

ST. MARY'S COUNTY

BOARD OF COUNTY COMMISSIONERS' MEETING

Governmental Center

Tuesday, June 24, 2003

Present: Commissioner President Thomas F. McKay

Commissioner Kenneth R. Dement

Commissioner Lawrence D. Jarboe

Commissioner Thomas A. Mattingly, Sr.

Commissioner Daniel H. Raley (*joined the meeting at 10 am*)

George G. Forrest, Acting County Administrator

Donna Gebicke, Administrative Assistant to BOCC (Recorder)

CALL TO ORDER

The meeting was called to order at 9:05 a.m.

APPROVAL OF CHECK REGISTER

Commissioner Jarboe moved, seconded by Commissioner Dement, to authorize Commissioner McKay to sign the Check Register. Motion carried.

APPROVAL OF MINUTES

Commissioner Dement moved, seconded by Commissioner Jarboe, to approve the minutes of the Commissioners' meeting of Tuesday, June 10, 2003. Motion carried.

RETIREMENT PROCLAMATION

The Commissioners presented Michael Mattingly with a letter, proclamation and plaque in recognition of his retirement from service to County government and the citizens of St. Mary's.

EMPLOYEE SERVICE AWARDS

The Commissioners recognized the following County employees for their service to the citizens of St. Mary's County.

	FIFTEEN YEARS		

NAME	YEARS OF SERVICE	TITLE	DEPARTMENT
Tracy R. Summerday	15	Human Resource Specialist	Human Resources
Francis G. Wood	15	Maintenance Foreman	Recreation & Parks
Mary A. Bowling	15	Senior Administrative Coordinator	Economic and Community Development
Charles M. Johnson	15	Inspector II	Building Permits & Inspections
Michael H. Gardiner	15	Corporal	Office of the Sheriff
Michael W. Peacher	15	Inspector III	Building Permits & Inspections
Lydia A. Wood	15	Museum Coordinator/Acting Director	Recreation & Parks
Mark A. Porter	15	Deputy First Class	Office of the Sheriff
Delores Lacey	15	Public Information Coordinator	Office of the County Administrator
Virginia L. Mattingly	15	Senior Office Specialist	Dept. of Public Works and Transportation
John E. Payne	15	Corporal	Office of the Sheriff
Lucy M. Erskine	15	Food & Beverage Specialist	Recreation & Parks
Eugene C. Carter	15	Director	Office on Aging
Freda B. Owen	15	Program Manager	Office on Aging
Jane F. Kostenko	15	Outreach Specialist	Office on Aging
David M. Guyther	15	Maintenance Foreman	Recreation and Parks
Roger L. Oliver	15	Golf Course Foreman	Recreation & Parks
<i>NOT ATTENDING</i>			

Thomas A. Mattingly Jr.	15	CAD Technician	Emergency Communications
Catherine B. Pilkerton	15	Food Service Technician	Office on Aging
Frances A. Hammett	15	Fiscal Specialist II	Finance
Andrew J. Cusick	15	Sergeant	Office of the Sheriff
James P. Fenhagen	15	Sign Maintenance Operator	Dept. of Public Works and Transportation
Catherine L. Clarke	15	Senior Administrative Coordinator	Office of the Sheriff
	TWENTY	YEARS	
NAME	YEARS OF SERVICE	TITLE	DEPARTMENT
Cynthia A. Phillips	20	Program Manager	Economic and Community Development.
Paul E. Wible	20	Director of Emergency Mgmt (RETIRED)	Emergency Mgmt Agency
William E. Wood	20	Correctional Officer I	Office of the Sheriff
Helen T. Nolan	20	Correctional Office I	Office of the Sheriff
Theresa M. Mayor	20	Supervisor	Housing
<i>NOT ATTENDING</i>			
Joy I. Farrell	20	Senior Legal Assistant	State's Attorney's Office
Stanley J. Williams, Jr Jr.	20	Deputy Director of EMA	Emergency Management Agency

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TWENTY- FIVE YEARS			
NAME	YEARS OF SERVICE	TITLE	DEPARTMENT
E.Patricia Insley	25	Alcohol Beverage Board Administator	Alcohol Beverage Board
Deborah M. Zylak	25	Supervisor	Office of the Sheriff
Robert C. Cooper	25	Manager	Dept. of Public Works and Transporation
JoAnn Yates	25	Fiscal Specialist IV	Treasurer's Office
Rose M. Thompson	25	Fiscal Specialist IV	Treasurer Office
Jeffrey L. McLane	25	Deputy First Class	Office of the Sheriff
<i>NOT ATTENDING</i>			
John O. Thompson	25	Manager (RETIRED)	Dept of Public Works and Transportaion
Michael E. Humphries	25	Museum Director (RETIRED)	Recreation & Parks
Oliver D. Stewart	25	Corporal	Office of the Sheriff
Gloria L. LeDonne	25	Senior Administrative Coordinator	Emergency Management Agency
THIRTY YEARS			
NAME	YEARS OF SERVICE	TITLE	DEPARTMENT
William E. Ball	30	Manager	Recreation and Parks
Margaret S. Childs	30	Senior Administrative Coordinator	Land Use and Growth Management

NOT ATTENDING

Catherine L. Mattingly	30	Senior Office Specialist (RETIRED)	Office of the Sheriff
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OFFICE OF THE SHERIFF MONTHLY UPDATE

Sheriff David Zylak highlighted recent accomplishments and plans for the future. First steps have been taken towards the process of National Accreditation, which is expected to take 2-3 years. The Sheriff's Office will combine its Criminal Investigation Division (CID) with the local Maryland State Police Barrack's CID on July 1. This structure will combine resources, information, personnel and support to increase the number of solved crimes and services to the community. The Correctional Division continues to have staffing retention challenges. The newly formed Correctional Officers Association is one of several new initiatives to help improve the situation. Plans for later this year include the organization of a Citizens Advisory Board and the development of a long-range budget, strategic plan, and legislative package for the Commissioners' review.

OFFICE OF COMMUNITY SERVICE (OCS) MONTHLY UPDATE

Present: Cynthia Brown, Director

Ms. Brown reviewed community activities held in May and upcoming OCS plans. Preparations for SOSAR camps are completed and opening date will be June 30. "Project Graduation" was held in May. The State's Attorney's Office, County Optimist Clubs, PAX River Naval Base, Law Enforcement, and school bus drivers who donated their time to drive students, were thanked for their part in making this project a success. "Hooked on Fishing" will take place at Point Lookout on July 19. The County's 4th of July celebration, "Freedom Fest," will take place at the St. Mary's County Fairgrounds from 5-11:30 p.m. Rain date is July 5. While "Freedom Fest" is fully funded this year, aggressive fundraising will be needed to hold the event in 2004.

COMMENDATIONS

Present: Sheriff David Zylak

Scott Earhart

Canine Yekel

Canine Yekel and his handler, retired Sheriff's Deputy Scott Earhart, were recognized by the Commissioners and the Sheriff's Office for their years of dedicated service to the Sheriff's Office, *Southern Maryland Search and Rescue Dogs*, and the citizens of St. Mary's County.

EMERGENCY MANAGEMENT AGENCY/EMERGENCY COMMUNICATIONS

MONTHLY UPDATE

Present: Phil Cooper, Director

The Department is nearing completion of Phase I of the Wireless Communication Service program. Phase II work begins today. This phase will result in the ability to locate callers using Global Positioning equipment. Approval for a partial payment for IXP Contract has been granted. The Finance and Legal Departments are working on arrangements for the remaining amount. An application has been submitted to begin the process of acquiring Public Safety Communications

Accreditation. The goal is to have a quality professional service that meets nationally recognized standards.

Staffing needs for the Emergency Communications Center were discussed. The Acting County Administrator will work with Mr. Cooper and the Human Resources Department to review the Center's needs.

EMA is working with Fire and Rescue volunteers to develop a Hazardous Response Plan. Acquisition of equipment and development of an operation plan to increase training has begun through the use of FY 2001 and 2002 grants. Homeland Security grants are providing an opportunity to enhance the public safety response for all disasters. EMA is working with SMCPS on an Emergency Response and Crisis Management grant application that will review and enhance crisis management in all of the schools. The required annual Calvex training will take place in July and August. Dress rehearsal is September 9, and the actual exercise will be October 21.

Commissioner Jarboe asked if there were any plans to implement an evacuation process through the Navy, Coast Guard, Lundeburg School, or private vessels in the County. Mr. Cooper responded that this is not in the plan at this time, but that there are resources in the County that can be looked at. Primary evacuation in an emergency will be by road. Evacuation routes are set and there is a traffic plan.

OFFICE ON AGING MONTHLY UPDATE

Present: Gene Carter, Director

Jenny Page

Peggy Maio

The Northern Senior Center Council is concerned about the lack of forward movement on construction of the new facility. *The County Administrator was asked to work with those involved to help get this project underway. Commissioner Dement asked about recent concerns from the community regarding the cost and quality of meals at the Senior Centers. Mr. Carter replied that the food contractor is experiencing some staffing problems, but this should be resolved soon. Mr. Carter was asked to send a letter to seniors explaining the current meal situation.*

The Medicaid Waiver Coordinator Position has been filled. There were 58 applicants for this position.

COUNTY ADMINISTRATOR

1. Draft Agendas: July 1, 2003 and July 8, 2003
2. MetCom (*Tom Russell, Asst. Director, Lou Roberts, HR Manager*)

To approve addition of two new positions to MetCom staff.

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve the addition of a maintenance specialist position to MetCom staff. Motion carried.

Commissioner President McKay expressed concerns regarding MetCom's growth as compared to the overall economy-- 6% budget increase in 2004 -- and emphasized the importance of MetCom's fiduciary responsibility to its customers.

3. SMCPSS
 - a. *(Paula Smith, SMCPSS)*

To approve request for spending authority for FY2004 as presented by Board

Education

Commissioner Mattingly moved, seconded by Commissioner Dement, to approve the St. Mary's County Public School's request for a continuing resolution to authorize spending for FY 2004 and to sign the authorization letter outlining the parameters as presented. Motion carried.

- a. *(Kathleen Lyon and Bradley Clements, SMCPSS)*

To approve and authorize Comm. President to sign SMCPSS Certification of Participation in Emergency Response and Crisis Management Grant.

Commissioner Dement moved, seconded by Commissioner Raley, to approve and authorize Commissioner President McKay to sign the St. Mary's County Public School's Certification of Participation in Emergency Response and Crisis Management Grant. Motion carried.

4. Health Department *(Dr. Icenhower, Tracy Kubinec, Accountant)*

To approve and authorize Comm. President to sign Core Public Health Services Funding Agreement for FY2004

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President McKay to sign the Core Public Health Services Funding Agreement for FY 2004. Motion carried.

5. Facilities Department *(Joyce Malone, Property Manager; Tom Russell, MetCom)*

a. To approve and authorize Comm. President to sign Easement Agreement with MetCom to construct and maintain public water line on property owned by County.

Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize Commissioner President McKay to sign Easement Agreement with MetCom to construct and maintain public water line on property owned by the County (former Waring property on Great Mills Road). Motion carried.

- a. *(Joyce Malone; Robert Guild, President, LHJNA)*

To approve and authorize Comm. President to sign Lease Agreement with Leonard Hall Junior Naval Academy, Inc.

Commissioner Dement moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President McKay to sign Lease Agreement with Leonard Hall Junior Naval Academy, Inc. Motion carried.

- b. To approve and authorize Comm. President to sign Easement Agreement with SMECO for electric service to new CSM academic building.

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize Commissioner President McKay to sign Easement Agreement with SMECO for electric service to new College of Southern Maryland academic building. Motion carried.

6. Budget Amendments

a. State's Attorneys' Office (*Michael J. Stamm, State's Attorney*)

To approve and authorize Comm. President to sign Budget Amendment to allocate and receive FY2001 Cooperative Reimbursement Child Support Incentive Funds to replace required computer workstations (\$6,147)

Commissioner Dement moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner President McKay to sign Budget Amendment to allocate and receive FY2001 Cooperative Reimbursement Child Support Incentive Funds to replace required computer workstations. Motion carried.

a. Office of the Sheriff (*Sheriff Zylak, Erin Gass*)

- i. To approve and authorize Comm. President to sign Budget Amendment to reallocate unused Child Support Incentive funds to purchase a replacement computer (\$1,259)

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize Commissioner President McKay to sign Budget Amendment to reallocate unused Child Support Incentive funds to purchase a replacement computer. Motion carried.

- ii. To approve and authorize Comm. President to sign Budget Amendment to transfer available funds to cover SMC share of roof repair for So. Md. Training Academy

Commissioner Dement moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President McKay to sign Budget Amendment to transfer available funds to cover SMC's share of roof repair for So. Md. Training Academy. Motion carried.
The County Attorney will revisit and update as necessary the Memorandum of Agreement with Charles and Calvert Counties related to the Southern Maryland Training Academy.

c. Circuit Court (*Teresa Weeks, Senior Legal Assistant*)

To approve and authorize Comm. President to sign Budget Amendment to allocate and receive FY2000 and 2001 Cooperative Reimbursement Child Support Incentive Funds that were not anticipated.

Commissioner Dement moved, seconded by Commissioner Raley, to approve and authorize Commissioner President McKay to sign Budget Amendment to allocate and receive FY2000 and 2001 Cooperative Reimbursement Child Support Incentive Funds. Motion carried.

d. Finance Department (*Elaine Kramer*)

- i. To approve and authorize Comm. President to sign Budget Amendment realigning unused snow removal costs to BOCC reserve (\$21,248)
- ii. To approve and authorize Comm. President to sign Budget Amendment realigning airport division savings to BOCC reserves (\$29,090)

Commissioner Dement moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President McKay to sign Budget Amendments realigning unused snow removal costs and airport division savings to BOCC reserve. Motion carried.

e. Community Services (*Cynthia Brown, Director*)

To approve and authorize Comm. President to sign budget amendment relating to Human Relations Commission funds (\$379).

Commissioner Jarboe moved, seconded by Commissioner Raley, to approve and authorize Commissioner President McKay to sign Budget Amendment relating to Human Relations Commission funds. Motion carried.

7. Grant Applications/Agreements

a. Local Management Board (*C. Bennett Connelly, Exec. Director; Gwen Bankins, Chair*)

To approve and authorize Comm. President to sign LMB Community Partnership

Agreement for FY04

Commissioner Dement moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President McKay to sign LMB Community Partnership

Agreement for FY04. Motion carried. *Commissioner Mattingly expressed his hope*

that the LMB and other agencies will work together to try and salvage the Family Center

in Lexington Park.

b. DPW&T (*George Erichsen, DPW Director*)

- i. To approve and authorize Comm. President to sign and re-approve the Grant Application for required Environmental Assessment for the Captain Walter F. Duke Regional Airport Master Plan. (Federal: 405,900; State: \$22,550; County: \$22,550)

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize Commissioner President McKay to sign and re-approve the Grant Application for required Environmental Assessment for the Captain Walter F. Duke Regional Airport Master Plan. Motion carried.

- ii. (*George Erichsen and George Jarboe*) To approve and authorize Comm. President to sign Budget Amendment transferring funds from non-public schools transportation to cover maintenance costs (\$28,000)

Commissioner Dement moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President McKay to sign Budget Amendment transferring funds from non-public schools transportation to cover maintenance costs. Motion carried.

c. Recreation and Parks Department (*Phil Rollins, Director*)

To consider and endorse the National Recreational Trails Program funding

application and sign the Letter of Endorsement and Certification for the Three Notch Trail.

Commissioner Jarboe moved, seconded by Commissioner Dement, to endorse the National Recreational Trails Program funding application and sign the Letter of Endorsement and Certification for the Three Notch Trail. Motion carried.

d. Office of Community Services (*Jackie Beckman, CTSP Coordinator*)

To approve and authorize Comm. President to sign Highway Safety Project Agreement (Federal-\$117,672; County – 40% match, in-kind, various sources).

Commissioner Dement moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner President McKay to sign Highway Safety Project Agreement. Motion carried.

e. Office on Aging (*Gene Carter*)

To approve and authorize Comm. President to sign NGA reflecting reduction in state funding

Commissioner Jarboe moved, seconded by Commissioner Raley, to approve and authorize Commissioner President McKay to sign Notification of Grant Award reflecting reduction in state funding and related Budget Amendment. Motion carried.

8. Human Resources Department (*Randy Schultz, Director*)

Request approval to fill: Lead Maintenance Mechanic, Facilities; Senior Office Specialist, Finance; Senior Admin.Coordinator, Sheriff's Office; Senior Office Specialist, Sheriff's Office; Manager of Construction and Inspections, DPW&T; Bailiff, Circuit Court, PT, New, July 1, 2003.

Commissioner Dement moved, seconded by Commissioner Raley to authorize filling of requested vacancies as presented (above) and to waive grant positions. Motion carried.

9. SMC Transit System Changes

Commissioner Dement moved, seconded by Commissioner Jarboe, to authorize the distribution of the press release regarding changes in the transit system routes. Motion carried. *Commissioner Mattingly requested spread sheets for Rt. 5 Express and Calvert Connection routes.*

10. Boards and Committees - Appointment Letters

Commissioner Raley moved, seconded by Commissioner Jarboe, to appoint

Tricia Palmer (Pathways Representative) to the Commission on People with Disabilities for a term expiring 12/31/07. Motion carried.

Commissioner Raley moved, seconded by Commissioner Jarboe, to appoint

Betsy Callahan (Family Service Center Representative); William B. Icenhower, M.D. (Health Dept. Representative); and Jeff Rockenbaugh (Affiliated Sante Representative); to the Mental Health & Addictions Advisory Council for terms expiring 6/30/06. Motion carried.

Commissioner Raley moved, seconded by Commissioner Jarboe to appoint

Kelsey Bush (Office of Community Services Representative); Barbara Mielcarek (Mental Health Authority of St. Mary's Rep.); Melonie Sherman (Big Brothers Big Sisters of So. Md. Rep.); and Mary E. Thompson (Family

**Center of St. Mary's Representative); to the St. Mary's Interagency
Children's Council for terms expiring 6/30/06.**

WICOMICO SHORES GOLF COURSE CLUBHOUSE PROJECT: TASK FORCE REPORT

Present: Phil Rollins, Task Force Chair & Director, Recreation and Parks

Task Force Members:

George Erichsen, Director, DPW&T

Richard Rohrbaugh, Director of Facilities

Gary Whipple, Facilities Project Manager

Patty Meyers, Golf Course Manager, R&P

Lynn Brady, Facilities Manager for Building Services

John Smith, Citizen Representative

Fred Wood, Citizen Representative

The Task Force was charged with examining the feasibility of renovating the existing Clubhouse. Land Use and Growth Management's Permits and Inspections Division and the Department of Facilities Management's Building Services Division conducted independent, visual inspections of the building to assess current conditions prior to the first meeting of the Task Force. The consensus of both inspections was that the building appeared to be structurally sound and could be renovated. Due to specific concerns raised by a Task Force member, a structural engineer was asked to conduct a preliminary inspection of the facility. This preliminary, visual inspection did not uncover any major structural problems, however, some issues were identified and recommendations were made to improve the facility. Further study of the structural issues will be required, particularly if the upper level terrace is expanded.

There was unanimous agreement on the Task Force that in order to fully evaluate and quantify cost options associated with renovation, additional structural engineering and architectural services needed to take place to investigate the extent of unknown structural deficiencies. The Task Force believes that there are enough concerns that the integrity of the existing building may require significant capital expenditure that cannot be reliably estimated at this time.

It is important to note that the County did not receive "As Built" structural drawings when the Golf Course Clubhouse building was acquired. Without the benefit of those documents, the estimates in the Task Force's report should be considered informational only and no preferred alternative is recommended at this time.

The Task Force proposed two renovation alternatives. Option A addresses only those items that had to be completed to bring the building into compliance with the current codes. The final scope of work and cost estimate (\$863,100) for Option A was discussed in detail. Option B considered renovation from the perspective of accommodating the identified programmatic needs of the facility, including moving the pro shop, kitchen, snack bar and seating area to the upper level and converting the lower level to cart storage and maintenance. This option involved expansion of the upper level for these functions onto the existing concrete terrace. Cost for Option B was estimated at \$1,256,000.

The Task Force report included a Minority Report from Mr. Fred Wood. Mr. Wood supports Option A and proposed phasing in renovation over several years (7 phases). Mr. Wood's estimation of Option A costs was \$700,760, mainly due to removing the cost of building a separate storage facility for golf carts. He also expressed concern about potential leakage of water into the kitchen and other areas if 3rd floor was removed.

Commissioner Raley asked if the 20% contingency is unusually high. It was noted that contingency is usually 5-10%, the 20% for this project is due to concerns about structural unknowns, such as lead and asbestos abatement.

The Commissioners agreed to take the Task Force's report under consideration and return the item to their agenda on July 1.

PUBLIC HEARING: CLEARBROOK FARMS GROWTH ALLOCATION REQUEST

The following section of the minutes was recorded by Peggy Childs.

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

Jeffrey Jackman, Senior Planner

Sue Veith, Environmental Planner

Peggy Childs, Recording Secretary

County Attorney John B. Norris, III.

ISUB #01-110-023 – CLEARBROOK FARMS

Requesting Critical Area Growth Allocation for an additional 28 lots on 16 acres.

The property contains approximately 59 acres, is zoned RL (partial RCA Overlay), and is located on the southeast side of Patuxent Boulevard, approximately 1500 feet north of its intersection with Myrtle Point Road; Tax Map 34, Block 6, Parcel 126.

Present: Trent Gourley, Applicant

Area Residents

Legal Ad published in The Enterprise on 6/6/03 & 6/13/03

Property posted by staff on 6/8/03 & 6/17/03

#A-1 Certified Receipts of notification to contiguous property owners

Ms. Veith presented this request for Growth Allocation to convert the Critical Area Overlay (RCA) portion of this property to LDA, allowing the developer to use the underlying zoning of RL. A total of 28 lots are proposed on this portion of the property, less than the 5-unit-per-acre maximum allowed under the RL. The remainder of the Critical Area property will remain in natural open space for the use of the residents. The green areas of the plan, that are not forested, will be revegetated with trees to create a 300-foot buffer around the entire site, between the development and the water. An additional vegetated buffer of 100 feet is proposed along Patuxent Boulevard.

Four 4 existing houses are located at the end of the property adjacent to the Patuxent River, as well as a beach area and a channel that enters into Little Kingston Creek. A tidal pond exists on the north side of the beach and a wetland at the head of Kingston Creek with a pond upstream of the wetland. There is no stream connection between the wetland and the pond and no obvious streams feeding the pond, which is fed by general flow and groundwater.

An existing sewage reserve easement on this property serves the existing house adjacent to this site and this proposal will avoid encroachment into that easement. The Critical Area Commission (CAC) recommends inclusion of the 4 existing lots in the growth allocation request; however, the houses were constructed prior to the Critical Area legislation and the Applicant does not want them included. The CAC also recommends that the beach area be included in the growth allocation request but staff does not support that recommendation, which would use up some of our growth allocation and give zoning and density rights to an area that, otherwise, wouldn't have any. A conflict regarding the "no disturbance" buffer line around the road and one lot must be resolved.

One principal entrance is proposed, with the majority of the houses (20) in one cluster plus the four at the end, and two small clusters at either end. The single entrance is proposed to avoid crossing the two existing wetlands ditches on the site.

The Planning Commission, on May 13, 2003, voted to accept staff's scoring of the project but to recommend denial of the plan to the Board of County Commissioners. The vote was 5-2 in favor of denial. Staff recommends approval of the request; however, the total acreage to be deducted must be resolved. The Applicant has requested 16 acres, and there are approximately 9 acres that the Critical Area recommends be included.

MetCom says water and sewer will not be available to this project until the infrastructure for The Woods at Myrtle Point development, which is close to 400 lots, is in place. This is the same proposal heard by the previous Board of County Commissioners, except that the staff report contains information requested through the TEC process that was not available for the previous hearing. The proposal contains no public road to the existing pier and staff has been told that the beach and the pier will not be available for public use. Ms. Veith said there are no standards for approving growth allocation, it is a legislative decision that is discretionary to the Board of County Commissioners.

Commissioner McKay opened the hearing to public comment.

Suzy Henderson, of 45273 Mill Cove Harbor Road, speaking also for the Friends of Myrtle Point, had concerns regarding water and sewer, including the fact that the pipeline is not certified and the water tower will be torn down. In addition, MetCom says gravel may be required for the sewer instead of the grinder pumps proposed in the plan. Her other concerns were: soil erosion; the impact of the disturbance to the surrounding terrain; drainage and the capacity of current infrastructure to handle runoff; no engineered plan for runoff and soil erosion as requested by MetCom; input is 14-18 months old and was submitted under drought conditions - how has this changed based on this year's influx of rainfall; no address of non-point source of pollution that could end up in Little Kingston Creek; no details of how water quality will be improved for the creek and existing streams; concerns for runoff and erosion from the houses so close to Patuxent Boulevard; traffic increase and access for emergency vehicles; traffic impact on the Route 4 intersection and the Calvert Cliffs evacuation route, and on 235.

Ms. Henderson also had concerns regarding the Growth Allocation scoring, particularly regarding habitat protection and open space, asking why would we accept only 2 out of 8 points for habitat protection when it is so important to this fragile creek? She said why not put the open space land into a Maryland environmental trust with a covenant prohibiting future development? Other concerns raised were regarding the selling price of these houses, when affordable housing is what the county needs, and concerns about ADA (Americans Disabilities Act) compliance. Ms. Henderson asked if there will be any control mechanisms over the activities the homeowners association could authorize? She said she appreciates what the developer has done but we need specific details, as there are still a lot of concerns that a lot of people want addressed.

Adam Cropper, of 23809 Kingston Creek Road, whose family has lived in this area for 35 years, appealed to the Commissioners to look at this as development proposed by outside investors who will not be concerned about what happens to Kingston Creek 10 years from now. He said he sees erosion and silting in now from all the rain we have had, and his biggest concern is the beach and the pier. He said they have people speeding on boats and jet skis and nobody can control it now; he doesn't know how a homeowners association can do it. Increased traffic – Mr. Cropper said people come in fast on their boats and the hydraulics have changed; his bank is already being undercut and he will have to put rock on his bank. Mr. Cropper said Little Kingston Creek will be lost if the development goes in because it will silt in. He asked that we consider downsizing the development on larger areas.

Jack Witten, of Clarks Mill Road, gave his history as a member of the Chesapeake Bay Coastal Resources Advisory Commission, the Maryland Environmental Trust, and Critical Areas Commission, and quoted Howard Ernst in his book, *Chesapeake Blues*. Mr. Ernst says in his book that, if we keep on the way we are going, we will lose it all. Mr. Witten reminded the Board of the approved commercial-residential-industrial PUD at the gravel plant across from Wildewood that someday will take place. He questioned the rationale for designating Myrtle Point as a PUD, and the fact that the property is included in the Lexington Park Development District. That's quite a reach, Mr. Witten said, and you have to wonder what the agenda is and why the commercial-residential-industrial PUD is never talked about. Mr. Witten talked about stormwater management and sediment control and said Mr. Ernst says we don't have the political will to see that that happens.

Mr. Witten said Growth Allocation was thrown in at the end when they were writing the Critical Area law and is a bureaucratic device to set aside the law; it's the escape clause. He said Growth Allocation is the property of the people of St. Mary's County; it is a gift and should be administered with a great deal of judgment; if we're going to allow it on a fragile piece of land such as this it should be the very best use we can possibly conceive of for the land. Mr. Witten said this whole peninsula has a unique value and the Commissioners do not have to allow this use of growth allocation – it is completely discretionary. He said the developer could get all the

numbers to add up right and the Commissioners need to take a look at the whole drainage basin coming from 235 down through this area, and see what we are doing and what we should be doing here.

Trent Gourley, the developer of this property, said the purchase of the property represents an investment for his group of 70, 80, and 90-year old clients. Mr. Gourley said the property is zoned agricultural but there is nothing they can grow that will recoup their \$1.6 Million investment. He said there would be a whole lot more damage to Little Kingston Creek from farming the property than this development. He said he is a tree-hugger himself and, if this is not what we want on this property we need to tell him what we do want, and he will do it.

Landis Lockett, of 23479 Kingston Lane, an 18-year County resident, said her focus is for her daughter's future. She said she has her daughter in private school because of the public school class sizes, and stressed concerns that the development will impact schools, wildlife, and runoff. Ms. Landis said our wildlife is being lost and the residents have flooding in their back yards, and her daughter's future is looking bleak because of all the development that is coming into the County from out of the County. She stressed the animals that are being endangered and said, when she drives through Calvert County she sees trees but she doesn't see them so much here. She asked that the developer leave the trees and consider the water. She said she would like to see quality houses with the potential for growth so that, when people have children, they don't have to leave.

Chip Dudderar, of 45655 Swanfall Way, a contiguous landowner to this site, said he tends to agree with Ms. Henderson, Mr. Witten, and Ms. Lockett, because when we look at Clearbrook Farms we see also The Woods at Myrtle Point, and he is very much concerned about the total impact of these developments on utilities, traffic, and the character of the neighborhood. He suggested the Commissioners follow the Planning Commission's recommendation and deny the growth allocation request until the development is ready for "prime time."

Robert Lewis, Co-President of the Potomac River Association, PO Box 76, Valley Lee, objected to the Commissioners holding an afternoon public hearing, stating that a lot of people had to leave work to be here. He suggested, if the Commissioners need to hold a public hearing in the afternoon, it be continued to one of the Commissioners' public forums. He also asked that the record remain open for 10 days for written comment.

Clare Whitbeck, of Leonardtown, reminded the Commissioners that this decision is entirely discretionary and said they need make no explanation whether they approve it or don't approve it. Regarding development rights, she said the development rights are probably worth exactly what Mr. Gourley paid for it, even if he withholds one. She suggested he get in line for Maryland Development Rights, pick up the money he has invested in it and sell it with one development right. She said she bets it will sell for a good deal more than he paid for it. Then he will be out of it with a tidy profit and one person will build one home on it, and we all live happily ever after.

Betsy Barley, of 23741 Kingston Creek Road, said she has a problem with development on this very fragile creek but she has a larger problem with Growth Allocation. She said the Commissioners don't need to give growth allocation every year and, if an area is called "critical," it's because it is fragile and it is critical, and it shouldn't be developed. She said to develop 15% of growth allocation every year doesn't make sense to her, and compared it to releasing 15% every year of a drug-free zone around a school.

Nancy Rogers, of 23705 Kingston Creek Road, agreed with Ms. Whitbeck and Ms. Barley, saying that boats are putting a terrific strain on this very fragile creek. She corrected Mr. Gourley, who had referred to the County as "Solomons Island." Ms. Rogers said Solomons Island was

developed for people to come to it but we live on the other side of the river and have not been developed that way, and the strain the development would put on this little creek is just too much.

Commissioner McKay closed the public hearing at 2:56 p.m., leaving the record open for 10 days for written comment. Commissioner Raley and Commissioner Mattingly followed up with some additional questions, which were answered by staff.

This portion of the meeting was adjourned at 3:10 p.m.

PROPOSED AMENDMENT TO COMPREHENSIVE ZONING ORDINANCE TO CHANGE ZONING CLASSIFICATION FOR LEXINGTON PARK CHRISTIAN SCHOOL PROPERTY FROM RPD TO RL: DECISION

The following section of the minutes was recorded by Peggy Childs.

ZONE #00-130-015 – Lexington Park Christian School (King’s Christian Academy)

Requesting the rezoning of 49.2 acres, plus an area of school property located between the 49.2 acres and the Callaway Village Center boundary, from RPD (Rural Preservation District) to RL (Low Density Residential). The property is located on MD Route 5 in Callaway; Tax Map 50, Block 17, Parcel 38.

Commissioner Mattingly began this discussion by stating that, after the Commissioners’ public hearing on June 10, 2003, he had met with Tom Russell and Steve King, of MetCom, regarding the possibility of bringing a water line to the rear of the school property from the Hunting Quarter water tank, with the ultimate goal of creating a loop out to Route 5 and the front of the property, exactly as the Commissioners have done here at the Governmental Center. He said Mr. Russell and Mr. King had responded that they thought we could do that and make it work. This will reduce the cost of bringing public water to the site from the \$160,000 quoted by Mr. DePiazza to approximately \$47,000, or about \$30.00 per foot.

Commissioner Mattingly said it is not his intention to hold the school to a higher standard, but County puts sprinklers in public school facilities and his goal is to ensure the safety of the students. He said neither was it his intention to imply that CMI would provide a building with deficiencies that wouldn’t meet the code. He said he has known John Parlett since he was a little

boy and has the utmost respect for him and his company. Commissioner Mattingly took exception, however, with Mr. DePiazza’s statement at the public hearing that the previous Board of County Commissioners did nothing to move the school forward, stating the previous Board could have made the school wait until the Callaway Village Plan was adopted but they didn’t do that, and worked toward a solution to allow construction of the school.

Commissioner Mattingly said it was the County’s intention that our Village and Town Centers be served by public water and sewer and that goes back to issues raised by the Water Quality Task Force, including the County’s aquifers.

Commissioner Raley asked, if the school does not utilize public water and sewer, does that affect the Planning Commissioner’s recommendation from a legal standpoint? Mr. Canavan replied it does not; that the Commission is an advisory board to the Commissioners. Commissioner Raley asked about the requirement in today’s Zoning Ordinance that requires non-residential

development in the Village Center to hook up to central water if it is within 1,750 feet of the water source? Mr. Canavan replied the school does not meet that provision because it is a little more than 2,000 feet from the water line. Commissioner Raley stated that he is the product of a private grammar school, a private high school, and a private college. He said he believes the rezoning will fit the Callaway Village Center, which will now have a church at one end and a school on the other. He noted the "stampede" at the recent Chopticon graduation and said he is concerned about fire safety but agreed with Commissioner McKay that we are here to vote on the rezoning. He said he will vote for the rezoning with a request that the school provide land dedication for the widening of MD 5, and with a plea that the school connect to the Hunting Quarter water tank and sprinkler the gym.

Following this discussion, Commissioner Jarboe moved to:

(1) Direct Denis Canavan, Director of Land Use & Growth Management to make sure that King's Christian school development process adheres to all applicable development regulations; and

(2) That the official zoning maps be amended to designate as Zoning District RL the conditional use site and that small portion of land owned by Lexington Park Christian School between the former Callaway Village boundary and the conditional use site, the same both being part of Parcel 38, Tax Map 50, in the Second Election District of St. Mary's County, as recommended by the Planning Commission, and that the County Commissioners approve and sign the Ordinance amending the official zoning maps in Callaway for the Lexington Park Christian School, also known as King's Christian Academy, effective this date, June 24, 2003.

The motion was seconded by Commissioner Raley and passed by a vote of 4:0:1. Commissioner Dement abstained. Commissioner Mattingly said he had come to the meeting prepared to vote against the rezoning and he is still not convinced that it is the right thing to do at the right time. He said he voted for the motion with the hope that Mr. DePiazza will seriously consider the Commissioners' plea to provide public water and include the sprinkler system.

SETTING THE FRAMEWORK FOR REORGANIZATION

Present: George Forrest, Acting County Administrator

Mr. Forrest discussed a framework for the reorganization process. He suggested that the purpose, principles and process for reorganization be agreed upon at the onset, in order to maintain focus throughout the process. It was agreed that: a key factor in developing a reorganization plan is that form should always follow function; involving employees in the process will be important to its success; and that discussions should be guided by the mission of County government. Mr. Forrest asked Commissioners to share their vision for County government with him, individually or as a group, to provide focus and direction to the process.

Commissioner President McKay shared his vision of a leaner government that is also adaptable to grow and change as necessary. The structure might include a smaller, cohesive group

(cabinet) of Directors and Administrators that would represent the entire organization and would pyramid out to all the departments. Combining functions can achieve some of this.

He also advised the Board and staff that several citizens have volunteered to serve as facilitators for the staff as they move through the reorganization process.

The County Administrator was asked to begin the reorganization process by mapping out how the top level of the structure might look (using organizational "boxes") and then to involve the "enablers" in discussions of how it will function. The County Administrator will report back to the Board in 30 days.

COMMISSIONERS' TIME

Commissioner President McKay

- Received an email from a citizen through my personal email address. Please put this item on the official mail log and ensure that a response is provided (message concerned how we are going to calculate the 107% capacity for schools).
- The Board received a proclamation from the Teen Court acknowledging their efforts to assist them in their first year.

Commissioner Dement

- Attended my first Soap Box Derby, the Callaway A&W Mobil's 1st Corvette show and the Shell Station's ribbon cutting.
- Gave out 50th wedding anniversary proclamations to family members last Saturday
- Presented 80th Birthday proclamation to George Sparks
- Attended Chamber of Annual Meeting
- Attended granddaughter Alexandra's dance concert and granddaughter Hannah made the principal's list as an honor student at Leonardtown Elementary.

Commissioner Mattingly

- Pleased to participate in Tri County Council's seminar on broad band service . There was an excellent turnout and they should be congratulated for their work with the state and local businesses to assess the needs for broad band service while trying to encourage information sharing on what is already available in the County.
- The Patuxent Partnership had another fine event. Congratulations to them.
- Attended the *Villages of Leonardtown* ribbon cutting for their model homes. They have already sold 16 units ready and are building a nice, quality homes. Wish them great success.
- Attended Dynard Elementary School's promotion to middle school ceremony. This is a very impressive group of kids.
- Attended Annual Maryland State Firemen's Association Convention. As always, many of our volunteers were recognized for their various levels of involvement and for the competitions they participated in. Congratulations to Bobby Balta who was a candidate for 2nd Vice President. While he wasn't elected this time, the election was very close and he conducted a fine campaign and has the respect of all around the state.
- Tri County Council will have full council meeting this week.

- Plan to attend Medivac Ceremony in Annapolis this Saturday, celebrating 100,000th flight of Medivac system.

Commissioner Jarboe

- Special thanks to people who help BOCC resolve issues: George Erichsen and Bobby Cooper (25 years service) who are always there on road issues. Their efforts to serve citizens of SMC are greatly appreciated.
- Thanks also to Sheriff Zylak for providing additional help to the Golden Beach Parade and Fireworks celebration. It's great to be working across the board with our public officials.

Commissioner Raley

- Apologize for being late this morning. Personal situation came up that I needed to attend to.
- Attended Chamber of Commerce Annual Meeting. Congratulations to Frank Taylor – the Chamber's Business Person of the Year. He and his family do a lot for our community.

EXECUTIVE SESSION

Commissioner Jarboe moved, seconded by Commissioner Dement, to meet in Executive Session to discuss matters of Litigation, as provided for in Articles 24, Section 4-210(a)8. Motion carried.

Commissioner Raley moved, seconded by Commissioner Dement, to meet in Executive Session to discuss matters of Personnel, including staff and boards and committees, as provided for in Articles 24, Section 4-210(a)1. Commissioner Jarboe voted against going into Executive Session for the purpose of Boards and Committees. Motion carried.

Litigation

Present: Commissioner President Thomas F. McKay

Commissioner Kenneth R. Dement

Commissioner Lawrence D. Jarboe

Commissioner Thomas A. Mattingly

Commissioner Daniel H. Raley

George G. Forrest, Acting County Administrator

Linda Springrose, Assistant County Attorney

Donna Gebicke, Recorder

Authority: Article 24, Section 4-210(a)8

Time Held: 5:27 p.m. – 5:32 p.m.

Action Taken: The Commissioners discussed a litigation matter and gave direction to staff.

Personnel

Present: Commissioner President Thomas F. McKay

Commissioner Kenneth R. Dement

Commissioner Lawrence D. Jarboe

Commissioner Thomas A. Mattingly

Commissioner Daniel H. Raley

George G. Forrest, Acting County Administrator

Donna Gebicke, Recorder

Authority: Article 24, Section 4-210(a)1

Time Held: 5:33 p.m. – 8:28 p.m.

Action Taken: The Commissioners discussed boards/committees and personnel matters and gave direction to staff.

ACTION FROM EXECUTIVE SESSION

As a result of the Executive Session, Commissioner Jarboe moved, seconded by Commissioner Dement, to direct staff to move forward as discussed on personnel and litigation issues. Motion carried.

ADJOURNED

The meeting adjourned at 8:30 p.m.

Minutes Approved by the

Board of County Commissioners on _____

Donna Gebicke, Administrative Assistant

to the Board of County Commissioners

