft of the March 2003 CWSP after their public hearing. If adopted, the maps would show all property on the west side of Indian Bridge Road to be "No Planned Service." The zoning designation needs to be changed from RL zoned property to RPD because it is outside of the LPDD. Just because his property won't perk is not justification to expand the LPDD boundary for this one property.

Dennis Jack Hubscher, 45006 Blackistone Circle, Hollywood, Candidate for County Commissioner President (full statement was provided in writing and is available at the Board of County Commissioners' office).

I oppose the changes being proposed to the LPDD Master Plan boundary lines. If changed as proposed, it appears a precedent will be set allowing the deletion of development rights attached to public land (i.e. Myrtle Point County Park) in favor of private development interests on the west side of Indian Bridge Road (i.e., the Beavan's property) a proposed development of 300 residences located on 79 acres of beautiful farm property. Approval of the proposal would be seen by many as favoring "special interests" over the interests of the general public. The greater public need will be ill-served by expanding the development district to the west side of Indian Bridge Road. The addition of the 55-acre Wildewood school site into the development district does not appear necessary for the construction of schools there, and such action may not be desirable from a precedent-setting perspective. I encourage the Board to cease making text amendments to the 1993 Comprehensive Water and Sewerage Plan and to take action to either adopt or reject the July 14, 2003, plan recommendation.

Ralph Guenther, Jr. 21900 Magnolia Dr., California

From Indian Bridge Road you only see the office of the storage facility and Maple Run is down the road. The rest is all wooded. Empire Homes is already proposing 200 single family and 100 townhomes on the property. On their website, it shows 200 homes, it doesn't show the 100 townhomes, I guess they will go in the green area. Putting 300 homes on 75 acres is hardly in keeping with the character of the area. The property was zoned RL at the request of the owner.

Linda Vallandingham, 21705 Indian Bridge Road, California, on behalf of myself and Robert T. Jarboe (the full statement was also provided in writing and is available at the Board of County Commissioners' office.)

We are opposed to any changes to the LPDD boundary lines for school sites. What is being proposed is to reduce the acres in one area of the LPDD and increase the acres in another area of the LPDD for school sites. We believe that using text amendments to correct problems or discrepancies found in the Comprehensive Plan, Zoning Ordinance, as well as the Comprehensive Water and Sewerage Plan is a more appropriate way to correct problems than just changing boundary lines for school sites. Using the text amendment process to allow schools under strict guidelines to be located on property that abuts these growth areas as a conditional use would place the schools where we are encouraging growth to happen and people to live. The time to change boundary lines that would place the school sites inside a growth area would be during the review of the Comprehensive Plan, Zoning Ordinance and Comprehensive Water and Sewerage Plan.

Bernard I. Beavan, 22171 Chesapeake Lane, Leonardtown

I have been impressed about the way that you (BOCC) go about your business. Plans can become political at this time. Squeaky wheels are heard the loudest and this is not always fair. Our family will never be the squeaky wheel. We rely on our elected officials to do the right thing. Return this property to the LPDD. Return what was taken away from us.

James C. Raley, 23125 Hollywood Rd., Leonardtown

I support the inclusion of the Beavan property and others into the LPDD, but not for the same reasons as others have said. When I was a little boy. . . 14,000 in St. Mary's . . . grew rapidly . . . we did not have the infrastructure to support the growth, faced with decision that involved county creating infrastructure to support growth of the base. We find ourselves recently involved with the Flattops decision. This hurt, as there was no where for low income residents to go. It appears that RL districts within the LPDD are supportive and good neighbors of the development district. Instead of objecting, consider expanding. Don't believe a central water and sewer system is detrimental to the St. Mary's watershed. Enhancing tax base is the better move because the anticipated growth will take infrastructure. It comes down to personal, political, and factual decision. Provide vision to solve problems without impacting Ms. Vallandingham or Mr. Beavan and others. Over and above land use – plan and incorporate with all. I trust you will make the right decision.

Bubby Norris, 23678 Hurry Rd., Chaptico

I agree with Linda Vallandingham and Robert Jarboe. Encourage building in development district. This was voted down and now it's back again. It keeps coming back and its making a mockery of the public process.

Phil Dorsey, Leonardtown

As a tax payer, I support the inclusion of the Beavan's property into the LPDD. It is a case of fundamental fairness. We are dealing with property rights – the cornerstone of our Constitution. No taking without adequate compensation and due process. You work your entire life to secure equity in property and hope to pass it or the proceeds on to your family. With the stroke of a pen it could be taken away. This happened several times with the adoption of the Comprehensive Plan. It could happen to any citizen. Written notification should be provided to property owners. This property was in the LPDD and it should be put back in.

Georgia Wheeler, 18231 River Rd., Tall Timbers

I support Mr. Hubscher's testimony. At the last Commissioner meeting, Mr. Raley moved not to change the boundary. I thought it was a done deal, but now it isn't. Maybe your suggestion again would be a good one.

John Wheeler, 18231 River Rd., Tall Timbers

I believe the reason why all were taken out west of Indian Bridge is because of the St. Mary's watershed. If you give him (Mr. Beavan) what he is requesting, it will not be in keeping with why it was removed from the LPDD in the first place.

Dennis Jack Hubscher, 45006 Blackistone Circle, Hollywood

Some observations . . . I became involved in real estate in 1968. Several people have testified about the character of the property. Changing the boundary will definitely change the character of the property to the detriment of the general taxpayer who has the same inherent rights as Mr. Beavan. 300 units on 75 acres are too many.

Bernard F. Beavan

I want to clarify . . . as I understand it, I have seen the plans Empire has and have never seen a proposal for 100 townhomes. To my knowledge, there are only plans for 200 homes. Any development will have to go through the Planning Commission and if Mr. Canavan and Mr. Jackman review the plans, there will be hoops to go through. It is only 650' wide on Indian Bridge Road and only one entrance.

Ralph Guenther, Jr., 21900 Magnolia Dr., California

The write-up on the Empire Homes website shows 200 single family and 200 townhomes on 79 acres of beautiful . . . development in phases, starting in fall of 07. That is the long-term plan.

Donald Strickland, 46033 Strickland Rd., Great Mills

A man's property is his castle. I am sorry for the Beavan's family. Mistakes were made and legally he is probably right, and morally, almost right. Until we get the Water and Sewer Plan updated and get the development district saturated, we shouldn't go outside the development district to run water and sewer. It will ruin the character of the county. Make a decision on water and sewer plan before all other plans. If this is approved, other people will have the same right to develop land.

Tim Beckwith, Contrail Rd., Hollywood

I support Mr. Beavans. Put the property back in the LPDD.

Marc Cohen, attorney and resident of St. Mary's County

I believe there has been a bit of conflicting testimony and I request that the record be kept open to clarify.

As there was no one else wishing to speak, the hearing was closed at 7:43 pm, but will remain open for ten days for written comments.

ADJOURNMENT

The meeting adjourned at 7:43 pm.

Minutes Approved by the Board of County Commissioners on _____

Betty Jean Pasko, Senior Administrative Coordinator