

ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
GOVERNMENTAL CENTER
Tuesday, September 7, 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
Kate Mauck, Senior Administrative Coordinator (Recorder)

CALL TO ORDER

The meeting was called to order at 9:12 a.m.

APPROVAL OF CHECK REGISTER

Commissioner Dement 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 Raley, to approve the minutes of the Commissioners' meeting of Tuesday, August 24, 2004 as revised. Motion carried.

PROCLAMATIONS

The following proclamations were presented by the Board of County Commissioners:

- Day of Remembrance – September 11th
- National Alcohol and Drug Recovery Month
- Knights of Columbus Tootsie Roll Campaign

COUNTY ADMINISTRATOR

1. Draft Agenda for September 14, 2004
2. **Sheriff's Department**

Present: Sheriff Zylak
Erin Gass, Fiscal Manager

Commissioner Dement moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to sign Budget Amendment for Local Law Enforcement Block Grant VII US0315 to set up funding for the procurement of stop sticks for law enforcement officers. Motion carried.

3. Finance Department

Present: Elaine Kramer, Director

Also Present: Patrick Walsh, Director of Public Safety
John Savich, Director of Economic and Community Development

- a. **Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign Supplemental Appropriation Budget Amendments in the amount of \$33,335 for the Department of Public Safety and \$504,960 for the Department of Economic and Community Development and approve and sign Ordinances for the Supplemental Appropriations. Motion carried.**

Also Present: Tara Klotz, Deputy Director, Human Resources

- b. **Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign Budget Amendment to move funds for the reimbursement of relocation costs for the Public Safety Director. Motion carried.**

4. Office on Aging

Present: Gene Carter, Director

Commissioner Mattingly moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign Aging Area Plan Update for FY2005. Motion carried.

5. Department of Economic and Community Development

Present: John Savich, Director
Robin Finnacom, Director, Lexington Park Plan

Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign the Personnel Action reclassifying and renaming the Director the Lexington Park Plan position as the Executive Director of the Community Development Corporation effective July 1, 2004; and, approve and authorize the Commissioner President to sign the Budget Amendment that enables the County to receive the CDC contribution toward funding the executed Agreement. Motion carried.

6. Land Use and Growth Management

Present: Denis Canavan, Director
Jeff Jackman, Senior Planner

The Board of County Commissioners was asked to provide direction to staff on residential development within certain areas of Lexington Park that are presently zoned for exclusive office use, specifically the OBP Office and Business Park zoning district.

Mr. Canavan and Mr. Jackman of the

Department of Land Use and Growth Management presented an internal staff report dated September 1, 2004 that outlined options: 1) no change; 2) changes affecting all OBP zones, and 3) changes affecting only the OBP east of Willows Road. The staff report explained the background of the proposed changes, the key element of which is a gap in the zoning ordinance following a March '03 amendment that permits planned residential development (i.e., PUD-R) in the OBP: other pertinent sections of the ordinance still prohibit residences in the OBP. The staff report advocated allowing residential use "by right" (i.e., not by PUD), and only in the OBP east of Willows Road. It further advocated maintaining the purpose of the OBP by requiring at least 51% of an OBP development to be devoted to office use, and not more than 49% devoted to residences. A density of twenty dwelling units per acre is recommended for the residential component of the OBP, and the staff report explains the need for effecting parallel changes in the DMX zone.

Commissioners stated that they had no difficulty with the density ratio of 51% office to 49% residential. They do have difficulty with tailoring the revisions for one particular property, and they would prefer to see the PUD mechanism left intact for approving residential use in the OBP. *Commissioners directed staff to proceed to change or provide text amendments to other parts of the Ordinance to make all pertinent parts tie in together.* To address concerns raised by Commissioner Jarboe relative to OBP zones in the Fifth District, Mr. Canavan reported that this will be a consideration when small area planning is initiated for the town centers in 2005. *The Commissioners directed that the overall appropriateness of the OBP zone be given further consideration.*

Commissioner Mattingly asked staff to look closer at the idea of a density increase regarding TDR's and to determine if there would be any advantage to create a market and to see where the balance is, i.e., whether it would be advantageous to make this requirement to develop a market for TDR's.

7. Department of Public Works and Transportation

Present: George Erichsen, Director

- a. Public Works Agreement Addendum for Rue Woods Subdivision, Section 1. Located in the 8th Election District with an expiration date of June 1, 2005. The letter of credit provided by The First National Bank of St. Mary's in the amount of

\$37,000 remains as posted based on the Department's Inspection Report dated July 26, 2004. The Public Works Agreement and Bond in the amount of \$163,200 were originally issued on August 18, 1998. The roads included in this agreement are: Air Strip Court (875') and Naval Court (365').

- b. Public Works Agreement Addendum for Dunleigh Subdivision, Section 1. Located in the 8th Election District with an expiration date of August 1, 2005. The bond provided by the Utica Mutual Insurance Company in the amount of \$410,600 remains as posted based on the Department's Inspection Report dated July 1, 2004. The Public Works Agreement and Bond in the amount of \$410,600 were originally issued on June 2, 2003, The roads included in this agreement are: Dunleigh Drive (933') and Dunleigh Court (463').

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign Agreement Addendums items a and b. Motion carried.

- c. Resolution and Deed accepting Laurel Glen Road, Insurance Court, Susie Court, Laurel Glen Road South and Coledorall Court located in the Laurel Glen Subdivision, Sections 1 and 2, Phase 5, 8th Election District, into the County's Highway Maintenance System. Also, attached are resolutions establishing a 25-mph speed limit and stop sign for said roads.

Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign Deed and approve and sign Resolutions. Motion carried.

Commissioners asked Mr. Erichsen to forward information to them regarding the rules that apply to the setting of 25 miles per hour as the minimum speed limit in residential areas.

8. Recreation, Parks, and Community Services

Present: Phil Rollins, Director

- a. **Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign Budget Amendment to the FY2005 budget for Portable Toilet/Disposal Service Grant for Project MD0507. Motion carried.**

Also Present: Jackie Beckman, Highway Safety Coordinator

- b. **Commissioner Dement moved, seconded by Commissioner Jarboe to approve and authorize the Commissioner President to sign Highway Safety Project Agreement and related Budget Amendment. Motion carried.**

9. County Attorney

Present: John Norris, III, County Attorney

Commissioner Dement moved, seconded by Commissioner Raley, to approve and authorize the Commissioner President to sign letter to the Maryland Department of Housing and Community Development to allow the Community Development Administration to handle bond financing for St. Mary's County. Motion carried.

WICOMICO SHORES GOLF COURSE ADVISORY BOARD REPORT

Present: Merrill "Chico" Rivers, Chairperson, WSGC Advisory Board
Wicomico Shores Golf Course Advisory Board Members
Phil Rollins, Director, Recreation, Parks, and Community Services

Mr. Rollins outlined the work completed by the Wicomico Shores Golf Course Advisory Board since their inception. The nine-member task force has looked at renovation versus building options for the facility at the golf course and has been exploring various alternatives.

Mr. Rivers outlined the work completed by the Board, and provided information on four options considered for the facility. The proposed options are outlined in detail in a report dated August 19, 2004. The Advisory Board asked Commissioners to allow them to pursue renovation options 3 and 4, and to include both in a design build type solicitation with basic performance specifications. This approach would enable contractors to offer their design and construction expertise and give the County the ability to consider which proposals offer the best financial alternative. The Advisory Board outlined their belief that this approach, in conjunction with a construction budget not to exceed \$1.2 million, would provide the best alternative in proceeding with the Clubhouse project.

The following concerns were discussed: banquet room facilities, stormwater management and the flow of water through the bottom level of the current facility, privatization of food sales, timeline for the potential return of bids, future potential residential development considerations that may cause an encroachment problem, and expansion options.

Commissioner Jarboe moved, seconded by Commissioner Dement, for build Option 3 and build Option 4 be included in a design build type solicitation to basic performance specifications as recommended by the Wicomico Golf Course Advisory Board. Motion carried.

COMMISSIONERS' TIME

Commissioner Mattingly

No comments at this time.

Commissioner Jarboe

Attended the Muscular Dystrophy Association Benefit yesterday, which is held annually at the Farmer's Market in Charlotte Hall. The event is put on by the Nagel family every year, and he expressed his appreciation to the Nagel's, Mr. Burroughs, and the many other people that volunteer in helping to put this hugely successful event together. It raises much needed money for this disease.

Commissioner Raley

Reported that bond rating agencies from New York that rank the County's financial position will be coming to the County next week, touring and meeting with the Commissioners.

Reminded citizens that the St. Mary's County Fair will be coming soon, and it is hoped that bad weather will stay away.

Reminded citizens to remember September 11th, as the event of that day three years ago changed the country as well as the County.

Commissioner Dement

Reported that he was told everything went smoothly on August 30th, the first day for students returning to public schools. Also, reminded the public that Commissioners recently attended the Oakville Elementary School Kindergarten Groundbreaking ceremony in honor of their new addition.

Attended the Mt. Zion Church Fair on Sunday evening, where the weather did not cooperate the later part of the day, however, it proved to be a good event.

Commissioner President McKay

Reported that he attended the Republican National Convention in New York last week, and that it was very enjoyable, even with the protestors having been present. Also stated that he was very happy to return to St. Mary's County, where life is good.

Hoped there was a good turnout at the Mt. Zion event, which he unfortunately had to miss.

Added to Commissioner Raley's comments regarding the attendance next week of the bond rating representatives. Stated that the "State of the County" address will be given next Tuesday to the Chamber of Commerce, where the bond rating representatives will be able to continue to see that the County is demonstrating good fiscal management.

Reminded the public that the Rainy Day Fund was built up to one million dollars last year, with an additional \$350,000 added this year.

COMMISSION ON AGING ANNUAL REPORT

Present: Mary Ruth Horton, Chair

Sandra Wheeler, Outgoing Chair
Commission on Aging Members
Office on Aging Staff

The Commission on Aging presented their Annual Report, covering the calendar year 2003, which outlined the purpose of the Commission, successful activities for 2003, problems and concerns, and plans for the current year as outlined in their detailed written report. It was pointed out that no projects at the state level currently take into consideration any changes in the demographics of society. *Commissioners asked the Commission on Aging to include Dr. Icenhower, Director of the Health Department, in their meetings, especially as the topics relate to ways to keep senior citizens in their homes.*

ADJOURNMENT

The meeting adjourned at 2:03 p.m.

Minutes Approved by the Board of County Commissioners on _____

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

This page intentionally left blank.