

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
GOVERNMENTAL CENTER**

**Tuesday, September 18, 2007
and
Thursday, September 20, 2007**

Present: Commissioner President Francis Jack Russell (absent until 11:30, Calvex drill)

Commissioner Kenneth R. Dement
Commissioner Lawrence D. Jarboe
Commissioner Thomas A. Mattingly, Sr.
Commissioner Daniel H. Raley
John Savich, County Administrator
Betty Jean Pasko, Sr. Administrative Coordinator (Recorder)

CALL TO ORDER

Commissioner Vice President Raley called the meeting to order at 11:02 AM.

APPROVAL OF CHECK REGISTER

Commissioner Jarboe moved, seconded by Commissioner Dement, to authorize the Commissioner President to sign the Check Register dated September 18, 2007, as submitted. Motion carried 4-0.

APPROVAL OF MINUTES

Commissioner Dement moved, seconded by Commissioner Jarboe, to adopt the minutes of the Commissioners' meeting of September 11, 2007, as presented. Motion carried 4-0.

INVITATIONS & PROCLAMATIONS

INVITATION TO THE ST. MARY'S COUNTY FAIR

Present: John Richards, Fair Board Chair

The 61st annual St. Mary's County Fair is September 20 – 23, 2007. Mr. Richards invited the Board and all citizens to visit the fair this weekend. Mr. Richards mentioned and thanked several local businesses, government departments, agencies, and citizens that have volunteered time and support with fair coordination activities.

PROCLAMATION: NATIONAL ALCOHOL AND DRUG ADDICTION RECOVERY MONTH

Present: Gary Lynch, Walden Sierra

The U.S. Department of Health and Human Services, the Substance Abuse and Mental Health Services Administration, the White House Office of National Drug Control Policy, and Walden-Sierra, Inc. invite all residents of St. Mary's County to participate in National Alcohol and Drug Addiction Recovery Month. The Commissioners proclaimed September 2007 as "National Alcohol and Drug Addiction Recovery Month" in St. Mary's County and encouraged all residents to promote the benefits of alcohol and drug treatment and recovery, support community treatment programs and guide those in our community who need alcohol and drug treatment toward the promising path of recovery.

Walden/Sierra is a nonprofit organization that has been serving Southern Maryland since 1973 through crisis services, counseling and substance abuse treatment.

ST. MARY'S COUNTY LIBRARIES: INTRODUCTION OF NEW LEXINGTON PARK MANAGER

Present: Kathleen Rief, Library Director, St. Mary's County

Ms. Kathleen Rief introduced Ms. Terri Tresp, the new Lexington Park Library Branch Manager. Ms. Tresp replaces Janice Hummel, whom recently retired.

PROCLAMATION: LIBRARY CARD SIGN-UP MONTH

Present: Kathleen Rief, Library Director, St. Mary's County
Terri Tresp, Lexington Park Library Branch Manager

In St. Mary's County, there are three libraries (each are open 64 hours a week, including Sunday), a WoW! Service that visits childcare providers across the county, and an Internet branch that is open 24/7. The BOCC urged St. Mary's County citizens that don't already have a library card, to sign up for one at their local library.

Commissioner President Russell joined the meeting at 11:28 AM.

COMMISSIONERS' TIME

The Commissioners highlighted events and activities they attended during the period of 9/11/07 through 9/17/07, and near term events for the week.

PUBLIC HEARING, LAND USE & GROWTH MANAGEMENT: TO CONSIDER PROPOSED TEXT AMENDMENTS TO THE COMPREHENSIVE ZONING ORDINANCE AT CHAPTER 44 "PLANNED UNIT DEVELOPMENT (PUD) FLOATING ZONE," SECTION 44.6 "TYPES OF PLANNED UNIT DEVELOPMENTS," TO REMOVE OFFICE BUSINESS PARK (OBP) FROM

**THE LIST OF DISTRICTS WITHIN WHICH RESIDENTIAL PUDS MAY BE
LOCATED**

Present: Denis Canavan, Director, LU&GM
Jeff Jackman, Sr. Planner, LU&GM

The public hearing commenced at 11:40 AM. Mr. Jackman stated for the record that notice of the public hearing was advertised in the August 31 and September 5, 2007 editions of The Enterprise.

The Board of County Commissioners (BOCC) amended the Ordinance in March 2003 to allow a residential PUD rezoning application in the OBP zone. However, Section 44.7.3.b of the Ordinance limits uses in a PUD to those that are consistent with specific purpose of the base district in which the PUD is proposed and the specific purpose of the OBP does not include residences, and Section 51 prohibits residences in the OBP. Pursuant to Resolution 2005-03, on July 31, 2007, the BOCC completed a first reading of draft text amendments that would remove these ambiguities from the Ordinance by either reconciling certain related sections of the Ordinance to Section 44.6, or by repealing the March 2003 amendment. The BOCC directed that the draft amendments repealing the March 2003 amendment proceed to the Planning Commission for a public hearing and preparation of a recommendation.

Mr. Jackman continued by clarifying the amendment is to remove three letters from the text (of Section 44.6); i.e., OBP. At the inquiry of Commissioner Mattingly, Mr. Jackman stated that the text regarding RSC and RCL districts (non-residential PUDs may be located in any district except RSC and RCL districts) is existing language. Mr. Jackman further clarified, in response to Commissioner Raley, that the amendment applies to all properties zoned OBP, not just the Lexington Park Development District. Responding to the reference that an OBP district provides business sites in a “campus setting”, Commissioner Jarboe prompted dialog promoting a “live where you work” campus concept (similar to a “live where you learn” type campus setting).

Public Testimony

John Norris, P.O. Box 1039, California, MD 20619

Intending on just submitting a letter on behalf of the owner and developer of Glazed Pines, Mr. Norris did ask for clarification regarding application to all Office Business Parks. (In response to Commissioner Raley’s question) Recalled the 2003 enactment only allowed residential PUDs in the OBP zone in the Lexington Park Development District. Believes the only OBP zone that is losing a right by deleting these three letters is the LPDD. Mr. Norris also pointed out at the Leonardtown Planning and Zoning Commission yesterday, Mr. Russo (proposing development at the bottom of the hill in Leonardtown) made an observation that residential uses are necessary for retail uses to be viable after 5:00 PM, to give life to the businesses that want to stay open until 9:00 PM. If you remove, you’re asking people to travel (to a strip mall or to an OBP) to help support the retail.

Mr. Norris submitted a letter dated September 18, 2007, addressed to the County Commissioners for St. Mary’s County, regarding the proposed text amendment.

Mr. Canavan responded to Mr. Norris' comments, recalling the following sequence of events:

The OBP text amendment that said PUDs could be allowed in the business park was adopted in March 2003. Iterations and considerations of allowing a residential use to address the ambiguities led to a narrowing of the TA (recalled back in 2004/2005 when it was said that residential uses could be allowed in a PUD in the revitalization area of the LPDD Plan). As it came about, that text amendment died by lack of legislative action for 125 days. LU&GM then came back earlier this calendar year with a text amendment to address the ambiguities. Either include it or take it out. This Board (BOCC) said delete it from the OBP. Mr. Canavan expressed concurrence with the travel observation (regarding businesses remaining open after 5:00 PM) and stated that some OBP campus settings have restaurants in them. Mr. Canavan suggested setting aside some land nearby (for residential development, to attract employers) but not in the OBP.

Commissioner President Russell closed the public hearing at 11:52 and declared the record remain open for written comment for a period of ten days.

ST. MARY'S COUNTY HEALTH DEPARTMENT: DECISION ON PROPOSED INCREASE OF ENVIRONMENTAL FEES

Present: Daryl Calvano, Director, Environmental Health

Mr. Calvano stated there was no comments in response to the public hearing held on August 28, 2007 and requested the Board adopt the ordinance to increase the fee by 6% for certain services performed by the St. Mary's County Health Department, Office of Environmental Health.

It was clarified that the current fees will apply to everything "in house now" and the new fees will go into effect October 1, 2007.

Commissioner Dement moved, seconded by Commissioner Raley, to adopt the Ordinance as presented, to establish certain fees, as outlined in Exhibit A, to defray the cost of certain services performed by the St. Mary's County Health Department, Office of Environmental Health with an Effective Date of October 1, 2007. Motion carried 5-0.

COUNTY ADMINISTRATOR

1. Draft Agendas for September 25 and October 2, 2007

2. **Recreation, Parks, and Community Services** (*Cynthia Brown, Mgr., Division of Community Services; Kelsey Bush, Youth Coordinator and VISTA Supervisor*)

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign the Memorandum of Agreement between the Board of County Commissioners and the Patuxent Habitat for Humanity, Inc., and the Memorandum of Agreement between the Board of County Commissioners and SMARTCO. Motion carried 5-0.

*These agreements pertain to the assignment of two AmeriCorps *VISTA positions with Patuxent Habitat for Humanity, Inc. and two positions with SMARTCO.*

3. **Dept. of Public Works and Transportation** (*George Erichsen, P.E., Director*)

Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign the Deed of Transfer, the Ordinance, and the Record Plat associated with the abandonment of Iverson Drive, thereby converting it to a private road and conveying the former Iverson Drive right-of-way to Hickory Hill East, LLC. at the request of the residents. Motion carried 5-0.

Mr. Erichsen stated for the record that a public hearing was held on October 24, 2006 and no comments were received during the ten-day comments period.

4. **Dept. of Finance** (*Elaine Kramer, CFO*)

Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign the Budget Amendment allowing the remaining balances in the FY2007 CIP Reserve to be closed. Motion carried 5-0

(David Zylak, Director, Public Safety)

Commissioner Mattingly moved, seconded by Commissioner Raley, to approve and sign Ordinance No. 2007-08 to add \$603,870 to the FY2008 budget for the Department of Public Safety for the purposes of authorizing the grant awarded by the Emergency Numbers Board in the same amount, and to approve and authorize the Commissioner President to sign the Budget Amendment for \$603,870 which increases the revenues and the expenditure authority equal to the grant. Motion carried 5-0.

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and sign Ordinance No. 2007-09 to add \$780,928 to the FY2008 budget for the Department of Public Safety for the purposes of authorizing the Frequency Reconfiguration Agreement (FRA) as a subsequent and separate action of the Board, and to approve and authorize the Commissioner President to sign the Budget Amendment for \$780,928 which increases the revenues and the expenditure authority equal to the current value of the FRA to reimburse the County. Motion carried 5-0.

**Commissioner Mattingly moved, seconded by Commissioner Jarboe, that we, the Board of County Commissioners for St. Mary's County, authorize the Contracting Officer to execute these agreements: 1) The contract with MA/COM in the amount of \$1,412,573
2) Frequency Reconfiguration Agreement with Nextel in the amount of \$1,530,928 (which includes the MA/COM contract). Motion carried 5-0**

5. **Dept. of Public Safety** (*David Zylak, Director*)

Commissioner Dement moved, seconded by Commissioner Mattingly, to approve the Emergency Number Systems Board grant award for the Emergency Communications GIS Mapping Software, in the amount of \$603,870. Motion carried 5-0.

**MARYLAND DEPARTMENT OF TRANSPORTATION ANNUAL
CONSULTATION MEETING FOR THE FY 2008-13 DRAFT CONSOLIDATED
TRANSPORTATION PROGRAM**

Present: Beverly Swaim Stanley, MDOT
Doug Simmons, Deputy Administrator, SHA
Greg Welker, District Engineer for Southern MD

Ms. Stanley provided introductions and explained that Secretary John Porcari and Neal Peterson could not be in attendance due to a joint hearing regarding the Transportation Trust fund in Annapolis.

Ms. Stanley provided a brief update regarding the following:

State Bill 281 – regarding Southern MD transportation priorities. A three-part strategy has been put together. 1.) Initiating a study to identify right-of-way (need to preserve) for potential transit corridor along Rt. 5/301. 2.) Updating the Transportation Master Plan in So. MD. 3.) Ongoing dialog with regional leaders to evaluate continuing road needs and to coordinate those needs. State Bill 281 also called for road projects. The Hughesville by-pass is complete. In project planning phase for Rt. 5 improvements, and continuing work towards the Waldorf by-pass

On behalf of Congressman Hoyer's efforts, received federal funds for the MD Rt. 5/Brandywine Road interchange. Project will be in two phases, federal funding has been received for the first phase which addresses upgrade and widening Rt. 5 into three lanes. The second phase will be the full interchange, which is yet to be funded.

Regarding new administrative initiatives, one overriding principle - linkage of land use preservation.

The topic of the hearing in Annapolis (today) is the need to invest in transportation. It is estimated that 40 billion is needed for MD transportation needs. There are no new projects in the Consolidated Transportation Plan (CTP), and none were dropped. There is concern that as the economy continues to lag, when the final CTP is put together in September, projects may need to be dropped. Infrastructure (roadways and bridges) are aging. Secretary Porcari and Governor O'Malley will be perusing a revenue increase.

Despite a national decline, MD traffic fatalities have increased. There were 614 fatalities in 2005 and 652 in 2006. Mr. Simmons provided an overview of the Strategic Highway Safety Plan, which is a road map developed to reduce traffic accidents and improve safety. Destination Saving Lives, safety summit, will be held on November 30, 2007 at the Maritime Institute. Mr. Simmons requested local government participation in the summit, to jointly address local traffic safety.

Mr. Simmons provided assurance that Maryland bridges are safe. Bridges are inspected every two years. The Thomas Johnson Bridge was inspected in 1996 and determined to be structurally sound and in good condition. The Thomas Johnson Bridge will be inspected over the next two weekends, a report will be forthcoming.

Mr. Simmons provided an update on SHA projects in St. Mary's:

- MD Rt. 237, Chancellors Run Road, upgrade and widen to a multi-lane highway from Pegg Road to Rt. 235 – Engineering and right-of-way underway. Construction to begin during this fiscal year. Two to three year for construction, \$62 million.
- MD Rt. 4, Solomons Island Road, upgrade Rt. 4 between Rts. 2 and 235 – Partial project planning underway. An additional \$3 - 4 million is needed to complete planning; purpose and scope has been prepared. Public meetings scheduled for 10/2 in Calvert Co. and 10/9 in St. Mary's at Town Creek.
- MD Rt. 5, Point Lookout Road, upgrade and widen to provide shoulders from south of Camp Brown Road to the Ranger Station – Project, \$10 million, on hold. 50% of design is done.
- MD Rt. 5, Point Lookout Road, Study to upgrade Rt. 5 between Rts. 243 and 245. – Partial planning underway. An additional \$1.3 million is needed to complete planning; purpose and scope has been prepared. Meeting planned to go over project with the public on 12/16 at Leonardtown Middle School.

Mr. Greg Welker provided an update on local road re-surfacing and safety improvement projects.

The following items were presented by commissioners as follows:

Commissioner Mattingly

- Park and ride in Charlotte Hall, would like to continue the dialog on this project.
- Hermanville Road, Gate 3 – Navy Base, letter in Capt. Ives’ office to reserve acreage for right-of-way.
- Pegg Road extension, as a cross-county connector (interested in partnering with the state).
- Commuter number lowest in tri-county area. Look at options before gas taxes. People that live in rural areas have to drive.
- Repaved Rt.5 in Loveville, “cupping” issue.

Commissioner Raley

- Pegg Rd and Rt. 235, Navy Museum, in a temporary facility, trying to go out to bid, need a final ok from the state. Mr. Simmons indicated that the deed is back with the property owner; once it is signed, the state is ok with it.
- Grass cutting along state roads, good project
- Point Lookout project has been going on for an excessively long time, referred to articles that appeared in 1975 and 1980 editions of the Enterprise.

Commissioner Jarboe questioned if there is an evacuation contingency plan in place, in case the bridge is not accessible. Also, Commissioner Jarboe requested looking at alternate transportation options (planning study cost \$4.5 million); specifically, ferry service operation from Solomons Recreation Annex.

ADJOURNMENT

Commissioner Dement moved, seconded by Commissioner Jarboe, to adjourn the meeting. Motion carried 5-0.

Thursday, September 20, 2007 (minutes supplied by Alberta Bowling)

BUS TOUR: MARYLAND SECRETARY OF THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

On September 20, 2007, Secretary Raymond Skinner and staff toured past and current state grant-supported housing projects and possible future projects, in St. Mary's County. The bus tour departed from Apartments at Wildewood, California, MD at 9:30 AM.

Tour participants (18):

Secretary Ray Skinner, DHCD
Clarence Snuggs, Deputy Secretary
Carol Gilbert, Assistant Secretary
Ron Waters, Deputy Director, Neighborhood Revitalization
Reggie Stansfield, Director, Office of Community Programs
Kevin Baynes, Director, Office of Community Programs
William Ariano, Jr., Deputy Director, Community Development Administration
Simone Johnson, Chief of Staff
Commissioner President Francis Jack Russell
Commissioner Thomas A. Mattingly, Sr.
Commissioner Lawrence D. Jarboe
Dennis Nicholson, Executive Director, Housing Authority of St. Mary's County
Robin Finnacom, Executive Director, Community Development Corporation
Bob Schaller, Director, Department of Economic and Community Development
Douglas Samuel, Commissioner Chair, Housing Authority of St. Mary's County
Swynice Hawkins, President, St. Mary's Tri-County Community Action Committee
J. Harry Norris, Leonardtown Mayor
Laschelle Miller, Leonardtown Administrator

The tour started at Wildewood and proceeded to Leonardtown. Mayor J. Harry (Chip) Norris and Town Administrator Laschelle Miller boarded the bus and noted sites of interest and grant funded projects: Leonardtown Wharf, Infill and Redevelopment of the Downtown Area, Leonard's Freehold and Lawrence Avenue. The tour continue to Callaway and onto Great Mills Rd. noting the Chesapeake Charter School, Great Mills Swimming Pool, proposed Patuxent River Town Center, Indian Bridge Apartments, then drove by the Jarboe Education and Headstart Center and the Gateways on Lexwood Drive. Proceeded through St. Clements Crossing Mobile Home Park then to South Shangri La Drive to view New Phoenix and Colony Square Subdivisions. Continued to Lexington Manor redevelopment site and Three Oaks Center where the bus stopped and was boarded by Lanny Lancaster, Executive Director of the Three Oaks Center. Proceeded north on MD Rt. 235 and passed National and White Oak Mobile Home Parks, Immaculate Heart of Mary, and ended the tour at the J.T. Daugherty Center. Also discussed, but did not visit, Hunting Creek on Willows Road and the two Navy housing developments in First Colony and Wildewood.

Continuing discussions with Secretary Skinner where held at the J.T. Daugherty Center, Lexington Park, from 2:00 PM to 3:00 PM.

Afternoon meeting attendees (23):

Secretary Ray Skinner, DHCD
Clarence Snuggs, Deputy Secretary
Carol Gilbert, Assistant Secretary, Development Finance
Ron Waters, Deputy Director, Neighborhood Revitalization
Reggie Stansfield, Director, Office of Community Programs
Kevin Baynes, Director, Office of Community Programs
William Ariano, Jr., Deputy Director, Community Development Administration
Simone Johnson, Chief of Staff
Cindy Stone, Director, Office of Community Programs
Commissioner President Francis Jack Russell
Commissioner Thomas A. Mattingly, Sr.
Commissioner Lawrence D. Jarboe
John Savich, County Administrator
Dennis Nicholson, Executive Director, Housing Authority of St. Mary's County
Cindy Phillips, Program Manager, Housing Authority of St. Mary's County
Rhonda Garcia, Program Manager, Housing Authority of St. Mary's County
Bob Schaller, Director, Department of Economic and Community Development
Cynthia DellaGatta, Department of Economic and Community Development
Douglas Samuel, Commissioner Chair, Housing Authority of St. Mary's County
Jan Barnes, Commissioner, Housing Authority of St. Mary's County
Stephanie Proctor, Commissioner, Housing Authority of St. Mary's County
Swynice Hawkins, President, St. Mary's Tri-County Community Action
Committee
Mike Quigley, Executive Director, NAS, Patuxent River

Introductory remarks by Commissioner President Jack Russell followed by State of the Economy Post-BRAC presentation by Bob Schaller, Director, Dept. of Economic & Community Development and Mike Quigley, Executive Director, Naval Air Station, Patuxent River, MD. Dennis L. Nicholson, Executive Director, Housing Authority of St. Mary's County, then discussed several St. Mary's County topics of interest including Sustained Affordable Home Ownership, Preserving Affordable Workforce Housing, Significantly Strengthening State Law Protecting Residents of Mobile Home Parks, Three Oaks Shelter Expansion of Services and Relocation, Immaculate Heart of Mary, and Bridge Subsidy Program. Douglas Samuel, Chair, Housing Authority Board of Commissioners, offered a perspective from the Housing Authority. Secretary Raymond Skinner provided remarks from the Dept. of Housing and Community Development. St. Mary's County Commissioners Thomas A. Mattingly and Lawrence D. Jarboe provided remarks. The meeting was concluded by Commissioner President Russell.

Minutes Approved by the Board of County Commissioners on _____

Betty Jean Pasko, Senior Administrative Coordinator