

**ST. MARY'S COUNTY  
BOARD OF COUNTY COMMISSIONERS' MEETING  
Tuesday, June 5, 2012**

**Present:** Commissioner President Francis Jack Russell  
Commissioner Lawrence D. Jarboe  
Commissioner Cynthia L. Jones  
Commissioner Daniel L. Morris  
Commissioner Todd B. Morgan  
Sue Sabo, Acting County Administrator  
Sharon Ferris (Recorder)

**CALL TO ORDER**

Commissioner President Russell called the business meeting to order at 9:00 am in the Chesapeake Building meeting room, Governmental Center.

**ADDITIONS/DELETIONS TO AGENDA AND MOTION TO ENTER INTO EXECUTIVE SESSION**

**Commissioner Morgan moved, seconded by Commissioner Jones, to add an Executive Session to today's agenda and to enter into the Executive Session following the regular business meeting for the purpose of discussing litigation matters. Motion carried 5-0.**

**APPROVAL OF MINUTES**

**Commissioner Jones moved, seconded by Commissioner Morgan, to adopt the minutes of May 29, 2012, as presented. Motion carried 5-0.**

**PROCLAMATION WAS PRESENTED TO THE LEONARDTOWN LIONS CLUB PROCLAIMING JUNE 9 AS ST. MARY'S COUNTY CRAB FESTIVAL DAY**

**COUNTY ADMINISTRATOR**

1. Draft Agendas for June 12 and 19, 2012.
2. **Department of Economic and Community Development** (*Donna Sasscer, Agriculture Manager*)

*(Phil Shire, Director, Dept. of Land Use and Growth Management)*

**Commissioner Morgan moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President Russell to execute the budget amendment to transfer \$134,201 from the Forest Conservation Planting (AP1004) Project to the Ag Land Preservation Program (AP1001) Project for use as County contributing matching funds under the Rural Legacy Program for costs associated with the acquisition of conservation easements in St. Mary's County. Motion carried 5-0.**

**3. Sheriff's Office** *(Captain Hall, Erin K. Shoemaker, Fiscal Manager)*

**Commissioner Morris moved, seconded by Commissioner Morgan, to authorize the Sheriff's Office staff to submit the grant application documents electronically for the Bullet Proof Vest Partnership Grant, US1316, from the Bureau of Justice in the amount of \$9,690 with the hard copy to be submitted for review at the award stage. Motion carried 5-0.**

**4. Department of Public Works and Transportation** *(George Erichsen, Director)*

**Commissioner Jarboe moved, seconded by Commissioner Morris, to approve and authorize Commissioner President Russell to execute the budget amendment transferring funds from the New Leonardtown Library Project PF0903 to the Leonardtown Library Renovation Project PF1202 in the amount of \$639,500. Motion carried 5-0.**

**5. Office of the County Attorney** *(George Sparling, County Attorney)*

**Commissioner Jones moved, seconded by Commissioner Morgan, to adopt the proposed resolution approving an amendment and restatement of the Articles of Incorporation of St. Mary's Nursing Center, Inc. Motion carried 5-0.**

**6. Department of Finance** *(Elaine Kramer, CFO)*

**Commissioner Morgan moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President Russell to execute the Budget Amendment transferring Pay-Go funding in the amount of \$2,207,112 from the FIN12 Capital Reserve to the 6 projects identified in the budget amendment. Motion carried 5-0.**

**Commissioner Jones moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President Russell to execute the budget amendment establishing Federal revenue authority and reverting budget back to the BOCC Emergency Appropriations account in the amount of \$1,827,587. Motion carried 5-0.**

**PROPOSED ZONING TEXT AMENDMENTS TO SCHEDULE 50.4, SECTION 51.3  
AND SECTION 64.3 OF THE COMPREHENSIVE ZONING ORDINANCE  
REGULATING USE TYPE 6, FARMER'S MARKET**

**Present:** Phil Shire, Director, Dept. of Land Use and Growth Management  
Yvonne Chaillet, Zoning Administrator, Dept. of Land Use and Growth  
Management

Ms. Chaillet presented the first reading on the proposed zoning text amendment to modify the zoning ordinance regulating Use Type 6, Farmer's Market. Staff is currently working with a local farmer who prepares baked goods in his home and takes the product to farmer's markets to sell. He would like to construct a farmer's market on his property to be used primarily for selling produce that would also include a custom bakery and delicatessen. This would allow him to move current bakery operation from the family kitchen to a larger structure and expand production.

The proposed amendment would create a Farmer's Market Minor (Type 6a) and a Farmer's Market Major (Type 6b). A minor farmer's market (5,000 sq. ft. maximum) would operate under existing regulations, but a major farmer's market (8,000 sq. ft. maximum) could be larger in size with a portion of the space (up to 25%) devoted to an area for the preparation and sale of food. The food prepared would incorporate one or more farm commodities produced onsite or other land in the County. This amendment could provide new ways for farmers to generate revenues to sustain their farms and support "buy local" initiatives. The selling of baked goods and food and beverages at farmer's markets can also serve as a marketing tool to attract customers to purchase crops.

*The Commissioners expressed concerns about the potential impact on neighbors, smaller farmer's markets and traffic, and the possibility of a facility turning into a restaurant. It was suggested that a public hearing may be in order to get public input. The Commissioners agreed not to take action on the proposed amendment at this time and asked Land Use and Growth Management staff to provide additional information.*

**FINAL DRAFT OF WATERSHED IMPLEMENTATION PLAN (WIP) PHASE II  
DOCUMENT AND TRANSMITTAL LETTER**

**Present:** Sue Veith, Environmental Planner & WIP Coordinator, Dept. Land Use and  
Growth Management  
Phil Shire, Director, Dept. Land Use and Growth Management

Mr. Shire noted the St. Mary's County Phase II WIP Plan was posted on the County's website for public input and will remain open until June 15. To-date, Land Use and Growth Management has not directly received any public comments; therefore, no changes have been made to the report presented to the Commissioners on May 22, 2012. Ms. Veith noted that the draft transmittal letter to accompany the Plan contains a placeholder for comments from



George Erichsen, Director, DPW&T  
Donna Gebicke, Administrative Assistant  
Authority: Article 24, Section 4-210(a)8  
Time Held: 10:36 am – 11:15 am  
Subject Discussed: Litigation

## **MOTION IN OPEN SESSION**

**Commissioner Morgan moved, seconded by Commissioner Jarboe, to direct the County Attorney to proceed with litigation regarding First Colony. Motion carried 5-0.**

## **PUBLIC FORUM**

Commissioner President Russell opened the Public Forum for public comments at 6:30 pm in the Chesapeake Building meeting room, Governmental Center.

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

### **Charles Bryson, 39308 Persimmon Creek Rd., Mechanicsville, MD**

- He sees how the County is struggling with budgets
- Twelve years ago there was talk in this County about river boat gambling
- Colonial Beach, VA there is a family run establishment called The River Boat - Delegation from Charles County go the go ahead from Annapolis to put a deal together with the family in Virginia to put 600 slot machines in a restaurant in their County – part of the deal is that Charles County will receive \$5 million a year
- Suggested Commissioners look into bringing slot machines back to the County

Mr. Bryson submitted a letter to the Commissioners from John Gruzenski, President of the Persimmon Hills Improvement Association, Inc., regarding safety concerns for pedestrians on Persimmon Creek Road. The community is asking County's assistance to install traffic calming devices in three locations where children stand on the corner to catch the school bus.

### **John Shields, 44988 Lighthouse Rd., Piney Point, MD**

- Represented his family and several neighbors in the Lighthouse Rd area who oppose multi-unit housing coming into their single family home neighborhood
- Neighborhood is one of the oldest beach communities in the area and the land has been passed down through generations
- A builder has requested a variance to construct multi-unit homes in the Lighthouse Rd. area
- The builder's motivation is money, he does not plan to live in the neighborhood

- We believe multi family homes will put a stress on the sewer systems and jeopardize wells
- We do not want to see the character of our neighborhood change and asked the Commissioners to help preserve their neighborhood

*Commissioner Jarboe explained that the Commissioners appoint a Board of Appeals to hear variance issue and the Commissioners do not intervene. He then explained how the process works.*

**Howard Thompson, P. O. Box 511, Hollywood, MD**

- Supports the need for a stoplight at the Rt. 4, Wildewood intersection.
- Other housing developments had lights installed and developers have paid for it. A light is to be installed at the intersection of St. Johns Rd. and Rt. 235 and the developer is paying for that.
- Rt. 4/Wildewood intersection is a safety hazard.
- Asked Commissioners to put pressure on the State to install a stoplight

*Commissioner Morgan said he is in total agreement and noted that he had spoken to Delegate Bohannon on the stoplight issue and will continue to put pressure on the State Highway Administration.*

**Harold Siskind, 23314 Holly Hill Lane, California, MD**

- Speed bumps/humps in Wildewood are not a smart move - they cause ambulances to slow down and shake patients around and damage the front end of cars and school busses.
- Suggested the use of stop signs, red light cameras and rumble strips.

**Dee Dee Johnson, 45245 Lighthouse Rd, Piney Point, MD**

- Against multi-family homes in Lighthouse Road community
- Generations of her family have lived in the area and it is her full time residence
- Property was hit by Isabel and she renovated it keeping the aesthetics of the community
- A lot of people have chosen this area for retirement
- She values her community and wants to keep it single homes
- Will pursue process with Board of Appeals

**Keith Harless, 23225 Mirfield Lane, Lexington Park, MD**

- Thanked the Commissioners for their efforts on the budget and said now is the time to reflect
- Volunteer organizations seemed to be largest cuts and they are a small portion of the overall budget
- We are all thankful for the volunteers in this County
- There is a lot of need in the County -- food banks need food and safety net programs are vital

- Would like to see budget hearings next year split into 2 nights so smaller organizations and individuals have time to speak

**Eve Taylor, 22441 Cornwall Dr, California, MD**

- Wanted to make Commissioners aware that two mirrors are posted on trees at a driveway on St. Andrews Church Road and when sun hits the mirrors it presents a safety hazard for drivers
- Concerned with numerous people walking their dogs in her neighborhood and letting them defecate everywhere causing health hazard
- Called the police and animal control on the issue several times

**ADJOURNMENT**

Commissioner Russell closed the public forum and adjourned the Board of County Commissioners meeting at 7:00 pm.

Minutes Approved by the Board of County Commissioners on \_\_\_\_\_

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Sharon Ferris, Senior Administrative Coordinator (Recorder)