

**ST. MARY'S COUNTY  
BOARD OF COUNTY COMMISSIONERS' MEETING  
GOVERNMENTAL CENTER  
Tuesday, July 26, 2005**

**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, Admin. Asst. to the BOCC, Recorder

**CALL TO ORDER**

The meeting was called to order at 9:10 a.m.

**APPROVAL OF CHECK REGISTER**

**Commissioner Raley moved, seconded by Commissioner Mattingly, to authorize the Commissioner President 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 19, 2005, as amended. Motion carried.**

**AMERICORPS\*VISTA VOLUNTEER**

The Commissioners recognized Joan Huston for her outstanding service to the citizens of St. Mary's County as an AmeriCorps\*VISTA volunteer over the past year.

**COUNTY ADMINISTRATOR**

1. Draft Agenda for August 2, 2005 (*There will be no meetings on August 9<sup>th</sup> or 16<sup>th</sup>*)
2. **County Administrator, County Attorney, and IT Director** (*George Forrest; John B. Norris, III; Robert Kelly*)

**Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign the Comcast Cable Franchise Agreement. Motion carried 5-0.**

3. **Local Management Board** (*Bennett Connelly, Executive Director; Nancy Luginbill, Chair*)

**Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign FY06 Community Partnership Agreement for the Local Management Board of St. Mary's County. Motion carried 5-0.**

4. **Department of Recreation, Parks, and Community Services** (*Phil Rollins, Director; Debra Pence, Museum Director*)

**Commissioner Dement moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to sign FY-06 Maryland Heritage Areas Grant Application for the Piney Point Lighthouse Museum, and approve and sign the letters at Exhibit C, "Proof of Matching Funds," and Exhibit H, "Easement Conveyance" letter. Motion carried 5-0.**

5. **Human Resources** (*Susan Sabo, Director; Amber Norris, Senior Human Resources Specialist*)

**Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and sign the eligibility lists for the St. Mary's County Fire & Rescue Squads & Advanced Life Support Departments for those who qualified for the Length of Service Awards Program service credit in 2004. Commissioner Mattingly abstained. Motion carried 4-0.**

6. **Boards, Committees, and Commissions**

**Commissioner Jarboe moved, seconded by Commissioner Raley, to approve and sign appointment letters for Boards, Committees, and Commissions to the following persons:**

**Adult Public Guardianship Review Board**

Maureen McCarthy Ault  
Joseph B. Bush  
Edward Zurick

**BOCA Code Appeals Board**

Charles Bryson  
Robert "Robin" Guyther  
William Mehaffey

**Board of Trustees for the St. Clement's Island Potomac River Museum**

Lewie Aldridge, Jr.

James Banagan  
Thomas R. Tudor

**Cable Advisory Committee**

Joshua M. Davis  
Charles Pappacostantinou

**Commission for Women**

Joyce Dyson  
Patricia Ann Friend – *Reappointment*  
Dora Hanna  
Darlene Johnson  
Maureen Johnson  
Norma Pipkin – *Reappointment*

**Commission on Aging**

Mary Ann Grusholt – *Reappointment*  
Florence B. Lanham  
Sheral A. St.Clair

**Commission on the Environment**

William A. Shreve, Sr.

**Ethics Commission**

Warren Kunz

**Historic Preservation Commission**

Harold L. Willard – *Reappointment*

**Human Relations Commission**

Joseph B. Bush – *Reappointment*  
Joyce Dyson – *Reappointment*  
Betty Quinn – *Reappointment*

**Library Board of Trustees**

Janice Briscoe – *Reappointment*

**Marcey House Board**

Morris L. Glenn – *Reappointment*

**Nursing Center Governance Board**

J. Ernest Bell, II  
Janice Bonham – *Reappointment*  
Alma Jordon  
Kimberly Oliver  
Brenda Pruett

**Recreation and Parks Board**

Patrick Dugan  
Lisa W. Rush

**Social Services Board**

Darlene Johnson  
Maureen Johnson  
Clair Kollar  
Melvin A. McClintock – *Reappointment*  
Erika Patregnani – *Reappointment*

**Solid Waste Advisory Committee**

Edward Zurick

**Southern Maryland RC&D Board**

Bruce Young – *St. Mary's County Government Representative*

**Tri- County Animal Shelter Advisory Board**

Jennifer L. Schoberg – *Reappointment*

**PROPOSED AMENDMENT TO COMPREHENSIVE ZONING ORDINANCE  
CLARIFYING REQUIREMENTS FOR WATER AND SEWERAGE FACILITIES**

Present: Denis Canavan, Director, Land Use and Growth Management (LUGM)  
Jeff Jackman, Senior Planner, LUGM

Mr. Jackman reviewed the amendment process to date. The Planning Commission conducted a Public Hearing to consider the proposed amendments to Sections 70.8 and 70.9 of the Comprehensive Zoning Ordinance and subsequently recommended that the Board of County Commissioners adopt these amendments. The Board of County Commissioners held a Public Hearing on June 14, 2005, to receive public comment on the proposed amendments.

The current Zoning Ordinance mandates connection to community facilities for all development in the Lexington Park development district and connection to community water for certain development within 1,750 feet of water service in growth areas. The proposed amendments are intended to provide relief in the form of a waiver or deferral of these connections where a connection would not be feasible due to a property's distance from existing facilities, topography, environmental constraints, hydraulics, or denied off-site easements.

*The Commissioners asked staff to delete from the proposed Ordinance the statement that the requirement for public water systems "shall apply to any parcel of land in existence prior to May 13, 2002, that is subsequently subdivided into fewer than 25 lots that may further be subdivided such that the combined number of lots within the parent parcel meets or exceeds 25 lots." Staff was asked to present the revised Ordinance to the Board for adoption later in the day.*

**PROPOSED TEXT AMENDMENTS TO THE COMPREHENSIVE ZONING  
ORDINANCE**

## Right to Farm

Present: Denis Canavan, Director, LUGM  
Yvonne Chaillet, Zoning Administrator  
J. Bradley Clements, CAO, St. Mary's County Public Schools

Ms. Chaillet presented the first reading of a proposed text Amendment to Chapter 53 and Article 9 of the Comprehensive Zoning Ordinance pertaining to the Right to Farm. Recognizing that farming takes place in districts other than the Rural Preservation District (RPD), the purpose of the proposed text amendments is to strengthen the existing language to further protect a person's right to farm and right to

engage in agricultural activities. The Farm Bureau, the Agriculture, Seafood and Forestry Commission, and the Agricultural Land Preservation Advisory Board provided feedback on the proposed amendments.

In addition, the County Attorney's Office has drafted an amendment to the Code of Public Laws and Ordinances of St. Mary's County to include provisions regarding the right to farm, the establishment of the St. Mary's County Agricultural Reconciliation Committee, and the administrative remedies and procedures for addressing complaints regarding agricultural or forestry activities. The addition of Chapter 254 to Part II, "General Legislation" of that Code will be presented to the Planning Commission at a public hearing together with proposed zoning text amendments.

*Staff was directed to: (1) review the Zoning Ordinance to see if language should be added to allow wineries (and bottling/processing), auction houses, or similar activities that might go beyond the definition of "farming;" and (2) add to the statement regarding the use of odor-producing fertilizers that they must conform to state and local regulations.*

**Commissioner Raley moved, seconded by Commissioner Jarboe, to forgo the second reading of the proposed text amendments and forward the proposal directly to the Planning Commission for their review and recommendations. Motion carried 5-0.**

Commissioner President McKay commented on statements by Robert Jarboe and the *Enterprise* newspaper that he was holding up the proposed right to farm amendments and asked Mr. Canavan if he was aware of anything he had done to hold up the proposals. Mr. Canavan replied that Commissioner President McKay did not do anything to hold up the proposed amendments.

#### Public Schools as a Permitted Use in the Rural Preservation District (RPD)

Present: Denis Canavan, Director, LUGM  
Yvonne Chaillet, Zoning Administrator

Staff requested approval from the Board of County Commissioners to prepare and process a zoning text amendment that would allow schools in the RPD as a permitted use, rather than a conditional use.

In the RPD, DMX, and CC and I zoning districts, schools are permitted subject to obtaining conditional use approval from the Board of Appeals. Twelve of the 25 public schools in the County are located in the RPD. The proposed amendment will insure that the authority over the construction and renovation of schools will rest with the Board of Education and the Board of County Commissioners and will also eliminate a lengthy review process and a public hearing before the Board of Appeals.

Commissioner McKay commented that the proposal should apply to private schools as well as public. Commissioners Jarboe and Raley commented that the placement of new schools in the RPD should remain a conditional use, but that modifications to existing

schools could be a permitted use. Commissioner Mattingly asked staff to clarify that “education facility” refers to K-12 schools.

*Staff was directed to consider the comments from Commissioners and return to the Board with a second reading of the proposed text amendments.*

## **REVISED EMPLOYEE MANUAL**

Present: Sue Sabo, Director, Human Resources Department  
John B. Norris, III, County Attorney

Ms. Sabo recommended adoption of the new employee manual and proposed an implementation date of October 1, 2005. The Board was also provided with a schedule of pay differentials, premium pay and insurance premiums to reconfirm what was previously approved by the Board.

Commissioner Raley advised the Board that he had received an email from William Raddatz, Sheriff’s Office, indicating his concerns regarding page 32-3, section 3207, of the new manual regarding the amount of time an officer is allowed to be off the job due to an injury.

**Commissioner Mattingly moved, seconded by Commissioner Dement, to table adoption of the Employee Manual for one week in order to consider Mr. Raddatz’s concerns. Motion carried 5-0.**

## **EXECUTIVE SESSION**

**Commissioner Raley moved, seconded by Commissioner Dement, to move into Executive Session in order to discuss matters of Personnel, to include employee contract renewals and boards and committees, as provided for in Article 24, Section 4-210(a)1. Commissioner Jarboe voted against the motion. Motion carried, 4-1.**

### Personnel

Present: Commissioner Thomas F. McKay, President  
Commissioner Kenneth R. Dement  
Commissioner Lawrence D. Jarboe  
Commissioner Thomas A. Mattingly, Sr.  
Commissioner Daniel H. Raley  
George Forrest, County Administrator  
John Norris, County Attorney  
Donna Gebicke, Recorder

Authority: Article 24, Section 4-210(a)1  
Time Held: 11:50 am – 12:55 pm  
Action Taken: The Commissioners discussed personnel matters.

## **PROPOSED AMENDMENT TO COMPREHENSIVE ZONING ORDINANCE CLARIFYING REQUIREMENTS FOR WATER AND SEWERAGE FACILITIES**

**Commissioner Mattingly moved, seconded by Commissioner Jarboe, to adopt the Ordinance, revised as directed to staff earlier in the day, amending the Comprehensive Zoning Ordinance to clarify requirements for water and sewerage facilities. Motion carried 5-0.**

### **EMERGENCY SERVICES COMMITTEE**

Present: Keith Fairfax  
Michael Barnette  
Robert Bean  
Ferdinand Reetz

Members of the Emergency Services Committee presented the Committee's Annual Report, along with updates on the Master Plan and the ESC Scholarship Program.

### **COMMISSIONERS' TIME**

#### Commissioner Raley

As you know, two individuals from our County won the wedding contest on the *Today Show*. I received several voice mails from irate citizens saying how disappointed they are in the Board of County Commissioners that they let the initial event take place in Solomons and not Valley Lee. First, I would like to once again congratulate the couple, and secondly, I'd like to make it clear that the Commissioners had nothing to do with the selection of the site. Staff member Carolyn Laray is working very hard and was out surveying sites last Saturday. She has met with producers and is doing everything she can, along with John Savich, and now Jennifer Fabbriante. However, in the end, it is NBC who makes the decision, not the County.

#### Commissioner Dement

Nothing to report at this time.

#### Commissioner Mattingly

Want to wish Karen Everett success in her new position. I stopped by the farewell lunch provided by her fellow employees last week. All of us wish her well. Karen is a very successful, dynamic lady who did a great job for the County, and we are sure she'll do well in her new place of employment.

I would like to give a plug to the Outback Restaurant. We often get invited to attend the Chamber's luncheon at the Outback, which is a nice event that gets a lot of people together for lunch to meet and network. Outback donates all of food, their staff donates their time, and the Chamber donates 100% of the money collected for lunch to BECA (Business Education and Community Alliance). This is an example of the great relationships the Chamber is building with our local businesses. Outback is making a significant contribution that is worth mentioning.

Sheriff Zylak hosted sheriffs from around the state for the Maryland Sheriff's Association Annual Meeting. They came in to enjoy our crabs, golf, and have their business meeting. I had the opportunity to stop by and talk with some of them. They always seem to enjoy coming to St. Mary's County.

The Leonardtown Fire Department carnival finished up this week after a lot of hot weather and some rain. Hollywood Fire Department carnival starts up this Thursday and will run for two weeks. After a week off, the carnival will then go to Ridge Fire Department. Want to encourage everyone to come out and support the fire departments. It's a great family night out.

#### Commissioner Jarboe

Congratulations to the winners of the *Today Show* wedding contest, Sarah Raley and Mark Dale. I happened to be watching when they made the announcement. NBC filmed regular things that went on in the different areas. They went to Pennsylvania for Amish scenes, Baltimore for Skipjacks and the Eastern Shore for lighthouses. I realized that all of these things they chose to highlight from a regional basis -- we have right here in St. Mary's County. No matter what the producers in New York decide, we know we are #1. I'm proud that we were able to compete against a large city like Seattle. There is a huge email network in St. Mary's County.

#### Commissioner President McKay

Charles County has seen a tremendous increase in traffic fatalities this year. There have already been over 50 so far this year and many of them have been young people. I know that we have a lot of programs out there and that Jackie Beckman works this issue hard, along with Community Services, the Sheriff's Office, and the State Police. As a community, we still need to remain vigilant and aggressively seek additional ideas. It is a major concern. We will ask Jackie Beckman to come and give us an update on the many activities we have and what we can continue to look at to help reduce these numbers.

#### **ACTION FROM EXECUTIVE SESSION**

**Commissioner Jarboe moved, seconded by Commissioner Dement, to direct staff to proceed as discussed in Executive Session on personnel matters. Motion carried 5-0.**

**ADJOURNMENT**

The meeting adjourned at 3:06 p.m.

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

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Donna Gebicke, Administrative Assistant