

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Tuesday, December 3, 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)

CALL TO ORDER

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

APPROVAL OF MINUTES

Commissioner Jones moved, seconded by Commissioner Jarboe, to approve the minutes of November 19, 2013, as amended. Motion carried 5-0.

ST. MARY'S COLLEGE UPDATE

Present: Dr. Ian Newbould, Interim President, St. Mary's College
Charles "Chip" Jackson, Vice President for Business and Finance, Saint Mary's College

St. Mary's College is recognized by U.S. News & World Report as being in the top 5 of public liberal arts colleges. It is also recognized in Kiplinger's Best Colleges as being #4 in highest graduation rates for public colleges. St. Mary's College tuition rates are such that students are graduating with less debt. Although enrollment is slightly down from this year's projected target, there are positive signs that the numbers will increase next year. In June, the college will host the National Sailing Championship with participants coming from all over the country. The college is currently advertising for a new president so that position should be filled in the spring. Overall the college is in great shape.

COUNTY ADMINSTRATOR

1. Draft Agendas for December 10 and 17, 2013.

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

Commissioner Morris requested a meeting with Mr. Sparling, County Attorney and Sheriff Cameron to discuss legal concerns he has on this subject.

Commissioner Jarboe expressed appreciation for the State Aid going to the Sheriff's Office.

(Brian Eley Civilian Administrator, Sheriff's Office)

Commissioner Jarboe moved, seconded by Commissioner Jones, to approve and authorize Commissioner President Russell to execute Form One of the Police Protection FY13 Actual Expenditures Form, MD1430, to be submitted to the Governor's Office of Crime Control and Prevention on behalf of the Sheriff's Office. Motion carried 5-0.

(Mary Ann Thompson, Operation Manager, Sheriff's Office-Corrections)

Commissioner Morris moved, seconded by Commissioner Jarboe, to approve accept the FY13 State Criminal Alien Assistance Program Award, Project US1468, from the Department of Justice on behalf of St. Mary's County Sheriff's Office for incarcerating undocumented criminal aliens in the amount of \$713 and to authorize Commissioner President Russell to execute the related budget amendment to decrease the project budget by \$1,287. Motion carried 5-0.

(Captain Daniel Alioto, Sheriff's Office)

Commissioner Morgan moved, seconded by Commissioner Morris, to approve and authorize Commissioner President Russell to execute the Amended Equitable Sharing and Agreement Certification, from the Department of the Treasury, on behalf of the St. Mary's County Sheriff Office. Motion carried 5-0.

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

Commissioner Jones moved, seconded by Commissioner Morris, to approve and authorize Commissioner President Russell to execute the Amendment to the Memorandum of Understanding between the County and the State Highway Administration for the construction of the new museum and visitor center, in accordance with the terms and conditions of the agreement. Motion carried 5-0.

4. Department of Recreation and Parks (*Brian Loewe, Director; Debra Pence, Museum Division Manager*)

Commissioner Morgan moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President Russell to execute the Letter of Amendment for the FY2012 Maryland Heritage Areas Authority Grant Agreement for the Piney Point Lighthouse Museum and Historic Park Enhancement Project #RP1203. Motion carried 5-0.

5. Department of Economic and Community Development (*Robin Finnacom, Acting Director; Carolyn Laray, Tourism Manager*)

Commissioner Jones, seconded by Commissioner Jarboe, to approve and authorize Commissioner President Russell to execute the Southern Maryland Heritage Area Consortium Star-Spangled War of 1812 Mini-Grant application from the Southern Maryland Heritage Area Consortium, on behalf of the St. Mary's County Department of Economic and Community Development Division of Tourism in the amount of \$2,500 for the production of the "War of 1812 Raiders & Invaders Passport." Motion carried 5-0.

COMMISSIONER'S TIME

The Commissioners highlighted events of the past week.

Commissioner Morgan noted he and Commissioner Russell met with the Secretary of Transportation concerning the Metropolitan Planning Organization (MPO) designation and although the State understands the County's concerns, the State will not release any transportation funding to the County until the Commissioners sign the MPO Memorandum of Understanding.

PUBLIC HEARING: PROPOSED AMENDMENTS TO CHAPTERS 264 AND 265 OF THE CODE OF ST. MARY'S COUNTY TO PROVIDE APPROVAL OF SUBDIVISION AROUND LAWFULLY EXISTING SINGLE FAMILY DWELLINGS

Commissioner Russell opened the public hearing at 10:20.

Present: Phil Shire, Director, Dept. of Land Use and Growth Management

Legal notice of public hearing was advertised in the *Enterprise Newspaper* on November 15 and 22, 2013. Mr. Shire noted the proposed amendment is administrative in nature and would modify and implement in the County Zoning and Subdivision Ordinance, subdivision around a lawfully existing dwelling and add a definition to the Subdivision Ordinance of such single family dwelling. Several properties in the County contain multiple dwellings typically built for family members. Older homes approved in the past do not meet current

density requirements but they have been determined to be lawfully existing dwellings by either pre-existing development regulations or they met the density requirement at the time the permits were issued. The proposed ordinance does not require the use of TDRs for such subdivision.

Commissioner Russell opened the public hearing for public comment.

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

James Raley, Jr., 26737 Radio Station Way, Leonardtown MD 20650

- Representing the Farm Bureau
- Opposed to text amendment if it does not contain provision to use TDRs
- Farm Bureau is very sensitive to any exceptions to TDR program
- TDRs help preserve farmland and open space
- If Farm Bureau had known the provisions in Chapter 26.4.4 of the Zoning Ordinance regarding issuance of TDRs earlier, we would have addressed it at that time
- Don't feel government should create substandard lots unless people are going to purchase TDRs like others must do when they want to increase density
- Want you to be cautious extending exceptions to the TDR program

Commissioner Russell closed the public hearing at 10:40 am.

PUBLIC HEARING: PROPOSED AMENDMENTS TO CHAPTERS 264 AND 285 OF THE CODE OF ST. MARY'S COUNTY TO EXTEND THE VALIDITY PERIOD OF LAND USE APPROVALS TO MAY 4, 2017

Commissioner Russell opened the public hearing at 10:41 am.

Present: Phil Shire, Director, Dept. of Land Use and Growth Management

Notice of public hearing was posted in the *Enterprise Newspaper* on November 15 and 22, 2013. In 2009, the County adopted measures allowing extension of project approvals in an effort to help the building industry withstand the difficult financial market. This allowed a two-year extension to all approvals that had already been granted. The extension period has expired on some of the projects and others are about to expire. On the approval list is approximately 3,010 dwelling units that will benefit if an additional timeframe is granted. Staff is recommending that site plans or subdivision approvals in effect as of January 1, 2013, not expire prior to May 4, 2017, unless required by a statute, rule or regulation of the State of Maryland.

Commissioner Russell opened the public hearing for public comment.

There were no public comments. Commissioner Russell stated the record would be left open for an additional 10 days to receive public comments on this matter and closed the public hearing at 10:48 am.

PUBLIC FORUM (CHESAPEAKE BUILDING)

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.)*

Christy Henderson, 49675 Buzz's Marina Way, Ridge, MD 20680

- Own private lot and roadway that is maintained solely by us – no road maintenance agreement – provide ingress and regress to three lots that offshoot my road
- Questioned decisions made by Land Use and Growth Management (LUGM) in relation to the Comprehensive Zoning Ordinance
- Questioned a home occupation permit that was changed to a roadside stand by LUGM without any inspections – asked if the permit was processed legally
- Met with LUGM personnel and was told we could go before the Board of Appeals – that appeal date has been changed 3 times - now have been invited to appeal LUGM's decision by December 12
- Requested LUGM reconsider their decision

Kim Page, 27642 Silverton Ct., Mechanicsville, MD 20659

- County Animal Control Ordinances need to be strengthened to insure safety
- When a dog or animal gets out and terrorizes a neighborhood it should not be allowed to just stay in that neighborhood like nothing happened – think of children
- The state of Maryland has declared Pit Bull and Pit Bull type breeds as “inherently dangerous” so why are there no restrictions put on them
- Provided two examples of what other states have done to help with public safety
 - (1) Little Rock Arkansas owners of Pit Bulls have to obtain a dangerous breed permit, a city license and a window sticker on an annual basis and provide proof that the dog has been sterilized and have a microchip
 - (2) Fayetteville, Tennessee owners of Pit Bulls are required to have their dogs muzzled when off their property and penned outdoors on property contained in a structure with secure sides and a top and all sides must be 8 feet – owners must also post a Beware of Dog sign and carry \$100,000 liability insurance
- If an “inherently dangerous “ breed is going to be allowed in neighborhoods, the County's current animal ordinance needs to be changed
- Provided a letter with additional names on a petition to accompany previously submitted letter

ADJOURNMENT

Commissioner Russell closed the public hearing and adjourned the Board of County Commissioners meeting at 6:55 pm.

Minutes Approved by the Board of County Commissioners on _____

Sharon Ferris, Senior Administrative Coordinator (Recorder)