

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
GOVERNMENTAL CENTER
Tuesday, August 3, 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 recorded by Kate Mauck:

CALL TO ORDER

The meeting was called to order at 9:09 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.

APPROVAL OF MINUTES

Commissioner Raley moved, seconded by Commissioner Dement, to approve the minutes of the Commissioners' meeting of Tuesday, July 27, 2004. Motion carried.

COMMENDATIONS: BABE RUTH BASEBALL LEAGUE, 12 YEAR OLD, MARYLAND STATE CHAMPIONS

Present: Ron Jensen, Coach
Tommy Jameson, Coach
Doug Mackey, Coach

The Board of County Commissioner presented commendations to the following Babe Ruth Baseball League 12 year old members as Maryland State Champions:

- Brady Jameson
- Kyle Jensen
- Devin Mackey
- Brendon Burch
- Jimmy O'Grady

- Chris Robey
- Brandon Lutz
- Tyler Summers
- Carson Steele
- Tyler Gladu
- Conner Wood
- Wayne Hicks

NATIONAL NIGHT OUT

The Board of County Commissioners issued a proclamation in recognition of the 21st Annual National Night Out. Members of the Sheriff's Department were present to accept the proclamation.

ALTERNATIVES FOR YOUTH AND FAMILIES: INVITATION TO "CHAPTICO CLASSIC" BENEFIT ROAD RACE

Present: Mike Whitson

Mr. Whitson presented entry forms, posters, and t-shirts to the Board of County Commissioners and invited them, as well as any interested citizens, to participate in the Alternatives for Youth and Families' "Chaptico Classic" Benefit Road Race. The race will be held on Saturday, August 28, 2004, beginning at 8:00 a.m.

DECISION: PROPOSED ORDINANCE TO WAIVE OR DEFER BUILDING IMPACT FEES FOR CERTAIN HOUSING

Present: Tim Faust, Economic Development Coordinator
Heidi Dudderar, Assistant County Attorney
Donna Sasscer, Agriculture Development Manager

The Department of Economic and Community Development presented a proposed Ordinance to the Board of County Commissioners that provides for the Waiver or Deferral of Building Impact Fees in St. Mary's County. A public hearing on the matter was conducted on Tuesday, July 20, 2004, and two written public comments were received during the open record period.

The waiver or deferral of impact fees provided for in the Ordinance would be a limited two-year pilot program. The purpose of the Ordinance would be to provide assistance toward more affordable housing costs in St. Mary's County to non-profit, 501(c)(3) corporations.

Commissioner Jarboe asked the Department of Economic and Community Development to report back to the Commissions on how much commercial square footage is being development in St. Mary's County versus residential growth, and also the assessed value of the commercial versus residential.

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and sign the Ordinance for the waiver or deferral of building impact fees for certain housing. Motion carried.

COUNTY ADMINISTRATOR

1. Draft Agenda for August 10, 2004
2. **Department of Economic and Community Development – Housing Authority**

Present: Dennis Nicholson, Director

- a. **Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign Emergency Shelter Housing Grant Applications for FY2004 for Three Oaks Shelter Center, Angel's Watch, and the Department of Social Services. Motion carried.**

Also Present: Robin Finnacom, Director, Lexington Park Plan
Karen Everett, Manager, Business Development
Heidi Dudderar, Assistant County Attorney
Jack Duchesne

- b. **Commissioner Raley moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to sign and execute Agreement for the relocation assistance for Lexington Manor. Motion carried.**

Ms. Finnacom was asked to provide the Commissioners with a copy of the form that new tenants of Lexington Manor have been asked to sign.

Staff was tasked with monitoring whether or not there is any backfilling of tenants at Lexington Manor.

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve the issuing of the \$40,000 to the Housing Authority today. Motion carried.

3. **Office on Aging**

Present: Gene Carter, Director

Commissioner Dement moved, seconded by Commissioner Raley, to approve and authorize the Commissioner President to sign Notification of Grant Award for FY03 and related Budget Amendment (\$5,860) and Notification of Grant Award for FY04 and related Budget Amendment (\$1,850). Motion carried.

4. **Department of Public Safety**

Present: Stanley Williams, Jr., Acting Director, EMA

Commissioner Mattingly moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign Sub-Award Agreement with Maryland Institute for Emergency Medical Services for the Bio-Terrorism Preparedness for EMS Providers Grant and to authorize the related supplemental appropriation public hearing. Motion carried.

5. **Recreation, Parks, and Community Services**

Present: Phil Rollins, Director

- a. **Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign Program Open Space Development Application and Project Agreement for Three Notch Trail. Motion carried.**
- b. **Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and sign letter of endorsement for National Recreational Trails Program funding for Three Notch Trail. Motion carried.**

Commissioners directed the following:

- *Mr. Rollins to respond to the Commissioners with how many residential properties are located along properties affected by Phase 2;*
- *Mr. Rollins to draft a letter to State Highway Administration asking them to provide assistance on Three Notch Trail as part of the Hughesville Bypass Project;*
- *Staff to pursue looking into whether the Charles County Board of Commissioners might be interested in approaching SHA as well;*
- *Staff look into having open dialog with SMECO regarding this issue; and*
- *Perhaps Tri County Council could take the lead on some of these efforts.*

Also Present: Cynthia Brown, Community Services Manager
Jackie Beckman, Highway Safety Coordinator

- c. **Commissioner Dement moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to sign Budget Modification for Project**

Agreement for Highway Safety Grant Award and related Budget Amendment (\$1,320). Motion carried.

COMMISSIONER'S TIME

Commissioner Jarboe

Directed the Director of Land Use and Growth Management, Denis Canavan, to provide an update to the Board of County Commissioners on where the TDR program is headed, to include how the program is moving, through the Planning Commission, etc.

Commissioner Raley

Nothing at this time.

Commissioner Dement

Attended the Chamber of Commerce Business After Hours event, which, due to bad weather, was moved from the Piney Point Lighthouse Museum and Park to Evans Seafood Restaurant. There was a large turnout and it was a fine event.

Commissioner Mattingly

Expressed appreciation to Elaine Kramer, Finance Director, for putting together a meeting recently for the Fire Departments and Rescue Squads to go over the recent legislation on the Fire and Rescue tax proposal. Ms. Kramer and her department put together a lot of information for the event and there has also been a lot of good feedback.

Announced the Carnival at the Hollywood Rescue Squad still has another weekend to run, and invited the public to come out and attend.

Commissioner President McKay

Announced that Commissioners would be entering into Executive Session regarding Personnel matters, and would then reconvene the open meeting with a Public Hearing at 1:30 p.m.

Commissioner Raley moved, seconded by Commissioner Jarboe, for the Board of County Commissioners to meet in Executive Session in order to discuss Personnel as provided for in Article 24, Section 4-210(a)1. Motion carried.

The following minutes were recorded by Donna Gebicke:

EXECUTIVE SESSION

Personnel

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

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

Time Held: 10:57 a.m. – 12:17 p.m.

Action Taken: The Commissioners discussed employment contracts up for renewal.

The remaining minutes were recorded by Kate Mauck:

Commissioner Dement was absent from the meeting at this time.

PUBLIC HEARING ON THE PROPOSED COMPREHENSIVE ZONING ORDINANCE

Present: Denis Canavan, Director, Land Use and Growth Management
Yvonne Chaillet, Zoning Administration
John B. Norris, III, County Attorney

A public hearing was held on a proposed Comprehensive Zoning Amendment to amend Chapters 32, 50, 51, and 64 of the Comprehensive Zoning Ordinance, to make an auction house a conditional use in the RPD and to increase the maximum footprint of an auction house in the RPD to 20,000 square feet, with the purchase of TDR's and to amend Use Type 61 Personal Improvement Service as a Permitted Use in the Industrial Zone.

Amend Use Type 61 Personal Improvement Service as a Permitted use in the Industrial Zone

Mr. Canavan reported that the matter was properly advertised in *The Enterprise* on July 14 and 21, 2004. This item was an oversight or unintentional omission from the Zoning Ordinance, and staff recommends an amendment include Personal Improvement Service to be a Permitted Use in the Industrial Zone.

Commissioner Dement returned to the meeting at this time.

Commissioner President McKay opened the hearing for public comment. As there was no one present to speak, testimony was closed. The matter will remain open for written public comment for a period of ten days, and will then be placed on an upcoming agenda of the Board of County Commissioners for discussion and final decision.

Auction House to be a Conditional Use in the RPD and to Increase the Maximum Footprint of an Auction House in the RPD to 20,000 Square Feet with the Purchase of TDR's

Mr. Canavan reported that the matter was properly advertised in *The Enterprise* on July 14 and 21, 2004. The amendment is specifically designed for wholesale purposes, and not for retail. Discussion included the following:

- Filing as a conditional use with the Zoning Board of Appeals;
- Seasonal and unlimited hours intended – would be outlined when conditional use application is submitted
- Submission requirements and process involved;
- Questions regarding highest bidder versus highest qualified bidder;
- Whether or not limited use category could be instituted instead of conditional use; and
- Whether or not less than five acres could be made to work.

Commissioner President McKay opened the hearing for public comment. As there was no one present to speak, testimony was closed. The matter will remain open for written public comment for a period of ten days, and will then be placed on an upcoming agenda of the Board of County Commissioners for discussion and a final decision.

21ST ANNUAL NIGHT OUT

The Board of County Commissioners reported that they would be reporting to the Sheriff's Department at 6:00 this evening in order to participate in the 21st Annual Night Out.

ADJOURNMENT

The meeting adjourned at 2:15 p.m.

Minutes Approved by the
Board of County Commissioners on _____

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