

**ST. MARY'S COUNTY**  
**BOARD OF COUNTY COMMISSIONERS' MEETING**  
**GOVERNMENTAL CENTER**  
**Tuesday, March 14, 2006**

**Present:** Commissioner President Thomas F. McKay

Commissioner Kenneth R. Dement

Commissioner Lawrence D. Jarboe

Commissioner Thomas A. Mattingly, Sr.

Commissioner Daniel H. Raley

George G. Forrest, County Administrator

Glenda Dennis, Administrative Assistant (Recorder)

**CALL TO ORDER**

The meeting was called to order at 10:10 am.

**APPROVAL OF MINUTES**

**Commissioner Jarboe moved, seconded by Commissioner Dement, to approve the minutes of the Commissioners' meeting of March 7, 2006. Motion carried 5-0.**

**APPROVAL OF CHECK REGISTER**

**Commissioner Mattingly moved, seconded by Commissioner Raley, to authorize the Commissioner President to sign the Check Register dated, March 14, 2006, as presented. Motion carried 5-0.**

**ST. MARY'S COUNTY EMPLOYEE SERVICE AWARD**

An Employee Service Award was presented to Becky Trossbach for 15 years of service with St. Mary's County Government.

**OFFICE ON AGING: Invitation to March for Meals** (*Jennie Page, Acting Director; Julie Van Orden, Div. Mgr., Home & Community Based Services; Marilyn Mayor, Meals on Wheels Coordinator and Vanessa Botzman, VISTA Volunteer*)

Ms. Van Orden invited the Commissioners to the March for Meals Program, which will start at the flagpole on March 22, 2006, at 9:00 a.m. with a reception following in Room 1 at the Garvey Senior Center.

**DEPARTMENT OF LAND USE AND GROWTH MANAGEMENT: Decisions on Proposed Amendments to the Comprehensive Water and Sewer Plan (CWSP): (1) Grandview Haven, Phase II, #05-120-003; Smithfield Place, #05-131-015; and Weiner Subdivision, #05-110-003 (Dennis Canavan, Director; Jeff Jackman, Sr. Planner)**

(1) Mr. Canavan gave an update on the County Commissioner's Public Hearing held September 20, 2005, to consider a request to amend the Comprehensive Water and Sewerage Plan (CWSP) for the Grand Haven Subdivision, Phase Two. At a subsequent Commissioners' meeting, a motion was made to approve the proposed amendment, but was not seconded. Since that time, the applicant has agreed to provide additional buffering and other visuals that extend beyond the ordinance requirements. The applicant is requesting that the Commissioners consider the proposed amendment for adoption once again.

**Commissioner Mattingly moved to amend the St. Mary's Comprehensive Water and Sewerage Plan as recommended by the Planning Commission to change the service area category from NPS to RW on 152 acres described as, Grandview Haven, Phase II, Tax Map 18, Grid 11, Parcel 13 in the 4<sup>th</sup> Election District. The motion was not seconded.**

(2) Mr. Canavan presented follow up information from the Public Hearing dated February 28, 2006, to consider a request to amend the CWSP service area maps III-51 and IV-51 to change the service area category from W-6 and S-6 to W-3D and S-3D for 4.7 acres described as Smithfield Place (CWSP-05-131-015) at Tax Map 51, Grid 18, Parcel 163 in the Eighth Election District in anticipation of serving 14 dwellings.

**Commissioner Raley moved, seconded by Commissioner Dement, to amend the St. Mary's CWSP as recommended by the Planning Commission to change the service area category from W-6 and S-6 to W-3D and S-3D on 4.7 acres described as Tax Map 51, Grid 18, Parcel 163 in the 8th Election District. Motion carried 5-0.**

(3) Mr. Canavan presented follow-up from the Public Hearing dated February 28, 2006, to consider a request to amend the CWSP service area maps III-51 and IV-51 to change the service area category from W-6 and S-6 to W-3D and S-3D for 6.26 acres described as Weiner Subdivision (CWSP 05-110-035) at Tax Map 51, Grid 23, Parcel 428 in the Eighth Election District in anticipation of a 5-lot subdivision for residential development.

**Commissioner Mattingly moved, seconded by Commissioner Dement, to amend the St. Mary's Comprehensive Water Sewerage Plan as recommended by the Planning Commission to change the service area category from W-6 and S-6 to W-3D and S-3D on 6.26 acres described as Tax Map 51, Grid 23, Parcel 428 in the 8th Election District. Motion carried 3-2. Commissioners Raley and Dement voted no.**

**DEPARTMENT OF LAND USE AND GROWTH MANAGEMENT: Discussion of Traffic Mitigation Plan Re-Development along Rt. 235 Corridor (Denis Canavan, Director, LUGM; John Groeger, Deputy Director, DPW&T)**

On December 13, 2005, the Commissioners approved the use of Transferable Development Rights (TDRs) for the 90,000 square foot expansion of the Wal-Mart store in California. As part of the TDR discussion, the Board requested a discussion of the traffic mitigation plan that is being pursued by the store.

Mr. Groeger briefed the Commissioners on the Traffic Mitigation Plan related to the development along the Route 235 corridor. The applicant conducted an analysis and presented a proposal to mitigate the traffic, which was reviewed by the Departments of Public Works and Transportation (DPW&T) and Land Use and Growth Management (LUGM) and found to be sufficient to satisfy the necessary finding of adequacy per section 70.7.2d, of the Comprehensive Zoning Ordinance. Section 70.7.2d states that developments would be allowed to proceed in certain areas experiencing unacceptable levels of service provided that transportation improvements are made which would result in an improvement in traffic operations beyond what would have been expected if the development had not occurred. Mitigation proffered includes: triple left turn lane from the Wal-Mart entrance to northbound Rt. 235 and re-marking of the southbound Shady Glen Drive approach to MD Rt. 235; construction of Wal-Mart/Kmart connector road, as

well as the left turn lane extension of northbound Rt. 235 at Town Creek Drive. Should a finding of adequacy not be made with these improvements, an additional fee-in-lieu could be considered.

*Mr. Canavan noted that the Wal-Mart project will proceed through the normal channels of the development process.*

**COUNTY ATTORNEY'S OFFICE: Decision on Proposed Amendment to Extend the Deadline to Apply for the Senior Property Tax Credit for Fiscal Year 2006** (*John Norris, III, County Attorney and Jan Norris, County Treasurer*)

Mr. Norris noted for the record that the Commissioners held a Public Hearing on February 28, 2006, to consider amending Chapter 267-68 (B)(2) of the Code of Public Laws of St. Mary's County to extend the FY2006 application deadline for the Senior Property Tax Credit program. There were no additional comments during the open record period.

**Commissioner Jarboe moved, seconded by Commissioner Dement, to approve the Amendment to the Senior Property Tax Credit extending the Fiscal Year 2006 application deadline to April 15, 2006. Motion carried 5-0.**

*Commissioner McKay advised the public that the application deadline can't be extended next year and encouraged all those eligible for the program to contact the Treasurer's Office to make sure they have filled out the proper application in order to receive this benefit in a timely basis next year. Next year's application deadline will be July 1, 2006, and the Treasurer's Office will be sending out applications within the next few weeks. Applicants must re-apply each year.*

**MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION (MALPH): Program Update** (*James Conrad, Exec. Dir, MALPF and Carol Council, MALPF Staff*)

Mr. Conrad and Ms. Council briefed the Commissioners on the MALPH program, which is a state-county partnership in its 25th year of purchasing easements. This is a two-step program (the five year development may change) and landowner participation is voluntary. Its governing structure includes a twelve-member Board of Trustees and a local appointed Agricultural Land Preservation Advisory Board for each county. The primary objective is to preserve productive agricultural land and woodland in Maryland, and the secondary objectives are to help control the extent of urban expansion in the state, curb the spread of urban blight and deterioration, protect agricultural land and woodland, and improve the water quality of the Chesapeake Bay. Mr. Conrad updated the Commissioners on the current status of MALPF's purchase information, the changes in funding, and plans to make better use of state and county resources, maintain or improve farm profitability, and increase program participant and county choice and flexibility.

**COMMISSIONER'S TIME**

**Commissioner Dement**

Attended the St. Mary's Co. Farm Bureau Annual Banquet and apologized for having to leave early.

Happy Birthday to Cecelia Knott, celebrating her 75th birthday and Eddie Bailey, celebrating his 70th birthday.

**Commissioner Mattingly**

Attended the Naval Aviation Enterprise Investment Alignment Symposium Reception.

Attended the St. Mary's Co. Interfaith Conference on Health and Human Services sponsored by the Local Management Board.

Attended the Solid Waste/Recycling Tour which included visits to Calvert County and Prince George's County, and King George County, VA.

Attended the Nursing Home Board of Director's Strategic Planning Meeting.

Congratulations to the St. Mary's Co. Farm Bureau.

Congratulations to Eddie Bailey, celebrating his 70th birthday.

**Commissioner Jarboe**

Attended the Solid Waste/Recycling Tour.

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Stated that he received a fax from property owners Daniel and Lisa Quade outlining questions they have regarding their property that have remained unanswered. The Quades have asked that at least one Commissioner be present at an onsite review on Friday, March 17. A copy of the fax was given to the Commissioners and to Mr. Canavan to respond to the Quades' questions.

**Commissioner Raley**

Attended the Solid Waste/Recycling Tour, which was very worthwhile and informative.

Congratulates Cecelia Knott, celebrating her 75th birthday and Eddie Bailey, celebrating his 70th birthday.

Attended the Chesapeake Bay Field Lab Rally to help preserve an important part of the St. Mary's history.

Attended the St. Mary's Co. Farm Bureau Annual Banquet.

**Commissioner McKay**

Congratulated and welcomed Kendall Sorenson-Clark as the new Executive Director of the Greenwell Foundation.

Participated in the Lower Potomac River Marathon hosted by the Harry Lundeberg School to benefit the Piney Point Lighthouse Museum and the Chesapeake Bay Field Lab and attended the breakfast at the Valley Lee Firehouse.

**COUNTY ADMINISTRATOR**

**1. Draft Agendas for March 21, 2006 and March 28, 2006**

**2. Department of Recreation, Parks & Community Services** (*Cynthia Brown, Comm. Services Div. Mgr. and Ms. Jackie Beckman, Community Traffic Safety Program Coordinator*)

- a. Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President to sign the attached budget amendment that decreases the Highway Safety Grant Project Budget by \$47,500 in order to align the project budget to the actual grant award. Motion carried 5-0.**

*(Walter Biscoe, Prevention Coordinator, RP&CS, HEAT Team)*

- b. Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize Commissioner President to sign the FY 2007 Collaborative Supervision and Focused Enforcement (CSAFE) Grant Application in the amount of \$38,600. Motion carried 5-0.**

**3. Department of Economic and Community Development** (*John Savich, Director and Donna Sasscer, Agriculture Manager*)

a. Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize Commissioner President to sign the Release Agreement for the St. Mary's County Agriculture Land Preservation Program. Motion carried 5-0.

*(Dennis Nicholson, Exec. Dir., SMCHA; Cindy Phillips, Program Mgr, SMCHA)*

b. Commissioner Dement moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner President to sign the Rental Allowance Program Application, Assurance of Compliance and three (3) sets of Grant Agreement in the amount of \$53,210. Motion carried 5-0.

4. Department of Public Safety *(Timothy K. Cameron, Director and Tim Bennett, Manager, Emergency Management Division)*

a. Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President to sign the Memorandum of Agreement for the FY06 Emergency Management Performance Grant Between the Maryland Emergency Management Agency and St. Mary's County. Motion carried 5-0.

*(Michelle Lilly, Emergency Planner, EMA Division)*

b. Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize Commissioner President to sign the Memorandum of Agreement for the FY06 Hazardous Materials Emergency Preparedness (HMEP) Grant between the Maryland Emergency Management Agency and St. Mary's County. Motion carried 5-0.

5. Department of Finance *(Elaine Kramer, Chief Financial Officer and Laura Joyce, Exec. Dir., So. Md. Ctr. for Family Advocacy)*

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize Commissioner President to sign the Sub-recipient Agreement relative to the previously approved FY06 Edward Bryne Memorial Justice Assistance Grant (JAG) to be passed through to the Southern Maryland Center for Family Advocacy. Motion carried 5-0.

6. Department of Land Use and Growth Management *(Phil Shire, Planner)*

Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign the proposed Instrument of Transfer of four transferable development rights for two additional lots in the RPD Zone: Subdivision Case #05-110-120, Trossbach Estates and make final. Motion carried 5-0.

7. Appointments to Boards and Committees

Commissioner Jarboe moved, seconded by Commissioner Mattingly, to appoint the following St. Mary's County citizens to Boards, Committees or Commissions:

St. Mary's County Housing Authority

Stephanie Proctor

Marcey House

Alma A. Shearin

Daniel A.M. Slade

Motion carried 5-0.

## BUDGET WORK SESSION

The Commissioners conducted a Budget Work Session.

## PUBLIC FORUM

Commissioner President McKay opened the public forum and introduced Ms. Barbara Thompson, Chairwoman of the Justice and Advocacy Council of St. Mary's County, Archdiocese of Washington.

Ms. Thompson presented the J&A Council's Case for a Strategic Housing Plan for St. Mary's County. The Council pointed out that the Board has made significant steps toward defining and addressing the County's housing needs by funding the Report on Housing, Livability, and Affordability, and the Danter Study of Housing Needs in St. Mary's County. These steps are essential components to an ongoing program to make sure that the limited-income workforce and others priced out of the market have opportunities for affordable shelter. The Council offered strategies for consideration and requested that the Board approve a staff position to develop and implement a Strategic Housing Plan to address ongoing housing needs and take this effort to fruition.

*Commissioner President McKay asked that John Savich, Director of Economic and Community Development, bring this issue forward to the Commissioners from a staff/management perspective.*

Public Comments:

Dr. Sal Raspa, Chairman, St. Mary's County Board of Education, 20938 Three Notch Rd., Lexington Park

I want to thank the Board of County Commissioners for their dedication and commitment to the education of our children and your willingness to review the school system's budget and successfully engage in dialogue. The Commissioners and Board of Education members have been working in a collaborative manner, in a team effort that has been very positive. You have shown a commitment to improving education in St. Mary's County for all children. The Bridge to Excellence agreement is a landmark document. On behalf of the entire Board of Education and St. Mary's County, thanks for your commitment, and we look forward to continuing to work together as a team. God bless.

Kathy Springer, 22987 Wedgewood Lane, California

I want to thank Commissioner McKay for supporting the Habitat for Humanity's request for county property for a community of Habitat homes next to the Great Mills pool as presented by Mr. Chuck Stein. According to the article in the Enterprise, the other Commissioners felt that the land was too valuable to be used for Habitat homes. Shame on you. These are our taxes that you are collecting. What do you envision for this property? Habitat is not a hand-out, it is a hand up. Today's prices have put the dream of owning a home out of the question for many people. Habitat homeowners are some of the most admirable people I have ever met. Families are selected and have to meet certain requirements and must also contribute sweat equity to their homes as well as to other Habitat homes. I encourage all of you to educate yourselves on how Habitat works. It is not a handout. You need to come out and witness the spirit of the homeowners as they work with the volunteers on the construction of their homes. You will have to travel to Calvert County, though, since there is no more land available in St. Mary's. Don't dismiss Mr. Stein's request. Is there any county land that you could provide? Open it up to the public to decide at a public hearing. It is our land. Put us in touch with builders who may consider donating land as Rachelle Millison has done.

Laurie Walker, 22492 Wainwright Ct., California

Please re-think your position on providing the property next to Great Mills pool to Habitat for Humanity. Let the public decide. Lower and middle class don't have a chance. You have removed several trailer parks and the Flattops. You should remain firm on your pledge to represent all walks of life. Give Habitat for Humanity a chance. Let the citizens decide.

Rocky Rowland, 41720 Sheiloh Way, Hollywood

I have been the beneficiary and recipient of trash on my property once every two months prior to the implementation of the tipping fee. When \$5.00 tipping fee was implemented, the trash dumped on my property increased to once per month. With the \$10 tipping fee, it is now two times per month. As you go into this solid waste management plan and budget cycle, consider the following: (1) when verified by the Sheriff that dumping has occurred

on private property, allow the tipping fee to be waived for the "beneficiary" of the trash who has to bring the trash to the dump; (2) increase the fine for dumping trash (it cost me more than \$15, which I believe is the cost of the fine, to take the trash to the dump), and use ½ of the fine to reimburse landowners, which is in line with COMAR's Victims Rights. This is a problem for a lot of people. As tipping fees increase, the problem will increase. I don't want to have to take other people's trash that was dumped on my property to the landfill every day. My other concern is that when I went to pay taxes, I applied for farm tax credit and was denied because I sold TDRs off my land to participate in program to preserve land. From an economical, environmental and social standpoint, tree farming is the best application of land. Few other products generate more jobs than timbering. I was told there is a conflict between the tax credit law and the zoning regulations. I have re-read the document and there is no conflict. I have waited nine months for resolution and have been told by the Economic Development Department that a resolution is coming, but it has not come. The County Attorney has adjoined Donna Sasscer from processing my application due to conflict he perceives. There is no conflict. I have been unjustifiably denied a tax credit on my farm land. I am asking for a resolution of the "perceived" conflict so that I and others in the same position can be allowed to participate in the program. The Board of County Commissioners changed the law to allow participation after easements are put on the land. The Treasurer's Office said they can't process based on the Economic Development Department not processing the application.

*The Commissioners directed Mr. Forrest to obtain a report from the County Attorney, the Department of Land Use and Growth Management and the County Treasurer on the status of Mr. Rowland's application and the reason for the denial. Mr. Forrest was also asked to have John Savich (Director, DECD) bring a proposal forward to the Commissioners for a resolution of this matter.*

David Mattingly, 23970 E. Maypole Rd., Leonardtown

I wish you all success in the upcoming elections. As a concerned St. Mary's County resident - - and even though I am a member of the J&A Council - - my comments are coming straight from my heart, not as a result of belonging to any organization. We are very fortunate to have established a very generous concerned community. We are blessed that for the most part, county government works. As Commissioner Mattingly said in his remarks at the Interfaith Conference, we have problems and concerns at the present time, including: affordable housing, school capacity, domestic violence, hunger, substance abuse, and social service needs in general. When Katrina took place, I couldn't believe what I saw on the television. I spent 1961-65 in the USAF, 3/12 of those years overseas and 2-2/12 of those 3 years in third world countries and never saw the conditions I saw in Louisiana and Mississippi. We call ourselves a superpower, yet we couldn't get a drink of water to those people. I bring this up because it is not a government problem; it's a "we the people" problem. It is everybody's problem. Something is wrong. We are told that politics is a local thing. What prevents us in St. Mary's County from rolling the snowball down the hill and getting something started. I want to offer solutions. We are only as good as the people who work – provide the training necessary to get up to speed. Treat the business (where you work) as if you own it. The boss is always watching. The county and its employees should always look for better ways – the buck you save may be your own. County government should act quickly and provide adequate housing and manage housing we have. Stop corporate and personal greed. Over 700 billionaires in the country - - what is enough – when is enough, enough? What if these billionaires laid \$10 billion on us? The solution is for every church, business, citizen, nonprofit to cooperate fully and work to help one person at a time. St. Mary's County makes a lot of things happen. I'm not an elected official, don't want a job in government, just want to be an advocate.

**Trash Free Potomac Watershed Initiative 2006 Action Agreement (sponsored by the Alice Ferguson Foundation)**

**Commissioner Jarboe moved, seconded by Commissioner Dement, to support and authorize Commissioner President to sign the Trash Free Potomac Watershed Initiative 2006 Action Agreement. Motion carried 5-0.**

*Commissioner Raley asked that more time be provided in the future for the Board and staff to adequately review the documents.*

**ADJOURNMENT**

The meeting was adjourned at 7:43 pm.

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

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Glenda Dennis, Administrative Assistant

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