CALL TO ORDER

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

APPROVAL OF CHECK REGISTER

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

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve the minutes of the Commissioners’ meeting of Tuesday, December 9, 2003. Motion carried.

PROCLAMATION

Present: Barbara Eddy, Principal, Lettie Marshall Dent Elementary

Dr. Patricia Richardson, Superintendent, St. Mary’s County Public Schools

The Commissioners presented Barbara Eddy with a commendation in recognition of her selection as St. Mary’s County Principal of the Year. Dr. Richardson described Ms. Eddy’s contributions to education.

COLLEGE OF SOUTHERN MARYLAND: STATE OF THE COLLEGE REPORT

Present: Dr. Elaine Ryan, President

Mr. Joseph Shannon, Chairman of the Board
Dr. Ryan reported on the College’s new credit and non-credit programs, new student services, student demographics and projections, strategic initiatives, Middle State Re-accreditation status, institutional goals, capital project status, and fundraising efforts.

HURRICANE ISABEL: DISASTER RECOVERY UPDATE

Robin Finnacom, Disaster Recovery Coordinator, provided the Board with an update on disaster recovery operations. Highlights included:

- Debris removal assistance has been provided to 30 individual homeowners, in addition to the weekend clean up of the Old Breton Beach Road area.
- 84 volunteers have been involved in assisting with debris removal and helping at individual sites. Over 99 County employees provided direct assistance to residents (this does not include Sheriff’s Office, Fire and Rescue, County Emergency Management staff, neighbors helping neighbors, church groups helping congregation members, or Christmas in April activities.
- Disaster recovery is moving into a grant-seeking phase, such as Hazardous Mitigation grants to assist property owners with elevation of their homes to avoid harm in the future. The only homes that can be elevated with grant funding are ones that are being renovated or retrofitted. Demolished homes faced with new construction are not eligible.
- A County project has been identified to address the chronic flooding that occurs on Mechanicsville Road. Total amount of funds the County will be seeking from the State is $745,000, most of that will go to repairs and improvements along Mechanicsville Road and $175,000 will be sought for the elevation of five homes.
- Cable television station has agreed to pursue developing a program on mitigation. This would be a good opportunity for homeowners who are involved in repairs and rebuilding, FEMA and MEMA staff, and homeowners who have employed mitigation techniques to share lessons learned.

Commissioner Raley asked that Robin Finnacom, Disaster Recovery Coordinator, look into a program instituted in Baltimore County that provided for reassessments of properties damaged by the hurricane. Ms. Finnacom indicated that the Tax Assessor’s Office is working on reassessments and that an update on progress to date will be provided to the Board.

(Commissioner President McKay left the meeting to attend Community Legacy Awards Ceremony at the State House in Annapolis.)

COUNTY ADMINISTRATOR

1. The next meeting of the Board of County Commissioners will be January 6, 2004.
2. Board of Education (Dan Carney, Kathleen Lyon; Director of Student Services)

   Commissioner Dement moved, seconded by Commissioner Mattingly, to sign Board of Education’s request for approval to include Hospital Teaching Services and Annual Leave Payoff category transfers for FY2004. Motion carried.

3. Recreation and Parks (Phil Rollins, Director; Bill Ball, Parks Mgr.)

   Commissioner Raley moved, seconded by Commissioner Mattingly, to authorize the Commissioner President to sign the Budget Amendment for Bushwood Wharf
that provides for replacement of 72 pilings and caps with new ones, using the 3 piles per bent instead of 4, reinstallation of existing stringers and decking, and replacement of the two lower decks in the amount of $114,233 in County funds) for a total of $154,121, and to direct staff to make Bushwood Wharf the first priority in place of the St. Inigoes project, which would become the second priority project. Motion carried.

The Commissioners discussed several options regarding the replacement of the Wicomico Shores pier due to hurricane damage and the boat ramp, dredging and shore erosion project that was in progress prior to the hurricane. While it’s important to repair the boat ramp as soon as possible, it may be necessary to stabilize the shoreline first. Ideally, the dredging and shoreline stabilization should be done at the same time, so that the dredging materials can be utilized. Mr. Rollins, Recreation and Parks Director, will give the projects some additional thought, look into the cost difference and sequence of the individual projects, and report back to the Board.

4. Real Property Manager (Joyce Malone)

Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize Commissioner President to sign Easement Agreement for underground distribution service to the AT&T Wireless site at 26630 North Sandgates Road. Motion carried.

5. Finance Department (Elaine Kramer)

Commissioner Mattingly moved, seconded by Commissioner Raley, to approve and sign Resolution authorizing County Administrator to execute the necessary documents for exempt financing that will be used to finance equipment: 17 police vehicles ($350,000) EMA vehicle to tow hazardous materials trailer ($50,000), IT equipment ($50,000), and golf carts ($175,000). Motion carried. Commissioner Mattingly moved, seconded by Commissioner Raley to amend the motion to provide $30,000 (rather than $50,000) for the purchase of an EMA vehicle. Motion carried.

6. Finance Department (Elaine Kramer)

At the request of Commissioner Raley, the Commissioners agreed that during the upcoming budget cycle, additional funds will be set aside to take care of the landscaping needs at the Lexington Park Library.

23 Budget Amendments were presented for approval representing unexpended balances in October and November on projects ready to be closed out, or remaining funds not needed to approve the project as originally budgeted.

Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize Commissioner President to sign the 23 Capital Project Budget Amendments as presented (AP0201, BS0103, HW7355, HW8399, HW9334, HW9359, IT0102, MA9378, PA,0001, PA0105, PA0201, PA7802, PF0002, PF0103, PF0206, PF0301, PF0302, PF0308, PFO0309, PF7321, PF8393, PL7808, PL7809, RFO014, RFO201). Motion carried.
Commissioner Jarboe requested that the County look into erecting 4-way stop signs at Oaks Road and at the Veterans Home and consolidating the entrances to help address highway safety concerns regarding new Northern Senior Center entrance.

Commissioner Mattingly moved, seconded by Commissioner Dement, to authorize Commissioner President to sign Budget Amendment for Northern Senior Center construction project ($410,200). Motion carried.

Commissioner Mattingly moved, seconded by Commissioner Raley, to authorize Commissioner President to sign Budget Amendment transferring funds appropriated for capital improvement projects at St. Clement's Island to Piney Point Museum project ($19,653). Motion carried.

Commissioner Raley moved, seconded by Commissioner Mattingly, to authorize Commissioner President to sign Budget Amendment for Nicolet Park expansion ($17,630). Motion carried.

Commissioner Raley moved, seconded by Commissioner Dement, to defer further discussion of Budget Amendment for former Lexington Park Library renovations until January. Commissioner Jarboe voted no. Motion carried 3-1.

7. Commissioner Dement moved, seconded by Commissioner Raley, to make the following appointments to Boards and Commissions. Motion carried.

Terms To Expire

Adult Public Guardianship Review Board
John Sharrett - Reappointment 12/31/2006

Agriculture, Seafood, and Forestry Commission
Donnie Hammett 12/31/2006

Airport Advisory Committee
George E. Clarke - Reappointment 12/31/2006
Erin Lesko 12/31/2006

Commission on Aging
Larry L. Younger 6/30/2006

Commission on People with Disabilities
**Commission on the Environment**

Patrick Dugan 12/31/2006

Kurt Engel 12/31/2007

**Community Health Advisory Committee**

Joseph Althoff - Reappointment 12/31/2006


Carol Locke-Endy – Reappointment 12/31/2006

Becky Stevens – Reappointment 12/31/2006

Ramon Veras – Reappointment 12/31/2006

**Development Review Forum**

Phillip H. Dorsey, III 12/31/2006

William P. Higgs 12/31/2006

John K. Parlett, Jr. 12/31/2006

**Electrical Examiners Board**


**Family Center of St. Mary's Advisory Committee**

Ann Byrne – Reappointment 12/31/2006


Kathleen Slagle – Reappointment 12/31/2006

**Marcey House Board**


James E. Cook 12/31/2006

Carol Drury – Reappointment 12/31/2006


Robert Richardson – Reappointment 12/31/2006


**Recreation and Parks Board**

Dorothy Gass 12/31/2007

Greg Hambright 12/31/2006

**Solid Waste Advisory Committee**


**Solid Waste Advisory Committee**


Paul Waxman 12/31/2005

**Teen Center Advisory Board**


Carol Boehm-Sullivan 12/31/2007

**Zoning Board of Appeals**

Bryan Barthelme – 1st Alternate 12/31/2006

Greg Callaway – Regular Member 12/31/2006


**LEARNING IS FOREVER (L.I.F.E.) PROGRAM**

Present: Janis Jacobs

Mark Husmann

The Commissioners received information on the L.I.F.E program sponsored by the Office on Aging in partnership with the National Association of Retired Federal Employees, Southern Maryland Higher Education Center, St. Mary’s County Historical Society and the St. Mary’s
County Memorial Library. L.I.F.E. is committed to providing stimulating educational and enrichment opportunities for individuals who share a common dedication to the enjoyment of continued learning for growth and fulfillment.

LEXINGTON PARK LIBRARY TOTALLY TEEN PROGRAM

Present: Janice Hummel, Branch Manager, Lexington Park Library
Priscilla Dyson, Instructor, Totally Teen Program
Bonnie Elward, Tomorrow’s Child

Ms. Hummel and Ms. Dyson provided the Board with information on the Totally Teen Program. The project, funded by a grant from the Maryland State Department of Education, offers leadership, volunteer, and creative after school activities for youth 12-15 years of age. The grant provided funding for a fully equipped computer lab and free computer workshops for Totally Teen participants. The eight-week sessions offer study in digital photography, desktop publishing and web page design. The project is a cooperative program with various other organizations, including St. Mary’s County Memorial Library, Tomorrow’s Child, St. Mary’s College of Maryland, St. Mary’s County Public Schools, Local Management Board, and University of Maryland – 4H Youth Development for St. Mary’s County.

COMMISSIONERS’ TIME

Commissioner Dement

- Attended Meals on Wheels Volunteer Recognition Luncheon at the Tech Center.
- Together with Commissioners Raley and Mattingly, attended Ridge VFD Tree Lighting.

Commissioner Mattingly

- Congratulations to Ridge Volunteer Fire Department. Tree lighting ceremony was a very nice community event.
- Attended Nursing Home Open House. Everyone is invited to stop by and see the great decorations.
- Attended MACo Conference in Solomons. Great opportunity for networking and sharing of ideas.
- Merry Christmas to all and best wishes for a safe holiday and prosperous New Year.

Commissioner Raley

Want to wish all the citizens of St. Mary’s County a safe and Merry Christmas and Happy New Year.

Commissioner Jarboe

- Public Hearing tonight at 6 p.m. on the proposed amendment to the Sheriff’s Retirement Plan, followed by a Public Forum at 6:30. The public is invited to comment on any issue, however, those who wish to comment specifically on Land Use and Growth Management items are encouraged to participate in the Public Forum.
• Mock Election will be held at the Government Center on December 19.

• Want to wish everyone a happy and holy Christmas and a safe and prosperous New Year.

The meeting was adjourned.

PUBLIC HEARING: SHERIFF’S RETIREMENT PLAN PROPOSED AMENDMENT

The public hearing was opened at 6:20 p.m. Randall Schultz, Human Resources Director certified that notice of the public hearing was duly advertised in The Enterprise newspaper on December 5 and 10, 2003. The purpose of the public hearing was to receive public comment on a proposal by the Board of Trustees of the Sheriff’s Office Retirement Plan (Plan) to amend the plan document. If adopted, it would change the definition of the term “actuarial equivalent,” as required by the IRS, correct an error made in the plan revision on October 1, 2000, add another position or classification to membership eligibility in the plan, and allow the elected Sheriff the right to waive participation in the Plan.

No public comments were received and the public hearing closed at 6:24 p.m. The written comment period will remain open for ten days.

PUBLIC FORUM

The Public Forum opened at 6:30 p.m. Denis Canavan, Director, Land Use and Growth Management Department shared efforts that have taken place within the department since the combination of the former two departments.

Public Comments:

Paul Sullivan and Paula Turner, 49773 Bryne Rd. and 49625 Bryne Rd., Ridge, MD, representing the Ridge Volunteer Rescue Squad

The squad asked for a letter of commitment sometime back so that we could get a grant. The commitment letter would state that the County would be willing to give us $5,000 towards the grant. The grant will be used to build the interior of the rescue squad building. Exterior is completed -- bays are completed. The Commissioners directed staff to prepare the commitment letter.

Eliza Davis, Charlotte Hall, MD

My husband and I own a piece of land on the northbound lane which contains about 68 acres. Several years ago, I asked the County to allow a planned unit development for the property which would lend some industrial uses to the rear such as flex space for the combined offices and warehouses such as you see in St. Charles with commercial uses in the front for retail shopping, hotels. There is a real need for the uses in Charlotte Hall. People still have to drive to Leonardtown, Lexington Park or Waldorf to do shopping. The previous Board down-zoned the property to office business park (OBP). Office business parks are only going to be successful near employment centers, such as Leonardtown, or Lexington Park. The uses allowed by the new zoning ordinance for office business park property have no place and no future in the areas like Charlotte
Hall and make properties such as mine worthless. The County needs to expand the uses for some of the office business park properties like mine which are located on major highways, but outside of the existing employment centers, to permit retail shopping.

Paul and Kathryn Thorn, 22489 Wainwright, California, MD

Asking for guidance. Problem we have lived with for years is drainage on that road. There is none – it sits in our yard. Recently we learned that Habitat for Humanity is going to put a house next door and that concerns us a lot because we don’t know what it is going to do to our property as it sits right now. There is not enough space for one, certainly not 2. My yard is a swamp, The house is falling in. We are asking what to do about someone putting a house in next to us with this drainage problem. No warning, no nothing about Habitat house coming in. We have done landscaping to help this out.

Edward Young, 26992 Cox Dr., Mechanicsville, MD

Provided the Commissioners with a copy of letter sent to them and Rec and Parks previously re Pigskin football. The boy that was hurt at the football game when he fell on his neck could have been paralyzed from the neck done. There was just so much careless negligence in the way it was handled, and even the emergency doctor that was on call at Charlotte Hall agreed that the boy should have been put on a back board; and he was put on one and then transported. It’s just something we don’t need to have as a headline in the newspaper – boy paralyzed in a football accident. In talking with Recreation and Parks, they’re saying there is nothing they can do. Their hands are tied. But I don’t understand that if they are using parks that belong to the County, the County should be able to set

down some guidelines in a full contact sport and that EMS crews should be available. In P.G. County, the Director of the Boys and Girls Club went to the local fire departments so they would have an ambulance on site during the games. Maybe you could see about getting full EMS crews available for contact sports and see about having schedules done. You are told Thursday when you’re playing on Saturday and if you ask to get a schedule, forget it. You are chewed out. I asked Rec & Parks - - why can’t you have them turn in a schedule? They are using your facilities, why shouldn’t they provide you with a schedule? Cussing goes on in these fields regularly. There should be no cussing in a public park.

Commissioner McKay read the Board’s written response to Mr. Young that will go in the mail the following day.

Fred Wood, Fred Lane, Mechanicsville, MD

At the present time, we have nine families living on this road that I personally built myself and have maintained for the last 30 years. Right now I want to have another lot going on this road my son. I’m told by Planning Zoning now that the ordinance says I can only have five lots on this road. I already have nine. They act like they are going to change this because they have quite a number of complaints from people wanting 10 lots on a private road. I am in favor of moving it up to 10 lots so I can have a lot for my son. This gravel road is properly ditched, graded and maintained. Every road should be judged as to what kind of road it is.
This road is 3500’ long and it would be almost impossible for anyone to black top it. Last estimate was $250,000. Nine people would have to split this. All the people who live on the road love it and don’t want to see a black top because a farm road is a gravel road.

Frank Taylor, VP, Taylor Gas, 21541 Great Mills Rd., Lexington Park, MD

Request that you initiate a text amendment in accordance with Section 28.1.2 of the SMC Zoning Ordinance. Sample language is enclosed amending Section 50.4 by adding a new use type for propane dealer use by right with limitations in downtown mixed use (DM X) zoning district, and by right for the Industrial (I) zoning district. Propane dealers were made a non-conforming use by adoption of the 2002 zoning ordinance both in the DMX zoning district, where Taylor Gas operates, and in the Industrial District where one of my competitors, Suburban Propane, operates. I believe that as currently written the Comprehensive Zoning Ordinance is overly restrictive on permitted uses for propane dispensing or sale of propane within the DMX. I would like to ask that the Commissioners schedule a public hearing to consider this request or refer this request to the Planning Commission for their hearing and recommendation to your Board.

Al Guy, 39151 Guy Family Way, Mechanicsville, MD

My wife spoke at the last meeting. We are still concerned about the 10 acre private road lots. Like to see you expedite this a little bit faster than wait until January, February or March. I have a son who would like to start building in March and without this we had an estimate of $9,000-18,000 for 350’ of asphalt to upgrade the road to County specifications. Basically that road is County specifications because the County has been using it and they tell me it is to County specs. I can’t get a letter to that effect from Public Works. Help me get one. I have one saying it’s a well-maintained gravel road, but the County has been using to upgrade Baptist Church Road for the last year and a half and they said they’d be there maybe 3 or 4 months. Basically, I agree with Mr. Wood. All on our road have a working, road maintenance agreement in all the deeds. Five lots now, mine is the 6th, which is a farmstead, seven would be the one for my youngest son. Originally it was a farmstead, and when I did another lot with my last son, Planning and Zoning had all of the land changed to an out parcel, and with your help, we changed to 15 acre farmstead and we put the balance of the land into an out parcel and the out parcel is part of the land that is going to be going to my son. I don’t think it will work because it’s an out parcel now.

Sandra Wood, 27488 Misty Way

Ms. Wood: We are trying to get our property straight. Have spoken to Jarboe and McKay about this. I found out that there is a road maintenance agreement. We would be building our house off of Millie’s Lane. Presently there are only 2 houses using that lane. The road does fork off and go to Great St. Thomas Lane. There are 3 houses using that driveway which brings a total of five houses presently using just the entrance of Millies Lane, because the whole entire road is Millies Lane, it just forks off to Great St. Thomas. I want to get this done so we can get our property straight so we can build. Mr. Wood: It is a family
conveyance. Original land was my dad’s. Properly maintained. We would be the 6th house. Is it possible we could go ahead and get everything approved, get our property in residential so we can start building?

Curtis Grace, 41211 Bishop Road, Mechanicsville, MD.

Currently in the process of trying to do a little bit of subdividing on some property which I purchased about a year ago planning to build a home there for myself and my family and to sell 2 farmstead lots in order to be able to afford to live there. I found it interesting that Mr. Wood and Mr. Guy and Ms. Wood are looking forward to being able to put more lots on a private road. I am in the unique position of trying to prevent Public Works from forcing me to put my farmstead lots on a private road because I want to connect them directly to the County road. I have here some copies of my plat which will help you to understand my problem. As you can see this property fronts on Friendship School Road. My property is outlined in the pink and to the left you will see in blue a gravel, private subdivision road which was placed there to serve several lots which were subdivided off of this farm property before I purchased the out parcel. The parcel of ground I own is about

65 acres and it is the out parcel – the remainder after the original subdivision was done. The only road frontage I own on Friendship Road is about 20' wide and it enters Fr. School Rd. on that curve at the top of the property. This is the original farm entrance. The original gravel road which served the farm and has probably been in existence for at least 100 years. The difficulty I’m having is that because of the curve in Fr. School Road my site distance is a bit limited. I wish to use the original gravel road which connects to Fr. School Rd. to serve the farmstead lots I wish to farm which would be there to the right – area to be subdivided. My surveyor has prepared a site distance plan and submitted to Public Works for approval. The design speed is 35 mph, which is the posted speed limit on Fr. School Road. The required minimum stopping distance according to the Ordinance is 250’. It is recommended by the Ordinance, that if possible, we achieve a site distance of 360’. That is not required as I understand it, but is recommended. The actual existing site distance, stopping distance, is 260’. You’ll note that it is 10’ more than the 250’ minimum stopping distance as required by the Ordinance. Public Works made a site visit during which they noted that the traffic on Fr. School Rd. seems to be traveling at more than 35 mph, which is true. Public Works did a traffic survey and decided that the actual speed of traffic was 41 mph, and that based on this speed, I would need to acquire a minimum site distance of 312’. This I cannot do without acquiring a site distance easement from my neighbor across the street, which I find to be very undesirable. How is it that the potential use and value of my property is to be adversely affected by the fact that the County is not enforcing the speed limit. Their objection to me using the existing entrance is the site distance issue. I have slightly more than the minimum which is required in the ordinance based on the posted speed limit. DPW is holding me to a standard which is established by the actual speed of traffic. I'm not asking for speed enforcement on Fr. School Road, that's up to the County. The issue is that DPW is holding me to a standard that we can't find in the Ordinance. Another issue is stormwater management. The new stormwater management ordinance is full of trouble. I operate a small time excavating business specializing in grading and driveways. We are installing dry wells to handle down spout water off of the roofs of the houses. The percs on the lots may be 18’ deep. We're digging a hole 6’ in the ground and filling it with rocks and that's going to handle the roof water. That's what the ordinance
requires. It doesn’t work. DPW’s argument was that I was part of the subdivision that already existed on this property and my argument was that I purchased the out parcel. I had to put it through the subdivision process myself just to turn it into a building lot. Therefore, I was not part of the subdivision. It was resolved on that note if I understand correctly. However, as the ordinance stands now, if a man owns 500 acres and he has 5 sons and he wishes to give each son 100 acre parcel of ground, that’s a subdivision. Each of those sons under the new ordinance, regardless of the size of his lot, will have to do stormwater management on that property. I find that objectionable.

Ed Middleton, P.O. Box 170, Clements, MD

I own some property in Northern St. Mary’s County in and around the Wicomico subdivision. Issues in new comprehensive zoning ordinance that would inhibit -- I’d like to see Wicomico Shores finished and I understand there are some provisions that may inhibit that. There is one thing specific within the Code that says there is no further subdivision of any lot and we have approximately 500 acres in and around there and that obviously would be a stumbling block. Also, some of the property, even though it was RNC for years and years, it was downzoned through Comprehensive Zoning process.

Dave Griffin, 40727 Colonial Ct., Mechanicsville, MD.

Re stormwater management. I’ve been putting septic systems in St. Mary’s County since 1982. There are places (about 1/3 of it) where a 6’ deep hole, which is what this is based on, will be 3’ into the water table. I’m not sure that’s legal, but that’s what the Plan calls for. There are other places where it’s 16’ from anything that would remotely take any water. My solution is that SMC Health Dept. does a perc test on every site before you get a building permit. They know where the “percable” soil is. These things are usually close to the house – 15-18’ away, which is usually close to the septic area. We know where the percable soil is. This is an experiment by the State on the people who are paying for it. It’s not going to work. Most cases it's probably dangerous and is certainly putting water from the roof into the water table isn't a good idea either. This is a new ordinance that is being tested on SMC. The solution is just to say "no, we’re not doing it that way."

Denis Canavan, Director Land Use and Growth Management, agreed to work with the residents on their issues and to draft text amendments for the Commissioners review were warranted.

The Public Forum was adjourned.

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Donna Gebicke, Administrative Assistant
to the Board of County Commissioners