

**ST. MARY'S COUNTY  
BOARD OF COUNTY COMMISSIONERS' MEETING  
GOVERNMENTAL CENTER  
Tuesday, January 11, 2005**

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

*Kate Mauck transcribed the following portion of the minutes:*

*Commissioner Mattingly was absent from the morning portion of the meeting.*

**CALL TO ORDER**

The meeting was called to order at 9:03 a.m.

**APPROVAL OF CHECK REGISTER**

**Commissioner Jarboe moved, seconded by Commissioner Raley, to authorize the Commissioner President to sign the Check Register. All Commissioners present voted in favor of the motion; motion carried.**

**APPROVAL OF MINUTES**

**Commissioner Dement moved, seconded by Commissioner Jarboe, to approve the minutes of the Commissioners' meeting of Tuesday, January 4, 2005. All Commissioners present voted in favor of the motion; motion carried.**

**AFRICAN AMERICAN HISTORY MONTH: SPRING RIDGE MIDDLE SCHOOL PRESENTATION**

Students from Spring Ridge Middle School presented face masks created in honor of African American History Month.

**COUNTY ADMINISTRATOR**

1. Draft Agenda for January 25, 2005 (No meeting on January 18<sup>th</sup>)

## 2. Department of Economic and Community Development

Present: Karen Everett, Business Development Manager  
Dennis Nicholson, Executive Director, Housing  
Wally Scruggs, President & Managing Member, Housing Trust of  
America  
John Norris III, County Attorney

- a. **Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign Agreement for Payment in Lieu of Taxes with Foxchase Village Apartments LP. All Commissioners present voted in favor of the motion; motion carried.**
- b. **Commissioner Raley moved, seconded by Commissioner Dement, to approve and sign Resolution and Consent Letter supporting the use of Maryland Department of Business and Economic Development's (MD DBED) Maryland Economic Development Assistance Authority and Fund (MEDAAF) funding to Maryland's Economic Development Corporation (MEDCO) for a project to study and determine the economic impact of environmental issues related to selected military sites, including NAS, Patuxent River, Maryland, which includes Webster Field. All Commissioners present voted in favor of the motion; motion carried.**

## 3. Department of Recreation, Parks, and Community Services and Human Resources

Present: Phil Rollins, Director, Recreation, Parks, and Community Services  
Tara Andrews, Deputy Director, Human Resources

The Department of Recreation, Parks, and Community Services, along with the Human Resources Department, submitted a request to the Board of County Commissioners for conversion of the position of Golf Course Manager for the Wicomico Shores Golf Course from contractual status to merit position status.

*Commissioners directed Mr. Rollins to have the Golf Course Advisory Committee provide a recommendation to the Board of County Commissioners regarding this issue prior to a final decision on the matter.*

## 4. Department of Public Works and Transportation and Department of Aging

Present: George Erichsen, Director, Department of Public Works & Transportation  
Gene Carter, Director, Department of Aging

**Commissioner Dement moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign Right of Recovery with the**

**State of Maryland for recovery of State grant funds used to improve the property known as the Northern Senior Center. All Commissioners present voted in favor of the motion; motion carried.**

**5. Department of Public Works and Transportation**

Present: George Erichsen, Director

- a. Claim Letter for Construction Permit CP 02/03 ROW-04, M&P Properties, LLC, based on the Department's inspection report dated January 3, 2005. The Letter of Credit has been provided by the Community Bank of Tri-County in the amount of \$1,900. This permit covers work within the County right-of-way on Potomac Way, 5th Election District, for the M&P Mini Warehouses site.

**Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign Claim Letter for Construction Permit CP 02/03 ROW-04, M&P Properties, LLC. All Commissioners present voted in favor of the motion; motion carried.**

- b. Road Deed and Resolution accepting Westbury Boulevard West, Rominger Court, Cameron Court, Kregel Court and Searfoss Court, located in the Westbury Subdivision, Phase 2, Section 1, 8th Election District, into the County Highway Maintenance System. Also, attached are Resolutions posting 25 mph speed limit and stop signs.

**Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign Road Deed and approve and sign Resolution adopting Westbury Boulevard West, Rominger Court, Cameron Court, Kregel Court, and Searfoss Court, located in the Westbury Subdivision, Phase 2, Section 1, 8<sup>th</sup> Election District into the County Highway Maintenance System. Also, approve and sign Resolutions posting 25 mph speed limit and stop signs for said subdivision. All Commissioners present voted in favor of the motion; motion carried.**

- c. **Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign Budget Amendment in order to provide maintenance an upgrade related items for old Lexington Park Library to include the brick pavers. All Commissioners present voted in favor of the motion; motion carried.**

Also Present: Joyce Malone, Real Property Manager

- d. **Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and**

**authorize the Commissioner President to sign Easement Agreement with SMECO for Electric Service to Hangar L and Hangar M at the Captain Walter Francis Duke Airport. All Commissioners present voted in favor of the motion; motion carried.**

**6. Real Property Manager**

Present: Joyce Malone, Real Property Manager  
John Norris, III, County Attorney

**Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign Easement Agreement with SMECO for Electric Service to the new building at the St. Mary's County Fairground. All Commissioners present voted in favor of the motion; motion carried.**

**ST. MARY'S NURSING CENTER FINANCIAL REPORT**

Present: Don Lewis, Administrator  
Ernie Williams, President  
Julie Dalke, Secretary/Treasurer

The St. Mary's Nursing Center presented their 2004 Annual Report as well as a Financial Report for June 30, 2004, and 2003. The Center has been without a Chief Financial Officer for three months and is hoping to soon have someone placed in that position.

**COMMISSIONERS' TIME**

**Commissioner Jarboe**

Commissioners attended the Seventh District Rescue Squad and Auxiliary Annual Installation of Officers event, with Dr. Roache presenting. The need for volunteers was outlined and Commissioner Jarboe invited citizens throughout the County to contact their location rescue squad or fire department if they can offer any volunteer services.

**Commissioner Raley**

Commissioner Raley, along with Commissioner Mattingly and Commissioner President McKay, attended the Education Association of St. Mary's County, The Calvert Education Association, and The Classified Employees' Association of St. Mary's County Legislative Breakfast. Many important issues were brought up, especially as they relate to the legislative session.

Attended three Installations of Officers events on the same night – the Seventh District Rescue Squad, the Leonardtown Volunteer Fire Department, and the Hollywood Fire Department.

Along with Commissioners Mattingly and Dement, attended the 50<sup>th</sup> Wedding Anniversary Celebration for the George and Bobbie McWilliams, and they are to be congratulated.

Attended an Appreciation Night at St. Jerome's.

Expressed condolences to the Leonardtown Fire Department after suffering the loss of two of their members, Mr. Miedzinski and Mr. Scully.

### **Commissioner Dement**

Attended all three of the Rescue Squad Installation of Officers events over the weekend as well.

Attended the St. Mary's County Farm Bureau 2005 Legislative Dinner on Friday evening.

Unable to attend the Education Association Breakfast, however, attended the 50<sup>th</sup> Anniversary Celebration for Bobbie and George McWilliams and expressed his congratulations.

### **Commissioner President McKay**

Reminded the public of the public forum that will be conducted tonight at 6:30 at the Lexington Park Library.

Since one-third of the citizens in the County recently received information regarding new figures for home assessments, Commissioner President McKay outlined the process at the State level for determining these assessments, reporting that the County has no jurisdiction over this process.

#### **DEPARTMENT OF LAND USE AND GROWTH MANAGEMENT: LEXINGTON PARK DEVELOPMENT PLAN WORK SESSION**

Present: Denis Canavan, Director, Land Use and Growth Management  
John Groeger, Deputy Director, Department of Public Works and

Transportation

Jeff Jackman, Senior Planner  
Sue Vieth, Environmental Planner  
John Norris III, County Attorney

The Department of Land Use and Growth Management, during a work session, presented the Lexington Park Development District Master Plan Recommended Draft as of

December 13, 2004. The Planning Commission has reviewed the Draft Plan in detail, and after voting on specific changes, has forwarded the Plan to the Board of County Commissioners for review. A public hearing on the matter is scheduled for February 22, 2005, at the Southern Maryland Higher Education Center.

*Commissioner Mattingly arrived during the beginning of the work session.*

The following direction was given by the Board of County Commissioners:

- Commissioner Raley directed that in the area of the intersection of Willows Road and Route 5 - LUGM to conduct analysis and provide a list of the number of undeveloped properties that still may have the potential for development;
  - a. LUGM to notify property owners of land use change recommendations - in particular, discussed this in relation to Willows Road and Myrtle Point;
  - b. *If Wildewood gets put into the development district, Commissioner Mattingly wishes the two-school concept to go forward to include elementary and middle - staff would need to ensure there is adequate land available at that location;*
  - c. *Page 48 of the Draft Plan – Commissioner Raley asked for a full-sized map or graph that shows the intersections; and*
  - d. *A work session will be scheduled after the February 22<sup>nd</sup> public hearing takes place.*

*Donna Gebicke transcribed the remaining portion of the minutes:*

## **PUBLIC FORUM – LEXINGTON PARK LIBRARY**

The Commissioners announced new and reappointed members of boards and committees and introduced those present to the public:

Dennis Phillips, Commission on Persons with Disabilities  
Frank Allen, Commission on the Environment  
Arthur Goeller (not present), Ethics Commission  
Lynda Andrus (not present), Marcy House Board  
Joyce Dyson, Marcey House Board  
Darlene Jones, Marcey House Board  
Howard Thompson, Planning Commission  
Coleman Hillman, Recreation and Parks Board  
Walter Gillette, Zoning Board of Appeals  
Daniel Hinz, Commission on Aging  
Joe Bush, Library Board of Trustees  
Ceandra Scott (joined the meeting after introductions were made), Commission for Women

Frank Allen requested administrative support for the Commission on Environment meetings.

Commissioner President McKay noted that a large number of forum participants were in attendance to discuss their concerns with a recommendation in the Lexington Park Development District Plan (Plan) regarding Shady Mile Drive and clarified that Shady Mile Drive is only listed as a study road within the Plan to help determine how it might be improved for community access and not for transit to Rt. 4.

**Public Comments:**

Art Hilsinger, 23205 Shady Mile Drive, California

I am against using Shady Mile Drive as a bypass for access to Rt. 4 Will be happy to petition this if necessary.

Tony Dowdle, 45395 Baringer Dr., California

Is the Plan available for review by the public now? What is the purpose of the February 22 Public Hearing? Have the public roads plan and ordinances been considered in the Plan? How far along is the Plan? What does "community access" mean? Has a plan been submitted by a developer? If so, is it available for review?

*Denis Canavan, Director, Land Use and Growth Management - The Plan includes only a suggestion for a study to build an overpass over Rt. 4 to connect Shady Mile Drive to Kingston Creek Road. There are no plans to connect Shady Mile Dr. to Rt. 4. and open the residential community to commuter traffic. We are looking at land use on both sides and looking at the possibility of connecting communities on both sides of Rt. 4. The Plan has been going through the Planning Commission process that included a public hearing in March 2004 and several public work sessions and meetings in October, November and December 2004. The Plan is just now coming before the County Commissioners for their review. The Commissioners review process will include a public hearing on February 22, 2005, at 6:30 pm at the Higher Ed Center.*

*The County Commissioners conducted their first work session on the Plan today and there will be another one after the February 22 public hearing. No plan has been submitted by a developer. The Plan is available to the public via hard copies or cd's and on the County's website. Public Works and Transportation has looked at the initiative as far as any road improvement suggestions are concerned. The recommendation in the Plan regarding Shady Mile Drive is only to study the possibility of an overpass to connect communities on southern and northern side of Rt. 4. to reduce turning movements from northern side of Rt. 4. "Community access" means connectivity between communities on southern and northern sides of Rt. 4. The Plan does not entertain alternatives to an overpass. The Plan covers 17,000 acres – it puts forward a land use pattern, which will be followed by a zoning implementation plan. Transportation is but one element in the Plan.*

John Mason, Emerald Dr.

It is a bad idea to widen Shady Mile Drive – ponds run under the road, there are no shoulders and you will just be making another hazard.

Frank Fearn, 45317 New Hope Lane

What is total number of homes planned for Myrtle Point development? Trying to get an idea of how much traffic we can expect and whether the Transportation Plan is part of considerations.

Denis, Canavan, Director, Land Use and Growth Management

*The Woods at Myrtle Point is a development proposal that is grandfathered - - 1st section of 55 homes has been approved. Do not have total numbers planned.*

Commissioner Mattingly added that the Lexington Park Plan will mirror the Transportation Plan – the Plan will be blended into the Transportation Plan. The suggestion to study Shady Mile Drive is one of many suggestions in the Plan. Not all can be funded. We would look at alternatives to get into the neighborhood for such things as emergency access.

Commissioner Raley – We (Board of County Commissioners) had our first work session today – the Plan has gone through the Planning Commission process. We invite all of you to come back on February 22 for the public hearing at the Higher Ed Center. I want you to tell me that you don't want it.

Michael Ely, 23302 Lakeview Dr., California

Why don't you take the suggestion to study Shady Mile Drive off the table now? Just don't include it.

Commissioner McKay - *We hear your concerns and we think we know what we need to do, but there is a process for review and consideration of the Plan that must be followed.*

Comments by unidentified citizens:

We have had to deal with electrical lines and natural gas lines down our road. That is enough. The information about the hearings should have been sent to our homes. "Lexington Park Plan" doesn't sound like it includes California to me. You should change the name to "Lexington Park/Great Mills/California Plan."

Howard Thompson, member of the Planning Commission

The recommendation to study Shady Mile Drive did not suggest accessing Rt. 4

Jimmy Koontz, 22179 Eriksen Court, Lexington Park, member of Lexington Park Survival Team

Please don't forget about the low-income people. Take care of big business, but don't forget the little guy. Keep working on providing low-income housing.

Jim Sobreck, 45336 Elmbrooke Dr.

I hope you can all come back on February 22 to voice your comments opposing Shady Mile Drive improvements. The Commissioners have heard our concerns -- we need shoulders on the road- - the road is dangerous as it is now.

Linda Mullins, Lakeview Dr., California

Ms. Mullins called the Commissioners office on the afternoon of January 15 to ask that her opposition to opening Shady Mile Dr. to Rt. 4 be entered into the public record.

Ricardo Traven, 19770 Bayside Dr., Lexington Park

I have been following the debate in the papers regarding preservation of rural space. I understand the development must occur, but at the same time, preservation of rural space is vitally important. The question is how to do it. My idea is the following: Developments are purchasing large tracts and you are allowing 100 homes in 20 acres (5 acre lots). The result is more development in the rural areas. The thinking has been that somehow you are preserving land by allowing a minimum of 5 acre lots. This only serves to accelerate its consumption. There have been calls for moratorium on building in RPD - - the response has been that it will probably cause a backlog and just create more problems in the future. My proposal is that you consider rural preservation as a very important part of your agenda and place a moratorium on future developments and those on the table now. This plan will allow only those developments with lot sizes of 5 acres or less to be subdivided. Once the demand increases to a level that can't be sustained, subdivisions within the existing developments will be allowed on properties of six acres or less . . . and then seven acres. At each level, new properties become available in the County all within the confines of existing developments instead of destroying farmlands and creating new sparsely settled developments.

Minnie Russell, 16477 Dunbar Lane, Ridge

Could you fill the news media in on the status of St. Jeromes dredging project so we will know what is happening? What is status of new tower beyond Dameron? Is a bridge going to be constructed across Rt. 5 in St. Mary's City? They need to consider heights of emergency vehicles and farm trucks so as not to block this route. Since the last public forum I attended, I have not heard one word from you regarding Fox Harbor Lane.

*Commissioner Raley - The County entered into a lease agreement with property owner for a disposal site. State funds have been put into the project. We are hopeful it will happen next winter. The Board of County Commissioners offered to forward fund \$100,000 to get the project started and get reimbursed later. The federal government's*

*regulations would not allow this to happen. There is now a buoy obstructing the channel. The Coast Guard has contracted with a company to have it removed. There is now a lease agreement with property owner. The proposal is with the Board of Appeals, site plan is being done, hopefully this will be resolved soon.*

*Commissioner Mattingly - This is a \$1m project – state funds are available for the southern prong. Yes, the State Department of Transportation is building a pedestrian walkway across Rt. 5 in St. Mary's City. This is state land and not under the jurisdiction of the County Commissioners.*

*Commissioner McKay indicated that the Board will ask the state to make a presentation to the Board on their pedestrian walkway project.*

## **ADJOURNMENT**

The meeting adjourned at 8:10 p.m.

Minutes Approved by the Board of County Commissioners on \_\_\_\_\_

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Kate Mauck, Senior Administrative Coordinator

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