

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Tuesday, March 2, 2010**

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 (Recorder)

CALL TO ORDER

Commissioner President Russell called the meeting to order at 9:02 am.

APPROVAL OF CHECK REGISTER

Commissioner Mattingly moved, seconded by Commissioner Raley, to authorize the Commissioner President to sign the Check Register for checks dated March 2, 2010, as submitted. Motion carried 4-1. Commissioner Jarboe voted no.

APPROVAL OF MINUTES

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve the minutes of the meeting of Tuesday, February 23, 2010, as submitted. Motion carried 5-0.

DEPARTMENT OF ECONOMIC & COMMUNITY DEVELOPMENT: PRESENT 2010 TECHNOLOGY HANDBOOK

Present: Bob Schaller, Director; Hans Welch, Business Manager
Jane Walter, The Patuxent Partnership
Edward Holton, Jr., Cover Contest Winner

DECD staff presented the 2010 Technology Handbook for St. Mary's County. The Patuxent Partnership was thanked for sponsoring the cover contest prize and a commendation was presented to the winner, Mr. Edward Holton.

PROCLAMATIONS WERE PRESENTED FOR CAREER & TECHNICAL EDUCATION MONTH & CARENET MONTH

COUNTY ADMINISTRATOR

1. Draft Agenda for March 9, and March 16, 2010

2. Department of Economic & Community Development (*Robert Schaller, Director*)

(Carolyn Laray, Manager, Tourism Division; Gracie Brady, LUGM)

Commissioner Dement moved, seconded by Commissioner Mattingly, to approve and authorize the Board of County Commissioners to execute the Letter of Consent for the \$1,000 pledge of DECD/Tourism operating funds as submitted, and if approved in the FY2011 DECD/Tourism Budget request, to go towards the Maryland Heritage Area Authority Grant, supporting the match requirement for the War of 1812 Southern Maryland Map and Guide being submitted by the Calvert Marine Museum. Motion carried 5-0.

3. Recreation & Parks (*Phil Rollins, Director*)

Commissioner Dement moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to execute the FY2011 Maryland Heritage Areas Authority Grant application for Phase VI of the Three Notch Trail in the total amount of \$100,000 and to execute the endorsement letter for the Grant. Motion carried 4-1. Commissioner Jarboe voted nay.

4. Department of Public Works & Transportation (*George Erichsen, Director*)

(Allen M. Settle, Project Manager)

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign the three (3) Temporary Dredge Material Placement Site Licenses and Construction Easements as presented for the properties owned by Marcia A. Bald, Grace A. Culbertson, and C. Clarke Raley and Barbara A. Raley, for the Kingston Creek Waterway Improvement Taxing District Project #2. Motion carried 5-0.

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President Russell to execute the Energy Efficiency and Conservation Block Grant Agreement under the Clean Energy Communities Program from the Maryland Energy Administration, under the American Recovery and Reinvestment Act of 2009, on behalf of the Department of Public Works and Transportation for implementation of cost-effective energy efficiency measures and renewable energy systems on and around local government facilities, in the amount of \$438,000, and to execute the related budget amendment that establishes a new FY2010 Capital Project with Federal funding from the FIN10 CIP Reserve. Motion carried 5-0.

(Jacqueline Fournier, DPW&T Transportation Manager; MaryAnn Coontz, STS Transportation Manager)

Commissioner Dement moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign the Memorandum of understanding on behalf of St. Mary's County Department of Public Works & Transportation to continue the coordination efforts among the Human Services Agencies. Motion carried 5-0.

Commissioner Dement moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to execute the FY2011 STS Grant Application and assurances from the Maryland Transportation Administration on behalf of the Department of Public Works and Transportation, in the amount of \$2,517,384. Motion carried 5-0.

Mr. Erichsen provided an update on next steps for the design of the expansion of the detention Center. The Finance Department received the executed contract from the architect on February 26, 2010.

OFFICE OF THE COUNTY ATTORNEY: LEGISLATIVE SESSION UPDATE

Present: David Weiskopf, Deputy County Attorney

Mr. Weiskopf presented an update on 2010 Legislation to include bills submitted as part of the St. Mary's County Legislative Package, as well as other bills pertaining to St. Mary's County.

LAUNCH OF THE ST. MARY'S COUNTY PRESCRIPTION DISCOUNT CARD PROGRAM

Present: Karen Everett, PIO
Cindy Richards, Human Services (and manager of the program)
Kathleen Reif, Library Director
Lori Jennings-Harris, Director, Office on Aging

Ms. Everett announced the launch of the availability of a prescription discount card available at various distribution points and on-line for all St. Mary's County citizens. The Commissioners executed a contract with the National Association of Counties (NACo) in December 2009 to enter into this program which was designed to address uninsured and underinsured County residents through a partnership with Caremark. Ms. Richards provided a PowerPoint presentation describing the program.

COMMISSIONER'S TIME

The Commissioners highlighted upcoming events and those attended over the past week as well as personal interest items. *Commissioner Mattingly asked staff to follow up on*

impact of new crabbing license requirements, and if appropriate, to prepare draft communication to the state.

PUBLIC HEARING: PROPOSED AMENDMENTS TO THE COMPREHENSIVE WATER & SEWERAGE PLAN FOR FUTURE HOME AND HEALTH CARE, CASE CWSP 09-200-002, TO CHANGE THE SERVICE AREA CATEGORIES FROM W-6D AND S-6D TO W-3D AND S-3D FOR 6.0 ACRES DESCRIBED AS TAX MAP 50, GRID 16, PARCEL 22, IN THE 2ND ELECTION DISTRICT

Present: Dave Chapman, Planner; Jeff Jackman, Senior Planner; Bob Bowles, Planner

Commissioner Mattingly announced that he was recusing himself from discussion of this matter due to his membership on the St. Mary's Nursing Center Board of Directors as the Commissioners' representative.

Commissioner President Russell opened the public hearing at 11:31 am. Mr. Chapman noted for the record that notice of the public hearing was duly advertised in *The Enterprise* newspaper on February 10 and 17, 2010. Background and required analysis information was reviewed, including the compatibility with the St. Mary's County Comprehensive Plan, planning and zoning issues, populations estimates, engineering, economics, state, regional and municipal plans, and comments received from other County agencies. The Planning Commission recommended that the CWSP be amended as requested.

No public comments were offered and the hearing was closed at 11:40 am. The public record period will be kept open for written comments for an additional ten days.

PUBLIC HEARINGS FOR PROPOSED AMENDMENTS TO THE COMPREHENSIVE WATER AND SEWERAGE PLAN FOR MILL COVE MANOR, CASE CWSP 08-200-003, TO CHANGE THE SERVICE AREA CATEGORIES FROM W-6D AND S-6D TO W-3D AND S-3D FOR 12.88 ACRES DESCRIBED AS TAX MAP 27, GRID 24, PARCEL 10, IN THE 8TH ELECTION DISTRICT

AND

PROPOSED AMENDMENTS TO THE COMPREHENSIVE WATER AND SEWERAGE PLAN FOR MILL COVE HARBOR, CASE CWSP 08-200-004, TO CHANGE THE SERVICE AREA CATEGORIES FROM W-6D AND S-6D TO W-3D AND S-3D FOR 10.4 ACRES DESCRIBED AS TAX MAP 27, GRID 23, PARCEL 2, OUTPARCEL A, AND PARCEL A, AND LOT 5000-1A3, IN THE 8TH ELECTION DISTRICT

**Present: Dave Chapman, Planner; Derick Berlage, Director; Bob Bowles, Planner
John B. Norris, III, Attorney representing the owner and applicant
Guy Curley, Owner and applicant, representing Liberty Home Builders at Mill Cove Harbor and Liberty Home Builders at Mill Cove Manor**

Commissioner President Russell opened the hearings at 6:32 pm and announced that the hearings for Mill Cove Manor and Mill Cove Harbor would be combined.

Mr. Chapman noted for the record that notice of both hearings was duly advertised in *The Enterprise* newspaper on February 10 and 17, 2010. Background and required analysis information was reviewed on the Mill Cove Manor and Mill Cove Harbor proposed CWSP amendments, including the compatibility with the St. Mary's County Comprehensive Plan, planning and zoning issues, populations estimates, engineering, economics, state, regional and municipal plans, and comments received from other County agencies. The Planning Commission recommended denial of the requested amendments for Mill Cove Manor and Mill Cove Harbor.

Mr. John B. Norris, III, attorney for the applicant and owner of the properties, reviewed (and provided for the record) his letter to the Commissioners dated March 2, 2010, that addresses the standards general for approving amendment to the Water and Sewer Plan a supplements what is included in the Staff Report.

The applicant, Mr. Guy Curley, provided a PowerPoint presentation that included a review of Critical Area Commission regulations and guidelines in place for properties zoned RLD with Limited Development overlay, and concept plans and photos of proposed house styles. A revised concept plan was presented that calls for eight less homes and shared driveways. Copies of letters in support of Mr. Curley's projects were provided for the record.

Public Comments

In support of **Denial of the Requested Amendments** to the CWSP

Brooks Jackson, 45336 Mill Cove Harbor Rd., California

(written comments and attachments provided for the record)

Reasons cited, included: Planning Commission's finding that these projects are "inconsistent" with the Zoning Ordinance and zoning overlay (purpose of the LDA is to protect water quality and the prevailing character of the area and intensity of development); severe economic hardship to neighbors; reduction in property values; additional traffic congestion; threat to water quality; incompatibility with Critical Area laws. Support changes in zoning that Commissioners are considering that would require much larger lot sizes than what is proposed by developer.

Richard Huff, 24107 Mill Cove Rd., California

"Brooks said it all."

Larry Howard, 24123 Mill Cove Rd., California

Reinforce Brooks Jackson's comments and note that economic benefits referred to by Mr. Curley will only come if the homes sell. Not currently in a housing shortage.

L.F. "Gus" Eggert, 45250 Mill Cove Manor Rd., California

Why is this even being discussed if you have decided to limit density? Proposed development goes against tradition and would develop a transient neighborhood.

Ken Berry, 23989 Mill Cove Rd.

Produced water sample taken from creek in July 2004 during construction at Woods of Myrtle Point. "The people" have spoken and told you they don't want water and sewer lines with fees and the proposed dense development.

R.A. Dudderar, 45655 Swanfall Way, California

Noted agreement with comments from Brooks Jackson.

Trish Brow, 45328 Mill Cove Harbor Rd., California

Support comments made by Brooks Jackson.

Randy Guy, 39398 Ledford Dr., Clements

Perhaps Lexington Park Development District is too big as it currently stands. Remove this area and Myrtle Point out of LPDD.

Rich Johnson, 19026 Russell Rd., Valley Lee

Dense development will change character of the neighborhood and have negative environmental impact.

Suzanne K. Henderson, 45263 Mill Cove Harbor Rd., California

Agree with comments by Brooks Jackson and others. Not convinced we need to build more homes in this area. In-fill inside designated growth area outside of the Critical Area first. Need to be wise managers of resources.

Robert Willey, 23919 Mill Cove Harbor Rd., California

One of those who would be impacted by system improvement charge. 800' from road. Could cost as much as \$25,000 to hook up to sewer line. Even without this charge, would still have to pay annual tax. Concerned about digging through seasonal stream beds and impact on the bay. Density could come in even higher later in project. Traffic congestion will worsen.

John Tifford, 48251 Mill Cove Harbor Rd., California

There is no room for a pier, so no need for water and sewer down to a bath house. Different pictures of proposed homes were shown tonight then what Planning Commission saw. Many of us bought properties with cottages on them that were razed to build more substantial homes. Don't want to go back to cottages. Development will put oyster harvesting in jeopardy. Bringing in water and sewer will result in attempts to increase number of slips at marina. Joe Mitchell, who was the attorney for MetCom when the Woods was being developed, told me that the Commissioners at the time promised the neighborhood that sewer would not go beyond that development. We expect you to live up to that promise.

Nicole Spadavecchia, 45297 Mill Cove Harbor Rd., California

Agree with comments by Brooks Jackson. Have a long driveway, would cost too much to hook up. Single mother. How can a pier be put where proposed? Not enough room and can't get my boat out through there now. Roads will have to be widened for buses.

Dan Morris

Believer in character of neighborhoods. Would have to re-do roads due to increased traffic. How did this area get in the Lexington Park Development District? The quantity and cluster would change the character.

Trish Brow 45328 Mill Cove Harbor, California (Realtor)

Buyers are looking for as much land as they can get. There are no playgrounds or tot lots planned. A house in this neighborhood at end of Mill Cove Road recently went up for sale and was under contract in less than a week because it is an older home on one acre.

Larry Tierney

I live next door to the house (Ms. Brow) referred to. It has been on the market for two years, and to my knowledge is still for sale.

Connie Olson

Lived in Wildewood for 27 years and recently moved to Joy Point Lane. Shocked to see renderings. How are fire trucks going to get down narrow roads? No infrastructure, nowhere for kids to play. Can schools accommodate? No place to park. Potential danger of children attempting to access water from my property.

Tim Floyd, 24115 Ann Lane, California

Character of neighborhood drew us here five years ago. Saw waters turn muddy from construction at Woods of Myrtle Point. Appalled at size of homes and density.

In support of **Approval** of the Requested Amendments to the CW&SP:

Michael Raley, 25250 Allies Way, Hollywood

Employee of 84 Lumber Company. Employees and customers depend on these projects to support their families.

Lewie Aldridge, III, 45883 Kristi Lynn Ct., Lexington Park (real estate broker)

Selling homes is my livelihood. This development will provide an opportunity for us to sell unique/new concept homes. Lenders are not financing and buyers are not purchasing older homes. These will be highly marketable homes.

Jim Bacot, Hollywood (local builder)

Construction jobs are needed.

Jane Sypher, 45211 Cove Manor Rd., California

Public hearings were held prior to adopting the Lexington Park Development District Master Plan. During this time, there were no impassioned pleas to leave this area out of the Development

District. Mr. Curley bought my family's property in good faith after verifying the Planning Commission's initial approval. Vote was 3-2 to approve, chair then voted to create a tie, appeal filed, sent back to the Planning Commission, and vote was then to deny. There are 11 rental properties, group home, commercial marina, and there was a charter bus business operating out of a home, so the concern about changing the character of the community is beyond me. The decisions of Planning Commission and BOCC changed the ground rules we depended on.

F.R. Sypher, Westminster, MD

People make the neighborhood. Urge approval. Residents encouraged to work with builder regarding concerns.

Dana Brickman, 22266 Wicomico St., Leonardtown

Tradesmen are hurting and need jobs.

Commissioner Raley asked staff to provide the following information to him prior to the end of the ten-day written comment period: which roads in this area are County and which are private; process and results of Planning Commission tie vote and Board of Appeals action that Ms. Sypher mentioned in her comments; research whether there is documentation to support Mr. Tifford's allegation that Commissioners promised the neighborhood that once Woods at Myrtle Point was done, there wouldn't be any extension of water and sewer.

The public meeting was closed and the Board of County Commissioner meeting adjourned at 8:30 pm.

Minutes Approved by the Board of County Commissioners on _____

Donna M. Gebicke, Administrative Assistant (Recorder)