

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
GOVERNMENTAL CENTER
Tuesday, July 24, 2007**

Present: Commissioner President Francis Jack Russell
Commissioner Kenneth R. Dement
Commissioner Lawrence D. Jarboe
Commissioner Thomas A. Mattingly, Sr.
Commissioner Daniel H. Raley
Phil Rollins, Director, Dept. of Recreation, Parks and Community
Services
Betty Jean Pasko, Sr. Administrative Coordinator (Recorder)

CALL TO ORDER

The meeting was called to order at 9:04 AM.

ADDITION TO AGENDA

Commissioner Mattingly requested adding an item (after PIO & Tourism presentation); i.e., Land Use and Growth Management, Action Item for Ryken High School rezoning request.

APPROVAL OF CHECK REGISTER

Commissioner Raley moved, seconded by Commissioner Jarboe, to authorize the Commissioner President to sign the Check Register dated July 24, 2007, 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 July 17, 2007, as presented. Motion carried 5-0.

PROCLAMATION: "MARYLAND BUY LOCAL WEEK"

Present: Dr. Christine Bergmark
Katherine Stormont

The Board of County Commissioners presented a Proclamation to Dr. Bergmark and Ms. Stormont, Southern Maryland Agricultural Development Commission, celebrating July 21 – 28, 2007, as Maryland Buy Local Challenge Week, encouraging citizens to purchase and consume locally grown produce.

BRIEFING ON 4TH BIENNIAL UNMANNED SYSTEMS DEMONSTRATION

Present: Commander Charles Stuart, USN, PMA-263 Demonstration
Coordinator
John Milliman, Public Affairs Officer for PEO(W)

Commander Stuart provided a briefing on the 4th Biennial Unmanned Systems Demonstration to be held on August 6, 2007, at Webster Field in St. Inigoes. Event is jointly sponsored by Program Executive Office, Strike Weapons, and Unmanned Systems (PEO(W)) and the Association of Unmanned Vehicle Systems International (AUVSI). Approximately 7000 people are expected to attend this year. About 30 systems will be demonstrated -- 17 unmanned air systems and 10 unmanned ground systems.

PUBLIC INFORMATION OFFICE & DEPT. OF ECONOMIC & COMMUNITY DEVELOPMENT, TOURISM DIVISION: OVERVIEW OF COMMUNITY EVENTS

Present: Karen Everett, Public Information Officer
Carolyn Laray, Tourism Division Manager, DECD

The presenters provided an overview of recent and upcoming community events, including local concerts and ribbon cuttings. This year's Summerstock production "Crazy for You" will be this weekend, July 26 -29. The St. Mary's County Fair will be September 20 – 23.

Copies of the St. Mary's County 2007 Calendar of Events are available at the Welcome Center and tourism information is available on the County's website at www.co.saint-marys.md.us/Tourism.

LAND USE AND GROWTH MANAGEMENT, ACTION ITEM FOR RYKEN HIGH SCHOOL REZONING REQUEST (CRITICAL AREAS CONCERNS)

Present: Denis Canavan, Director

Mr. Canavan requested authorization to move forward with rezoning application to fix a 1985 map mistake and to then move forward with growth allocation proposal; i.e., Case #06-245-001, Ryken High School, Map Correction and Growth Allocation Request . Specifically, based on the direction of the Critical Area Commission regarding the map amendment request, LU&GM proposes to proceed with a new hearing process to consider:

- 1) An amendment to correct a map mistake for that land actively utilized for the Ryken High School in 1985 on 25.5 acres of the subject property by amending the Critical Area Overlay from Resource Conservation Area (RCA) Critical Area Overlay to Limited Development Area (LDA) Critical Area Overlay.
- 2) Development of a recommendation by the Planning Commission to the Board of County Commissioners for award of 28.5 acres of Critical Area growth allocation necessary to accommodate current and planned development in accordance with the 2007 St. Mary's Ryken High School Master Plan proposed on the subject property to change:

- 25.5 acres of Limited Development Area (LDA) Critical Overlay to Intensely Developed Area (IDA) Critical Area Overlay, and
- Three (3.04) acres of adjacent Resource Conservation Area (RCA) to Intensely Developed Area (IDA) Critical Area Overlay.

Mr. Canavan stated that the public hearings are being planned as follows: Planning Commission - August 13, 2007, at 6:30 PM, and Board of County Commissioners – August 21, 2007, at 10:00 AM.

Referencing the growth allocation to the town of Leonardtown that was never utilized, Commissioner Raley questioned if the growth allocation is granted and does not materialize, can it be returned to the County. Mr. Canavan responded that Sue Veith is looking into this and a response is forthcoming.

Commissioner Mattingly moved, seconded by Commissioner Dement, to authorize Land Use and Growth Management to process the application filing for rezoning Ryken High School property and to schedule public hearings with the Planning Commission and the Board of County Commissioners, subject to the review and recommendations by the Planning Commission . Motion carried 5-0.

COUNTY ADMINISTRATOR

1. Draft Agendas for July 31 and August 7, 2007
2. **St. Mary's County Public School** (*Dr. Martirano, Superintendent of Schools; Linda Dudderar, Chief Academic Officer*)

Commissioner Raley moved, seconded by Commissioner Dement, to approve the additional STEM grant award in the amount of \$198,566 and the additional one FTE position as presented and to sign the related letter of consent. Motion carried 5-0.

3. **Dept. of Public Safety** (*Dave Zylak, Director*)

Commissioner Dement moved, seconded by Commissioner Raley, to approve and sign the Memorandum of Understanding for Emergency Public Information Broadcasting between Telemidia Broadcasting, Inc. (WGRQ/WGRX Radio 95.9) in Fredericksburg, Virginia and St. Mary's County Government. Motion carried 5-0.

4. **Dept. of Aging** (*Lori Jennings-Harris, Director; Jennie Page, Deputy Director; Peggy Maio, Fiscal Supervisor*)

Commissioner Dement moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign the Memorandum of Understanding between the Board of County Commissioners, through the St.

Mary's County Department of Aging, and the St. Mary's Home for the Elderly to provide a reimbursement of fifty-cents per meal served under the Congregate Housing Services Program, total number of meals to be reimbursed per fiscal year will not exceed 21,900 and total reimbursement will not exceed \$10,950. Motion carried 5-0.

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

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign the Budget Amendment decreasing the Derelict Boat and Debris Removal grant project #PL0801 by \$10,000 to align the budget with the actual grant award. Motion carried 5-0.

(Cynthia Brown, Community Services Division Mgr., Laura Joyce, Exec. Dir., So. Md. Center for Family Advocacy)

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve the Byrne Justice Assistance Grant (JAG) Program Ending Victimization in Childhood Collaborative (ENDVICC) grant application and to authorize the Commissioner President to sign the related Certified Assurances and Certification. Motion carried 5-0.

COMMISSIONER'S TIME

Commissioner Jarboe

Black-eyed Susan Day at Blackistone Island over the past weekend, Commissioner Russell made a good first mate (helping people on and off the boat). Maybe next year will look at sub-contracting additional boats. Joe Dunn has put together a coffee table book, "The Best of St. Mary's," that is filled with beautiful local pictures and is available at local book stores.

Commissioner Raley

All five commissioners attended the 54th Installation and Awards Banquet for the Lexington Park Rescue Squad. In a 12 month period, the squad has responded to over 4,800 calls (top runner, 700+ calls).

On behalf of the BOCC, presented a proclamation to Catherine Dean, from Ridge, in celebration of her 80th birthday.

Rockin' and Reel-in Fishing Contest is from August 1st to October 31st; have to sign-up with a participating charter boat captain (list available at Tourism office).

Commissioner Mattingly

Thanked Capt. Bowes and his wife Pat for hosting the Rockin' and Reel-in Kick-Off celebration event.

Congratulated and thanked Public Safety staff for the hurricane preparedness presentations. Public safety guides are available at the Dept. of Public Safety and the Public Information Office.

Met with Secretary Edgerley (MD Dept. of Business and Economic Development) talked about some local economic development issues, had an excellent tour of the base, positive impression, staff very encouraging,

Was on St. Clements Island over the weekend, had to turn some away due to the large crowd, but hope they come back to visit. Those working on the Lighthouse reconstruction project are doing an “outstanding job.”

Will be going to LaPlata this week for the tour and meeting with the Governor, will be attending with Commissioner Jarboe and John Savich.

Public informational meeting regarding the Pegg Road Extension Project is scheduled for Thursday, 7/26, at 6:00 PM.

Commissioners are signing a consent letter to the Dept. of Natural Resources, requesting a burning ban of all open air burning.

Commissioner Dement

Apologized for not going to Blackistone Island, but was there on the museum grounds.

Attended the Lexington Park Rescue Squad Installation and Awards Banquet.

Attended all of the hurricane preparedness forums, attendance was low, encouraged everyone who attended to pass on information to family, friends and neighbors.

Commissioner Russell

Presented Commissioner Dement with an emergency preparedness bag. The kit is intended to have everything necessary for the first 72 hours after an emergency, such as a radio, flashlight, batteries, and medicines. The Rescue Squad banquet was a great event.

HISTORIC PRESERVATION COMMISSION ANNUAL REPORT

Present: Harold Willard, HPC Chairman
Teresa Wilson, Historic Preservation Planner, LUGM

Mr. Willard provided a summary of 2006 projects and activities; including distribution of matching grants for tobacco barn restoration, grant received to support Religious Freedom Scenic Byway Corridor Management Plan, Scenic Maryland named St. Mary's County one of its Last Chance Scenic Places, completion of the St. Mary's County Historic Roads Survey, Renovators Roundtable was held, annual project and service preservation awards, and the creation of a database of family cemeteries.

The presenters discussed issues and challenges, including interest in having more owners of historic buildings seek Local Historic Landmark status and the need to include historic preservation in the planning process as the County continues to grow. Commissioner Russell asked about involvement with the boathouse at St. Mary's College. The response was that this was a state project, and the planning committee had no direct input. Calls have also been received regarding the Dameron House and the USO Carver Heights building.

The annual report states that there are 890 documented historic sites in St. Mary's County. Specific site information may be obtained from the Library or the Planning Office through Teresa Wilson.

MOTION TO ENTER INTO EXECUTIVE SESSION

Commissioner Raley moved, seconded by Commissioner Jarboe, to enter into Executive Session for the purpose of discussing Litigation. *Commissioner Raley abstained from one particular case, which will be done last.* **Motion carried 5-0.**

EXECUTIVE SESSION

Litigation

Present: Commissioner Francis Jack Russell, President
Commissioner Kenneth R. Dement
Commissioner Lawrence D. Jarboe
Commissioner Thomas A. Mattingly, Sr.
(Commissioner Daniel H. Raley recused himself and was not present for one of the matters discussed)
John Savich, County Administrator
Christy Chesser, County Attorney
Dee Snyder, Human Resources Dept. *(present for portion of session only)*

Donna Gebicke, Recorder

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

Time Held: 11:20 am. – 12:15 pm

Action Taken: Commissioners discussed litigation matters.

PUBLIC HEARING (DEPT. OF PUBLIC WORKS AND TRANSPORTATION): TO CONSIDER THE CREATION AND ESTABLISHMENT OF THE “VILLAS ON WATERS EDGE” SHORE EROSION TAXING DISTRICT

Present: George Erichsen, P.E., Director, DPW&T
Allen Settle, Project Manager, DPW&T

The Public Hearing was held at the Lexington Park Library, in Meeting Room A. Commissioner President Russell called the public hearing to order at 6:00 PM. Mr. Erichsen began by reviewing the Notice of Public Hearing, published July 13, and 20, 2007, in the Enterprise Newspaper.

As described in the Notice of Public Hearing, the Board of County Commissioners is considering the creation and establishment of the Villas on Waters Edge Shore Erosion Control Taxing District, based upon a petition of over seventy five percent (75%) of affected property owners, to design and construct shoreline erosion prevent works via the Maryland Department of Natural Resources (DNR) Shore Erosion Control Program. The following properties are considered benefiting properties and shall be included in the District boundary: Tax Map 52, Parcel 428: Lots 1 through 47, Lots 48 through 75 (a.k.a. Lots 50048 through 500-75), Lots 76 through 91, and Parcel A (Open Space). Parcel A is owned by the Villas on Waters Edge Homeowners Association (HOA) and is included in

the District boundary, but will not be levied an annual assessment. Property owners of Lots 1-91 are members of the HOA and shall be assessed equally to cover the cost of the project for the HOA. It is proposed that the benefiting properties, located in the Eighth (8th) Election District, authorize the imposition of a Special Assessment upon the benefited properties to repay the Board of County Commissioners for St. Mary's County, acting as District Council, for the costs and expenses of said improvements. The ninety-one (91) benefiting properties would be levied an annual benefit charge, following the completion of the project and approval of a Levy Ordinance, for a period of twenty (20) years.

Mr. Erichsen introduced the following documents into record: a copy of the Enterprise newspaper's Certification of Publication, with an attached copy of the Notice of Public Hearing, letters sent to property owners, and a copy of the Petition for the Creation and Establishment of the "The Villas on Waters Edge Shore Erosion Control Special Taxing District", which includes a copy of signed petition responses.

Referencing displayed exhibit maps and pictures, Mr. Erichsen identified the project's location and showed the current condition of some of the properties. The project will involve constructing a stone revetment approximately 805 feet in length (all structural, no plantings unless Critical Area required). Project cost is estimated at \$390,000 (0% loan by DNR). The boardwalk is not within the scope of the project (not part of the interest free loan).

Public Comments:

Grenda Dennis, 48376 Sunburst Dr., Lexington Park, MD

Has lived at this location since December, 2003. Is generally against the project; not sure it is the best way to go, particularly in the critical area. Expressing interest in other ideas (by DNR), Ms. Dennis identified herself as an environmentalist and suggested plantings to filter pollutants (chemicals and pesticides). Referencing a book that includes information about shoreline erosion along the Potomac, Ms. Dennis stated that non-erosion areas have plantings (trees and shrubs) to hold the ground in place.

Roy Fedders, P.O. Box 35, Dameron, MD 20628

Mr. Fedders stated that he was there primarily to observe, but he did have some general questions. Mr. Fedders expressed that something has to be done to protect the community. He did have some questions regarding the location and the design ("cupping design" may allow storm surge to go around, valve to regulate water, and rock size – need to be large enough).

Nancy Gould, 48342 Long Lane, Lexington Park, MD

Ms. Gould stated that the project is not only a good idea, she feels it is critical. From Lake Michigan, Ms. Gould said there are condemned homes that are half stuck out over the water and a scenic road that has been closed (now under water). She lives in a town home, far from the water, but expressed concern for people that live close to the water. After Hurricane Isabelle, was shocked at how much damage one storm can do.

Daniel Ferko, 48359 Surfside Dr., Lexington Park, MD

Like Ms. Gould, lives far away from the water. Is a member of the homeowners association. Mr. Ferko referenced beach property, not part of the Villas (access to south, property not developed), zoned as residential area. Each lot has property tax. He has received his property tax estimate for the next several years. Feels the project design is the best solution; enhances the property and increases the value.

There was discussion about a similar project completed at Holly Point that withstood Tropical Storm Ernesto. Mr. Settle will provide location information for anyone desiring to visit Holly Point.

Michael Defeo, 48357 Sunburst Dr., Lexington Park, MD

Mr. Defeo spoke in favor of the project, stating if we don't do it now, FEMA will do it later. Mr. Defeo also referenced a home that has decreased in value (because of erosion). Mr. Defeo said the boardwalk is in a total shambles and the project needs to be done right now.

Jake Karaczyuski, 48385 Surfside Dr., Lexington Park, MD

Mr. Karaczyuski identified himself as the President of the HOA and said that he had worked with Tom Brower and Allen Settle. He stated that this option (versus the other two) was selected primarily due to costs and he feels this is the best option for home owners. Mr. Karaczyuski said he was concerned that if the home owners don't support this, there will not be a second chance (interest free 20 year loan). He also referenced a similar effort done in 1989 (Millison) that is "still there and has held up".

Kathi Edwards, 36487 Surfside Dr., Lexington Park, MD

Ms. Edwards questioned if the boardwalk (located at the end of the street) will remain or be torn down. Mr. Erichsen responded that the project does not include plans to replace the boardwalk, but if some of the boardwalk can be salvaged, they will take a look at what can be salvaged. There will be a four foot flat area (stone revetment) with a two to three foot slope (to prevent backwash).

Shawn Woodson, 48369 Surfside Dr., Lexington Park, MD

Mr. Woodson spoke about erosion that occurred at the south side of the navy base that wiped out the fishing pier and said that the Navy undertook a project similar to this.

Roy Edwards, 36487 Surfside Dr., Lexington Park, MD

Mr. Edwards said he was unclear about the response to his wife's question regarding the boardwalk and that he'd hate to see it go. Can some part of it be saved? Mr. Edwards said that he appreciates the work that has gone into the planning phase and concern about the environment, and encouraged the commissioners to do the best they can with preserving trees and the habitat.

Tim Ross, 48385 Sunburst Dr., Lexington Park, MD

Mr. Ross said that he's sad to see the boardwalk go, but feels it is a HOA issue, and the HOA doesn't have the money to fix it. There was also some discussion regarding the

current condition of the boardwalk with Mr. Settle expressing concern regarding safety (construction won't start probably for another nine months). Mr. Ross also questioned if a study or impact assessment had been done regarding possible impact to properties further down the bay. Mr. Erichsen said that the 1.5 foot lost to erosion per year is having a negative impact on property downstream (and this project will remedy the problem).

Ric Stonesifer, 48394 Sunburst Dr., Lexington Park, MD

Mr. Stonesifer questioned the project's impact on the quality of life; e.g., heavy equipment, during the construction period. Mr. Erichsen and Mr. Settle responded that there are places that heavy equipment will need to access, work will be conducted during normal working hours, and most all work will be done from the beach side. The access locations for equipment will need to be selected and reviewed with the HOA.

Andrew Audette, 48384 Sunburst Dr., Lexington Park, MD

Mr. Audette thanked Jake Karaczyuski and others for their work and voiced support for the project. Mr. Audette also said that there had been a boardwalk committee that had plans to connect the best part to what has now fallen in. Mr. Audette reminded everyone to be involved with committees and meetings, such as to figure out what to do about the boardwalk.

Mr. Erichsen stated that staff will prepare a letter to the community with "Questions and Answers" following the 10 day open record period.

Commissioner Raley communicated that the taxing district used to be 50%, but the Commissioners changed to 75%, it is a financial commitment on the community's part. Mr. Settle will provide directions to Holly Point, a success story. And, in the critical area, (some) plants will be required. Commissioner Mattingly added that to do nothing would be a disaster.

Commissioner President Russell closed the public hearing at 6:54 PM and declared the record remain open for public comments for ten days. Mr. Erichsen summarized the meeting, including actions to be completed by DPW&T staff.

ACTION FROM EXECUTIVE SESSION (MOTION TAKEN IN OPEN SESSION):

Commissioner Jarboe moved, seconded by Commissioner Dement, to direct staff to proceed as discussed during executive session. Motion carried 5-0.

ADJOURNMENT

Commissioner Jarboe moved, seconded by Commissioner Mattingly, to adjourn the meeting. Motion carried 5-0.

Minutes Approved by the Board of County Commissioners on _____

Betty Jean Pasko, Senior Administrative Coordinator