

**COMMISSIONERS OF ST. MARY'S COUNTY  
MEETING  
Tuesday, October 7, 2014**

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

**CALL TO ORDER**

Commissioner President Russell called the business meeting of the Commissioners of St. Mary's County to order at 9:25 am in the Chesapeake Building meeting room, Governmental Center.

**APPROVAL OF MINUTES**

**Commissioner Morgan, seconded by Commissioner Morris, to approve the minutes of September 30, 2014, as presented. Motion carried 3-0. Commissioner Jarboe abstained. Commissioner Jones was not in the room.**

**PROCLAMATIONS WERE PRESENTED TO:**

- 1. 100<sup>TH</sup> ANNIVERSARY OF OUR LADY OF THE WAYSIDE CHURCH OF CHAPTICO**
- 2. DOMESTIC VIOLENCE AWARENESS MONTH**

**COUNTY ADMINISTRATOR**

1. There will be no meeting October 14, 2014. Draft Agenda for October 21, 2014.

**2. St. Mary's County Public Schools** (*Tammy McCourt, CPA, Assistant Superintendent of Fiscal Services and Human Resources; Mark Smith, Coordinator of Special Programs*)

**21<sup>st</sup> Century Community Learning Centers Grant/ So Many Journeys Waiting for U Grant**

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**Motion: Commissioner Jarboe moved, seconded by Commissioner Morris,**

**(1) to approve the Grant award of the 21<sup>st</sup> Century Community Learning Centers Grant in the amount of \$340,750 over three years, and increase the FY2015 Restricted Fund Revenue and Expenses in the amount of \$121,884 as approved by the Board of Education on September 23, 2014.**

**(2) to approve the Grant award of the *So Many Journeys Waiting for U* grant in the amount of \$20,000, and increase the FY2015 Restricted Fund Revenue and Expenses in the amount of \$20,000 as approved by the Board of Education on September 23, 2014.**

**(3) to approve and sign the Letter to the Board of Education, indicating approval of the above actions. Motion carried 5-0.**

**3. Department of Recreation and Parks** (*Brian Loewe, Director*)

**a. First Amendment to the MOU for Three Notch Trail Phase VI between the Maryland Department of Transportation, on behalf of the State of Maryland through the State Highway Administration, and the Commissioners of St. Mary's County**

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**Commissioner Jones moved, seconded by Commissioner Morgan, to approve and authorize Commissioner President Russell to execute the First Amendment to the original Memorandum of Understanding between the Maryland Department of Transportation, on behalf of the Maryland State Highway Administration, and the Commissioners of St. Mary's County for additional funding in the total amount of \$353,240 to assist with the construction of the Three Notch Trail Phase VI, Project PA1101. Motion carried 5-0.**

**b. Letter of Amendment for FY2012 National Recreational Trails Grant for Three Notch Trail Phase VI**

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**Commissioner Jarboe moved, seconded by Commissioner Jones, to approve and authorize Commissioner President Russell to execute the letter of amendment for the FY2012 National Recreational Trails grant for the Three Notch Trail Phase VI, Project PA1101. Motion carried 5-0.**

**c. Addendum No. 1 for the Grant Agreement under the Maryland Bikeway Program for Three Notch Trail Phase VI**

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**Commissioner Jones, seconded by Commissioner Jarboe, to approve and authorize Commissioner President Russell to execute Addendum No. 1 for the FY2013 Grant Agreement under the Maryland Bikeways Program for Three Notch Trail Phase VI, Project PA1101. Motion carried 5-0.**

*(Jessica Hale, Recreation Division Manager)*

**d. Consultant/Trainer/General Independent Contractor Agreement between St. Mary's County Public Schools and CSMC**

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**Commissioner Jones, seconded by Commissioner Jones, to approve and authorize Commissioner President Russell to execute the Consultant/Trainer/General Independent Contractor Agreement by and between St. Mary's County Public Schools and the Commissioners of St. Mary's County, through the Department of Recreation and Parks, for the afterschool program at Carver Recreation Center in the total amount of \$45,483, and execute the budget amendment reducing the Program Revenues and Expenses in accordance with the Agreement. Motion carried 5-0.**

**4. Sheriff's Office** *(Erin Shoemaker, Fiscal Manager)*

*(Sgt. Michael Butler)*

**a. SMCSO Traffic Safety Grant and associated BA**

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**Commissioner Morris, seconded by Commissioner Jarboe, to authorize the Sheriff's Office to execute the Maryland Highway Safety Office Grant for Sobriety Checkpoints, DUI Patrols and Smooth Operator award in the amount of \$50,500 from the Maryland State Highway and approve and authorize Commissioner President Russell to execute the budget amendment reducing the budget by \$18,250 to be consistent with the grant award. Motion carried 5-0.**

*(Corporal William Raddatz)*

**b. Sex Offender Registration Reimbursement**

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**Commissioner Jarboe, seconded by Commissioner Morgan, to authorize the Sheriff to execute the Sex Offender Registration, Project US1546, award in the amount of \$30,000 from the Department of Public Safety and Correctional Services Justice. Motion carried 5-0.**

**5. Department of Emergency Services and Technology** *(Bob Kelly, Director)*

**a. FY2015 Emergency Services Committee Scholarships**

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**Commissioner Jarboe, seconded by Commissioner Morris, to approve and authorize Commissioner President Russell to sign the Emergency Services Committee Scholarships Applications. Motion carried 5-0.**

**b. MOU between the MD Judiciary Administrative Office of the Courts and St. Mary's County Government**

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*This item was postponed until a later date.*

**c. Acceptance of the FFY2014 State Homeland Security Grant and related BA**

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**Commissioner Jones, seconded by Commissioner Morgan, to approve and authorize Commissioner President Russell to execute the FFY2014 Homeland Security Grant Award, Project US1520, from the Maryland Emergency Management Agency on behalf of Emergency Services and Technology in the amount of \$87,935 and the related budget amendment that includes increasing County funding by \$24,000 from the Supplemental Reserve. Motion carried 5-0.**

**PUBLIC HEARING ON PROPOSED ZONING TEXT AMENDMENTS TO CHAPTER 76 OF THE COMPREHENSIVE ZONING ORDINANCE TO AMEND THE FLOODPLAIN REGULATIONS**

Commissioner Russell opened the Public Hearing at 10:10 am.

**Present:** Yvonne Chaillet, Zoning Administrator  
Kelly Palmer, Environmental Planner

The proposed zoning text amendment was presented to the Commissioners on September 16, 2014. The purpose of this proposed amendment is to align with the National Flood Insurance Program run by the Federal Emergency Management Agency. The County has updated its maps, and property owners who would be affected by this change were notified in October 2013.

Commissioner Russell opened the hearing for public comment. There were no public comments. Commissioner Russell stated the record would be left open for an additional ten days to receive public comments on this matter and closed the public hearing at 10:15 am.

**DEPT. OF LAND USE AND GROWTH MANAGEMENT: DECISION ON  
PROPOSED TEXT AMENDMENT REGARDING MANDATORY RECYCLING FOR  
APARTMENT BUILDINGS AND CONDOMINIUMS CONTAINING  
10 OR MORE DWELLING UNITS**

**Present:** Yvonne Chaillet, Zoning Administrator

On September 16, 2014, the public hearing was held to present the proposed amendment to require recycling collection receptacles for apartment and condominium buildings with 10 or more dwelling units. This coincides with State Legislature and the changes the Dept. of Public Works has made to the Comprehensive Solid Waste Management and Recycling Plan.

**Commissioner Morgan moved, seconded by Commissioner Jarboe, to adopt the proposed text amendment regarding mandatory recycling as proposed. Motion carried 5-0.**

**COMMISSIONERS OF ST. MARY'S COUNTY SITTING AS ST. MARY'S COUNTY  
BOARD OF HEALTH**

**Present:** Dr. Meena Brewster, Health Officer, SMC Health Dept.  
Tracy Kubinec, Deputy Health Officer  
Daryl Calvano, Environmental Health Director  
Libby Blair, Health Promotion and Community Services Director  
Melanie Gardiner, Preparedness and Response Director

**Commissioner Jarboe moved, seconded by Commissioner Morris, to adjourn as the Commissioners of St. Mary's County and reconvene as the St. Mary's County Board of Health. Motion carried 5-0.**

Dr. Brewster summarized the Health Department's initiatives to promote health throughout the County. Topics discussed included Vibro and Enterovirus D68 viruses, Ebola, Health Insurance Enrollment for 2014, Healthy St. Mary's Partnership Community Health Priorities and the agency's strategic plan. The Healthy St. Mary's Partnership is focusing on four major concerns in the county; Behavioral Health, Access to Care; Healthy Eating and Active Living; and, Tobacco-Free Living.

**Commissioner Jarboe moved, seconded by Commissioner Morgan, to adjourn as St. Mary's County Board of Health and reconvene as the Commissioners of St. Mary's County. Motion carried 5-0.**

**COMMISSIONER'S TIME**

The Commissioners highlighted events of the past week.

**ADJOURNMENT**

The meeting adjourned at 11:22 am.

**PUBLIC FORUM - THE BAY DISTRICT VOLUNTEER FIRE DEPT. SOCIAL HALL,  
46900 SOUTH SHANGRI-LA DRIVE, LEXINGTON PARK**

Commissioner Russell opened the Public Forum at 6:30 pm.

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

**Jay Armsworthy, 23302 Christy Ct., California, MD 20619**

Represented residents of Woodland Acres in California MD. The construction of another lane on Rt. 4 going towards the Thomas Johnson Bridge is causing a safety concern for the residents of Woodland Acres. Residents turning left from Oak Drive onto Rt. 4 must now cross 3 lanes of traffic and when this is completed there will be 5 lanes which include a bike lane. This is not only making it much more difficult to get out of our development but is also a safety issue. There have been several accidents at this intersection. This is the only egress from the neighborhood and residents would like a stop light or at least a trip light at the intersection. Residents will be meeting with SHA representatives on Friday. We would like Commissioners to sign a consent letter to advocate for either a stoplight or trip light.

**Diane Harris, 27710 Persimmon Lane, Mechanicsville, MD**

President of Feral Cat Rescue organization. Wants county to pass a Trap Neuter and Return (TNR) policy. The organization wants animal control to contact members of the organization when they pick up a cat rather than take it to the animal shelter. TNR is a country wide initiative and there are grants to support this program but we cannot apply if the County has no TNR policy.

*Commissioner Russell said he thought Animal control was working with the Feral Cat organization. He said this issue will have priority and would be revisited with Bob Kelly.*

*Commissioner Jarboe suggested that a consent letter signed by the Commissioners on TNR would suffice.*

**Shirley Bowles, 20272 Colton Point. Rd., Colton's Point, MD**

Issue with neighbor claiming access to a community beach (Pt. Breeze Park) is her property. There is a discrepancy between the survey of and the deed to the individual's property. There was a decree signed by a judge in 1962 that declared the beach a community beach. We pay taxes; why doesn't the County help us.

*Mr. Sparling addressed the audience explaining the history of the area in question and provided an aerial photo of the property as it exists today. He noted that the only way to settle a title dispute is through the circuit court.*

**Bettie Broadhurst, 42355 Riverwinds Dr., Leonardtown, MD 20656**

Representing the Garvey Group that is working to improve the Garvey Senior Citizens Center. Leonardtown's population is rapidly growing and with that the senior population has increased. We are active seniors and we want activities. Seniors are quitting attending programs and events at the Garvey Center because of the lack of adequate space. The Loffler Senior Center and Northern Senior Center are better equipped to serve citizens in their areas. Project improvements are budgeted for 2018; would like to see it budgeted in the 2016 budget. Seniors give so much to the county and we want to be considered.

*Commissioner Russell noted the Commissioners heard the request to bring this item into the 2016 budget. We understand space is needed and he suggested it might be better to buy land and build a new stand-alone building – not promising anything but should be looked at.*

**Linda Fry, 21766 Princeton Drive, Lexington Park, MD 20653**

Works at St. Mary's Hospital and is concerned with the number of accidents as citizens are trying to make a left hand turn into the hospital from Rt. 5. Regulations do not allow a larger sign at the entrance of the hospital; therefore, sometimes cars stop abruptly to turn into the hospital and they are hit from behind. Medical centers are located in the Singletree subdivision and that intersection is also dangerous. It's important we get control of the accidents; need a turn lane or something along that strip of Rt. 5.

*Commissioner Morgan noted Secretary Smith and staff from the Maryland Department of Transportation will be briefing the Commissioner at their meeting on 28<sup>th</sup> of October and that this is a time this issue can be addressed.*

**Catherine Lockard, 21766 Princeton Dr., Lexington Park, MD 20653**

House next door to her residence is in foreclosure and when the people moved out they left trash in the front yard and the house is a mess (smells like mold). Neighbors say they call but no one helps. Kids like to play outside but it too dangerous with the conditions next door.

*Ms. Lockard was told to speak with Bob Bowle, Land Use and Growth Management Department (who was present at the meeting) about the Blighted Property Ordinance and the Health Department concerning the trash.*

**Deb Rev, 18364 Chestnut, Lexington Park, MD 20653**

On Friday, Delegate John Bohannon announced the formation of a task force for a shooting range in St. Mary's County. When did you (Commissioners) vote to support the task force? Will you be voting to support the task force? When is it on the agenda? If the County is going to support the task force, when is it coming to the table?

*Commissioner Russell noted short notice of the announcement was given and only two Commissioners attended.*

**Michael & Pamela Heard, 20325 Veras Road, Colton's Point, MD 20626**

Access to beachfront property along Point Breeze Road. Raised two sons in this County and used to walk with them on the community public beach at Colton's Point. Now kids have been threatened, one house didn't sell probably because no one wanted to get involved in what is going on down there and all of this because of one wrong signature. How do you buy public land? Some official signed it without reading; urging officials not to sign anything without reading it.

**Rick and Karen Van Dyken, 20326 Veras Rd., Colton's Point, MD 20626**

Access to public beach area at Colton's Point. Ms. Van Dyken said they received their deed of the family farm in 1987; a property that has been in the same family since 1957. We are now in the same situation that our family had with another property owner in 1962 and at that time Judge Gray ruled in our favor that we could gain access at the end of the road and granted my uncle \$1,000 in restitution. Our deed says waterfront access. I have seen the property deed and the recorded survey of the individual who is denying access to the beach area now. The individual put up barricades which were taken down by the County and the individual received \$300 in restitution from the County and then she put up more barriers. Where is our restitution? On July 11, 2014, deputies were told not to make any arrests for trespassing on the strip of land in question until the ownership of the property and access to the beach is settled. On July 29, 2014, we received a letter from the individual's attorney warning us if we went through the individual's property to the beach we would be committing a misdemeanor punishable by up to 90 days in jail and a \$500 fine. The individual is still running the show. I cannot get to my pier and dock or take the grandchildren on the beach. Ms. Van Dyken provided documentation supporting her remarks to the Commissioners.

Mr. Van Dyken said for two years we have been denied access to the public beach we are entitled to. He said he has had enough and he may be the one taken away in handcuffs and arrested. The County needs to fix this.

**Bob Schaller, 41100 Paw Paw Hollow Lane, Leonardtown, MD 20650**

Candidate for Commissioner of St. Mary's County. Urged everyone to vote on November 4, 2014.

**William Lewis, Snow Hill Manor, Lexington Park, MD 20653**

Deb Rey asked about the gun range announcement. I am curious, how many Commissioners knew about it in advance?

*Commissioner Russell responded that he received a notice the evening before the announcement.*

*Commissioner Morgan said the morning of the announcement.*

*Commissioner Jarboe said the morning of the announcement.*

*Commissioner Jones said the day before the announcement in an email.*

*Commissioner Morris said 48 hours in advance. Commissioner Morris said he supports the project but not the politics involved. He stated there was no meeting of Commissioners to cast a vote.*

Commissioner Russell closed the public forum at 7:30 pm.

Minutes Approved by the Commissioners of St. Mary's County on \_\_\_\_\_

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Sharon Ferris, Senior Administrative Coordinator (Recorder)