

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
CHESEAPEAKE BUILDING
Tuesday, September 22, 2009**

Present: Commissioner President Francis Jack Russell
Commissioner Kenneth R. Dement
Commissioner Lawrence D. Jarboe
Commissioner Thomas A. Mattingly, Sr.
Commissioner Daniel H. Raley
John Savich, County Administrator
Donna Gebicke and Betty Jean Pasko (Recorders)

**JOINT MEETING OF THE BOARD OF COUNTY COMMISSIONERS AND THE
COMMANDING OFFICER, NAVAL AIR STATION (NAS) PATUXENT RIVER:
ENCROACHMENT MITIGATION AND PREVENTION**

US Navy and Civilian staff present, included:

Capt. Andrew Macyko,	NAS Patuxent River – Commanding Officer
Mr. Mike Quigley,	NAS Patuxent River – Deputy Director
LeRoy Mattingly,	NAS Patuxent River – AICUZ Manager
Capt. Mike Moran	P-8
Lt. Col. Fred Schenk	F35
CDR Paul Filardi,	PMA-268 Navy Unmanned Combat Air Systems (N-UCAS)
Melanie Anderson	Atlantic Test Range Sustainability Office
Chris Jarboe	Atlantic Test Range Sustainability Office

Others present included:

Delegate John L. Bohanan, Jr.
Delegate John F. Wood, Jr.
Dick Meyers, Senator Mikulski's Office
Tom Evans, MD Dept. of Economic Development
Todd Morgan, Navy Alliance

County Staff Present:

John Savich, County Administrator
Bob Schaller, Director, DECD
Hans Welch, Mgr., Business Development, DECD
Phil Shire, Acting Director, LU&GM
Jeff Jackman, Planner, LU&GM
Karen Everett, Public Information Officer
Robin Finnacom, Community Dev. Corp.
Donna Gebicke, Recorder

The joint meeting was called to order at 9:05 am at the Frank Knox Training Center, Naval Air Station, Patuxent River (NAS). Commissioner President Russell and Commanding Officer Captain Andy Macyko provided opening comments and called on staff for the following reports.

St. Mary's County Comprehensive Land Use Plan – Mr. John Savich, County Administrator

Mr. Savich noted the significant progress the County has made working with the Navy to minimize encroachment of development on NAS and provided a status report on the County's update to the Comprehensive Land Use Plan (Plan). The Planning Commission (PC) has completed its review and public hearing process and will present a draft Plan to the Commissioners very soon. During its deliberations, the PC sought input from the Navy and Navy Alliance which resulted in the addition of stronger encroachment prevention language in the Plan. The Plan calls for minimizing encroachment and achieving "full utilization of research, development, and test evaluation facilities at PAX River NAS and Webster Field," and will recommend the creation of a Webster Field AICUZ. Land Use and Growth Management staff could begin drafting an overlay zone for Webster Field to share with the Navy as a draft this fall. The Plan will also recommend looking into a noise attenuation buffer zone -- beyond AICUZ -- in which buildings would have to be built with noise deadening material. Staff can begin working on this once updated noise data is received from the Navy.

The County looks forward to considering, together with the Navy, the update of the Lexington Park Development District Plan once the Comprehensive Plan update is completed. The goal in the Lexington Park area is to create mixed use developments, cultural and entertainment venues outside of the AICUZ that will make the area an attractive place to live and work.

Navy Shore Vision 2035 – Capt. Andrew Macyko, Commanding Officer

Capt. Macyko reviewed the Chief of Naval Operation's (CNO) Naval District Washington Regional Integrated Master Program (RIMP). The RIMP was developed to complete integrated infrastructure planning and programming required to deliver the *Navy Shore Vision 2035*. The aging infrastructure at PAX River is contributing to less than optimal facilities in which to operate critical missions. Nearly one-quarter of the total space is in substandard condition. At the same time, NAS is also seeing increased growth in programs requiring space for new aircraft and personnel. To deal with these issues, the vision is recapitalization, prioritization, and seeking out special venture opportunities. The goal will be to eliminate temporary facilities, remove relocatables and fix aging infrastructure for a maximum return on investment to protect the mission and quality of life for Navy personnel and their families.

Encroachment Update – Mr. Leroy Mattingly

Mr. Mattingly reported on the status of the following:

- AICUZ (Air Installation Compatibility Use Zone) -- has been approved by NDW and is awaiting approval from the CNO which is expected very soon.

- RAICUZ (Range Air Installation Compatibility) -- Pre-final approval is expected here by mid-October.
- JLUS (Joint Land Use Study) is moving through the process.

Related US Navy Matters – Mr. Chris Jarboe

OutReach Efforts:

Mr. Jarboe reviewed outreach programs to local governments and communities, which included visits to St. Mary's County by Mid and Lower Shore Tri County Councils to familiarize the region with the Navy's mission and activities, and a visit to the Wallops Island Flight Facility, an important partner with NAS PAX River for flight test and Atlantic Test Range operations and support. Efforts continue to work with conservation NGOs to preserve open or farm land under the airspace and protect it from development.

Wind Turbines:

The Navy is included in the County's citizen application process for the installation of wind turbines. Four applications have been submitted and approved – two of which were within the line of sight of radar, but through a good cooperative effort were worked through and approved.

Related County Matters – Mr. Bob Schaller and Ms. Robin Finnacom

Ms. Finnacom provided an update on construction projects affecting ingress and egress to NAS. Phase I of the Patuxent Park Revitalization Project is underway and is expected to take ten months. Included in the project is the reconstruction of roads, sidewalks, curb and gutter and water and sewer lines for Midway Drive (from MD 246 to Bunker Hill Drive), Gambier Place, Princeton Drive and Bunker Hill Drive. The County and MetCom are working closely with the community to keep them informed each step along the way.

The Reconstruction of MD Rt. 246 from MD 235 to west of Saratoga Drive near the St. Mary's Square Shopping Center is under construction and should be completed by summer 2011. MD 246 will remain open to traffic, although temporary lane closures will be necessary. Congestion is expected, but the County is doing all it can to minimize hardships. Mechanisms have been put in place to keep residences and businesses informed about the project on a routine basis.

F-35 and P-8 - Lt. Col. Schenk and Capt. Mike Moran

Col. Schenk and Capt. Moran provided a timeline for the arrival of new planes, number of test flights expected and additional personnel expected to carryout the F-35 and P-8 test programs, respectively.

It was agreed to hold the next joint meeting in early spring of 2010. The Commissioners departed the Frank Knox Center at approximately 10:30.

CALL TO ORDER

Commissioner President Russell called the BOCC meeting back to order at the Chesapeake Building to order at 11:35 am.

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Dement, to adopt the minutes of the Commissioners' meeting of Tuesday, September 15, 2009, as submitted. Motion carried 5-0.

APPROVAL OF CHECK REGISTER

Commissioner Raley moved, seconded by Commissioner Mattingly, to authorize the Commissioner President to sign the Check Register for checks dated September 22, 2009, as submitted. Motion carried 5-0.

INVITATION TO ST. MARY'S COUNTY FAIR

Present: John Richards, President, St. Mary's County Fair Association

The St. Mary's County Fair runs this weekend, beginning Thursday, 9/24, through Sunday. Mr. Richards noted that the County Fair Association is a totally volunteer-based organization. During 2008, there were 120,000 visits to the fair grounds.

PROCLAMATION: STUFF THE BUS

Jacqueline Fournier, Transportation Manager, DPW&T and Cynthia Brown, Manager, Community Services, Dept. of Human Services, and John Richards, received a proclamation acknowledging the "Stuff the Bus at the Fair" community food drive.

COUNTY ADMINISTRATOR

1. Draft Agendas for September 29, October 6 and 20, 2009 (no BOCC meeting 10/13).
2. **Dept. of Public Works and Transportation** (*George Erichsen, P.E., Director*)

Commissioner Dement moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to execute the State Loan Agreement in the amount of \$154,250 for the Thomas Road Revetment Project and the related budget amendment reducing the project by \$106,250. Motion carried 5-0.

3. St. Mary's County Public Schools

(Dr. Michael Martirano, Superintendent of Schools; Brad Clements, Chief Operating Officer; Kimberly Howe, Coordinating Supv. of Capital Planning and Construction)

FY2011 State Capital Improvement Program

No motion – BOCC briefing; to return on 9/29 for Board action.

Highlighting two current projects; i.e., continuation of Leonardtown Middle School renovation and planning for the new elementary school (on the Hayden property), Dr. Martirano said the FY2011 State Capital Improvements Program (CIP) represents the smallest public school construction program request from the county to the state in 15 years. Mr. Clements reviewed historical enrollment and school capacity projections.

4. Office of the Sheriff *(Captain John Horne; Erin Shoemaker, Fiscal Mgr.)*

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President Russell to execute Form 2, Police Protection FY2010 Estimated Expenditures, and Form 3 Sworn Officer Roster as of June 30, 2009, and authorize the Sheriff Office staff to electronically submit grant application documents. Motion carried 5-0.

Commissioner Jarboe moved, seconded by Commissioner Dement, to accept the FY2009 Edward Byrne Memorial Justice Assistance Grant Award, in the amount of \$29,720, from the Department of Justice and to approve and authorize the Commissioner President to sign the related budget amendment increasing the project budget revenue and expenses in accordance with the actual application. Motion carried 5-0.

RECESS/RECONVENE

The Board recessed at 12:43 pm and reconvened at 1:35 pm.

**DEPARTMENT OF LAND USE AND GROWTH MANAGEMENT (LU&GM)
PUBLIC HEARINGS:**

Present: Yvonne Chaillet, Planner IV

Ms. Chaillet announced both public hearings were advertised in the September 4 and September 9, 2009, editions of the Enterprise newspaper. The proposed text amendments were introduced to the BOCC on August 18, 2009. The BOCC waived the second reading and the public hearing before the Planning Commission for both proposed text amendments.

1. PROPOSED TEXT AMENDMENT TO AMEND SCHEDULE 50.4 TO MOVE USE TYPE 23, DAY CARE FAMILY HOME FROM “PUBLIC AND SEMIPUBLIC USE CLASSIFICATIONS” TO “ACCESSORY USE CLASSIFICATIONS”

The state of Maryland and St. Mary’s County regulate day care facilities that care for children in a family home. Both the Maryland Child Care Administration and the Comprehensive Zoning Ordinance require the day care to be located in the principal residence of the caregiver and restrict the number of children that can be accommodated to eight.

Ms. Chaillet elaborated that day care must be accessory to the principal use of the residence and that the amendment will require applicants to obtain authorization from LU&GM prior to obtaining State certification.

Commissioner President Russell opened the hearing for public comment at 1:40 pm. There were no names on the hearing sign-up sheet and no public testimony was provided. Commissioner Russell subsequently closed the public hearing and set the ten-day open record period.

2. PROPOSED TEXT AMENDMENT TO AMEND SECTION 51.3.13 TO CORRECT AN OVERSIGHT IN USE TYPE 13, GROUP HOME

The purpose of this text amendment is to amend Section 51.3.13 to correct the discrepancy between General Standard 1 and the description of a group home in Schedule 50.4 and to eliminate the requirement for a floor area ratio.

For the purpose of determining density and water/sewer, Ms. Chaillet clarified that under the General Standards for a group home, paragraph (1) should state accommodations for each eight (8) persons shall constitute an equivalent dwelling unit (EDU) versus each person. It was noted the State also uses eight persons as the state guideline for group homes. Staff also recommends deleting the requirement for compliance with floor area ratio, which does not apply to single-family dwelling.

Commissioner President Russell opened the hearing for public comment at 1:45 pm. There were no names on the hearing sign-up sheet and no public testimony was provided. Commissioner Russell subsequently closed the public hearing and set the ten-day open record period.

COUNTY ADMINISTRATOR, CONTINUED**5. Office of the County Attorney** (*Liz Passarelli, Real Property Manger*)

Commissioner Mattingly moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign the Renewal of Lease Agreement between the St. Mary's Hospital and the Board of County Commissioners, with an Expiration Date of December 31, 2016, for use of the existing building on the hospital grounds presently housing Marcey House and Advanced Life Support Unit. Motion carried 5-0.

6. Dept. of Finance (*Elaine Kramer, CFO; Jeannett Cudmore, Deputy Director*)

Commissioner Raley moved, seconded by Commissioner Raley, to approve the FY2011 Budget Calendar, as presented, and direct staff to circulate the instructions and schedule the meetings based on this calendar. Motion carried 5-0.

7. Dept. of Aging (*Lori Jennings-Harris, Director; Peggy Maio, Fiscal Supervisor*)

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to execute the Medicaid Waiver grant award, Project US1062, from the Maryland Department of Aging on behalf of the St. Mary's County Department of Aging, to assist consumers who would normally need nursing home placement but may live safely in the community, to receive appropriate in-home services, in the amount of \$113,272, and the related budget amendment to decrease the project by \$12,813. Motion carried 5-0.

8. Office of the County Administrator and St. Mary's Co. Metropolitan Commission (*John Savich, County Administrator*)

Commissioner Raley moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner President Russell to sign the Memorandum of Understanding between the Board of County Commissioners and the St. Mary's County Metropolitan Commission with regard to the management and cost-sharing responsibilities for the completion of the MetCom Study Task Force as mandated by House Bill 1559, in the total amount of \$35,631, and to sign the associated budget amendment for St. Mary's County's portion in the amount of \$17,816. Motion carried 3-2 (Commissioners Dement and Jarboe voted no).

There was discussion about the benefit of the MetCom study and support for the task force. It was clarified that the study is not a County initiative and it was not initially communicated that the County would have to provide funding. A three-way cost sharing MOU was suggested, with the State, County, and MetCom sharing costs in

thirds. There was also concern raised about sole-sourcing. It was pointed out that HB1559 states proposals shall be issued to three State Universities for the purpose of staffing the task force.

This MOU was first presented at the September 15, 2009 BOCC meeting and failed by a 1-3 vote.

COMMISSIONER'S TIME

The Commissioners highlighted upcoming events and those attended over the past week as well as personal interest items.

RECESS/RECONVENE

The Board recessed at 2:30 pm and reconvened at 3:00 pm.

SECRETARY, MD DEPT. OF TRANSPORTATION, ANNUAL CAPITAL PROGRAM TOUR: PRESENTATION OF FY 2010-15 DRAFT CONSOLIDATED TRANSPORTATION PROGRAM

Present: Beverley K. Swaim-Staley, Secretary, MD Dept. of Transportation
Neil Pedersen, Administrator SHA
Diane Ratcliff, Director of Planning, MTA
Lee Starkloff, District 5 Engineer

Del. Johnny Wood joined the Board of County Commissioners.

The Consolidated Transportation Program (CTP) is Maryland's six-year capital budget for transportation projects. The draft CTP outlines the State's highest priorities for the Transportation Trust Fund revenue and the federal economic recovery funding. Last year one billion dollars was cut from the six-year program, with another one billion cut in December. Acknowledging the draft CTP is about \$300 million short, additional cuts are not being announced at this time.

St. Mary's County projects overviewed by Mr. Pedersen were:

- MD 237 Chancellors Run Road (upgrade and widen), reported as 60% complete;
- MD 4 Solomons Island Road (study to upgrade MD 4 between MD 2 and MD 235, including the Thomas Johnson Bridge and MD 235 intersection, reported that two primary alternates are being considered, anticipate public hearing this winter, cost could be as high as \$700million;
- MD 5 Point Lookout Road (upgrade and widen MD 5 from south of Camp Brown Road to the Ranger Station), reported this project is on hold until revenue improves, estimate cost at \$13million; and

- MD 5 Point Lookout Road (study to upgrade MD 5 between MD 243 and MD 245) reported project is continuing, engineering and environmental study nearly complete, anticipate public hearing in Spring, potentially six to fourteen displacements.

Ms. Ratcliff said the MD Transit Authority was able to keep their operating funds at last year's level and reviewed completed and in-progress projects and studies.

Mr. Starkloff reviewed safety, congestion relief, and highway and bridge preservation program items relative to St. Mary's County.

The Board provided comments regarding projects, safety concerns, and traffic/road problems in the county.

RECESS/RECONVENE

The Board recessed at 4:05 pm and reconvened at 6:30 pm.

PUBLIC FORUM

The Public Forum commenced at 6:30 pm. Commissioner President Russell announced the purpose and established general ground rules. Various staff members were in attendance. There were three names on the Public Forum sign-up sheet, with two indicating their desire to speak.

John Sprenger, 22987 Wedgewood Lane, California, MD

Mr. Sprenger commented regarding the Wildewood PUD and current development, stating that the intent of the Wildewood PUD is not being followed to the point where it should be revoked (1978 – 2050, 70 year project). Referencing development that began in 2006 (Challenger Estates), Mr. Sprenger said current development is destroying the environment and natural drainage; in order to obtain the greatest density, in the least amount of space, in the shortest timeframe.

Mr. Wittengale (original developer) said the development would be done in phases with careful placement of homes and trees and so there won't be a burden on infrastructure. The new developer (Stanley Martin) has a different concept of how to get things done. Builders are clear-cutting; homes are being built all around the outside and then a row of houses in their back yard. Homeowners are adding trees to their properties to look less dense. Mr. Sprenger questioned how the developers were able to get a building permit. He said the TEC says regulations are grandfathered. Mr. Sprenger cautioned that Myrtle Woods will be the next disaster. He said that he had several articles and pictures.

Commissioners Raley and Russell responded to Mr. Sprenger's testimony.

Mr. Sprenger later submitted an envelope containing eleven, 8 x 10 color photographs for the record.

George McKay, Jr., 44385 McKay Way, Callaway, MD

Mr. McKay provided testimony regarding his concern for the county's growth policy (referencing 70% growth areas / 30% RPD), referring to growth areas as reservations. His concern was with the difficulty of being able to build a home in the RPD (particularly regarding family farms and being able to build homes for children). He stated that he resents being forced to live in development districts, and that government is controlling where you can live. He said this is impacting what we are leaving our children and limiting their opportunity. Mr. McKay also stated that this is affecting lower income families (lower 3rd income bracket).

After hearing comments from all those present who wished to speak, Commissioner President closed the public forum at 6:55 pm.

Commissioner Jarboe announced that the next public forum will be October 27, 2009.

ADJOURNMENT

Commissioner Dement moved, seconded by Commissioner Raley to adjourn the BOCC meeting of September 22, 2009.

Minutes Approved by the Board of County Commissioners on _____

Betty Jean Pasko, Sr. Admin. Coord. (Recorder)