

ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
GOVERNMENTAL CENTER
Tuesday, December 6, 2005

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

Susan J. Wolfe, Acting Senior Administrative Coordinator (Recorder)

Donna Gebicke, Administrative Assistant (Recorder)

Susan Wolfe recorded the following meeting minutes:

CALL TO ORDER

The meeting was called to order at 9:07 a.m.

APPROVAL OF CHECK REGISTER

Commissioner Jarboe moved, seconded by Commissioner Mattingly, to authorize the Commissioner President to sign the Check Register. Motion carried, 5-0.

APPROVAL OF MINUTES

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve the minutes of the Commissioners' Meeting [Executive Session] of November 7, 2005. Due to his absence from the meeting, Commissioner Mattingly abstained. Motion carried, 4-0.

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve the minutes of the Commissioners' meeting of November 22, 2005. Motion carried, 5-0.

COUNTY ADMINISTRATOR

1. Draft Agendas for December 13 and 20, 2005 (*There will be no meetings on December 27, 2005,*

or January 3, 2006)

2. Human Resources Department (*Sue Sabo, Director, and Plan Administrator; and Dee Snyder, Benefits Coordinator for Sheriff's Retirement Plan*)

Commissioner Mattingly moved, seconded by Commissioner Raley, to approve and assign two newly-elected members of the Sheriff's Office Retirement Plan Board of Trustees (Deputy First

Class William Raddatz and Sergeant Terry Black) to serve two-year terms from January 1, 2006, through December 31, 2007. Motion carried, 5-0.

3. Department of Recreation, Parks & Community Services (*Phil Rollins, Director*)

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and accept the FY2006 Program Open Space Development and Capital Renewal Application and Project Agreement for the Seventh District Park Improvement Project in the total amount of \$125,000 and to authorize the Commissioner President to sign the Award Application and Project Agreement. Motion carried, 5-0.

Mr. Rollins stated that the project is scheduled to begin in the Spring and will hopefully finish by Fall 2006. There will be no impact on the regular operation of the Park.

4. Department on Aging (*Jennie Page, Acting Director, and Peggy Maio, Fiscal Supervisor*)

(a) Commissioner Dement moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President to sign the Budget Amendment increasing the grant project budget by \$1,000 in order to align the project budget with the grant award. Motion carried, 5-0.

(b) Commissioner Dement moved, seconded by Commissioner Raley, to approve and accept the Senior Health Insurance Program (SHIP) grant from the Maryland Department of Aging in the total amount of \$11,998.00 and to authorize the Commissioner President to sign the grant award documents. Motion carried, 5-0.

Commissioners Time

commissioner Jarboe

Attended the fifth annual Lettie Dent Elementary School Gingerbread Auction, which raised \$3,662 to purchase food and gifts for families in the Charlotte Hall, Mechanicsville, and Golden Beach areas.

Commissioner Raley

Attended reception for departing St. Mary's County Hospice Director, Charlene Taylor.

Attended grand opening of the T&E Museum at the Patuxent River Naval Air Station.

Attended presentation by the three County Rotary Clubs, focusing on scholarship awards for teachers.

Served as auctioneer at the fifth annual Lettie Dent Elementary School Gingerbread Auction, which raised \$3,662 to purchase food and gifts for families in the Charlotte Hall, Mechanicsville, and Golden Beach areas.

Attended the annual Department of Aging luncheon recognizing Meals on Wheels volunteers.

Attended the presentation of \$1,050,00 in Federal funds for the dredging of St. Jerome's Creek and a further study, held at Drury's Marina, with Sen. Sarbanes, Rep. Hoyer, and others. Noted comments by citizens in attendance who thanked the Senator and Congressman, as well as the Board of County Commissioners.

Commissioner Dement

Attended the Christmas tree lighting ceremony in Leonardtown.

Attended grand opening of the T&E Museum at the Patuxent River Naval Air Station.

Attended the fourth annual Silent Angels memorial.

Attended reception for departing St. Mary's County Hospice Director, Charlene Taylor.

Attended the St. Mary's County Educational Association information meeting on pensions and other topics.

Noted the November 30 closing of the Pennie's complex in Leonardtown and presented a proclamation to the Norris and Pennisi families.

Attended the presentation of \$1 million in Federal funds for the dredging of St. Jerome's Creek and a further study, held at Drury's Marina, with Sen. Sarbanes, Rep. Hoyer, and others.

Attended presentation by the three County Rotary Clubs, focusing on scholarships for teachers.

Attended the annual Department of Aging luncheon recognizing Meals on Wheels volunteers.

Attended the Home Care Christmas event.

Attended the retirement celebration for Tim Cameron.

Commissioner Mattingly

Attended the Christmas tree lighting ceremony in Leonardtown.

Attended the fourth annual Silent Angels memorial.

Attended the presentation of \$1 million in Federal funds for the dredging of St. Jerome's Creek and a further study, held at Drury's Marina, with Sen. Sarbanes, Rep. Hoyer, and others. Hopefully, dredging will begin in March.

Sent congratulations to his grandson who participated in the annual Turkey Bowl. His team came in second.

Wished a happy birthday to his daughter-in-law, Pam.

Commissioner President McKay

Attended the Board of Education Community Forum, "What Counts?" on the future of education in the County. Several hundred citizens attended.

Attended the first anniversary celebration at the Three Notch Theatre.

Discussed the importance of the Pennie's complex to the history of the County and the memories of its citizens.

Noted that the next meeting of the Critical Areas Commission is December 7.

Expressed concern regarding three recent mistakes made in posting County public notices by *St. Mary's Today* newspaper, the recent legal advertising contract awardee.

Reminded citizens that on December 9, the Commissioners, with the support of the Division of Community Services, will participate with County residents to "Stuff the Bus" with non-perishable food for needy citizens at the Three Notch Theatre in Lexington Park. The bus will remain available for collections on December 10-11. On December 12, the bus will be at the Governmental Center from 10 a.m. to 2 p.m. On December 13, the Commissioners will deliver the collected food items to St. Mary's Caring Soup Kitchen in Lexington Park and St. Paul's United Methodist Church's Loaves and Fishes Ministry (food pantry) in Leonardtown for distribution. Commissioner President McKay said that he would like to have another "Stuff the Bus" collection in the Spring.

Expressed birthday greetings to Commissioner Jarboe.

INTERIM REPORT AND RECOMMENDATIONS REGARDING TRAFFIC MITIGATION ALONG MD 235 CORRIDOR (*George Erichsen, Director, and John Groeger, Deputy Director, Public Works & Transportation; and Denis Canavan, Director, Land Use & Growth Management*)

Messrs. Erichsen, Groeger and Canavan provided a draft interim report entitled "Road Impact Funding Measures for New Development," that discusses a proposed Transportation Payment System (TPS) which would provide an overall funding mechanism for transportation road improvements necessary to improve capacity and the flow of traffic on the County roadway system. The report recommends that

the Board of County Commissioners consider adjusting the impact fees using the updated calculations during the FY 2007 budget process. It discusses the use of Residential Impact Fees

and the creation of Commercial Impact Fees. Anyone who engages in development activity in the County will be

assessed TPS fees when they meet five outlined conditions. Also outlined in the draft report was a TPS Road Priority Project List which might include: MD 4 and MD 235 interchange; Pegg Road Extension to Indian Bridge Road; FDR Boulevard between MD 235 and MD 4; MD 4 widening between MD 235 and MD 5; Pegg Road Extension from Indian Bridge Road to MD 5; FDR Boulevard north of MD 4 and south of MD 237; and funding to facilitate State Highway Administration projects, i.e., MD 4, MD 237, etc. Suggested potential TPS funding sources might be to: adjust the road impact fee to the current calculation; realign a portion of the Parks Impact Fee toward roads; assess a commercial impact fee; dedicate highway user fees; and consider supplemental impact fees.

Commissioner President McKay expressed his appreciation for the report and urged immediate action on its findings. He and other Commissioners urged consideration to raise the impact fee thresholds as listed in the report to use the additional funds for school APF issues.

Commissioner Jarboe asked if state legislative authority is needed to implement this plan. Mr. Norris responded that it is not needed.

Commissioner Mattingly noted his concern about the overall roads situation in the County, including maintenance of existing roads, expansions, etc. He also expressed concern about the use of park fees in this endeavor. He said that the road priority project list should also include safety issues balanced with capacity concerns.

Commissioner Raley said that the concept of dedicating a certain portion of the highway users fees toward the CIP has merit, whatever the determined percentage.

Commissioner President McKay said the next step is to refer the report to internal staff and the general public, County boards and commissions, the Chamber of Commerce, etc. He asked the presenters about a time period of 90-120 days. Mr. Canavan indicated that more work is needed and, as a result, he suggested that the process could proceed in tandem with the FY 2007 budget process.

Commissioner President McKay noted he recently spoke with Bill McKissock, Chamber of Commerce, requesting their prompt attention to this matter.

PUBLIC HEARING REGARDING PROPOSED ORDINANCE ADOPTING AMENDMENTS TO THE INTERNATIONAL BUILDING CODE AND THE INTERNATIONAL RESIDENTIAL CODE FOR ONE AND TWO FAMILY DWELLINGS, WITH AMENDMENTS AS THE ST. MARY'S COUNTY BUILDING CODE

Present: Denis Canavan, Director, Land Use & Growth Management

Harry Knight, Permits Coordinator, Land Use & Growth Management

Notice of the Public Hearing was published in the November 20 and 27 issues of *St. Mary's Today*.

The purpose of the hearing is to review and approve the adoption of the 2003 International Building Code and the 2003 International Residential Code for One and Two Family Dwellings, as

set forth in Sections 203-12 and 203-13 of the public laws of St. Mary's County, as the St. Mary's County Building Code. Mr. Canavan presented four additional changes to the St. Mary's County Building Code that were identified from review in meetings with several developers and contractors and staff.

As there were no citizens present to speak regarding this matter, Commissioner President McKay closed the public hearing. The record will remain open for ten (10) days for submission of written public comment.

PUBLIC HEARING REGARDING PROPOSED ORDINANCE ADOPTING 2005 NATIONAL ELECTRIC CODE, WITH AMENDMENTS AS THE ST. MARY'S COUNTY ELECTRICAL CODE

Present: Denis Canavan, Director, Land Use & Growth Management

Harry Knight, Permits Coordinator, Land Use & Growth Management

John Finch, Sr., Chair, Electrical Examiners Board

George Kalnasy, Jr., Electrical Examiners Board

Notice of the Public Hearing was published in the November 20 and 27 issues of *St. Mary's Today*.

The purpose of the hearing is to review and approve the adoption of the 2005 National Electric Code (NEC), with local amendments, as the St. Mary's County Electrical Code. Mr. Canavan presented four additional changes to the St. Mary's County Electrical Code that were identified from review in meetings with several developers and contractors and staff.

A section under "Permits" would add language as follows: "...[A]n application for electrical inspections must be filed by a St. Mary's County Licensed Master Electrician; or by a Homeowner that has passed the Homeowners Exam per Article III." The proposed ordinance states that a homeowner responsible for an electrical installation over 50 volts must take an examination before proceeding with the work.

Mr. Finch outlined the rationale of the Electrical Examiners Board in formulating this requirement, according to the revised National Electric Code.

Mr. Kalnasy presented an overview of the recently revised NEC including recommendations from the Electrical Examiners Board, including adoption of the 2005 NEC, maintenance of currency with new Code requirements, testing consistency with the State Test Book, and elimination of inconsistency with other counties.

The Commissioners expressed concern with this proposal. As a result, staff was asked to provide alternative recommendations.

As there were no citizens present to speak regarding this matter, Commissioner President McKay closed the public hearing. The record will remain open for ten (10) days for submission of written public comment.

LITIGATION: EL DORADO ESTATES (*John Norris, County Attorney*)

Commissioner Raley moved, seconded by Commissioner Dement, to approve the settlement agreement re Talon LLC as presented. Motion carried, 5-0.

In summary, the settlement agreement states that Talon LLC will immediately pursue approval of the twenty-four lot subdivision currently pending before the Planning Commission. Upon approval of the preliminary subdivision plan for the twenty-four lot subdivision and final approval and recordation of final plats for the subdivision, Talon LLC will withdraw the actions currently pending against the County Commissioners. Upon final approval of the above, Talon will relinquish any right to pursue a thirty-seven lot subdivision approval for the property. Talon LLC will pay a school mitigation fee in the total amount of \$54,462.00, or \$2,269.25 per lot.

FY 2007 BUDGET WORK SESSION

The Commissioners conducted a budget work session.

The following minutes were recorded by Donna Gebicke:

PUBLIC HEARING: PROPOSED TEXT AMENDMENTS TO THE ST. MARY' S COUNTY COMPREHENSIVE WATER AND SEWERAGE PLAN (CWSP): SECTIONS 1.3.1 AND 1.3.3 (DEPT. OF LAND USE AND GROWTH MANAGEMENT [LUGM])

Present: Denis Canavan, Director, LUGM

Jeff Jackman, Senior Planner, LUGM

The purpose of the hearing was to consider and receive public testimony on a proposed text amendment to the Comprehensive Water and Sewer Plan (CWSP) to allow sewer service to be extended to lands which are adjoining and accessible by a street through a development district for the exclusive purpose of serving an elementary or secondary school.

Mr. Canavan provided background information as to what precipitated the need for the public hearing. The St. Mary's County Public School System (SMCPS) is looking for potential school sites and has a contract to obtain 55 acres in the Rural Preservation District (RPD). The 55 acres is adjacent, adjoining, and accessible by a street though a development district and lands in the Planned Unit Development (PUD), and more specifically, within the Lexington Park Development District (LPDD). The use is a conditional use in the RPD, and as a result, it requires a Board of Appeals consideration. The Board of Appeals considered the application and recommended approval with the condition to address adequacy relevant to water and sewer, wherein the 55 acre subject property does not satisfactorily pass percolation tests, it can only be served by extension of public water and sewer to the

facility. This precipitated the need to modify the County's CWSP. The Planning Commission recommended approval of the proposed text amendment on December 5, 2005, which brings the proposal to the Board of County Commissioners for a public hearing.

Mr. Jackman certified that the public hearing was duly posted to the public and advertised in the St. Mary's Today newspaper on No

The Planning Commission recommended approval of the proposed text amendment on December 5, 2005, with a minor adjustment to add the word "only" in the following sentences in subsections 1.3.1 W-1, S-1 and 1.3.3 W-3D, S-3D, "Notwithstanding the foregoing, W-1, S-1 may be assigned and service may be extended to lands which **only** adjoin and are accessible by a street through a development district for the exclusive purpose of serving an elementary or secondary school." And, "Notwithstanding the foregoing, W-3D, S-3D may be assigned and service may be extended to lands **only** which adjoin are accessible by a street through a development district for the exclusive purpose of serving an elementary or secondary school."

Kimberly Howe responded to a question from Commissioner Raley that percolation tests on the property were conducted and a total of 12 holes were dug. Of those 12 holes, only one perked and it was within eyeshot of a manhole of the sewer system that is existing within Wildewood. Given those calculations, there was not ample square footage on the property in terms of the fields that are needed for the septic and the reserve for the schools based on state comments. It would not have been possible to dig holes in between to find adequate service to meet that need. Consequently, the 12 holes were deemed to be adequate by the state in terms of the geographic distribution of those holes on the 55 acres.

Commissioner Jarboe asked for: (1) the timeframe during a previous Board of County Commissioners' term when the Board of Education returned the land that was donated by Wildewood for the school site; (2) the reasoning for the return; and (3) what development occurred following the return of the land that has since benefited the Wildewood Corporation. Commissioner Jarboe also questioned how the Banneker sewer line moved forward without a text amendment. Mr. Jackman replied that it would not have required a text amendment because there was a health issue that was involved and the CWSP is very specific in saying that extensions to new service areas out to the rural areas can only be done to correct an existing health hazard or environmental threat, which was the basis to proceed with the Banneker sewer line.

Mr. Canavan entered into the record copies of the Resolution signed by the Board of County Commissioners in 1998 confirming system and treatment failures of the school's on-site sewage disposal facility, demonstrating the need for a replacement sewage disposal system to accommodate expansion of the Banneker and Loveville schools.

Commissioner Mattingly asked if the following language in the text amendment: ". . . for the exclusive purpose of serving an elementary or secondary school . . .," restricts the use to public schools only. Mr. Canavan indicated that this language was chosen for uniformity purposes and with the intention of treating all schools similarly -- public and private.

Mr. Canavan also incorporated into the record the proposed resolution approved the Planning Commission on December 6, 2005, that includes the editorial change initialed by Chair Larry Greenwell, specifically, the addition of the word "only, the purpose of which will be explained by Ms. Vallandingham later in the hearing.

Using the map displayed at the front of the room as a point of reference, Commissioner President McKay pointed out the location of Myrtle Point (approximately 200 acres) where water and sewer are eligible to be extended for a nature park because it is in the development district, and compared it to the area of 3700 homes in the approved Wildewood PUD where the ability to extend water and sewer for a school does not exist. He further commented that it would make

more sense to include the proposed school site, which is right over the line of the current development district, into the development district, thus eliminating the need for a text amendment to provide public water and sewer service to the proposed school site. This would also address the concerns some have expressed that the extension may be abused in the future.

The hearing was opened for public comments:

Kimberly Howe, Supervisor of Capital Planning, St. Mary's County Public Schools, 27190 Point Lookout Road, Leonardtown, MD 20656.

With me is Board of Education Chair, Cathy Allen. We shared this with the Board of Appeals and the Planning Commission last night and I would like to enter into the record 155 letters of support for the school. Prior to the Board of Appeals, we went out into the neighborhood that would be most affected by this and sent out a letter of support that they could do. Seventy-one of those responses are within the Wildewood community. The reason we are here tonight is that we do need to build this first new elementary school.

The school system has worked fervently for the last two years to try and acquire a piece of property within the development district. To this point, we have been unsuccessful in finding a developer that is willing to bring that forward. We did talk to the ownership of Wildewood about purchasing a parcel of land within the existing PUD, and at this point they were unable and unwilling to do that. However, they were willing to talk to us about a property adjacent to which that they owned -- adjacent to the Wildewood PUD and accessible through Wildewood Parkway extended. We then moved forward with that, taking it through the feasibility study, taking it to the Board of Appeals, taking it to the Planning Commission, and now bringing it forward to you tonight. The property has been through the State Clearinghouse and has received approval from the State Superintendent for Acquisition. So, this is the last step in the process.

I want to try and answer a couple of questions. One of the things that came up at the Board of Appeals and at the Planning Commission was the extension of the Banneker sewer line. The Villages of Leonardtown, to our knowledge, had prior approval -- prior to our getting approval for Banneker Elementary school -- to have water and sewer. Our line extends down to their development. Since that time there have been numerous -- up to about 10 new homes that have been constructed in that area, none of which have been connected on to our line. We don't authorize those extensions. If anyone wanted to connect to that, they would have to go through the approval process at MetCom. So, it is not as if the school system is allocating seats or use to that line.

In terms of the site that was within the Wildewood PUD approval process, that was done on June 25, 1991, and that Resolution Z-91-05 was signed. It set a 10-year expiration date on the property that at that time was located closer to St. Andrews Church Road. Neither the school system nor the County ever owned that property. As part of the PUD, it was a reserved site. It was reserved 29.5 acres for school, fire rescue, library and possible non-profit daycare. In January 23, 1995, the Planning Commission granted a minor amendment to change the location of that site to a site closer to Lawrence Hayden Road. The 10-year expiration on that expired on June 25, 2001. The site never belonged to the County -- we wish it did. We did talk to the ownership about acquiring the piece within the PUD.

During the 10-year period, some of you are very familiar with it, the construction at the state level was focused on addition/renovations, and that is where the funding was coming from. At that point, 70% of our construction came from the state. Therefore, we as a County went forward with an addition/modernization program and did not build new schools.

The third question I think was asked was, did the developer lose any rights to density? They did not. Their original PUD still stands. They are allowed the density as it was originally proposed. At the end of the 10 years, they retained the property they had owned all along. The only thing that happened was the requirement for them to deed it to the County at some point in time expired.

When we move forward with future agreements like this, the school system would like to see property dedicated permanently if it is given in consideration for density rights or approval rights. We would like to acquire that property at the time and have it where it could be for an elementary or high school. It is very difficult to forecast what our needs are going to be 10-15 years down the line based on growth and what builds out. We'd like the flexibility to be able to construct what we need to meet the needs of our communities.

What we have before you is a site that we have worked on extensively. I think it represents a good compromise. We do have schools that are in the RPD. That has met our need in the past, and we have the conditional approval process that we can go through to build schools in the RPD. We are very cognizant of the fact that Wildewood is a growing community and at this point in time, ¾ of the school is in place for this new elementary school. By the time they are built out, they will have approximately, if we use the formula that we do for calculations, 850 elementary school students. So they'll have a need for this elementary school plot. It is the correct place to put it within the vicinity of this development. We would have preferred to have been in the development district, but that unfortunately did not work out. However, we would like to share with you that we are still seeking property within the development district, whether it be Leonardtown or Lexington Park, for our future new schools and we will continue to pursue that as we move forward.

Linda Vallandingham, 21705 Indian Bridge Road, California, MD

I am speaking on behalf of myself and Mr. Robert Jarboe who was unable to attend. We do not support schools in the RPD zoned area of the County. The infrastructure is not there and the cost to the taxpayer in the long run is greater than in the development district and the majority of the children are located in the development district. Of the 11 schools located in the RPD, most of the construction occurred at a time when our County was much different. Schools still were placed where the population was at that time. The designated development districts of Leonardtown and Lexington Park

are where the developers should be encouraged to build. The infrastructure is already in place. However, we believe the proposed Wildewood school property represents a compromise. It is the logical place for a school, the children are there, it abuts the development district with no infill of property between the school site and the district boundary, the property is accessible through Wildewood Parkway and water and sewer service would be available to this site.

While we are still opposed to schools in the RPD, as it would jeopardize all RPD land contiguous to the Lexington Park and Leonardtown Development Districts. An example of some property that could be jeopardized would be land along Hermanville Road and Indian Bridge Road. As sewer service is developed in the Mechanicsville and Charlotte Hall areas, the land of the Amish and Mennonite could be jeopardized. We recognize that today Mechanicsville and Charlotte Hall are town centers, but with water and sewer service this could become a northern development district. We feel this text amendment is allowing the developer to benefit greatly and circumvent meeting the Adequate Public Facilities in the zoning ordinance.

We feel that we can support, with reservations, this text amendment if amended by adding only to land and by deleting facility after elementary or secondary school. Facility, according to the dictionary, means something created to serve a particular function. The text amendment would then read: Exception: service may be extended only to land which adjoins and is accessible by a

street through the development district for the exclusive purpose of serving an elementary or secondary school. We feel that it is better for the school property to adjoin the development district, rather than be in the middle of the RPD, such as the Buchanan property.

I presented this last night to the Planning Commission and requested modifications as I have stated, and they accepted these modifications.

Commissioner Raley asked Ms. Howe to check the records to determine if a formal communication took place between the Board of Education and Board of County Commissioners that the reservation of land was due to expire. Commissioner Raley also asked how the Villages of Leonardtown received prior approval to hook into the Banneker sewer line, and Mr. Jackman advised that at the time the Villages project was approved, it was in the Leonardtown Development District, zoned RL, and had a density of 1 per I.

Commissioner Jarboe asked what it would take to trade, for example, 192 acres of development District for 55 acres of development district property. Meaning, if Myrtle Point was taken out of the development district and the 55 acres for the proposed school site was put into the development district, it would resolve the water and sewer issue. Mr. Canavan replied that it would take an after-plan amendment to the Lexington Park Development District Plan - - an amendment to delete and an amendment to add - - as well as a subsequent re-zoning of the 55 acres, such as to RL, to provide for the extension of water and sewer. It is time sensitive that the Board move forward with the text amendment at this time. If the Commissioners agreed to take the plan of action suggested by Commissioner Jarboe, the first step would be to finalize the text amendment procedure before them, and then to immediately begin the process to bring the 55 acres into the development district and retract the text amendment simultaneously.

In addition, Commissioner President McKay expressed concern that if the term "facility" is taken out of the proposed text amendment as requested, it would preclude the possibility of a Judy Hoyer Learning Center or other such "facility" to be built on this site. By incorporating the property into the development district property and removing Myrtle Point from the development district, it would allow the school system to use the "facility" for education purposes in the best ways possible.

Ms. Howe stated the following for the record: SMCPSS does have a contract on this property, and there is a significant contract savings if they can go to settlement before the end of this year. That is why this clock is ticking for SMCPSS and if at all possible, they would like to see this savings on it. When you mentioned the Judy Hoyer Center, I think that is a very viable option for us on this site as well, as we're concerned slightly about the fact that we do share community space with recreation and parks and the state pays for that. How that plays into taking the word "facility" out, I don't think at this point it's an issue, but I wouldn't want it to be an issue in the future about how we partner with Recreation and Parks at our facility. We have looked at that site and the possibility of do we have before and after daycare that Parks and Rec runs and would we want to jeopardize those opportunities on our school sites to partner with Recreation and Parks. As you are looking at that, I would ask that you do give that some consideration. I understand that the desire is not to see us build an administrative building on this site. That is not our intention as well, so if there is a wording option that could be done to allow us to complete our partnerships but exclude administrative offices, I would appreciate that consideration as well, so we can continue to partner.

Mr. Canavan submitted for the record a letter from the St. Mary's County Farm Bureau stating their opposition to the text amendment and stating that "there should be no school construction in the RPD."

Commissioner President McKay announced that the public hearing will remain open for written comments for ten days and that the Board of County Commissioners will be in a position to make a decision this matter on December 20, 2005.

ADJOURNMENT

The meeting was adjourned at 7:25 pm.