

**ST. MARY'S COUNTY  
BOARD OF COUNTY COMMISSIONERS' MEETING  
Tuesday, October 29, 2013**

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

**Guests:** Delegate John L. Bohannon  
Delegate Anthony J. O'Donnell

**CALL TO ORDER**

Commissioner President Russell called the business meeting to order at 2:30 pm in the Chesapeake Building meeting room, Governmental Center.

**MOTION TO ENTER INTO EXECUTIVE SESSION**

**Commissioner Morgan moved, seconded by Commissioner Morris, to enter into Executive Session for the purpose of discussing real property and litigation matters. Motion carried 5-0.**

**EXECUTIVE SESSION**

**Real Property**

**Present:** Commissioner Francis Jack Russell, President  
Commissioner Lawrence D. Jarboe  
Commissioner Cynthia L. Jones  
Commissioner Daniel L. Morris  
Commissioner Todd B. Morgan  
Dr. Rebecca Bridgett, County Administrator  
George Sparling, County Attorney  
George Erichsen, Director, Dept. of Public Works and Transportation  
Donna Gebicke, Administrative Assistant

**Authority:** Article 24, Section 4-210(a)11

Time Held: 2:32 pm – 2:40 pm  
Subject: Real Property

### **Litigation**

Present: Commissioner Francis Jack Russell, President  
Commissioner Lawrence D. Jarboe  
Commissioner Cynthia L. Jones  
Commissioner Daniel L. Morris  
Commissioner Todd B. Morgan  
Dr. Rebecca Bridgett, County Administrator  
George Sparling, County Attorney  
George Erichsen, Director, Dept. of Public Works and Transportation  
Donna Gebicke, Administrative Assistant

Authority: Article 24, Section 4-210(a)8  
Time Held: 2:40 pm – 2:45 pm  
Subject: Litigation

### **APPROVAL OF MINUTES**

**Commissioner Jones moved, seconded by Commissioner Morgan, to approve the minutes of October 8, 2013, as presented. Motion carried 4-0. Commissioner Jarboe abstained.**

### **PROCLAMATION WAS PRESENTED FOR RED RIBBON WEEK**

### **DEPT. OF EMERGENCY SERVICES AND TECHNOLOGY: NAMING OF THE VALLEY LEE COMMUNICATIONS TOWER**

**Present:** Bob Kelly, Director  
Greg Adams and family  
Members of the Technical Review Committee

Mr. Kelly provided the standards for naming and dedicating County facilities and recommended the Valley Lee 911 Communications Tower be dedicated to Gregory Adams. Mr. Adams has been a senior member of the Radio Technical Review Committee and a volunteer with experience in Communication for 34 years, fire department 60 years and EMS for 42 years.

**Commissioner Jones moved, seconded by Commissioner Morris, to dedicate the Valley Lee Tower by naming the structure Gregory Adams. Motion carried 5-0.**

The Commissioners presented Gregory Adams a commendation dedicating the Valley Lee 911 Communications Tower in his name.

**JAMES T. SMITH, SECRETARY, MD DEPT. OF TRANSPORTATION: ANNUAL CONSOLIDATED TRANSPORTATION TOUR**

**Present:** James T. Smith, Secretary, Maryland Department of Transportation  
Wilson Parran, Deputy Secretary  
Diane Ratcliff, Director, Office of Planning and Programing, MVA  
Richard Norman, Director, Branch Operations and Compliance, MTA  
Doug Simmons, *Deputy Administrator*, State Highway Administration  
Lee Starkloff, *District Engineer*, District 5  
Ashish J. Solanki, Director, Office of Regional Aviation Assistance

An overview of state-wide projects completed and in process was presented. The status of projects in process for St. Mary's County was also highlighted. A study to upgrade MD 4 between MD 2 and MD 235, including the Thomas Johnson Bridge and MD 235 intersection, is in the planning stage. A study to upgrade MD 5 between MD 243 and MD 245 to alleviate traffic congestion in this area is in the planning phase. Design of an intersection, bridge, and drainage improvements along MD 5 at MD 246 and MD 471 is progressing and engineering will begin during the current fiscal year. An upgrade and widening of MD 5 to south of Camp Brown Road to the Ranger station is on hold.

Delegate Anthony O'Donnell commented that he appreciates that the Thomas Johnson Bridge is still on the scope however at the rate of funding it will take long time and he wants to make sure citizens have right expectations. Both Delegate Bohannon and I received requests to put a full service stop light at Rue Purchase Road/Buck Hewitt Road. Both roads are right turn only with a rescue squad, a hotel and other developments that serve Patuxent River across the street. He requested MDOT review this area. He noted that there are no plans to improve Hollywood Rd., Rt. 5 to Rt. 243 and noted this area is dangerous. He also expressed concern for bus routes for MTA, increased prices for Harry Nice Bridge and other facilities around the state, and asked if the next increase could be delayed. He requested a meeting with Secretary and Deputy Secretary to discuss the MPO noting that Calvert County was ready to adopt it and he asked them to hold it in a deferral mode for 30 days.

Delegate John Bohanan, Jr. announced that Trooper 7 will have a new Helicopter delivered in January 2014. He emphasized, that ingress/regress to Patuxent River remains a crucial item and asked that work continue on connector roads that feed Patuxent River. He identified the following other needs: Intersection of Rt. 4 (St. Andrews Church Road) and Wildewood, the Thomas Johnson Bridge, and mass transit; and noted that he has spoken to the Governor about the St. Mary's bridge.

*Commissioner Morgan noted the Commissioners anticipate receiving a developer's design for a project at the intersection of Rt. 235 and Rt. 4 and asked if a decision on the design of that intersection could be expedited.*

*Commissioner Jones expressed concern with the ingress/regress for Patuxent River at Rt. 5 in the area of 471/ 246 and suggested that the interim solution of the traffic light on Old Great Mills Road and Rt. 5 is not working and asked for another solution. Commissioner Russell noted this area impacts all traffic coming from Webster Field and said the County is willing to provide some funding to help advance this project.*

*Commissioner Morris asked that MDOT revisit the Rt. 5 project between MD 243 and MD 245 and consider a partial fix in the interim.*

## **COUNTY ADMINSTRATOR**

1. Draft Agendas for November 5 and 12, 2013.

*Commissioner Jarboe noted that a joint BOCC/Delegation legislative public meeting was originally scheduled for Nov. 12 but has been removed from the schedule. He acknowledged that there was only one proposal this year and that it was a resubmission of Commissioner Morris' proposal from last year to assist farmers in coping with Senate Bill 236 by allowing 15-acre farmsteads in lieu of the seven-lot restriction. He noted for the public record that he would like to see this proposal carried forward and asked the status. The Commissioners discussed the practicality of convening a joint meeting for one item and suggested an alternative of forwarding the proposal via consent letter, particularly since this is a resubmission of the same proposal that was presented last year at the joint public meeting. Commissioner Morris stated for the record that Senate Bill 236 has really hurt the farmers and he is resubmitting this legislation on their behalf.*

**Commissioner Jones moved, seconded by Commissioner Morgan that we take forward the 15-acre farmettes proposal that we drafted last year and send to the delegation by consent letter. Motion carried 3-2. Commissioners Morris and Jarboe voted nay.**

2. **Department of Aging and Human Services** (*Lori Jennings-Harris, Director; Cynthia Brown, Division Manager; Matthew Reisdorph, Prevention and Treatment Coordinator*)

*(Dr. Kathleen O'Brien, Chief Executive Officer)*

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**Commissioner Morgan moved, seconded by Commissioner Morris, to approve and authorize Commissioner President Russell to execute the Memorandum of Understanding agreement between the County and Walden Sierra, Inc. on behalf of the Department of Aging and Human Services to maintain a process to authorize admissions to ADAA funded residential treatment through June 30, 2014. Motion carried 5-0.**

**Commissioner Morris moved, seconded by Commissioner Jones, to approve and authorize Commissioner President Russell to execute the FY14 ADAA State General Treatment Grant Contract Proposal and supplemental funding for Project MD1497, from the Maryland Department of Health and Mental Hygiene on behalf of the Department of Aging and Human Services to expand general treatment services at Walden for a revised award amount of \$2,321,088, and the amended Sub-recipient Agreement between the County and Walden/Sierra, Inc. and the budget amendment to increase the project budget by \$34,410. Motion carried 5-0.**

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

*(Dr. Kathleen O'Brien, CEO, Walden Sierra; George Sparling, County Attorney; Phil Shire, Director, Land Use and Growth Management)*

**Commissioner Jones moved, seconded by Commissioner Morgan, to approve and execute the subdivision plat entitled "Minor Subdivision Plat, Lot 1, County Commissioner's at St. Andrews," as prepared by Johnson, Mirmiran and Thompson, to create a 6 acre lot around the existing Walden Sierra facility and to further authorize staff to record the subdivision plat. Motion carried 5-0.**

**Commissioner Morris moved, seconded by Commissioner Morgan, to approve and authorize Commissioner President Russell to execute the Grant Offer MA-GR-14-013, from the Maryland Aviation Administration, on behalf of the Department of Public Works and Transportation for the design of Airport Road, Taxiway A and Lawrence Hayden Road in the amount of \$27,166 associated with Project PF 1306-Airport Master Plan. Motion carried 5-0.**

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

**Commissioner Jarboe moved, seconded by Commissioner Morris, to approve and authorize Commissioner President Russell to execute the Emergency Medical Dispatch Training Grant award, Project MD1456, from the Maryland Institute for Emergency Medical Services Systems on behalf of the Department of Emergency Services & Technology for training in the amount of \$1,950 and the related budget amendment to decrease the project by \$550. Motion carried 5-0.**

**5. Department of Economic and Community Development** *(Robin Finnacom, Acting Director)*

**Commissioner Jones moved, seconded by Commissioner Morgan, to approve and authorize Commissioner President Russell to execute the Short Term Planning Grant Agreement, Project US1403, from the U.S. Department of Commerce, Economic Development Administration on behalf of the Department of Economic and Community Development for the development of a Comprehensive Economic Development Study in the amount of \$49,000 and also execute the related budget**

**amendment that establishes the project budget of \$99,000, and I move to approve \$25,000 of the \$275,000 in the DECD budget to be used as County match for this CEDS Project. Motion carried 5-0.**

**6. Department of Human Resources** (*Sue Sabo, Chief of Staff/HR Director*)

Ms. Sabo presented an Employee Wellness Program initiative for St. Mary's County Government employees. The Program's goals are to provide a healthy workforce, improve morale, increase productivity, decrease absenteeism and lower health care costs. The County will partner with the Health Department, College of Southern Maryland, St. Mary's Hospital, CareFirst and other organizations to provide County employees a variety of options to enhance their lives.

**Commissioner Morris moved, seconded by Commissioner Jarboe, that the Board of County Commissioners for St. Mary's County, adopt the proposed resolution endorsing the establishment of a St. Mary's County Employee Wellness Program. Motion carried 5-0.**

**b. Employee Survey**

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Ms. Sabo explained that the survey was administered to all employees via email or hard copy and provided the Commissioners with results from the 264 employees who responded. High ratings were given to benefits, job security, safe and secure environment, good tools and technology and satisfaction with the workplace. The results also acknowledged areas of opportunity such as compensation, recognition, communication, and a smoke-free campus. Based on the results of the survey, Ms. Sabo asked that the Commissioners direct staff to develop and implement a smoke-free policy for St. Mary's County Government employment campuses.

*The Commissioners discussed the pros and cons of implementing a smoke-free campus. Although none of the Commissioners encourage smoking, there was concern with infringing on an individual's choice to smoke and their rights. It was not defined in the request if this would extend to all county facilities such as trails and parks. Noting that all buildings are currently smoke-free, an alternative to a smoke-free campus at this time would be to clearly define designated smoking areas that are not located in areas of ingress/regress to buildings. Ms. Sabo will ensure designated smoking areas are well-defined and notify employees.*

**DEPT. OF PUBLIC WORKS AND TRANSPORTATION: ORDINANCE TO REALIGN INTERSECTION OF LAUREL GROVE ROAD AND KAVANAGH RD.**

**Present:** George Erichsen, Dir., Dept. of Public Works and Transportation

Mr. Erichsen noted that the Commissioners conducted a Public Hearing on this matter on September 17, 2013. The public record remained open for more than 10 days with no comments received except an inquiry about posting the minutes from the Hearing. The realignment will be financed by the builder as part of the design for the infrastructure for Laurel Preserve North and Laurel Preserve South Subdivisions

**Commissioner Jones moved, seconded by Commissioner Morris, to approve and sign the Ordinance for the realignment of the intersection of Laurel Grove Road (County Route 30062) and Kavanagh Road (County Route 30054). Motion carried 5-0.**

### **COMMISSIONER'S TIME**

The Commissioners highlighted events of the past week.

### **PUBLIC HEARING: PROPOSED COMPREHENSIVE ZONING TEXT AMENDMENT TO CLARIFY THE EXEMPTION OF SMALL NON-RESIDENTIAL DEVELOPMENT FROM ADEQUATE PUBLIC FACILITIES REQUIREMENTS**

Commissioner Russell opened the public hearing at 6:08 pm.

**Present:** Phil Shire, Director, Dept. Land Use and Growth Management (LUGM)

Mr. Shire noted for the record that the Notice of Public Hearing was published in The Enterprise newspaper on October 11 and 18, 2013, and provided background and rationale relative to the proposal.

Staff is recommending a zoning text amendment to Chapter 285 of the Code of St. Mary's County to exempt all site plans for non-residential developments containing less than 5,000 square feet of floor area from adequate public facility requirements. Chapter 70 of the Comprehensive Zoning Ordinance addresses adequate public facilities. Section 70.3 currently exempts minor site plans for non-residential development containing less than 5,000 square feet of floor area. It does not exempt major site plans for less than 5,000 square feet. The proposed text amendment would apply the same exemption to all site plans for non-residential development containing less than 5,000 square feet – the rationale being that a project of this size has a relatively minor impact on a community's facilities and does not typically generate enough traffic to warrant formal findings of public facilities, therefore it should be exempt.

There would still be no exemptions from the requirements for adequate water supply, sewage disposal or fire suppression.

Commissioner Russell opened the public hearing for public comments.

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

John Parlett, P.O. Box 460, Charlotte Hall, MD, CMI Affiliated Companies

- Want to clarify that intersection of Rt. 5 and Golden Beach Road is not “failing.” It fails the test we have in the Zoning Ordinance (C) which is not an “F” to my knowledge.
- Representing five businesses (Southern States; Charlotte Hall Center, Inc.; Millison Management Co., Inc.; Mark Vogel Companies; and CMI Affiliated Companies) and will submit for the record of both public hearings their written letters of support for the text amendments.
- CMI building and developing in community since the 70’s and have always considered the overall good of the community, created jobs, shopping, services, medical facilities.
- Current traffic situation in Charlotte Hall is largely due to coming and going of folks from the Base and related support companies further south.
- These text amendments will not allow us to become Waldorf. Charlotte Hall does not have the intensity of zoning categories, sewer capacity and through traffic that has allowed Waldorf to become what it is today. We have controls in place to make certain that does not happen here.
- Commissioners approve all zoning changes and water and sewer category changes. This is what controls growth – not by denying property owners who have proper zoning and access to septic disposal the right to develop their properties because of arbitrary requirement that an intersection meet a level of service “C” and then not allowing for traffic mitigation.
- Please approve these text amendments.

Dale Burch, 30670 Big Horn Ct., Charlotte Hall, MD

Want to clarify that this particular text amendment is just for the purpose of allowing site plan for 5,000 square feet or less of non-residential development in the area.

Sarah Ward, Tidewater Veterinary Hospital, P.O. Box 152, Charlotte Hall, MD

- We have been in our location for 50 years and want to expand our existing building in order to provide services to the community more efficiently and effectively.
- We support the proposed text amendment.

Elliott Burch, 27340 Mechanicsville Road, Mechanicsville, MD

*(Read a letter from Joe Burch, President, Burch Oil, in support of the proposed text amendment)*

- Asking that you approve the proposed text amendment.
- Lifelong resident of Charlotte Hall community and family has worked to help improve the community for over 100 years.
- Have developed property with services and goods the community has wanted and needed.

- Without these amendments, we would not be able to continue to improve on the services needed in our community, and the property we have worked all our lives for will be of little value.

Commissioner President Russell closed the hearing for public comments noting that the record will remain open for an additional 10 days for public comment and then closed the public hearing at 6:29 pm.

**PUBLIC HEARING: PROPOSED TEXT AMENDMENT TO CLARIFY ADEQUATE PUBLIC FACILITIES REQUIREMENTS FOR ROADS IN DESIGNATED DEVELOPMENT DISTRICTS AND TOWN CENTERS**

Commissioner Russell opened the public hearing at 6:31 pm.

**Present:** Phil Shire, Director, Dept. Land Use and Growth Management (LUGM)

Mr. Shire noted for the record that the Notice of Public Hearing was published in The Enterprise newspaper on October 11 and 18, 2013, and provided background on the proposal.

There is a provision in Section 70.7.2.d. of the Comprehensive Zoning Ordinance that will allow a development project to proceed through the process in certain areas experiencing an unacceptable level of service (below a “D”) provided that the project provides mitigation proportional to the project to assure that the level of failure is not increased by the project and shows an improvement in traffic operations beyond what would have been expected if the development had not occurred. This provision applies only in the Development Districts (Lexington Park and Leonardtown). Development projects in Town Centers can’t be approved unless the failure is corrected to a passing level, which could involve reconstruction of a major intersection or highway. This is cost-prohibitive for most smaller or moderate-size development projects.

Staff is recommending adding language to Section 70.7.2.d to allow development projects in the Town Centers to also mitigate their own traffic and make improvements and to leave the road situation somewhat better than what it would have been if the project had not occurred. This would be a way for them to gain some moderate level of development approvals and make some improvements, but not to the degree where they wouldn’t be able to do the project at all.

Expanding the ability to mitigate traffic impact to include Town Centers will accommodate growth in accordance with the Comprehensive Plan and zoning currently in place.

Commissioner Russell opened the public hearing for public comments.

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

Elliot Burch, 27340 Mechanicsville Rd., Mechanicsville, MD

- Want to remind everyone that the Comp Plans call for growth to be directed for the most part to Development Districts and Town Centers
- I support proposed text amendment

Thomas McKay, 37670 Mohawk Drive, Charlotte Hall, MD

- Approve the text amendment, but keep in place the appropriate tools and policies to control growth in Charlotte Hall and all of St. Mary's County -- limit growth and manage so that we protect quality of life.
- We have a restricting zoning ordinance where the large majority of land in the northern part of County is zoned Rural Preservation District.
- Also have a County-wide growth policy limiting residential growth and a public water and sewer Ordinance that allows you to keep public water and sewer out of residential communities, which also limits growth. Keep these limits in place.
- Site plan for Charlotte Hall Station was denied in 2009 due to evening rush hour level of service rating of D at the intersection of 5 and 6, a mile and a half from the proposed project.
- We will make substantial improvements to intersections at 5 and Golden Beach (LOS "C") and Rts. 5 and 6 (will mitigate impact, but remain at "D" during rush hour).
- Citizens have said they are not willing to spend tax payers' dollars to improve intersection operating at "D" LOS because it is an acceptable level. North American Highway Capacity Manual says that LOS "D" is a common goal during peak hours, as attaining LOS "C" would require prohibitive cost and societal impact in bypass roads and lane additions. Difference between LOS "C" and "D" is 15-20 seconds longer for average vehicle to pass through intersection during rush hour.
- Not reasonable or even legal to ask a private citizen to spend tens of millions building a bypass road when the impact of the project a mile and a half away has been mitigated.

Heather Latham, 37998 Indian Creek Dr., Charlotte Hall, MD

- Concern is that we haven't had a chance to have Town Center Plan in place to have input as citizens as to what development needs to be.
- As citizens we also do enjoy the commercial aspect.
- Is this going to be in place forever? Does it mean that commercial development will have no stopping between now and whenever because we haven't done the Town Center Plan.
- If three years out from Plan, by that time will there be any chance to have input because by then we may have too much development to stop.

Dale Burch, 30670 Big Horn Ct., Charlotte Hall, MD

- Concern that there is no provision for a time limitation for mitigation of traffic to make sure traffic is going to be improved from a lower level of service.
- Don't understand the process of taking study of LOS. At what point (where) do they measure? How do they determine? Is it an average or from a specific point in time?

How do they project what is a LOS that would not have been affected had the project not gone forward.

- Particularly if this text amendment goes through, the smaller projects of 5,000 square feet or less can be added to all of this.
- We have a parking facility that the state constructed and have no way to make sure the state actually takes care of it.
- Want to make sure that citizens are not paying for this mitigation at some point in the future.

John Parlett, P.O. Box 460, Charlotte Hall, MD, (CMI Affiliated Companies)

- Regarding comments made by Tidewater Veterinary representative during previous hearing, I believe that a building expansion at this time would be beyond the scope of a minor site plan.
- Note for the record that my comments and written documents provided during the previous public hearing are to be included for the record of this hearing as well.
- Lifelong resident of Charlotte Hall. Not going to build something that the community can't support.
- In response to (Ms. Latham's) comments, there is only a limited amount of development that happens each year because the market can only absorb so much development.
- We will continue to have disjointed roads (put in by developers as required by County) as long as we rely on developers to build them. Other communities have seen fit to take on those responsibilities through local government to build roads where they want them and charge developers accordingly for access to those roads.
- Text amendment is extremely important.
- Intersections are not failing by anyone's measure who would have to pay for them (such as the taxpayer) to have it repaired. They have not met a goal we have artificially placed in our Zoning Ordinance. Having it mirror the ordinance for development districts makes a lot of sense.

Tom Williams, 37990 Mohawk Dr., Charlotte Hall, MD

- First time I've heard everybody on both sides of the issue more or less agree – it's a traffic problem, and it's not going to be eliminated – you can say "mitigate" or whatever, but until that's done, I think everything needs to be put on hold.
- On my way here tonight traffic was backed up from Mohawk Drive into Charles County and didn't break up until after the library.

Commissioner President Russell closed the hearing for public comments noting that the record will remain open for an additional 10 days for public comment then closed the public hearing at 6:54.

## **ADJOURNMENT**

Commissioner Russell adjourned the Board of County Commissioners meeting at 6:54 pm.

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

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Sharon Ferris, Senior Administrative Coordinator (Recorder)