

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

GOVERNMENTAL CENTER

Tuesday, October 25, 2005

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

CALL TO ORDER

The meeting was called to order at 9:08 a.m.

AMENDMENTS TO THE AGENDA

Commissioner Raley moved, seconded by Commissioner Dement, that today's agenda be amended to include a discussion of the proposed amendment to the local Senior Property Tax Cap Ordinance. Motion carried 5-0.

APPROVAL OF CHECK REGISTER

Commissioner Raley moved, seconded by Commissioner Jarboe, to authorize the Commissioner President to sign the Check Register dated October 20, 2005, with the exception of the \$225 check which is the first item on page 4 of the check register. Motion carried 5-0.

APPROVAL OF MINUTES

Commissioner Mattingly moved, seconded by Commissioner Dement, to approve the minutes of the Commissioners' meeting of Tuesday, October 18, 2005, as submitted. Motion carried 5-0.

DEPARTMENT OF LAND USE AND GROWTH MANAGEMENT: PROPOSED ORDINANCE TO ADOPT THE LEXINGTON PARK DEVELOPMENT DISTRICT MASTER PLAN

Present: Denis Canavan, Director, Land Use and Growth Management (LUGM)

Jeff Jackman, Senior Planner, LUGM

Mr. Canavan presented the proposed Lexington Park Development District Master Plan that was revised to incorporate the Board's previous direction. Mr. Canavan proposed adoption of the Plan to include the following minor text and map changes that will allow him to finalize the Plan for adoption and to proceed with preparation of the text amendments.

- Page 8, "Medium Density:" Consider a text amendment that would increase the density from m 5-10 density units per acre.
- Page 8, "High Density:" Add a sentence to read: "Consider a text amendment that would increase the density from 10-20 units per acre."

Mr. Canavan suggested that the paragraph discussing Residential Mixed Use on page 8 be amended to end with the sentence: "This Plan recommends continued evaluation of the range of uses that may be allowed within this category."

- Page 9, "Office Business Park:" This zone has a separate text amendment currently in the review process that says "consider acceptable density that would range from one unit per acre to 20 units per acre. The suggested additional language is "consider a text amendment that would increase the density from 1-20 units per acre. (At the time of considering the zoning text amendment, you may decide something less than 20 is acceptable.)"
- Page 9, "Downtown Mixed Use:" In consideration of OBP text amendment, there is a component for the DMX zone. Suggest additional language by adding a new sentence to read: "Consider a text amendment that would increase the density up to 30 units per acre."
- Page 3, 3rd item that starts with "The Plan provides" The old language that provides guidance for the upper St. Mary's River sub watershed needs to be deleted since the expansion of Wildewood through the Master Plan was not advocated. The substituted language should read: "Consider a school site in or adjacent to the Wildewood PUD."

- Page 17, map needs to be corrected to show Damon's, Hampton Inn, Dodge dealership and Veterinarian Clinic as CMX, not DMX.

The Commissioners directed staff to make the following additional revisions to the Plan:

- Page 53, 3.9.2, Education, Public Schools: Change the sentence regarding school capacity to read: "*Although some schools in the development district are under capacity, enrollment in several schools exceeds their rated capacity.*" In addition, the projected enrollments through 2010 project increases of approximately 316 students per year; however St. Mary's County Public Schools (SMCPS) just reported student population figures showing an average of over 180 students over the last three years. The actual SMCPS figures from 2002-2005 are significantly lower than the average shown in the projections shown in the Plan (316 vs 180). These numbers are important to ensure that the County fully leverages the existing facilities as one of the tests for meeting adequate public facilities. Mr. Canavan will re-check the SMCPS projections and substitute new numbers in the Plan that are based on current, best available information.
- Page 54, 3.9.3, add Bay District Company 3 and the PAX River fire department.
- Page 4, Education: Add "Support expansion of the capital programs for the College of Southern Maryland and St. Mary's College.

Page 7, Section 2.2.1 was discussed as to whether the Board will retain the flexibility to change the zoning from RMX to CMX in the future without amending the Plan. Mr. Canavan indicated that the Board will not have to go back and amend the Plan to do this. It would be a separate legislative process. County Attorney John Norris cautioned not to create a conflict between the Plan the zoning map designation if contemplating a commercial use through a zoning ordinance or zoning map change in the future. For example, there is an industrial zoned property north of Rt 4 and 235 shown on page 7, if the Commissioners' intent was for a residential use there, it would create conflicts between the zoning maps and the Comprehensive Plan Map. By recommending a more intense mixed use commercial zone in the Lexington Park Development District Plan at this time, flexibility is retained to rezone the area to CMX zone or retain the less intense RMX zone at the time of Comprehensive zoning.

Commissioner Raley stated that based on the recommendation of the Director of Land Use and Growth Management and the County Attorney, and realizing that during the comprehensive re-zoning process Commissioners will still have the legal ability to retain RMX zoning, I move that Map 2.2. on page 17 of the Draft Lexington Park Development District Master Plan be changed to reflect CMX zoning (rather than RMX) from Shady Mile Drive to MD Route 4 on the northeast side of Rt. 235. Commissioner Dement seconded the motion.

Commissioner McKay noted that the motion left out the area from Shady Mile Drive south to Town Creek Drive and that public testimony was presented at the public hearing from property owners in this area.

Commissioner Raley moved, seconded by Commissioner Dement, to amend the motion to include the area from Shady Mile Drive to Town Creek Drive. Commissioner Mattingly voted no. Motion carried 4-1.

Commissioner McKay called for a vote on Commissioner Raley's first motion which was amended to include the area from Shady Mile Drive to Town Creek Drive. Commissioner Mattingly voted no. Motion carried 4-1.

Commissioner Raley explained that the motion was made to retain the flexibility to change the zoning in the future.

Staff was directed to prepare a revised Plan to include the changes as discussed and to return to the next meeting to request adoption. Staff will provide the Board with copies of the pages in the Plan that contain changes.

Commissioner McKay departed the meeting at this time.

COUNTY ADMINISTRATOR

1. Draft Agendas for November 1 and November 8, 2005

Commissioner Raley directed Mr. Forrest to invite Dr. Ryan to attend the November 1 BOCC meeting for the College of Southern Maryland item.

2. Department of Public Works and Transportation (George Erichsen)

Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize Commissioner President to sign Public Works Agreement for The Woods of Rue Purchase Subdivision, located in the 8th Election District with an expiration date of November 1, 2006. Motion carried 4-0.

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

Commissioner Dement moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President to sign Notification of Grant Award (NGA) for the Older Americans Act Title III's federal grant and the Budget Amendment to realign the accounts in accordance with the NGA. Motion carried 4-0.

Commissioner Dement moved, seconded by Commissioner Raley, to approve and authorize Commissioner President to sign Notification of Grant Awards (NGA) for annual MD Dept. of Aging Grants and the Budget Amendment to realign the accounts in accordance with the NGA. Motion carried 4-0.

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize Commissioner President to sign the MOU between Tri-County AmeriCorps Service Project, Inc., and the Department of Aging to be the host organization for a part-time member to work in the RSVP program between the period of September 26, 2005, and September 22, 2006, at a cost of \$2,700. Motion carried 4-0.

Commissioner Dement moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President to sign the MOU between Tri-County AmeriCorps Service Project, Inc., and the Department of Aging to be the host organization for a part-time member to work

in the Meals on Wheels program between the period of September 26, 2005, and September 22, 2006, at a cost of \$2,700. Motion carried 4-0.

4. **Department of Public Safety** (*Bob Kelly, Acting Director, Public Safety, & Director, IT Dept.; Tim Bennett, Manager, Emergency Management; Stanley Williams, Emergency Services Coordinator*)

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize Commissioner President to sign the MOU between the MD Emergency Management Agency and St. Mary's County for the Federal Fiscal Year 2005 Citizens Corps Grant Program and to sign the related Budget Amendment to return \$10,000 to the Supplemental Reserve Account. Motion carried 4-0.

Commissioner Dement moved, seconded by Commissioner Raley, to approve and accept the 2005 Rural Access to Emergency Devices Program grant and to authorize the Commissioner President to sign the related Budget Amendment to return \$2,695 to the Supplemental Reserve Account. Motion carried 4-0.

5. **Department of Land Use and Growth Management** (*Denis Canavan, Director;*

Jeff Jackman, Senior Planner)

Commissioner Dement moved, seconded by Commissioner Raley, to approve and sign a Resolution to amend Resolution W/S 92-01 to assign an EDU to the property of Kurri L. Hess on St. George Island, described as Parcel 247. Motion carried 4-0.

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve the reintroduction of the Zoning Text Amendment regarding Public Hearing Notification Requirements that was presented as a "first reading" on July 17, 2005, and that it should proceed through the Planning Commission. Motion carried 4-0.

6. County Administrator

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize Commissioner President to sign Budget Amendment to transfer funds from the Board of County Commissioners' Books and Publications Account to the County Government's Membership Account in the amount of \$1,000 in order to pay the annual fee for NACo (National Association of Counties). Commissioners Dement and Raley voted no. Motion died for lack of a majority affirmative vote.

COMMISSIONERS' TIME

Commissioner Jarboe

Happy Birthday to Dan Raley (October 24).

Commissioner Raley

Attended the 7th District Optimist Club's installation of Officers with Commissioner Mattingly. Congratulations to this very active club.

Attended the Board of Education's GED graduation ceremony with Commissioners McKay and Mattingly. Congratulations to those approximately 20 individuals who, for whatever reason, did not graduate as scheduled, but managed to go back and get this done. It was very gratifying to see.

Asked Mr. Forrest to request that Commissioner McKay and Denis Canavan provide information to the Board, either as an agenda item or in a memo, on what is being proposed regarding traffic improvements at First Colony.

Commissioner Dement

I apologize for not being able to make it to the Chesapeake Bay Field Lab Dinner due to a family wedding.

Also apologize for not making it to the 7th District Optimist Club installation. As the original organizer over 40 years ago of the softball leagues, I attended the anniversary event.

Best wishes for a speedy recovery to Kate Mauck, our Senior Administrative Coordinator.

Congratulations to Debbie and Mark on their marriage.

Attended Judge Kamintez's retirement luncheon with Commissioners Raley and Mattingly and congratulate him on his years of service to the county and the community.

Presented a proclamation to Cleo Sparks for her 75th birthday.

Commissioner Mattingly

Chesapeake Bay Field Lab celebration and fundraiser. Commissioner Raley did a great job of auctioneering and funds were raised for this great program.

Stopped by the Health Fair at Loeffler Center. It was unfortunate that they ran out of flu shots, but they will try to get more and distribute at a later date. There was a great turnout and staff and volunteers were there to man displays and answer questions.

Attended the Judge Kamintez event. He is a great asset to the community. He is not leaving the area but will take a break by doing some part-time work and catching up on his "honey-do" list. It was a nice event at the firehouse.

Happy Birthday to my grandson Hunter.

PROPOSED AMENDMENT TO SENIOR TAX CAP ORDINANCE

Commissioner Raley proposed the scheduling of a public hearing for consideration and public input on an amendment to the local Ordinance for the Senior Property Tax Credit that would provide for an advisory committee to be appointed by

the Board in 2007 to review the Senior Property Tax Credit program to assess whether or not it is accomplishing all of the goals it was set up to do. The Committee would then report back to the Board within 90 days. This would be a 5-member committee, with each Commissioner appointing a member. The Board will not be bound to accept the recommendations of the advisory committee. After the Committee submits its report, the Committee disbands and another committee is appointed three years later for the same purpose.

Commissioner Raley moved, seconded by Commissioner Dement, to direct staff to schedule and advertise a public hearing at the earliest possible date, and preferably in the evening, for the purpose of considering the proposed amendment to the Senior Property Tax Credit Ordinance. Motion carried 4-0.

The Board of County Commissioners' meeting reconvened at the Northern Senior Center in

Charlotte Hall.

AMENDMENT TO THE AGENDA

Commissioner Jarboe moved, seconded by Commissioner Mattingly, to add to the agenda the approval and authorization to sign an Employment Contract for the position of Director of Public Safety. Motion carried 5-0.

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve the employment contract for Timothy Cameron for the position of Director of Public Safety and to authorize Commissioner President to sign the contract as presented. Motion carried 5-0.

DEPT'S OF RECREATION, PARKS & COMMUNITY SERVICES & LAND USE AND

GROWTH MANAGEMENT: CHARLOTTE HALL PROPERTY MASTER PLAN

Present: Phil Rollins, Director, Dept. of Recreation, Parks & Community Services

Denis Canavan, Director, Dept. of Land Use and Growth Management

John Savich, Director, Dept. of Economic and Community Development (DECD)

Carolyn Laray, Tourism Manager, DECD

Dennis Nicholson, Executive Director, St. Mary's County Housing Authority

Mr. Rollins presented the following information to the Board on County-owned properties in the Charlotte Hall area and their potential suitability to meet senior housing and recreational needs as identified by the public for the northern area of the County.

40-acre Northern Senior Center property. This property is the most suitable site for developing senior housing, an indoor recreation/multi-generational center and a swimming pool. Major issues here include sewer disposal and road access. The lack of public sewer is a challenge for site planning. The need for additional road access off of Whalen Road located to the west of the property is also an issue. Construction of such a road would require improvements to Whalen Road and arrangement with the state to cross the Veterans' Home property.

3.18-acre Charlotte Hall Welcome Center property. Staff determined that the Welcome Center property wasn't suitable or appropriate for meeting the proposed senior housing or recreational needs.

7 acres of County property contiguous to the Charlotte Hall Library (2.3 acres and 4.69 acres). This property was determined to be too small and constrained by a dissecting power transmission line, making it unsuitable for senior housing and recreational uses. The 2.3 acre portion should be held in reserve for future Farmers' Market or Library parking.

78-acre Convenience Center property and 80-acre Fifth District Park. These properties provide opportunities to expand athletic and recreational facilities, particularly additional practice fields for soccer, football and lacrosse. Approximately 10 acres on the existing Convenience Center property adjacent to Lettie Dent Elementary School and Fifth District Park could be utilized to expand the existing park. In addition, about 5-10 acres that are currently wooded adjacent to existing soccer fields

could be utilized for additional practice areas. Property is also dissected by a transmission line and has steep slopes. Major considerations at the Convenience Center property are setback requirements on Route 6 and how to best utilize existing parking facilities including the potential use of the park and ride lot and/or connection to existing parking areas at Lettie Dent School and Fifth District Park. Parking would also be an issue for adding practice fields in the wooded area near existing soccer fields. Staff believes these issues can be adequately addressed.

Mr. Rollins summarized the direction that he was seeking from the Board on the Plan: (1) to pursue concept of senior housing on the Northern Senior Center property and request that the Housing Authority take the lead in cooperation with the Office on Aging and the Commission on Aging on this matter and support for the concept of a multigenerational center and swimming pool on the Senior Center site; (2) support for consideration of fields and other sports amenities for Convenience Center and Fifth District Park; (3) approve transferring of 13-acre forest conservation easement from Northern Senior Center property to another wooded County property; and (4) approve staff looking into alternative traffic access off of Whalen Road.

Commissioner Jarboe moved, seconded by Commissioner Dement, to support the staff recommendations on the Charlotte Hall Property Master Plan as a whole and, specifically, to support: (1) senior housing, multigenerational center, and swimming pool as suitable uses on the Northern Senior Center (NSC) site, and to request that the Housing Authority take the lead on the senior housing portion; (2) athletic fields at Lettie Dent and Convenience Center sites; (3) transfer of Forest Conservation Easement from NSC site to another property; and (4) future alternative traffic access to NSC property. Motion carried 5-0.

In light of the lack of public sewer available on the NSC property, staff will ask the consultants to do an analysis to see if the County can place a sufficient number of housing units on the Senior Center property that would make the best use of the land available and staff will further discuss with the Veterans' Home the possibility of enlarging their system to accommodate a potential housing project.

ADJOURNMENT

The meeting adjourned at 4:49 p.m.

Minutes Approved by the Board of County Commissioners on _____

Donna M. Gebicke, Administrative Assistant to the

Board of County Commissioners