

**ST. MARY'S COUNTY**  
**BOARD OF COUNTY COMMISSIONERS' MEETING**  
**GOVERNMENTAL CENTER**  
**Tuesday, April 20, 2004**

**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  
Donna Gebicke, Administrative Assistant (Recorder)  
Kate Mauck, Senior Administrative Coordinator (Recorder)

*The following minutes were transcribed by Kate Mauck:*

**CALL TO ORDER**

The meeting was called to order at 9:15 a.m.

**APPROVAL OF CHECK REGISTER**

**Commissioner Jarboe moved, seconded by Commissioner Dement, to authorize the Commissioner President to sign the Check Register. Motion carried.** *Commissioner Jarboe asked that the County look at ways to conserve water in the future.*

**APPROVAL OF MINUTES**

**Commissioner Jarboe moved, seconded by Commissioner Dement, to approve the minutes of the Commissioners' meeting of Tuesday, April 6, 2004. Motion carried.**

**BRAC UPDATE**

**Present:** Brigadier General Michael Hayes, USMC, Retired, Director, Military & Federal

Affairs, Maryland Department of Business and Economic Development  
Pat Parker, Assistant Director, Military and Federal Affairs  
John Savich, Director of Economic and Community Development

Brigadier General Hayes provided an overview of the Base Realignment and Closure process to date as it relates to the State of Maryland. In addition, the following information was presented:

- The Military Installation Strategic Planning Council – objectives, meetings and interim report, and future actions;
- The BRAC Calendar; and

- The Navy and Southern Maryland.

A memorandum dated January 8, 2004, from Aris Melissaratos, Secretary, Maryland Department of Business & Economic Development, regarding the Maryland Military Installation Strategic Planning Council was presented. Also presented was *A Maryland Partnership Guide for Military Facilities*. Discussion regarding the BRAC 7-Point Plan adopted by the Board of County Commissioners was discussed in detail.

#### **PROCLAMATIONS**

- Retirement – James A. Wathen, Corporal, Corrections, Sheriff's Department
- Christmas in April – National Rebuilding Day- April 24, 2004 – Mary Ann Chasen, Executive Director

## **INVITATION TO 11<sup>TH</sup> ANNUAL BENEFIT GOLF TOURNAMENT: MARCEY HOUSE**

Present: Larry Harvey, Director, Marcey House  
Christy Chesser, Marcey House  
Robert Richardson, Board of Directors  
Dave Foggo, Washington Gas  
Steve Jumper, Washington Gas  
Herbie Smith, District Manager, SMECO

A formal invitation was extended to the Board of County Commissioners and County Administrator to kick-off the Marcey House 11<sup>th</sup> Annual Benefit Golf Tournament to be held on Friday, May 28, 2004, at Wicomico Shores Municipal Golf Course. Information regarding Marcey House was also presented. Commissioner President McKay was asked to consider being emcee for the event.

## **WASHINGTON GAS COMPANY**

Present: Dave Foggo, Outgoing Public Affairs Representative  
Steve Jumper, Incoming Public Affairs Representative

As Mr. Foggo will be retiring as the Public Affairs Representative for Washington Gas Company, he introduced his replacement, Mr. Jumper, to the Board of County Commissioners. Information regarding a pilot discount program in Maryland was presented.

## **NATIONAL DISABILITY MONTH: BENJAMIN BANNEKER ELEMENTARY SCHOOL**

Present: Lynne Morgan, Supervisor of Instruction, Fine Arts  
Sandra Kerner, Assistant Principal, Benjamin Banneker Elementary

Students from Benjamin Banneker Elementary School provided entertainment in the way of songs and choreography in honor of National Disability Month. Commendations were presented to each student.

## **CHOPTICON HIGH SCHOOL STATE WRESTLING CHAMPIONS**

Present: Dr. Andy Roper, Supervisor of Instruction, Health & Physical Education  
Dane Kramer, Head Wrestling Coach  
Mike Hill, Assistant Wrestling Coach

The wrestling team from Chopticon High School appeared before the Commissioners to be recognized for their efforts in having several of their members place and/or receive the award of State Championship in wrestling. Commendations were presented to the coaches as well as 8 students.

## **COUNTY ADMINISTRATOR**

1. Draft Agenda for April 27, April 28, April 29, May 3, May 4, and May 10, 2004 – *It was requested that staff try to schedule the May 10<sup>th</sup> Budget Work Session to be included on the Tuesday, May 11<sup>th</sup> meeting if at all possible.*

2. **Cooperative Reimbursement Agreement on Child Support**

a. **State's Attorney's Office**

Present: Michael Stamm, Deputy State's Attorney

**Commissioner Dement moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner President McKay to sign the FY2005 Cooperative Reimbursement Agreement for the Child Support Division of the State's Attorney's Office. Motion carried.**

b. **Sheriff's Department**

Present: Sheriff David Zylak  
Erin Gass, Fiscal Manager

**Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign the FY2005 Cooperative Reimbursement Agreement for the Child Support Division of the Sheriff's Office. Motion carried.**

3. **Land Use and Growth Management**

Present: Denis Canavan, Director

**Commissioner Raley moved, seconded by Commissioner Mattingly, to approve the scheduling of a public hearing at 6:00 p.m. on May 18, 2004, for a Major Amendment to the approved Planned Unit Development Plan for ZPUD#04-245-001, Stewarts Grant. Motion carried.**

4. **Office on Aging**

Present: Gene Carter, Director

a. **Commissioner Dement moved, seconded by Commissioner Raley, to approve and authorize the Commissioner President to sign FY2005 Memorandum of Understanding between the Maryland Department of Health and Mental Hygiene and the St. Mary's County Office on Aging (State: \$82,814; County: \$31,500). Motion carried.**

- b. Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign two Notification of Grant Awards and Budget Amendment for Title III's. Motion carried.**

**5. Department of Public Works and Transportation**

Present: George Erichsen, Director

- a. Claim Letter to the First National Bank of St. Mary's in the amount of \$152,000 for work not completed by Heritage Manor Homes of Lexington Park, Inc. for the Greenbrier Subdivision (formerly Whaler's Creek Runn), Section 2, 8th Election District. *The Public Works Agreement and Letter of Credit in the amount of \$408,800 were originally issued on March 30, 1993. The roads included in this agreement are: Green Leaf Road (1,652'), and Schwartzkopf Drive (2,288').*

**Commissioner Mattingly moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign Claim Letter, item a. Motion carried.**

- b. Public Works Agreement Addendum for Meadow Lake Subdivision, Phase 1. *Located in the 8th Election District with an expiration date of October 1, 2004. The letter of credit provided by the Maryland Bank & Trust Company in the amount of \$34,200 remains as posted based on the Department's inspection report dated February 11, 2004. The Public Works Agreement and Letter of Credit in the amount of \$585,200 were originally issued on April 28, 1998. The roads included in this agreement are: Golden Rod Drive (1,076'), Sunflower Street (872'), Heather Street (272'), and Snapdragon Court (393').*
- c. Public Works Agreement Addendum for Forest Lake Subdivision, Section 2. *Located in the 6th Election District with an expiration date of January 1, 2005. The letter of credit provided by the Washington Savings Bank in the amount of \$29,000 is being released and a check in the amount of \$10,000 has been deposited based on the Department's inspection report dated December 18, 2003. The Public Works Agreement and Letter of Credit in the amount of \$29,000 were originally issued on February 16, 2001. The road included in this agreement is: Christine Place (222').*
- d. Public Works Agreement Addendum for Emerald Hills Subdivision, Section 4. *Located in the 8th Election District with an expiration date of February 1, 2005. The letter of credit provided by the County First Bank in the amount of \$103,000 remains as posted based on the Department's inspection report dated February 10, 2004. The Public Works Agreement and Letter of Credit in the amount of \$103,000 were originally issued on March 28, 2003. The roads included in this agreement are: Anita Court (542') and Colleen Place (175').*

- e. Public Works Agreement Addendum for Emerald Hills Subdivision, Phases 2 & 3. *Located in the 8th Election District with an expiration date of April 1, 2005. The letter of credit provided by the County First Bank in the amount of \$64,000 remains as posted based on the Department's inspection report dated March 30, 2004. The Public Works Agreement and Letter of Credit in the amount of \$175,600 were originally issued on May 6, 2002. The roads included in this agreement are: Mary Margaret Court (817') and Hillary Court (342').*
- f. Public Works Agreement Addendum for Hickory Hills North Subdivision, Section 3. *Located in the 8th Election District with an expiration date of March 1, 2005. The bond provided by the Travelers Casualty & Surety Company of America in the amount of \$430,800 remains as posted based on the Department's inspection report dated March 9, 2004. The Public Works Agreement and Bond in the amount of \$555,100 were originally issued on January 1, 2003. The roads included in this agreement are: Athlon Drive (434), Kinnegad Drive (1,106), Corkaree Place (134'), Ballymore Place (167'), Kilbeggon Court (243'), Moycashel Place (200'), and Shannon Street (191').*

**Commissioner Dement moved, seconded by Commissioner Raley, to approve and authorize the Commissioner President to sign Public Works Agreement Addendums item b, c, d, e, and f. Motion carried.**

Also Present: George Jarboe, Transportation Manager

- g. **Commissioner Jarboe moved, seconded by Commissioner Dement, to approve the authorization of free rides on the STS Bus System on April 23, 2004 to help promote National Local Government Week. Motion carried.**

## **6. Department of Public Works and Transportation**

Present: George Erichsen, Director  
Elaine Kramer, Finance Director

**Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign Budget Amendment transferring funds from Commissioners' Reserve to Building Maintenance & Repair in the amount of \$110,715 to take care of the fire alarm systems in the County office buildings and Garvey Senior Center. Motion carried.**

## **7. Department of Recreation, Parks and Community Services**

Present: Phil Rollins, Director  
Bill Ball, Parks Manager

**Commissioner Jarboe moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to sign Department of Natural Resources Waterway Improvement Fund Application. Motion carried.**

Discussion took place regarding the boat launch at Clarkes Landing Road and options to help upgrade the site and establish additional parking areas. Also discussed was the Sandgates boat launch site.

## **STATE OF THE COUNTY REPORT**

Present: George Forrest, County Administrator

Mr. Forrest presented the Board of County Commissioners a State of the County Report, outlining the following major topics:

- Mission Statement;
- Organizational Management;
- Leadership;
- Executive Management Team;
- Human Resource Management;
- Budget;
- Mission Highlights by Department;
- To-Do Items; and
- Conclusions.

Mr. Forrest was asked to have the County's vision clearly stated so that every employee understands and is able to state the vision. Providing professional development plans for each employee was discussed, as well as problems with performance evaluations. The use of symbols and displaying those symbols throughout the organization in order to remind employees of ways to effectively enforce the County's mission was discussed.

### **UPDATE AND STATUS REPORT ON THE ENVIRONMENTAL ASSESSMENT PROJECT AT CAPTAIN WALTER F. DUKE AIRPORT: DEPARTMENT OF PUBLIC WORKS & TRANSPORTATION AND DELTA AIRPORT CONSULTANTS**

Present: George Erichsen, Director  
Frank Kulka, Delta Airport Consultants

Mr. Kulka presented a Draft Environmental Assessment Report on the Captain Walter Francis Duke Regional Airport at St. Mary's. Information included meeting highlights, a timeline, an airport layout plan, property map, team organization, proposed projects, and the purpose and need of the projects. Alternatives were presented and discussed in detail. Mr. Kulka reported that the process is expected to be completed by the end of this year or as late as January/February 2005. A public hearing regarding the Environmental Assessment will be held during the regularly scheduled Airport Advisory Committee meeting on May 24<sup>th</sup>.

### **UPDATE: TRI-COUNTY YOUTH SERVICES BUREAU, INC.**

Present: Chris Bologna, Board President  
Kathryn Stephens, Interim Executive Director

Representatives from the Tri-County Youth Services Bureau, Inc. provided information regarding the services provided for mental health and counseling services for children,

youth, and families in St. Mary's County. Information regarding the restructuring efforts and impacts due to reduced funding sources was outlined. It was reported that the new Executive Director has been hired and is scheduled to begin working in the position in June. Commissioners expressed their concerns that improvements should be made in communicating services provided and contact information to the public. The current contact telephone number is 301-645-7837. It is hoped that a toll-free or local telephone number will be offered in the future.

**LIBRARY BOARD ANNUAL REPORT: NATIONAL LIBRARY WEEK PROCLAMATION**

Present: Kathleen Reif, Library Director  
Members of the Library Board of Trustees  
Janice Hummel, Lexington Park Library Manager  
Margaret Thaler, Charlotte Hall Library Manager  
Mary Lee Russell, Leonardtown Library Manager

Ms. Reif provided the Library's Annual Report to the Board of County Commissioners. A Proclamation was presented in honor of National Library Week, which is April 18 – 24, 2004. Ms. Reif announced the receipt of a grant that will provide a NASA display, which should be forthcoming in December. Publicity efforts and the need for volunteers to assist with the display were discussed.

**COMMISSIONERS' TIME**

Commissioner Raley

Attended Hospice reception for the members of its staff, Board of Directors, and others that work with Hospice. Congratulations were expressed to Charlie Taylor, Jan Barnes, and Kim Knight for putting on a nice reception. Hospice fills a special need for the citizens of the County during a difficult time.

*Expressed concern about calls regarding Land Use and Growth Management and the amount of time it takes to get minor projects approved through the system. Asked County Administrator to look into the situation to see if the department can get some help.*

*Asked County Administrator to check with Mr. Schultz on whether everyone has turned in their top five selections for the hiring of the new Public Safety Director, so the process can move forward quickly.*

Commissioner Dement

Attended, along with Commissioner Mattingly, the Easter Festival on Saturday, April 10<sup>th</sup>.

Attended Earth Day at the Square in Leonardtown on Sunday – saw Commissioner Jarboe and Commissioner Mattingly there as well. A tree was planted in memory of Jim Beavans for 45 years of service.

Arrived late at the Blessing of the Bikes event. Thousands of folks were there, which likely brought in a lot of revenue to the County.

Reported that his wife, Shirley, thanks everyone for cards, flowers, and prayers while she is in the process of a very slow recovery.

#### Commissioner Mattingly

On behalf of the Commissioners, expressed wishes to Shirley Dement during her recovery.

Attended the Easter egg event put on at the Governmental Center.

Stated that kids actually planted the tree in honor of Jim Beavans – many members of his family were there as well.

Attended the Blessing of the Bikes – it was a fine event – expressed congratulations on the success of the event.

Attended, along with Commissioner McKay, a Little League Opening Day event at Dorsey Park, which was a fine event. Commissioner Dement attended the one at Cecil Park.

Attended a Volunteer Appreciation Night at the Nursing Center. Many of the people there have volunteered for 30 years and should be congratulated for the time and commitment they have shown for helping in this important effort.

Maryland Agriculture Tour – along with Secretary Riley from the Eastern Shore took a tour of the County. There was a good turnout of farmers at the Fairgrounds. A number of items were brought up that Commissioner Mattingly sent over to Donna Sasscer, including the grain facility. Concerns about pesticide day were also expressed. Commissioner Mattingly will bring these items back to the Commissioners after staff provides some research/input.

*Regarding Land Use and Growth Management issues – Suggested to County Administrator – Need to readdress solutions concerning the length of time it takes to get minor projects through*

*the system. Should consider authorizing overtime for seasoned folks that can process applications or to possibly buy back some comp time to meet some of the demand and get caught up – need to be compensated for time they put in.*

#### Commissioner President McKay

Told Commissioner Dement that everyone is praying for him and for his wife, Shirley.

Announced the Public Hearing would be held tonight at 5:30 p.m. on the proposed Comprehensive Zoning and Subdivision Ordinance Amendment.

Announced the monthly Public Forum would be conducted tonight, to commence at 6:30 p.m., and would begin with comments on any subject. A Public Forum about Sexual Violence Awareness would be conducted immediately afterward.

### Commissioner Jarboe

Attended the Blessing of the Bikes event and thousands of people were there – a big presence was made. Asked that motorists be courteous on the road when these types of events are happening, so that everyone is safe.

The meeting was adjourned.

*Donna Gebicke recorded the remaining meeting minutes:*

### **PUBLIC HEARING: PROPOSED COMPREHENSIVE ZONING (CZO) AND SUBDIVISION ORDINANCE (SO) AMENDMENT TO AMEND CHAPTERS 51, 61, & 70 OF CZO AND CHAPTERS 24 & 30 OF THE SO**

Present: Denis Canavan, Director, Land Use and Growth Management

Commissioner McKay opened the public hearing at 5:39 p.m. Mr. Canavan described the purpose of the hearing and provided background information. Notice of the public hearing was published in the Enterprise newspaper on April 2 and 7. The purpose of the hearing was to receive public comment on proposed Comprehensive Zoning Ordinance (CZO) and Subdivision Ordinance (SO) Amendments to Amend Chapters 51, 61, and 70 of the CZO and Chapters 24 and 30 of the SO for the purpose of re-examining requirements of the SO as it pertains to the number of lots to be served on a private road.

The Board of County Commissioners directed staff to reexamine the requirements of Section 30.11 of the Subdivision Ordinance as it pertains to private roads and consider allowing more than five (5) lots to be served by a private road. Staff proposed amending the Subdivision Ordinance to include a family conveyance provision that would be consistent with Article 66B and that would allow the Planning Commission to approve additional lots to be served by a private road for family conveyance purposes. Many property owners have complained to staff that the restrictions regarding the number of lots to be served by a private road preclude them from giving a lot to a son or daughter and that it is not feasible for them to build a private road to public road standards.

The Planning Commission held a public hearing on April 12, 2004, and voted unanimously to recommend amending the Comprehensive Zoning Ordinance and the Subdivision Ordinance to allow more than five (5) lots to be served by a private road.

Mr. Canavan took the Commissioners and public through each proposed change to the CZO and SO.

Some of the concerns expressed by the Commissioners included: limiting the ability to create more than five lots for family conveyance on a private road (without having to bring the road up to county standards or seek a variance through the Board of Appeals) to owners of record at the time the new amendments are adopted; the possibility of specifying additional “hardships,” as defined in the Critical Area Ordinance language.

Public Comment:

Geneva Coombs, 27305 Fred Lane, Mechanicsville, MD

I live on a private road built in the 70's. It is well-maintained. The owner of the road had to give up 18 acres to do the road. If he had to give up 18 more to bring road up to county standards, he wouldn't be able to farm. I am in agreement with the proposed amendments.

Kathy Atlas, 22120 Bell Farm Way, Leonardtown, MD

I am very much in favor of the proposed amendments. This is very important to families who want to convey some of their land to their children when the existing road is maintained and working well. This is a good thing.

Mark Bell, 41715 Mile Post Lane, Leonardtown, MD

Breton Bay Farm – there are 10 lots on our farm road which is paved and meets private road standards. As soon as you go in 200' on our road you have already committed to five lots. We want to add five more – we have five different properties that are right there within 200'. That kind of knocks us back right from the beginning. We are being penalized for five lots that use only 200' of the farm road and we probably have a half mile of road total going into the farm. The farm wants to continue as a farm. The road is maintained. Family members have tried to move on the farm in the past. A piece of lot that I would like to get my brother wanted five years ago and he couldn't get it because we didn't have this opportunity we are looking at now. All of my brothers have built homes and they are living off the farm and they had to go buy it from someone else. It is hard on family members when you have the land and you can't even give it to your own kids. I don't believe we should try to specify additional "hardships," because there too many to try and define. Let Mr. Canavan make the decision. I approve of the proposed amendments.

The public hearing was closed at 6:30 p.m.. The comment period will remain open for 10 days for written public comments.

## **MONTHLY PUBLIC FORUM**

Commissioner President McKay opened the public forum to comments from the public:

Terri Doughty, North Essex Drive, Lexington Park, MD

I got irritated yesterday. After returning home from a year in the deserts of Kuwait, I came home expecting to sit on my back deck and enjoy my trees, my grass, my quiet. However, I came home to someone in what I assumed was my easement taking the trees down telling me that some development has been ok'd to build there. When I built my house we were told we had a 150' easement from our property line to where they were going to be building. Right now there are markers behind my property and all my neighbors' property that range from 30-50' from our property line. Also, the sewer systems were supposed to be redone because when it rains the yards flood. Now they are going to build more houses,

causing more runoff -- mostly into my yard – and there is no place for that water to drain. Get the public sewers fixed first and why did I lose the 150’ easement.

*Ms. Doughty was asked to speak with Mr. Forrest, who was in attendance, so that he can respond to her concerns.*

Mark Miller, 21388 Carmen Woods Dr., Lexington Park, MD

I am representing the Lexington Park Volunteer Rescue Squad. Thank you and the Delegation for getting the approval of the enabling legislation for the rescue squads to be added to an emergency or rescue type tax adding to the fire tax. We need to work together to iron out exactly how the tax will work. There are many issues that need to be discussed and resolved, such as what rates will be used throughout the districts and how installments will be paid. All of the rescue squads received their last installment from this fiscal year already. If this is going to be into the next fiscal year, their next check from the county will be affected by this tax. If it has to wait until taxes are paid and such and will not be an equally quarterly installment as we get now, it is going to affect the finances of all of the rescue squads. I would like to ask that the Commissioners and whatever department is

needed to work this out for it to be enacted and used in the next fiscal year - - and to work with the rescue squads and the Rescue Squad Association to get this system in place for the next fiscal year. We need a bridge provision for the first year of the system.

## **PUBLIC FORUM: SEXUAL VIOLENCE AWARENESS PRESENTATION**

Program Facilitator: Gwen Bankins, Maryland Crime Victims Resource Center Co-chair for

St. Mary's County

During Sexual Assault Awareness Month, there have been efforts nationwide to hold events to raise awareness of sexual assault and to recognize the partnerships in the community that work together on behalf of victims. This public forum was coordinated by the Maryland Crime Victims

Resource Center, whose mission is to ensure that victims of violent crime in Maryland receive justice and are treated with dignity and compassion through comprehensive victim's rights and services.

“Sexual Violence Awareness Month” and “Crime Victims Rights Day” proclamations were presented by the Commissioners. The following representatives provided information on their organization's services:

Sandy Bromley, Maryland Crime Victims Resource Center

Dr. William Icenhower, St. Mary's County Health Department

Luisa Nutter, Walden/Sierra, Inc.

June Becker, Center for Children & Mental Health Authority of St. Mary's County

Ella Mae Russell, St. Mary's County Department of Social Services

Lt. Lyle Long, St. Mary's County Sheriff's Office & Maryland State Police

Kathleen Long, St. Mary's County Public Schools

Officer Kristie Frost, St. Mary's College, Office of Public Safety

Dan Schaidt St. Mary's County Department of Juvenile Services

Gill Duncan, St. Mary's County Department of Parole and Probation

A “survivor” spoke of her experiences, and the results of a teen questionnaire were summarized by Ms. Bankins.

Public Comments:

Catherine Herndon , 25335 Three Notch Rd., Hollywood, MD

Speaking on behalf of domestic violence victims. Many victims feel that they are not going to get the protection they need by going to the police. This happened to Miss Chay Taylor. We are here to represent Chay. If the violence has not yet occurred, it has hard to get help until it's too late. Offenders are let of jail too soon. We need to find out what is wrong with the system so that people are not

afraid to get help. Victims need to feel they are protected. Let's not let another one go this way.

The public forum adjourned at 8:02 p.m.

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

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Kate Mauck, Senior Administrative Coordinator  
to the Board of County Commissioners