

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
CHESEAPEAKE BUILDING
Tuesday, November 17, 2009**

Present: Commissioner President Francis Jack Russell
Commissioner Kenneth R. Dement
Commissioner Lawrence D. Jarboe
Commissioner Thomas A. Mattingly, Sr.
Commissioner Daniel H. Raley
John Savich, County Administrator
Donna Gebicke (Recorder)

CALL TO ORDER

Commissioner President Russell called the meeting to order at approximately 9:04 am.

APPROVAL OF CHECK REGISTER

Commissioner Raley moved, seconded by Commissioner Jarboe, to authorize the Commissioner President to sign the Check Register for checks dated November 17, 2009, as submitted by staff. Motion carried 5-0.

APPROVAL OF MINUTES

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to adopt the minutes of the first Public Hearing on the draft St. Mary's County Comprehensive Plan, Thursday, October 29, 2009, as presented. Motion carried 5-0.

Commissioner Mattingly, seconded by Commissioner Dement, to adopt the minutes of the meeting of Tuesday, November 3, 2009, as corrected. Motion carried 5-0.

Commissioner Jarboe moved, seconded by Commissioner Dement, to adopt the minutes of the meeting of Tuesday, Nov. 10, 2009, as corrected. Motion carried 5-0.

HISTORIC PRESERVATION COMMISSION (HPC): PRESENTATION OF AWARD

Presenters: Robert Gibbs, Chair, HPC
Hal Willard, member, HPC

Proclamation and HPC award was presented to David Roberts for his efforts to preserve local history.

COUNTY ADMINISTRATOR

1. Draft Agenda for November 24 and December 1, 2009
2. **Dept. of Public Safety and Advanced Life Support Unit** (*Dave Zylak, Dir., Dept. of Public Safety*)

Commissioner Mattingly moved, seconded by Commissioner Raley, to approve and authorize Commissioner President Russell to execute the FY2010 Maryland Institute for Emergency Medical Services Systems (MIEMSS) Advanced Life Support (ALS) Matching Equipment Grant Agreement, Project MD1011 in the amount of \$39,968 which includes the County match amount; and also to sign the related budget amendment decreasing and realigning the project budget. Motion carried 5-0.

3. **Dept. of Human Services** (*Bennett Connelly, Dir.*)

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to execute the FY2010 Core Agency Memorandum of Understanding (MOU) Services/Administration Funds Grant Modification #2, MH 486 OTH, from the Mental Hygiene Administration on behalf of the Department of Human Services for Core Service Agency administrative costs and community mental health services, in the amount of \$527,304, and the two related budget amendments to decrease the budget by \$361,318. Motion carried 5-0.

4. **Dept. of Economic and Community Development** (*Carolyn Laray, Tourism Mgr.*)

A. Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to execute the FY2010 County Cooperative Marketing Grant Agreement from the Maryland Tourism Development Board, in the amount of \$39,655, and the related budget amendment reflecting a decrease in the grant funding. Motion carried 5-0.

(Dennis Nicholson, Exec. Dir., HASM; Jackie Reabe, Admin. Asst.)

B. Commissioner Raley moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to execute two original copies of the Community Development Block Grant (CDBG) agreement for the Greenview Village Sprinkler Installation Project MD10-CD-29, from the Maryland Department of Housing and Community Development, in the \$283,000, and the related certifications and exhibits, and also to sign the related Sub-recipient Agreement between the County and the Housing Authority of St. Mary's County; and for the Board to authorize the Commissioner President to sign the Request for Release of Funds and Certification upon completion of the Environmental Review Process. Motion carried 5-0.

5. County Administrator

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve the draft 2010 Board of County Commissioner Meeting Schedule, as presented by staff. Motion carried 5-0.

COMMISSIONER'S TIME

The Commissioners highlighted upcoming events and those attended over the past week as well as personal interest items.

Commissioner Jarboe requested that the Commissioner representative and County at-large member appointments be made to the Tri County Council of Southern Maryland and indicated that he would be happy to continue serving if no other Commissioner expressed a desire to serve. Commissioner President Russell indicated that he would be interested in serving as the Commissioner representative.

Commissioner Jarboe moved, seconded by Commissioner Raley, to appoint Commissioner President Russell as the Tri County Council Commissioners Representative and Mary Lynn Stone as the St. Mary's County At-large member. Motion carried 5-0.

ST. MARY'S RIVER WATERSHED ASSOCIATION (SMRWA): STATE OF THE ST. MARY'S RIVER

Presented by: Dr. Robert Paul, VP, SMRWA, St. Mary's College of MD
Joe Anderson, President, SMRWA
Bob Lewis, Executive Director, SMRWA

The St. Mary's River watershed lies entirely within St. Mary's County. SMRWA and St. Mary's College have been tracking trends and water quality over the last ten years, during which time the water quality has continued to decrease. There is particular concern about the long, steady continued trend of a lack of oxygen concentration at the river bottom during the summers, which kills organisms, destroys oyster habitats, and decreases the overall health of the river. In addition, a large part of the watershed is in the Lexington Park Development District, which means more impervious surfaces carrying runoff and sediment into feeder streams and creeks.

SMRWA provided recommendations for improved water quality that included: limiting impacts of impervious surfaces, clustering, and maintaining and creating larger wooded buffers around streams in the development district; stop erosion by avoiding slopes greater than 15%; use environmental site design practices to reduce runoff; create a St. Mary's River preservation area and expand the Mattapan Rural Legacy District to include this new preservation area; provide for water and sewer

in Town and Village Centers; limit new impervious surface areas through the use of parking garages, living rooftops, and multi-story buildings; and carryout a comprehensive outreach campaign to foster green behaviors in partnership with other entities.

It was also noted that while agriculture clearly has an impact on water quality, urbanization has more of an impact and was thus the focus of the report.

SMRWA asked the Commissioners to continue partnering with them to achieve improved water quality in the St. Mary's River.

VISITS

The Commissioners attended the Grand Opening of Walden's new "Hope Place" in Lexington Park where they received a presentation on the Lexington Park Human Services Integration Project and then visited the State Highway MD 246 Field Office for the Great Mills Road Streetscape Project on So. Shangri-La Drive.

PUBLIC HEARING ON THE REVIEW/UPDATE OF ST. MARY'S COUNTY DRAFT COMPREHENSIVE PLAN AT THE NORTHERN SENIOR ACTIVITY CENTER, 29655 CHARLOTTE HALL RD., CHARLOTTE HALL, MD

Staff Presenter: Jeff Jackman, Planner IV, Dept. of Land Use and Growth Management

The public hearing was called to order by Commissioner President Russell at 6:30 pm. Mr. Jackman stated for the record that the draft Plan was prepared in accordance with Article 66B, the media release was published on October 8, and the Legal Notice was published in the October 9 and 14, 2009, editions of the Enterprise newspaper. Copies of the Plan are available at the three public libraries and posted on the County's web-site.

Mr. Jackman provided an overview of the draft Plan, which highlighted background information, to-date and future public processes, and proposed changes to the current Comp Plan. State law requires an update to the plan at least every six years. Updating of the Zoning Ordinance will follow after the adoption of the Comp Plan and is anticipated to start January 2010 and continue through the spring.

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

Carolyn Huff, 24107 Mill Cove Rd., California, MD

Remove Myrtle Point peninsula from the Lexington Park Development District. Continued degradation of streams and creeks in critical area and additional traffic burden to failed MD Rt 4 (only way in and out of neighborhood) and failed intersection at 235 and 4 will result. Density has been one house per two acres - - five per acre will totally change the character of the area.

Richard Huff, 24107 Mill Cove Rd., California

Remove Myrtle Point peninsula from the Lexington Park Development District. Don't stop development all together, but slow it down until something can be done about the roads - - no new, mass development.

Bill McKissick, Dugan, McKissick & Longmore, representing property owners

Maps are pulling properties out of growth area. If you contract growth areas, it will put pressure on RPD for development. 1/2 of 1% of growth area is being decreased. Worst time to do this from economic standpoint. If you downzone an individual's property, you remove their anticipated retirement income. Consider cost benefit. Dramatic impact for individual property owners with minor gain for county. Give regulations already adopted a chance to see if they work before deciding to downzone. Properties: Tax Map 4, Parcel 69, New Market Town Center on Rt. 5, preliminary planning done, trying to sell. If moved into RPD, can't sell. Hollywood Wood Treatment Center, Tax Map 26, Parcel 2: historically zoned as industrial, about to be taken out of industrial. MDE has said it is suitable for commercial or industrial use. Could provide tax revenue - - placing in RPD will not allow it to be developed.

Mary Jane Riggs, 24065, Mill Cove Rd., California

Remove Myrtle Point peninsula from the Lexington Park Development District. Concerned about protecting this sensitive area from intense development that can come from being in LPDD. Re RL transition area -- concerned about what kind of transition you can have when on a peninsula.

Suzanne Henderson, 45263 Mill Cove Harbor Rd., California

Remove Myrtle Point peninsula from the Lexington Park Development District. Want to get behind the Plan, but can't get behind placement of critical areas inside the development district -- conflict of interest. If you decide to leave in growth area, enact combination of vision, text and map changes that give maximum protection to critical area.

Brooks Jackson, 45336 Mill Cove Harbor Rd., California

Remove Myrtle Point peninsula from the Lexington Park Development District. I'm good example of economic benefit county gets from having waterfront areas undeveloped. Drawn here by quality of life. If you target our area for development, you won't see economic benefit. Will discourage people from coming here. Creeks/streams will continue to silt in. Large development already approved and now faced with possibility of 54 more homes on 1/6 acre each in a neighborhood that averages one home per two acres. Planning Commission denied our request without providing reasons. PC proposing to take out other areas from Town Centers to avoid development in sensitive areas, same reasons we should be taken out of Development District. All areas that lie

within the critical area should be taken out of growth areas. At a minimum, please take Myrtle Point out of LPDD.

Martin Seibert 19671 Piney Pt. Road, 20692, citizen and Planning Commission member

Want to call your attention to three properties that came before us (Planning Commission). 1. Mr. McKissick spoke about this earlier. He was referring to old munitions plant property in Lexington Park on Willows Road. We received a letter from the owner asking to have it placed in industrial. General consensus at the time was that, well, it's between developed areas and we don't want to annex this property out into like a little satellite. But, I think with industrial property, it's probably not a bad idea. Right now it's residential and it's going to have people living on it. EPA did a clean up of some kind. We know they found some stuff, don't know what they didn't find. Don't know if we want people living there for that reason. 2. Received a letter from Mr. Parlett about some parcels he owns that are already within the boundaries of the Lexington Park Development District – they are zoned OBP. He can effectively double what's already in use with one parcel - - which is telling us that's not the best use of that property. Do we really need that much OBP in the Lexington Park Development District? A better use of the -- we're all familiar with clustering and how that works -- we could call it the lesser of two evils when you sacrifice, for example, 20 acres for lack of development in 200. If not going to develop this property to its maximum use when it's not being used for what it's already for – that's not best use of it whether it is in the LPDD or not. 3. Best I could ascertain when this was discussed at PC, was that this was a verbiage issue in the previous Comp Plan that placed him in this position (Taylor Gas). We have a business in LPDD that's been there for 60 years and he was placed in a non-conforming use category, I think that probably was through no fault of his own. General consensus at the time PC discussed was kind of like - - he can still run his business, we're not worried about that. I have a big problem when something is passed that takes away their property rights or places someone in a lesser position than where they want to be. I'd like to see that corrected. I'm talking about the existing location. For the record, I have many projects in the county, but have no financial interest or otherwise in any of these.

Dr. John Tifford, 4825 Mill Cove Harbor Rd. California

Remove Myrtle Point peninsula from the Lexington Park Development District. We are safer if in RPD, unless county wants to bring in water and sewer, keep lot sizes large. Re Hollywood Town Center – Dorsey Development on 235 (TM 34, Parcel 612 ad Parcel 10, Lot 1 revised and Lot 6) include in Hollywood Town Center for RMX zoning. Listen to your professional staff. (Provided drawing for the record.)

Brenda Thompson Bond, 143 Brandon Rd., Towson, MD; Ginny Thompson Lacey, 38533 Sugar Hole Rd., Avenue, MD

Share concern about downzoning. Part of original farm dad purchased years ago in Hollywood is being considered for downzoning. This land is financial security for parent's senior years. Rezoning would make less valuable and threatens their financial

future. Currently in discussions with potential buyer to build senior housing facility. If works, it would be win-win for all. County needs housing and parents could live on their property. Hard to find anyone willing to buy in any case. Properties shouldn't be made even harder to sell. Also want to note that it appears the proposed Plan gives this parcel of land a split zoning of RPD and RL. It's our understanding that the BOCC previously decided that no property should have split zoning. We don't think so either. Please do not downgrade. 43555 John B. Thompson and 43559 John B. Thompson Rd. (contiguous properties); TM 26, grid 12, parcel 162, and TM 28, grid 12, parcel 303.

John Parlett, PO Box 460, Charlotte Hall, as member of RPD Task Force

Currently a member of the RPD Task Force and speaking on behalf of a number of agricultural groups that over last several months have had three combined meetings with RPD Task Force, SMC Ag Land Preservation Advisory Board, Ag Seafood and Forestry Commission, Farm Bureau and Soil Conservation District. Our discussions have centered on impact of House Bill 2 requiring a priority preservation area to be established in the county. A letter was submitted for the record, dated 10/20/09 and signed by all these groups that articulates our position on these issues. We have recommended a priority preservation area consisting of all unprotected RPD-zoned parcels that are over 15 acres in size. The long-term benefits or detriments of having this priority preservation area designation is unknown at this time. Once we have designated these parcels, we won't know whether there will be incentives to save land there or whether there will be restrictions on what you can do with the land. This is of great concern to these groups. Concern also that selecting certain areas of the county for this designation would discriminate against land owners that are not in those areas, if the state eventually offers additional funds. Concern that the current PPA as designated in the Comp Plan would undermine the goal of achieving land conservation county-wide by only designating a portion of the county which may someday benefit from being in the PPA. The MD Office of Planning, in my opinion, continues to not understand what we are doing in St. Mary's County to preserve our rural character, farms and the environment. Our TDR program, Adequate Public Facilities Ordinance and Subdivision Ordinance are all working well toward meeting the preservation goals. Ultimately, with those plans alone, we will preserve over 78% of unprotected land in RPD that has a parcel size of 15 acres or larger. This nearly meets the PPA legislation requirements of 80%. The designation we are requesting is comprised of over 1900 parcels of land in the RPD, totaling over 106,000 acres, and encompasses the balance of the most productive, unprotected farms county-wide, as well as large tracts of forests. These parcels include nearly 33,000 acres of prime agricultural soils and nearly 13,000 acres of prime forest soils.

John Parlett, P.O. Box 460, Charlotte, Hall (as private citizen)

1. 78.5 acres on Bradley Blvd., off Willows Rd., Tax Map 51, Parcel 618 – currently zoned OBP, request consideration for rezoning to RL. A letter on this matter was previously submitted for the record.
2. 57.5 acres, Rt 5 in Charlotte Hall, Tax Map 4, Parcel 83 -- currently OBP, request consideration of rezoning to TMX. A letter on this matter was previously submitted for the record.

3. Property owned by Burch, LLC, Golden Beach Rd., Charlotte Hall Business Center, opposite my office. TM 1, Parcel 42, RMX currently, request a rezoning to TMX to allow same type of professional business park to be developed there. Benefits: Town Center convenience, not on Rt 5 – less traffic.

Billy Fitzgerald, P.O. Box 288, Mechanicsville

Wearing a couple of hats. Asking for recognition and consideration of 400 land owners in Breton Bay, Rosebank and Compton area. Second hat I'm wearing is as owner of small subdivision called Woods at Bayside. There are 400 on a waiting list to hook up to the sewer line that goes to St. Clements Shores Wastewater Treatment Plant. Those numbers represent those with failing septic systems and existing lots and do not include any infill lots or any proposed subdivision. Many on the list have been there for 15-20 years. In 80's and 90's the county built and upgraded the St. Clements Shore plant. This was done to alleviate the facility septic systems and to accommodate new growth. We would like to see the continuation of that plan. I am the owner of subdivision, St. Clements Woods. We can accommodate 25 or 50 workforce homes and homes that are affordable for seniors. Sewer line intersects our property and is bordered by Lady Baltimore Avenue, Bayside Road, and St. Clements Shores Park. Section 4 of the new Plan addresses land use concept - - I would like to see this area be given a community designation to allow for planned growth. Would like to be included in that planned growth and ask that when revisions to the Plan are made, consider our request. It is a good opportunity to provide workforce housing on our property and affordable homes for seniors.

Kim Cutchins, 38020 New Market Turner Rd., Mechanicsville

Supports neighbors' requests to remain in growth area and zoned RL. One home per one acre. Zoning to match directly across from them. Currently zoned one per five. Almost 20 years -- 1/1. Changed atmosphere. Add my land. Reasons: location within two miles of 3 town centers, development within these three, additional tax revenues for Charles County. Change mine to residential. Unintended consequences of not rezoning. Horses – insurance rates creeping up – child magnet. Financing for new improvements for large land -- only lender is Colonial Farmers Bank, and they are restricted to lending to farmers. My property – smart growth – to rear end of property. (TM 4, Parcel 433, Lot 1 and Parcel 53, retain use category for residential zoning – not RPD)

Jack and Karen Bailey, 38159 New Market Turner Road, Mechanicsville

Received only a nine-word response from Planning Commission to our letters with no reasons for decision. Tax Map 4, Parcel 433, Lot 1 and Parcel 53. For past 15 years, a portion of our property is zoned Residential, while the balance of our property and my parents' entire property (38161 New Market Turner Rd.) is in the Growth Area. New Plan calls for these properties to be designated Protected Open Space and Rural Preservation. Understand the need to preserve resources and rural character; however, this has already been compromised by the county allowing development on both sides of our properties and along Rt. 6. Our property appears to be only farm in New Market and Charlotte Hall areas that is affected by a zoning change. We request that you retain use category for residential zoning – not RPD. We bought the land in growth area, now it's

being rezoned to RPD. Happening to 3 properties I own. Decided not to develop at time of purchase. Shouldn't be penalized for keeping family farm that way. Not fair to change after 15-20 years just because of some arbitrary percentages you are looking for. Consider economic implications of decision.

John Bailey – 38161 New Market Turner Rd., Mechanicsville

Have farm at Rt 6. Isolated - - surrounded by subdivisions, all developed but our property. Downgrading to RPD is being proposed. Want to remain in growth area to keep possibility of development in the future.

Daniel Grant, Lexington Park

Resident of Lexington Park for 4.5 years. Representing the Young Professionals Initiative of St. Mary's County. Comp Plan is something we take interest in. Concerns: plan focuses on individuals under 19 and over 65. 20-44 is largest age group in county. Need to focus on these age groups to maintain economic viability. Between 2000 and 2010, 30% increase in jobs expected in this area. Housing: with 16.3% of the 20.9% of the county being used for residential use, how will Plan accommodate the increase in population over next 5-20 years. Plan should take into account the controlled growth areas and expansion for the future. Plan should accommodate influx of people and provide for affordable housing. Expand community facilities – no recreation facilities for young adults. Expand workforce, job creation, training programs. Quality of Life is backbone of this region. Not adequate social venues throughout year sending citizens to Annapolis, Baltimore, DC. Consider bringing attractions here, multi-use recreational facility, upgraded movie theater, town center that incorporates cultural events (amphitheater at Myrtle Point), develop waterfront social venues and preserve shoreline simultaneously.

Shelby Guazzo, Willow Glen Lane, Chaptico, and Planning Commission member

Ironic paradox going on now. MetCom has announced public hearing to talk about the improvements and upgrading to the Piney Point sewage line. The irony is that it will go right through Village Center of Valley Lee and completely pass it by. We have heard many times from MetCom when they are before the Planning Commission, “tell us where to build it, we can figure out how to do it.” Commissioners, you need to work on the growth. We are going to actually restrict growth to 13% of the county because we don't have RNC. The actual growth areas are only 13% and they need to be served by water and sewer – and here you have an agency proposing to upgrade sewer facilities without coming before you and asking if you have any ideas - - things we work together to do.

ADJOURNED

The Public Hearing was closed and Board of County Commissioners meeting adjourned at 8:03 pm

Minutes Approved by the Board of County Commissioners on _____

Donna M. Gebicke, Administrative Assistant (Recorder)