

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
GOVERNMENTAL CENTER
Tuesday, September 27, 2005**

Present: Commissioner President Thomas F. McKay (*arrived at 1:35 p.m.*)
Commissioner Kenneth R. Dement (*departed at 4:12 p.m.*)
Commissioner Lawrence D. Jarboe
Commissioner Thomas A. Mattingly, Sr.
Commissioner Daniel H. Raley
George G. Forrest, County Administrator
Donna M. Gebicke, Administrative Assistant (Recorder)
Kate Mauck, Senior Administrative Coordinator (Recorder)

Donna Gebicke recorded the following meeting minutes:

Commissioner President McKay was absent during the morning portion of the meeting due to his participation in the CALVEX drill.

ST. JOHN'S CATHOLIC CHURCH CEMETARY

Prior to the beginning of the meeting, the Board of County Commissioners joined with soldiers returning from service in Iraq to visit the grave of their fallen comrade, Raymond J. Faulstich, Jr. at St. John's Catholic Church Cemetery located at 43950 St. John's Road in Hollywood. The Commissioners then returned to the Governmental Center for the meeting.

CALL TO ORDER

The meeting was called to order at 11:15 a.m.

APPROVAL OF CHECK REGISTER

Commissioner Raley moved, seconded by Commissioner Jarboe, to authorize the Commissioner President to sign the Check Register. Motion carried, 4-0.

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve the minutes of the Commissioners' meeting of Tuesday, September 20, 2005, as amended. Motion carried, 4-0.

COUNTY ADMINISTRATOR

1. Draft Agenda for October 4 and 11, 2005

2. **Sheriff's Department**

Present: Captain Kenneth Cusic
Erin Shoemaker, Fiscal Manager
Lieutenant John Horne
DFC Julie Yingling, Domestic Violence Coordinator

Commissioner Raley moved, seconded by Commissioner Dement, to approve grant match of 25% for the Domestic Violence Program Grant "SAVE the Victims" and sign Budget Amendment in the amount of \$10,794. Motion carried 4-0.

3. **Finance Department**

Present: Elaine Kramer, Chief Financial Officer
Jeannett Cudmore, Deputy Director

Commissioner Jarboe moved, seconded by Commissioner Raley, to approve the calendar proposed for the Budget 2007 cycle for release, and direct staff to reflect such meeting schedule on our meeting calendar and agendas, as needed. Motion carried 4-0.

4. **Housing Authority**

Present: Dennis Nicholson, Executive Director
Tonja Fraser-Jenkins, Program Manager

Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign letter to the Maryland Department of Housing and Community Development, Community Development Administration, irrevocably transferring \$2,649,006 of the County's On-Behalf-Of Tax Credit Bond Allocation for Fiscal Year 2005 to the Community Development Administration for use in issuing housing bonds on behalf of St. Mary's County. Motion carried 4-0.

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and sign Letter of Support to the Maryland Affordable Housing Trust, Maryland Department of Housing and Community Development, that will enable the purchase and rehabilitation of two deteriorated developed parcels of property located in the Lexington Park Revitalization Area. Motion carried 4-0.

5. **St. Mary's County Housing Authority**

Present: Dennis Nicholson, Executive Director
Tonja-Fraser-Jenkins, Program Manager

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize Commissioner President to sign Emergency Shelter Grant application for \$50,000 in grant funds from MD Dept. of Housing and Community Development for pass through to St. Mary's County Dept. of Social Services, Angel's Watch (Catholic Charities) and Three Oaks Center for homeless prevention activities and services. Motion carried 4-0.

6. Department of Recreation, Parks, and Community Services & Department of Land Use and Growth Management

Present: Phil Rollins, Director, Department of Recreation, Parks, and Community Services
Denis Canavan, Director, Department of Land Use and Growth Management

Commissioner Raley moved, seconded by Commissioner Dement Approve the scheduling of a public hearing on the Draft 2005 Land Preservation, Parks, and Recreation Plan. Motion carried 4-0.

7. Department of Aging

Present: Jennie Page, Acting Director
Peggy Maio, Fiscal Supervisor

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President to sign St. Mary's County Dept. of Aging revised Notification of Grant Award (NGA) and related budget amendment for Title III Older Americans Act programs. Motion carried 4-0.

Commissioner Dement moved, seconded by Commissioner Raley, to approve and authorize Commissioner President to sign St. Mary's County Dept. of Aging revised NGA's and related budget amendment for the Nutrition Services Incentive Program. Motion carried 4-0.

Kate Mauck recorded the remaining meeting minutes:

8. Department of Public Works and Transportation

Present: George Erichsen, Director

- a. Public Works Agreement Addendum for the Dunleigh Subdivision, Section 1. *Located in the 8th Election District with an expiration date of August 1, 2006. The Bond provided by the Utica Mutual Insurance Company in the amount of \$121,500 remains as posted based on the Department's Inspection Report dated July 14, 2005. 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 Public Works Agreement Addendum for the Dunleigh Subdivision, Section 1, located in the 8th Election District. Motion carried, 4-0.

- b. Resolution accepting Heather Street, Foxglove Place, Cosmos Court and Blue Sage Place. *Located in the Meadow Lake Subdivision, Phase 3, 8th Election District.* Also, attached are Resolutions posting stop signs and a 25-mph speed limit for said roads.
- c. Resolution accepting Wildewood Parkway. *Located in the Wildewood Subdivision, Phase 3, 8th Election District.* The speed limit has been posted at 30-mph in accordance with default language contained in the Maryland Motor Vehicle Law Section 21.801.1.
- d. Resolution accepting Willow Creek Road and Willow Creek Court. *Located in the Wildewood Subdivision, Willow Creek, 3rd Election District.* Also, attached are Resolutions posting stop signs and a 25-mph speed limit for said roads.
- e. Resolution accepting Pembroke Drive, Carriage Court and Nicholson Street. *Located in the Forrest Farm Subdivision, Section 3, Phases 1, 1A and 2, 3rd Election District.* Also, attached are Resolutions posting stop signs and a 25-mph speed limit for said roads.

Commissioner Raley moved, seconded by Commissioner Dement, to approve and sign Resolutions accepting roads outlined in items b through e and to approve and sign Resolutions posting stop signs and speed limits for said roads, which are outlined in the memorandum from the Department of Public Works and Transportation dated September 21, 2005. Motion carried, 4-0.

Commissioner President McKay arrived at the meeting at this time.

PROPOSED ADOPTION OF THE ORDINANCE AMENDING ORDINANCE 2004-03 REGARDING THE SENIOR PROPERTY TAX CREDIT

Present: John B. Norris, III, County Attorney
Mary Ruth Horton, Chair, Commission on Aging

Pat Meyers, President, NAARF
Elaine Kramer, Chief Financial Officer

Mr. Norris presented the Board of County Commissioners with a proposed Ordinance amending Ordinance 2004-03 regarding the Senior Property Tax Credit. A written summary of public hearing comments was provided for review, and Mr. Norris outlined changes made to the Ordinance due to recommendations based on comments received at the public hearing. The Ordinance would amend Chapter 267 of the Code of Public Local Laws of St. Mary's County to allow a property tax credit to senior citizens of St. Mary's County.

Ms. Horton reported that the amended Ordinance was reviewed yesterday by the Commission on Aging and it drew unanimous support. Ms. Meyers reported that the removal of the sunset clause was the next thing she would like to see happen.

Commissioner Mattingly moved, seconded by Commissioner Dement, to approve and sign the Ordinance to amend Chapter 267 of the Code of Public Local Laws of St. Mary's County, Maryland to allow a property tax credit for senior citizens. Motion carried, 5-0.

Mr. Norris reported that a pamphlet was being prepared that will include the application for tax credit and all necessary information, and that the pamphlet will be disseminated through all channels available. Ms. Kramer reported that she would work with the County Treasurer and will provide an update of the cost projections to the Commissioners. She provided information outlining how the program will be tracked in order to fully exhibit the financial impact.

**ST. MARY'S COUNTY HOUSING AUTHORITY & RIVER BAY
TOWNHOMES, LP: PAYMENT IN LIEU OF TAXES (PILOT) PROGRAM**

Present: Dennis Nicholson, Executive Director, St. Mary's County Housing Authority

Wally Scruggs, Managing Member, River Bay Townhomes, LP

Heidi Dudderar, Deputy County Attorney

The Commissioners were presented with a request to consider approving a payment in lieu of taxes (PILOT) for River Bay Townhomes. The PILOT would allow River Bay Townhomes to maintain rent affordability for county residents and also to provide replacement housing for units to be demolished at Lexington Manor. The need for the PILOT for this already-constructed development was triggered by the 68 percent increase in assessed value.

There are 173 units for rent, with 18 of those at the market rate; therefore 155 are listed in the River Bay Townhomes portfolio as replacement affordable housing. Discussion took place regarding the 18 homes that are rented at market value. Two of the 18 homes are

used for other purposes: a police officer and his family utilize one, and the landlord of the property utilizes the other. Mr. Nicholson reported that other complexes have previously utilized payment in lieu of taxes as well.

Ms. Dudderar was asked to work with Ms. Kramer and the Department of Economic and Community Development and to come back as soon as possible with revised documentation which would delete the 16 homes listed at market value from the PILOT request.

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign the agreement for the payment in lieu of taxes for River Bay Townhomes, LP, for 157 out of the 173 homes and to authorize the Commissioner President to sign the agreement once the criteria has been met. Motion carried, 5-0.

DEPARTMENT OF LAND USE AND GROWTH MANAGEMENT: FIRST READING OF PROPOSED TEXT AMENDMENT REGARDING EXEMPTION CLUSTERING REQUIRED FOR FAMILY CONVEYANCE SUBDIVISION

Present: Denis Canavan, Director of Land Use and Growth Management

Mr. Canavan presented a first reading of a proposed text amendment to the Zoning Ordinance and Subdivision Ordinance text amendment that would allow an exemption from the minimum open space requirement for family subdivisions in the Rural Preservation District Zone, in accordance with the policy for text amendments.

The text amendment would allow families that inherit land in an estate to be excused from development rules that require open space to be carved out of such parcels. The proposed language in the text amendment stipulates that clustering should not be required for the purpose of settling an estate of 40 acres or less of a deceased person.

Much discussion took place regarding the clustering provision, and the problems that ensue when a property owner wishes to leave parcels of land to his children and/or grandchildren. *Commissioners determined that they would like to have a formal recommendation from the Farm Bureau regarding the clustering and open space issues.*

Mr. Robin Guyther outlined a theory that could be considered as an option, i.e., to refrain from designating open space as one large lot. The space could stay connected, but each lot would have an easement that would be designated as open space, and thereby, still be connected. Mr. George McKay outlined numerous problems he has had since June or July of 2004 regarding the division of land on his property into eight lots. He reported that someone at the Department of Land Use and Growth Management reviewed the documentation and assured him that there would be no problem. Since that time, he has invested a great deal of money to place a house trailer on the property, put in

gravel roads, paid for survey work on the eight lots, etc. Commissioner President McKay reported, for the record, that he has no financial interest in the piece of property discussed by Mr. McKay.

Commissioner Raley moved, seconded by Commissioner Dement, with regards to the proposed Text Amendments that we have before us today, that we direct staff to have that proposed Text Amendment to proceed onto the Planning Commission, for the Planning Commission to consider the Text Amendment, have the appropriate public hearing, and forward it to the Board of County Commissioners with a recommendation as to its adoption. Motion carried, 5-0.

Staff was directed to meet with Mr. McKay and his family to look into the issues outlined and to determine if there is foundation for substantiation of a variance case, so that the matter could then be recommended to the Zoning Board of Appeals for review.

CALVEX DRILL

Commissioner President McKay reported that the County Administrator informed the Board of County Commissioners that the CALVEX Drill has ended successfully.

MARYLAND DEPARTMENT OF TRANSPORTATION – ANNUAL PRESENTATION

Present: Secretary Robert L. Flanagan
Neil Peterson, Administrator, State High Administration
Jackie Beckman, Traffic Safety Coordinator
Greg Welker & numerous staff members
Delegate Tony O'Donnell
Harry Norris, Mayor, Town of Leonardtown

Members of the Maryland Department of Transportation appeared before the Board of County Commissioners as part of their annual road tour and presentation. Statewide efforts on behalf of the Department of Transportation were outlined, and it was reported that the 2004 legislative session providing for more growth in funding for the Transportation Trust Fund than has occurred over the past twelve years. The effect of gas prices and titling taxes will reportedly reduce the \$13 billion in funds over the next six years by approximately \$120 million. Secretary Flanagan reported that the state has \$13 billion in transportation projects over the next six years, with \$108 million dedicated for projects in St. Mary's County. The following projects that most affect St. Mary's County were outlined:

- Hughesville Bypass – under construction and due to be completed by the summer of 2007;

- Lexington Park Streetscape Project – preliminary engineering is approximately 2/3 complete;
- Maryland 237 (Chancellors Run Road) between Maryland 235 and Pegg Road Widening Project – in design phase; and
- Maryland 5 Leonardtown Streetscape Project – in design phase.

Light rail was discussed, and the urgent need for the use of seat belts was discussed in detail. Ms. Beckman outlined goals of the Traffic Safety Program in St. Mary's County and the priority areas that will gain the most attention. She announced that the next meeting of the Highway Safety Department would be held in the Loveville offices on November 18th at 10:00 a.m.

It was reported that construction is scheduled to begin on the Chancellors Run Road project in 2007. It is a \$53 million project, and there is a need to acquire 110 properties, with one displacement. The Maryland Route 5 project heading toward Point Lookout State Park is in the development evaluation stage. The section of the road from Scotland Beach Road to Campground Road is under engineering in order to develop a wider roadway section, with the process being about two-thirds complete. Mr. Welker outlined the costs of the projects on Maryland Routes 4, 5 & 5 Business, 234, 235, and 246. The Board of County Commissioners asked questions and/or asked for assistance regarding the following matters:

- *Commissioner Jarboe asked for the SHA to place focus on the northern end of the county, i.e., streetscaping work that would give a nice presentation to that gateway of the county. A citizen offered elm trees at no cost to the county or state, and it would be good if the SHA would work with this citizen to provide some plantings;*
- *Commissioner Jarboe asked for the SHA to look into the existing rail line in order to review a public/private partnership with CSX to provide passenger rail inclusion;*
- *Commissioner Mattingly asked whether or not there is for a plan to replace the demolished grain pier at the harbor. Secretary Flanagan stated that he would get back to Commissioner Mattingly on this matter;*
- *Commissioner Mattingly emphasized great concerns with the level of accidents at the Maryland Route 5 section from Route 243 to Route 245 – stated that the obstacles need to be removed from the right of way on that portion of the road;*
- *Commissioner Mattingly reported that there was much interest by citizens in the Leonardtown Streetscape project and improvements are needed at the gateway into the town limits; and*
- *Commissioner Raley reported that attendance Point Lookout State Park has decreased, most likely due to the narrow and bumpy road that leads to the entrance of the park.*

Delegate O'Donnell spoke regarding the following matters: Thomas Johnson Bridge concerns, task force he serves on that is looking into a possible third Bay Bridge crossing; offered tapes of the meetings of the task force to be viewed on cable Channel 95. Reported that transportation issues directly affect matters of land use and growth management, and visa versa, and the County should seriously look at these issues to determine what the county really wants.

Mayor Norris reported on the positive effects of the project in Leonardtown, and stated that the traffic and speeding on Route 5 going through Leonardtown is the number one complaint reported to the town office on a regular basis. Reported that lights, a connector road and center lane discussions have all been taking place regarding this stretch of Route 5.

Commissioner Dement departed the meeting at this time due to his participation in a ribbon-cutting ceremony.

COMMISSIONERS' TIME

Commissioner Mattingly

Reported that many of the Commissioners attended the 40th anniversary celebration last week of the Tri-County Council for Southern Maryland. It was a very nice affair that was held in Solomon's, in order to recognize the accomplishments of the Council and to celebrate their many accomplishments.

Attended a nice dedication ceremony at Mercantile Southern Maryland Bank honoring Jack Candella.

Attended the Maryland International Raceway Business After Hours event. Complimented Royce Miller and his wife, as well as all the folks working for them for the Presidential Cup event. Approximately 600 cars participated, with a lot of money invested in the machines. All the hotels and motels were full, and it's reported that hotels are greatly needed in the northern end of the county. They reportedly have another event coming up in the future that will also be broadcast on ESPN.

Reported that Commissioners participated in the very nice St. Mary's County Fair this past weekend, with a large crowd present.

Expressed congratulations to Jamie Lynn and John Weber for their wedding this past weekend.

Commissioner Jarboe

Reported that the 7th District Optimist's Club will do another outstanding job this year putting together the upcoming Blessing of the Fleet event, and encouraged citizens to attend.

Commissioner Raley

Expressed congratulations to the many volunteers that helped make this years' St. Mary's County Fair one of the most successful thus far.

Reported that on Friday night, prior to the Blessing of the Fleet event, he, along with Commissioner Mattingly and Commissioner President McKay, will be helping with the auction portion of the dinner/dance gala that will take place. Proceeds will go toward funds for the restoration of the lighthouse on St. Clement's Island.

Reported that Commissioners received a memorandum from a grassroots organization that asked them to announce the formation of the "St. Mary's County Hurricane Relief Fund". Outlined the ways that individuals and businesses will be working together to assist hurricane victims in the town of D'iberville, Mississippi. Reported that he has spoken with the mayor and other officials in the town, and outlined specific items that will be purchased, with transport being provided. There will soon be a truckload departing, with another to take place in the future. Ask citizens to give money for the project so that the items may be purchased in bulk. Asked citizens to mail their donations to the following address: St. Mary's County Hurricane Relief Fund, P.O. Box 207, St. Mary's City, Maryland 20686, telephone: 301-866-0295 extension 400.

Commissioner President McKay

Thanked the many volunteers that contributed a great deal of time to the St. Mary's County Fair, which is one of the best fairs in the state. Reported that he was honored to present roses to the Queen of Tolerance on Thursday evening.

Attended the 200th Anniversary of St. Michael's Manor in Scotland event last Saturday, held by Joe and Nancy Dick. Reported on reenactments which celebrated colonial days at the manor. Expressed appreciation to Mr. and Mrs. Dick for their generosity and stated that he was proud to be a part of helping to designate their property as an historical overlay district.

ADJOURNMENT

The meeting adjourned at 4:44 p.m.

Minutes Approved by the Board of County Commissioners on _____

Kate Mauck, Senior Administrative Coordinator

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