

Present: Commissioner President Thomas F. McKay

Commissioner Kenneth R. Dement

Commissioner Lawrence D. Jarboe

Commissioner Thomas A. Mattingly, Sr.

Commissioner Daniel H. Raley (*arrived at 3 pm*)

George G. Forrest, Acting County Administrator

Donna Gebicke, Administrative Assistant to BOCC (Recorder)

MARGARET BRENT MIDDLE SCHOOL

Prior to the opening of the regular business meeting at the Governmental Center, the Commissioners participated in the groundbreaking ceremony for Margaret Brent Middle School renovation and additions.

CALL TO ORDER

The meeting was called to order at 11:10 a.m.

APPROVAL OF CHECK REGISTER

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

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve the minutes of the Commissioners' meeting of Tuesday, July 8, 2003, as presented. Motion carried.

PRESENTATION and PROCLAMATION

Present: Ms. Jan Norris

Frannie Owens

Mayor J. Harry Norris

Town Staff: Colleen Bonnel, Linda Shepherd, Laschelle Miller, and

Rebecca Sothorn

The Commissioners presented a proclamation to the family of Leonardtown Town Council member Ruth W. "Becky" Proffitt in recognition of her service to the citizens of St. Mary's County and her strong support of Flag Day. On behalf of Congressman Steny Hoyer, the Commissioners

also presented the family with a U.S. flag that was flown over the U.S. Capitol on June 4, 2003, in memory of Mrs. Proffitt.

CONSTELLATION ENERGY GROUP: CALVERT CLIFFS EMERGENCY RESPONSE PLAN

Present: Phil Cooper, Acting Director, EMA, St. Mary's County

Edward Roach, Director, Emergency
Preparedness, Constellation Energy Group,
Calvert Cliffs

Mr. Roach provided an overview of emergency response plan improvements, key dates and challenges for the upcoming year. All industrial safety goals were met during the plant's most recent outage, which replaced both of the steam generators. Replacing these major components will help Calvert Cliffs continue to meet the need for clean, reliable electricity and operate at high levels of safety and efficiency. New state-of-the-art sirens were purchased and installed close to the poles holding the old sirens for the entire 10-mile emergency planning zone.

Training is scheduled for July 24th to cover the details of the Emergency Response Plan and the responsibilities of the County, Calvert Cliffs and the Commissioners. An Emergency Response drill will take place on September 9. This is a dress rehearsal for the FEMA graded exercise on October 21 and 22-24. These events identify any areas where improvements are needed so that corrective actions can be taken as soon as possible.

The facility has a very robust and aggressive security posture. In the event of extreme weather conditions, there is a great deal of redundancy in the plant's back up power systems and the piping and plumbing systems that operate the reactor. If a catastrophic event occurs, the sirens will be activated and initial, key information will come from the Emergency Broadcasting System (radio).

MEMA is aware of the limitations on evacuation routes for St. Mary's County. Mr. Cooper noted that his Department, the Sheriff's Office, and Maryland State Police Barrack Commander would meet in the near future to review the current evacuation plan.

All Commissioners were present except Commissioner Raley, who was absent due to an illness in his family. Land Use & Growth Management staff present were Denis Canavan, Director; Sue Veith, Environmental Planner; and Peggy Childs, Recording Secretary. County Attorney John B. Norris, III was also in attendance.

The following Public Hearing minutes were recorded by Peggy Childs, Land Use and Growth Management Department

PUBLIC HEARINGS

All Commissioners were present except Commissioner Raley, who was absent due to an illness in his family. Land Use & Growth Management staff present were Denis Canavan, Director; Sue

Veith, Environmental Planner; and Peggy Childs, Recording Secretary. County Attorney John B. Norris, III was also in attendance.

Both of the following applications for Growth Allocation went through the public hearing process in 1996 and 1997. Following public hearings, an award of Growth Allocation was scored and recommended for approval by the Planning Commission and approved by the Board of County Commissioners and the Chesapeake Bay Critical Area Commission. However, the maps were not changed at that time pending approval of the new Zoning Ordinance and Critical Area Update and, subsequently, the mapping "fell through the cracks." These hearings are intended to rectify that omission and amend the zoning maps for both applications. The fact that the maps were not amended was discovered when the Agent for Gardiner's Place filed for subdivision of that property. The Planning Commission conducted a public hearing on both mapping amendments and recommended approval of both on May 12, 2003.

Both public hearings were advertised in The Enterprise on 6/25/03 & 7/02/03. The properties were posted by staff on June 30, 2003 and Certified Notices were sent by staff to all contiguous property owners on 6/27/03.

ISUB #96-1976 – JAMES M. LACEY SINGLE-LOT SUBDIVISION

Requesting approval to amend the Official Chesapeake Bay Critical Area Overlay Maps

to implement the 1997 Growth Allocation award of 1.5 acres for a single-lot subdivision.

The subject property is located in the 7th District on Tax Map 39, Block 9, Parcel 251.

Owner/Present: James M. Lacey

Ms. Veith said this application came about when a parcel of record issue was discovered on this property, in that the property was conveyed by deed and had never been subdivided, as required. The house has already been constructed on the property in accordance with the previous approval and there are no additional building rights. The 1.5 acres of Growth Allocation have already been subtracted from the County's acreage.

Commissioner McKay opened the hearing to public comment. There were no comments. Commissioner McKay closed the public hearing, leaving the record open for five (5) days for written comment, with decision scheduled for the Commissioners' July 29th meeting.

ISUB #96-0540 – GARDINER'S PLACE

Requesting approval to amend the Official Chesapeake Bay Critical Area Overlap Maps to

implement the 1997 Growth Allocation award of 17.77 acres. The property is located off of

Millstone Landing Road in California, on Tax Map 35, Block 21, P 42.

Owner/Present: Ann Kaplan

Jerry Soderberg, of DH Steffens Co., Inc., Agent

This property has also already been deducted from the County's growth allocation. A total of nine (9) lots are proposed on the 17.77 acres in the LDA and two (2) additional 20-acre lots are proposed in the remaining RCA-zoned property of 59+ acres. No development exists on the property at this time.

Commissioner McKay opened the hearing to public comment. Thomas W. Joyner, of 46375 Dean Court, in Esperanza Farms, said he supports the application and had only come to see if anything had changed from the 1996 application. As designed, he said he has no objection to the applicant's proposal.

Commissioner McKay closed the hearing, leaving the record open for five (5) days for written comment.

CABLE ADVISORY COMMITTEE ANNUAL REPORT

Present: Bill Caplins, Chairman

Bob Kelly, Director, IT Department, SMC

Mr. Caplins reviewed the purpose of the Committee, significant activities, challenges and plans for the future. The Committee advises the Commissioners on all matters related to cable systems and facilities, reviews complaints and system malfunctions statistics and makes recommendations to the franchisee and Commissioners, makes recommendations on possible improvements, and assists in the performance evaluation of the cable system. Most of the issues reviewed by the Committee relate to programming and its cost. Both of these issues are not under the purview of the Committee. The primary goal for the upcoming year is to finish the Cable Systems Franchise Renewal process which is currently underway between the county and Comcast cable system operation. The new Franchise with GMP Cable is completed and in place. Because the completed Franchise has additional services that were not available before, the Committee must review its bylaws to ensure the citizens of the County receive the best services from the Committee. The Committee hopes to continue to improve Public Access provided to the County and continues to monitor the completion of cable plant upgrade in coordination with the County.

The Cable Advisory Committee will work with staff to bring recommendations to the Commissioners by the end of September on how the Committee can take a more active role to enhance the County's Agreement and Ordinance enforcement capabilities.

COMMISSIONERS' TIME

Commissioner Jarboe

- Contacted by "Save the Village," a non-profit group interested in the old Early Childhood Development Center next to Carver Elementary as a potential museum site. *Request that staff arrange for the building to be opened on Friday at 8 am., so that this group can tour and assess its condition.*

Commissioner Dement

- Attended Freedom Fest, Potomac Jazz and Seafood Festival, UAV demonstration at Webster Field

- Presented proclamations and attended celebrations for Mason Curtis's 70th birthday and Dick and Alberta Ridgell's anniversary.
- Congratulations once again to our new County Administrator George Forrest.

Commissioner Mattingly

- Attended MACO meeting last week
- Congratulations to Fairfield Inn on their successful grand opening. Wish them all the best.
- Attended, along with Commissioner McKay, a meeting with the School Board. These informal discussions will continue to be held at 8 am on the 2nd Thursday of each month at the Do Dah Deli in Leonardtown.
- First National Bank had an open house at the Breton Branch as part of their on-going 100th anniversary celebration
- Patuxent Partnership had a reception to bring their folks together. They were sponsors of part of River Concert Series this past week and did a really nice job.
- Attended UAV demonstrations at Webster Field. We were fortunate to be able to touch base with the Governor and Lt. Governor of Maryland and to spend a full day with the Lt. Governor. It was a great opportunity for the Board and other organizations to establish a dialogue with Lt. Governor. I was very pleased with his approach to us and his interest in what we are doing.
- Remind everyone to attend Leonardtown Fire Department Carnival which will be starting up again this Thursday and go through the weekend. They had a very successful first weekend. This has been a major fundraiser for the Fire Department for over 65 years.
- \$15,000 was allocated in the FY04 budget for a scholarship program for Fire and EMS volunteers. They are beginning to work together on an application process and guidelines and requirements for that program. My assumption would be that ultimately they would come to the Board for approval as far as the way the funds will be used. *Request that Mr. Forrest put together someone from Finance, Mr. Cooper, and a couple of folks from EMS and Fire organizations to try and bring together those details of the application process and program guidelines so that it could come to the Commissioners' table.* Students are beginning to register for college programs, so we need to get this finalized and be able to put that money towards a scholarship program.

Commissioner McKay

- The day spent with the Governor and Lt. Governor, culminating with the ceremony for Mr. Forrest, was a great day for the County. Things are good in St. Mary's County. We have great opportunities that we should take advantage of while remembering our heritage and what's important to preserve and protect. Thank County staff for all the work they did to help organize the day in terms of facilitating the Governor and Lt. Governor being in SMC. While many staff members did a lot of important work, I would especially like to thank Jennifer Fabbriante. She is doing a terrific job for SMC and our government. We rely heavily on Jennifer every day and she really comes through.
- I would also like to make the Board aware of the fact that I asked our Director of Land Use and Growth Management (LUGM) to begin working closely with Brad Clements at the Board of Education to start developing a plan for where we need our next school facilities. I mentioned to the Lt. Gov yesterday that we are in need of new school facilities in SMC and will be coming to the State shortly. We're hoping that maybe we can use some land that the state already owns in St. Mary's County in lieu of money to buy more property. The Director of LUGM will work with Mr. Clements to see if this is a possible alternative so we can start this discussion early on with the state. If state property doesn't exist in the location needed, perhaps we can do some land swapping or other innovative arrangement. This is in keeping with the "Consolidated Priorities List for Community Support of the Navy" that the Commissioners signed today.

Commissioner Jarboe moved, seconded by Commissioner Dement to adjourn as the Board

of County Commissioners and convene as the Board of Health. Motion carried.

BOARD OF COUNTY COMMISSIONERS SITTING AS BOARD OF HEALTH.

Present: Dr. William Icenhower, Health Department

Dr. Icenhower briefed the Commissioners on the West Nile Virus. The Maryland Department of Agriculture (MDA) has advised the County that they do not have the resources to spray in any additional areas. St. Mary's is one of thirteen counties that will not receive any additional mosquito

spraying. DOA will prioritize requests for additional spraying based on real findings of West Nile Virus. The County Public Information Officer notified citizens to call MDA to schedule spraying. Approximately 90 communities contacted DOA and the County is now 20% over the amount of spraying carried out last year. The County is now down to preventative measures: wear long sleeves and pants, spray with DEET, minimize standing water, and make sure window and door screens are intact. Crows are no longer tested for the West Nile Virus, but DOA is testing mosquito pools and setting traps.

Commissioner Mattingly requested that Dr. Icenhower provide citizens with information on where to purchase larvicide to treat large, standing water areas on their property.

The Commissioners requested that Mr. Forrest ensure action is taken to correct the condensation problem at the Health Department. Pipes are leaking and the air conditioning system is not working properly. The Commissioners also reaffirmed their commitment to relocate Housing staff from the Health Department building when the library renovations are completed.

The Board adjourned as the Board of Health and reconvened as the Board of County Commissioners.

COUNTY ADMINISTRATOR

George Forrest thanked the Board for the opportunity to serve as County Administrator.

1. Draft Agendas: July 22, 2003 (no meeting July 29, 2003)
2. Department of Recreation and Parks (*Phil Rollins, Director; Bill Ball, Parks Manager*)

Commissioner Dement moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner President McKay to sign Department of Natural Resources Waterway Improvement Fund Application/Project Agreement. Motion carried.

Commissioner Raley joined the meeting.

3. County Attorney (*Joyce Malone, Real Property Manager; John Norris, County Attorney*)

Commissioner Jarboe moved, seconded by Commissioner Dement, to direct staff to charge \$1.00 per year for occupation

of space by District Court Commissioners for a five-year period.

Commissioner Mattingly voted no. Motion carried.

4. Department of Public Works (George Erichsen, Director;

**Commissioner Mattingly moved, seconded by
Commissioner Jarboe, to approve and**

**authorize Commissioner President McKay to sign the Right of Entry
Agreements to perform subsurface testing and monitoring on properties
adjacent to St. Andrews Landfill. Motion carried.**

**Commissioner Jarboe moved, seconded by Commissioner Dement, to
approve and authorize Commissioner President McKay to sign Public
Works Agreements for Riverbay Townhomes Subdivision, Rue Woods
Subdivision, Section 1; and John Wayne Estates Subdivision, Section 3.
Motion carried.**

*The Commissioners agreed to postpone consideration of the Public Works
Agreement for Lloyd's Rest Subdivision. Commissioner Jarboe requested that
additional time be provided for the developer to work with the community
regarding their concerns about traffic impact on Rollins Road.*

5. Emergency Management Agency (*Phil Cooper, Acting Director*)

**Commissioner Mattingly approved, seconded by Commissioner Jarboe, to
approve and authorize Commissioner President McKay to sign
Memorandum of Agreement with Maryland Emergency Management
Agency (MEMA) Regarding FY 03 (Phase I) of the State Homeland Security
Grant. Motion carried.**

**Commissioner Dement moved, seconded by Commissioner Jarboe, to
approve and authorize Acting EMA Director Phil Cooper to sign the
Memorandum of Agreement with MEMA Re FY 03 Emergency Management
Performance Grant. Motion carried.**

**Commissioner Mattingly moved, seconded by Commissioner Jarboe, to
approve and authorize Commissioner President McKay to sign Budget
Amendment reallocating unused grant appropriation to the EMA for an
additional \$23,576 in supplemental funds received from MEMO for FY 03.
Motion carried.**

6. Boards and Committees – Appointment Letters

**Commissioner Jarboe moved, seconded by Commissioner Dement, to
appoint Cheryl Vanderhoof to the Cable Advisory Committee for a term to
expire 12/31/08 and**

**Viola M. Gardner to the Ethics Commission for a term to expire 6/30/06.
Motion carried.**

The following minutes on the Clearbrook Farms discussion were recorded by Peggy Childs.

CLEARBROOK FARMS ISUB #01-110-023 GROWTH ALLOCATION DECISION

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.

Owner: G&I LLC

Agent: J. A. Chisholm, PE. LLC

This public hearing was held on June 24, 2003 and the record held open for 10 days for written comment. Commissioner McKay began the discussion, stating that the County has a limited

amount of Growth Allocation and any award has serious long-term implications throughout the County. He said it also seems to him that Growth Allocation should be awarded when it benefits the greater community and, in this case, the benefit is not to the community but to the developer.

Commissioner McKay said he is a property rights advocate but the owner will still have property rights, and he is not in favor of awarding additional rights when the greater community is not benefited.

Commissioner Raley noted it is unfortunate that no decision was made on this project by the previous Board of County Commissioners and it took so long to get to this point, because government owes it to an applicant to make a timely decision. However, he said he cannot support the Growth Allocation request. Mr. Raley said there have been numerous proposals for this property and this is probably the best one so far, but it is still not there yet, in his opinion.

Commissioner Mattingly noted the allocation just granted for Gardiner's Place where Mr. Joyner had no problem with it and the fact that Sue Veith, our Environmental Planner, has said this proposal will improve the quality of the water and address a lot of issues in the adjoining creek. He said he was convinced that the project was well-designed and the developer would do things not normally done by developers. However, he said the Commissioners have received an enormous response from people in the community who will be directly impacted by development in this area and have been already, and maybe there's a medium somewhere between one house and the 28 proposed by this developer and maybe the developer can get together with the property owners and come up with something that's truly acceptable. Mr. Mattingly said he believes in property rights, but he has to protect the rights of the people who are there, and will vote against the application. He said he wishes something could be done with the land other than active farming, because he thinks that is what is causing problems within the creek.

Commissioner Mattingly moved to deny the application for Growth Allocation for Clearbrook Farms. The motion was seconded by Commissioner Raley.

During discussion, Commissioner Jarboe said when this property was purchased a certain zoning was in place; now the Commissioners are being asked to upgrade the density, which would increase the value of the property. In order to do that, the property owner should present the Commissioners with a win-win situation, which should involve community support and even go beyond that in fulfilling public needs in the greater community. Mr. Jarboe said we have a need for waterfront access on the Patuxent but this project offers neither of these things; it is a money-making project that would generate money for investors who wouldn't give it back to the community, and he has a problem with that.

Commissioner McKay called for the vote and the motion for denial passed by a vote of 5-0.

EXECUTIVE SESSION

Commissioner Jarboe moved, seconded by Commissioner Dement, to meet in Executive Session to discuss matters of Personnel, as provided for in Articles 24, Section 4-210(a)1. Motion carried.

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: 4:20 p.m. – 5:00 p.m.

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

PUBLIC FORUM

Staff Present: George Forrest

Jennifer Fabbicante

Valerie Pilkerton

Mark Curtis

The Public Forum took place at the Chancellor's Run Regional Park, Loeffler Center.

The following recent appointees to Boards and Commissions were introduced and thanked for their service to the community:

Susan J. Wolfe (Commission for Women)

Pat Johnson (Social Services Board, Tri County Animal Shelter, Human Resources Commission)

Michelle Lucas (Human Resources Commission)

Daniel Morris (Sheriff's Office Retirement Board)

Frank Taylor (Metropolitan Commission)

The Public Forum adjourned at 7:03 p.m.

Minutes Approved by the

Board of County Commissioners on _____

Donna Gebicke, Administrative Assistant

to the Board of County Commissioners