

ST. MARY'S COUNTY

BOARD OF COUNTY COMMISSIONERS' MEETING

GOVERNMENTAL CENTER

Tuesday, October 21, 2003

Present: Commissioner President Thomas F. McKay

Commissioner Kenneth R. Dement

Commissioner Lawrence D. Jarboe

Commissioner Thomas A. Mattingly, Sr.

Commissioner Daniel H. Raley

George G. Forrest, County Administrator

Donna Gebicke, Administrative Assistant (Recorder)

CALL TO ORDER

The meeting was called to order at 9:10 a.m.

APPROVAL OF CHECK REGISTER

Commissioner Raley moved, seconded by Commissioner Jarboe, to authorize Commissioner McKay to sign the Check Register. Motion carried.

APPROVAL OF MINUTES

Commissioner Dement moved, seconded by Commissioner Mattingly, to approve the minutes of the Commissioner's meeting of Tuesday, October 14, 2003, as corrected. Motion carried.

PROCLAMATIONS

The Commissioners presented a proclamation declaring October as National Domestic Violence Awareness Month.

COUNTY ADMINISTRATOR

1. Draft Agendas for October 28 and November 4, 2003, were reviewed.
2. **Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize Commissioner President McKay to sign DNR Waterway Improvement Fund Application to assist with the removal of derelict boats and debris from local waterways as a result of Hurricane Isabel and to direct staff to draft a letter to the state requesting authorization for the funds to be used for sand removal from yards. Motion carried. Subsequently, Mr. Rollins informed the Board that he was**

advised by the state that the law will not allow the use of this grant for sand removal. Debris must be in the water.

3. **Commissioner Dement moved, seconded by Commissioner Jarboe, to approve and sign a Resolution authorizing the filing of an application with Mass Transit Administration for a Section 5311 Grant and to authorize Commissioner President McKay to sign 2005 Transportation Grant Assurances. Motion carried.**

Commissioner Dement moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President McKay to sign Intergovernmental Agreement with Maryland Environmental Service for disposal of scrap tires. Motion carried.

4. **Commissioner Jarboe moved, seconded by Commissioner Mattingly, to authorize Commissioner President McKay to sign the Employment Contract for Robert Kelly, Director of Information Technology. Motion carried.**

Commissioner Mattingly moved, seconded by Commissioner Raley, to authorize

Commissioner President to sign Employment Contract for Phillip Cooper, Director,

Emergency Communications. Motion carried 3-2. Commissioner President McKay and Commissioner Jarboe voted against the motion. Commissioner President McKay expressed his concern that the Board was not made aware of problems with the 911 communications system before the final payment was authorized and indicated that a non-partisan, 3rd party investigation of the problems is warranted.

5. County Administrator advised the Board that work is being done to get the former Armory Building ready to store the new voting machines. Access to the machines, as well as "creature comforts" will be provided to the Board of Elections staff.

HURRICANE RECOVERY UPDATES

Present: Phil Cooper, Acting Director, Emergency Management Agency &

Director, Emergency Communications

Robin Finnacom, Disaster Recovery Coordinator

Mr. Cooper provided the following estimate of Hurricane Isabel Related Costs for St. Mary's County as of October 21:

Personnel Costs \$325,582.67

Requisitions/Purchase Orders in H.T.E. System \$725,359.20

(includes supplies, materials milage, meals, other contract services,

equipment rental)

Parks & Recreation \$486,275.00

(includes capital costs and revenue loss)

Building Services (Damage to Facilities) \$212,500.00

Vehicle Costs (Fuel/Repairs) \$ 40,000.00

Estimated for DPW&T, Sheriff's Office & Rec & Parks

Total County Costs Estimated to date: \$1,789,716.87

EMA is working with the FEMA Project Coordinator to identify what costs will be reimbursed. Costs will continue to accrue.

Ms. Finnacom's report included the following:

- An additional 188 visits to the Disaster Recovery Center have taken place - - for a total of 361 since the Center opened. Personal contact has been made with 682 citizens - - 56 requested debris removal and 31 of these have received assistance.
- The United Methodist Church, Amish and Mennonite communities have come forward to volunteer their assistance. The United Methodist Church has indicated its commitment to the rebuild as well as to recovery.
- Much of the remaining recovery work will require heavier equipment and larger work teams. The Disaster Recovery Coordinator is working with FEMA and MEMA to identify programs to help with this need.
- Teams of AmeriCorps VISTA volunteers are another potential volunteer resource.
- Resources are also being pursued to enable those who are rebuilding on the shoreline to elevate their homes and to help with debris removal on the shoreline.
- Citizens are encouraged to return SBA loan applications. It is critical that these applications be submitted so that the federal government can assess a citizen's financial status and determine if a grant is possible.
- The DRC is expected to be open for a minimum of another two weeks.

Commissioner President McKay asked that the County highlight a project for State Volunteer Recognition Day. Ms. Finnacom will work with the PIO to determine appropriate way to recognize volunteers and FEMA workers on site.

Denis Canavan, Director, Land Use and Growth Management, advised the Board that his Department has the capability of doing a mass mailing to the 8500 properties that could have been affected by flood surge to provide information on the programs available for Hurricane recovery assistance and rebuilding. *Staff was directed to prepare this mailing as soon as possible and present the for review and signature of the Commissioners as soon as possible.*

OFFICE ON AGING UPDATE

Present: Gene Carter, Director

The Board of County Commissioners through the Office on Aging will host the annual Health Fair on October 24 and 25 at Chancellor's Run Activity Center from 9 a.m. until 1 p.m. The public is encouraged to attend and take advantage of the large variety of health services available, including flu and pneumonia inoculations. A retirement party will be held at the Garvey Center on October 30 for Mr. Al Saunders, a valuable resource to the senior community. Office on Aging is currently working with Recreation and Parks Department to establish senior swimming programs at the new Great Mills pool. Progress is being made on the Northern Senior Center. Construction is expected to begin by mid-December.

FORMER TRI COUNTY YOUTH SERVICES BUILDING

Present: Joyce Malone, Real Property Manager

John Norris, County Attorney

In December 1998, the County obtained a portion of the Charlotte Hall School property from the State of Maryland. A grant of \$72,000 was obtained in 1998 from the Department of Juvenile Services to renovate the Tri-County Youth Services Bureau facility on the property. This is the basis for the County's request for a waiver of the state's right of recovery to allow the County to use the building as a Tourism Office. The state's response to this request was that the County must first obtain an appraisal of the value of the property. *Staff was directed to draft a letter to the Department of Juvenile Services requesting that the assessed value of the property be used for purposes of the project and to move the County's request for waiver of right to recovery forward to the Board of Public Works.*

COMMISSIONERS' TIME

Commissioner McKay

- Attended the Oyster Festival – looked like record crowds this year.
- Great attendance also at the Ducks Unlimited banquet. They do a tremendous job on their conservation efforts.
- Tina and Tommy Bowles invite the Commissioners and the public to their Corn Maze on Sunday, October 26, "University of Maryland Day." The Corn Maze design depicts the U of M's mascot, "Testudo," who will be making a guest appearance. Over 4800 visitors visited the maze this past weekend.
- All Faith Episcopal Church fried oyster and B-B-Q dinner will be held on Saturday

Commissioner Dement

- Enjoyed both days of the Oyster Festival – Mr. Hardesty was the champion shucker.
- Happy Anniversary to Adrian and Mary Hall.

Commissioner Mattingly

- Attended the Chamber's new member luncheon. Congratulations on their continued efforts to recruit new members.
- Ducks Unlimited raised over \$200,000 locally for conservation efforts. Banquet was a very nice affair.

Commissioner Jarboe

Was in North Carolina this past week. Will bring tourism ideas learned to the Chamber. Tourism is important to St. Mary's County and we need to keep working together to

enhance our tourism efforts.

Commissioner Raley

- Attended Oyster Festival and Ducks Unlimited banquet - - both great events.
- Participated in *Readers Night* at Dynard Elementary School - - read a book about hurricanes to students

PUBLIC HEARINGS (*transcribed by Peggy Childs*)

LUGM staff present were Denis Canavan, Director; Yvonne Chaillet, Zoning Administrator; and Peggy Childs, Recording Secretary. Director of the Department of Public Works & Transportation George Erichsen and County Attorney John B. Norris, III were also in attendance.

Amendment to Airport Master Plan – Sheets 2 & 9 of Airport Layout Drawing

Amend Sheets 2 & 9 of the Airport Layout Drawing to reflect the minor revisions and airplane hangar development on land owned by the Board of County Commissioners.

The property is located at the St. Mary's County Airport in Hollywood, Maryland;

Tax Map 34, Block 7, Parcel 131.

Present: George Erichsen, Director, DPWT / Airport Manager

Denis Canavan, Director, Land Use & Growth Management

Ms. Canavan stated these two public hearings regarding the Airport were advertised on 10/1/03 & 10/08/03. He asked for approval action on both the Airport Master Plan and the Text Amendment to the Zoning Ordinance, which are related. The Planning Commission conducted public hearings on both items on October 14, 2003 and recommended approval of both.

Mr. Erichsen said updates to the Airport Master Plan are required by the FAA after every major improvement project. The last update was made to the Plan when the runway was extended. In between the updates, changes are made in pen-and-ink and tracked by staff. This update is for changes in development on Sheet 2 and the disposition of property, contained on Sheet 9.

The changes in development are two 5-unit storage buildings of approximately 19,000 square feet, which have been constructed on 5.2 acres of airport property. In addition, 6 small, twin-engine corporate hangars, 5 corporate hangars and two large hangars have been constructed on 5.075 acres of land purchased from an adjoining property owner by the developer and deeded to the County by plat. The project went through the categorical exclusion process as well as the FAA and MAA approval processes and leases are in place for both developments. In addition, the Airport Master Plan includes a requirement for a road from 235 through the Airport to Lawrence Hayden Road, and 1.7 acres has been deeded to the County for a right-of-way around the development to connect to Lawrence Hayden Road. Staff is asking for approval of the proposed changes to Sheets 2 and 9.

The Commissioners had no questions and Commissioner McKay opened the hearing to public comment. There were no comments.

Commissioner McKay closed the public hearing, leaving the record open for 10 days for written comment.

Text Amendment to Zoning Ordinance #02-01

Article 5 - Regulations of Uses, and Chapter 50 - Use Classifications

Present: Yvonne Chaillet, LUGM Zoning Administrator

Ms. Canavan incorporated by reference the record of the Airport Master Plan public hearing. Ms. Chaillet stated this request is to amend the Use #85 of the Regulation of Use Table on Page 50-19, and Page 51-27, Airport Land Strip and Heliport, to allow publicly-owned airports as permitted uses in the Industrial (I) District, with an Airport Master Plan. All other airports will remain conditional uses. The following amendment is proposed.

Page 50-19, Use type 85: under the "I" column, change "C" to "P/C"

Page 51-27, Line 18 – Airport, Landing Strip, and Heliport: Under a. "General Standards," add a new

Number one and renumber the remaining General Standards. The new number one will read as follows:

"(1) Publicly-owned airports, landing strips, and heliports are permitted with an Airport Master Plan.

All other airports, landing strips, and heliports may be allowed only upon approval of a

Conditional use by the Board of Appeals."

Commissioner Mattingly asked why we wouldn't use 85.a and 85.b to distinguish between the publicly-owned permitted uses and the privately owned conditional uses? Ms. Canavan replied that the "P/C" is just easier and shorter. Commissioner McKay opened the hearing to public comment, but there were no comments. Commissioner McKay closed the public hearing, leaving the record open for 10 days for written comment.

#03-120-029 – Leonardtown Wharf Growth Allocation Request

Requesting approval of a general request for 3.136 acres of Critical Area Growth

Allocation to accommodate development of the Leonardtown Wharf property. The property contains 5.9 acres total, is zoned CM (LDA Overlay), and is located at the end of Washington Street in the Town of Leonardtown; TM 133, Parcels 330 & 326.

The balance of the property contains Parcels 324, 325, 327, 328 & 329.

Owners: St. Mary's Ice & Fuel, Inc./ RAR Associates

Present: Sue Veith, LUGM Environmental Planner

Harry J. Norris, Mayor of Leonardtown

Laschelle Miller, Town of Leonardtown Administrator

Legal Ad published in The Enterprise on 10/01/03 & 10/08/03

Property posted by staff on 9/30/03

#A-1 Certified Receipts of notification to contiguous property owners dated 9/28/03

Ms. Veith stated Section 41.9.1 of the newly adopted Critical Area revisions allows the Town of Leonardtown to make a general request for growth allocation without review, other than a finding that the request meets the requirements of the Ordinance. The Planning Commission conducted a public hearing on the request on October 14, 2003 and recommended approval of the 3.136 acres, of growth allocation for parcels 330 and 326. The remainder of the property is already zoned IDA.

Ms. Miller provided details of the project, stating that the Town pursued grants and had an environmental assessment of the property done by MDE prior to cleaning it up, and has worked closely with the developer, the Department of Natural Resources, the Critical Area Commission (CAC), Maryland Department of the Environment, and the Corps of Engineers on this plan. The project has been through the Town's planning and approval process and has been approved by the Town.

Ms. Miller said Mr. Russo, of RAR Associates, the project developer, has already purchased two homes coming down the hill – one on each side of Washington Street – and has converted one for office space; the other home will be converted for light commercial, such as an art gallery. Twenty-six (26) townhouse units are proposed coming down the hill and two large mixed use buildings will be provided with wrap-around porches and retail on the first floor, office space on the second, and 15 efficiency apartments on the third level of the buildings. A restaurant will be contained in one of the buildings and the Town will purchase the waterfront area for a public water-access park, with canoeing, kayaking, and a floating dock. A sewer lift station located up the hill will be moved into the park area with restrooms to serve the park. The existing piers will be refurbished to accommodate transient boats and a promenade will be constructed around the water's edge.

Ms. Miller said the project has been submitted to the CAC and is on their November 5, 2003 agenda for all the issues for the site, including growth allocation and the modified Buffer Area Ordinance recently adopted by the Town to allow for restricted building within the 100-foot Buffer.

Ms. Veith reported on the County's growth allocation, stating that, of the 1,689.75 acres originally granted to the County, 152.84 acres have been awarded, with 1537.546 acres remaining. With the award of the 3.136 acres for this project, a balance of 1534.41 acres will remain.

Commissioner Mattingly commented that this is a great opportunity to revise this part of the community. Having toured the renovated buildings the other day, he complimented the developer on the work he has done inside and outside of the buildings.

Commissioner McKay opened the hearing to public comment. Three area residents spoke in support of the project – Clare Whitbeck, a resident of Breton Bay, and Town of Leonardtown residents Dr. Herbert Winnick and Jean Moulds, who own property adjacent to the proposed

project. Dr. Winnick said he is impressed with the renovation work Mr. Russo has done on the residential structures and is sure he will take the same care with the rest of the project. Ms. Moulds, who has written a letter supporting the project, said she is thrilled with what is happening there and thinks the project will benefit Leonardtown and all the neighbors.

Commissioner McKay closed the public hearing. Commissioner Mattingly moved to approve a Resolution approving the growth allocation for the Commissioners' signature today, with legislative action to follow after 10 days. Seconded by Commissioner Dement and passed by 5-0.

EXECUTIVE SESSIONS

Commissioner Mattingly moved, seconded by Commissioner Raley, to meet in Executive Session to discuss matters of Personnel, including staff and boards and committees, as provided for in Article 24, Section 4-210(a)1 and Property Acquisition as provided for in Article 24, Section 4-210(a)8. Motion carried.

Personnel

Present: Commissioner President Thomas F. McKay

Commissioner Kenneth R. Dement

Commissioner Lawrence D. Jarboe

Commissioner Thomas A. Mattingly

Commissioner Daniel H. Raley

George G. Forrest, County Administrator

John Norris, County Attorney

Donna Gebicke, Recorder

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

Time Held: 2:39 – 2:55 p.m.

Action Taken: The Commissioners interviewed potential employee.

Property Acquisition

Present: Commissioner President Thomas F. McKay

Commissioner Kenneth R. Dement

Commissioner Lawrence D. Jarboe

Commissioner Thomas A. Mattingly

Commissioner Daniel H. Raley

George G. Forrest, County Administrator

John Savich, Director, DECD

Robin Finnacom, Director, Lexington Park Plan

Dennis Nicholson, Executive Director, Housing Authority

Donna Gebicke, Recorder

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

Time Held: 2:57 – 3:56 p.m.

Action Taken: The Commissioners discussed potential property acquisition and gave direction to staff.

Personnel

Present: Commissioner President Thomas F. McKay

Commissioner Kenneth R. Dement

Commissioner Lawrence D. Jarboe

Commissioner Thomas A. Mattingly

Commissioner Daniel H. Raley

George G. Forrest, County Administrator

Donna Gebicke, Recorder

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

Time Held: 3:56 – 5:00 p.m.

Action Taken: The Commissioners discussed personnel issues and boards and committees.

ACTIONS FROM EXECUTIVE SESSION

Commissioner Jarboe moved, seconded by Commissioner Dement, to authorize staff to proceed as directed regarding Club Properties. Motion carried.

Commissioner Mattingly moved, seconded by Commissioner Dement, to approve Commissioner President to sign the Employment Contract of Heidi Dudderer, Assistant County Attorney. Motion carried 4-1. Commissioner Jarboe abstained.

PUBLIC MEETING

Present: Board of County Commissioners, SMC

The Honorable Roy P. Dyson (Senator)

The Honorable John L. Bohanan, Jr. (Delegate)

The Honorable Anthony J. O'Donnell (Delegate)

The Honorable John F. Wood, Jr. (Delegate)

The Board of County Commissioners and Legislators held a public meeting on the 2002 Legislative Package. The following items were presented by the submitters:

1. Impact Fee – Excise Tax
 - a. Department of Economic and Community Development (John Savich) –
Defer Impact Fees

for Affordable Housing

To help meet the need for affordable housing in St. Mary's County, it is proposed that incentives be offered to developers to help reduce the cost of building housing for lower income households, specifically, deferring impact fees. The County must request specific authority from the State to defer impact fees.

b. Commissioner Larry Jarboe – Exemption from Payment of Homestead-Based Taxes

To grant specific exemption from payment of any impact fee or excise tax placed upon home construction. This exemption will assist in the construction of affordable housing and promote home ownership.

1. Finance Office (Elaine Kramer) – Extend Sunset Date on the Imposition of Transfer Taxes

Currently, Chapter 138 of SMC Code imposes a sunset date of 6/30/05 on the imposition of transfer taxes. A five-year extension is needed to be able to plan for the capital needs of the County, especially the 4 new schools that are in the Board of Education Plan. The County is embarking on a capital plan through 2010, and some certainty about the sources of funding is needed.

2. Finance Office (Elaine Kramer) – Fire Tax

To revise the current Fire Tax to allow the Volunteer Rescue Squads and Advanced Life Support Unit to impose such a tax, and also to provide that the tax includes covering certain expenditures that had previously been identified as being funded by the County property tax.

4. Department of Public Works and Transportation (George Erichsen) – Sidewalk Maintenance

Responsibility

To clarify the responsibility of sidewalk maintenance by assigning levels of responsibility within road right-of-ways.

5. Office of Sheriff (Sheriff David Zylak)

a. Courts & Judicial Proceedings, Salaries and Expenses, Deputies, Employees, Equipment, Inmate Labor - (SEE REVISED PROPOSAL SUBMITTED 10/20)

To demarcate the salary of the Sheriff; appointment of deputies, grants law enforcement and correctional officers the ability to bargain collectively with the Sheriff; outlines the duties and responsibilities of the Sheriff and Office of the Sheriff.

b. Criminal Law, Gaming, Statewide Provisions

To establish a Gaming Permit Review Board for SMC that will clearly define the Authority of the Board of County Commissioners for gaming events, including Bingo.

c. Correctional Services, Local Correctional Facilities

To establish authorized programs such as Home Detention and Work Release.

6. Commissioner Daniel Raley – Economic Impact Fee

To expand local authority to allocate portion of proceeds of economic impact fee imposed on new residential construction to solid waste management.

7. St. Mary's Metropolitan Commission (Steve King & Larry Petty, Grants Administrator/Special Projects) – Pension System & Designation of Non-Voting Member of Commission

- a. To enable MetCom employees to join the Maryland State Employees Pension System, to receive credit for 50% of their prior service, and to define those employees eligible for participation.
- b. To designate the Commanding Officer of the Patuxent River Naval Air Test Center as a non-voting member of the Metropolitan Commission districts, allowing board commissioners to be appointed from the county at large.

6. Clare Whitbeck, citizen – Open Meetings Laws

To make changes in the St. Mary's County Open Meetings Law (require any organization receiving public funds to be held to the same meetings standards of openness as County government; repeat open meetings language from Section 4-201(a) in 4-203(a); delete section that exempts staff meetings from being noticed; require that employees be notified in writing prior to his/her contract being discussed so that employee can request an open session for discussion if so desired.

The public meeting was adjourned.

Minutes Approved by the

Board of County Commissioners on _____

Donna Gebicke, Administrative Assistant

to the Board of County Commissioners