

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
GOVERNMENTAL CENTER
Tuesday, March 20, 2007**

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
Betty Jean Pasko, Senior Admin. Coordinator (Recorder)

The Board of County Commissioners' meeting was called to order at 9:00 AM.

ADDITIONS/DELETIONS TO AGENDA

Commissioner Mattingly moved, seconded by Commissioner Raley, to approve the addition of an Executive Session for the purpose of Litigation to the agenda. Motion carried 5-0.

APPROVAL OF MINUTES

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to adopt the minutes of the Commissioners' meeting of March 13, 2007, as presented. Motion carried 5-0.

APPROVAL OF CHECK REGISTER

Commissioner Raley moved, seconded by Commissioner Mattingly, to authorize the Commissioner President to sign the Check Register for checks dated March 20, 2007, as submitted. Motion carried 5-0.

PROCLAMATION: AMERICAN RED CROSS MONTH

Present: Mike Zabko, CEO, Southern Maryland Chapter

Urging all citizens to give blood, volunteer time, and give generously to the American Red Cross and its local offices, the Board of County Commissioners for St. Mary's County proclaimed March as AMERICAN RED CROSS MONTH and March 20th as Hometown Heroes Day.

PROCLAMATION: NATIONAL AGRICULTURE WEEK

Present: John Richards, President, St. Mary's County Extension Advisory Council

The Board of County Commissioners proclaimed March 19th – 25th, 2007, as NATIONAL AGRICULTURE WEEK in St. Mary's County and urged all citizens to take the opportunity to re-discover the role agriculture plays in our everyday lives. Mr. Richards was joined by members of the St. Mary's Farm Bureau, Agriculture and Seafood Board, and the Southern Maryland Wine Growers.

COMMENDATION: IN RECOGNITION OF JAMES B. "BUBBY" NORRIS

Joined by members of the Agriculture Land Preservation Advisory Board, the Board of County Commissioners presented James B. "Bubby" Norris with a Commendation for outstanding and praiseworthy commitment and volunteer service to the St. Mary's County Agriculture Preservation Advisory Board. A lifelong farmer and resident of St. Mary's County, Mr. Norris has been actively involved with the Agriculture Land Preservation Advisory Board since July 1996.

MARYLAND COOPERATIVE EXTENSION UPDATE

Present: Ben Beale, Co-County Ext. Dir. and Agriculture and Natural Resources Educator
Liat Mackey, Co-County Ext. Dir. And Family and Consumer Sciences Educator
Jane Kostenko, FSNE Ext. Nutrition Educator
Stephanie Guy, 4-H Ext. Program Assistant
Cathy Burroughs, 4-H Member, Tudor Hall 4-H Club
Carmen Johnston, Pre-K Teacher, Lexington Park Elementary

Defining the Maryland Cooperative Extension as an "informal outreach arm" of the University of Maryland, Mr. Beale explained that it is a "cooperative" because funding is received from County, Federal, and State levels. The Maryland Cooperative Extension has been in St. Mary's County for about 100 years.

The Maryland Cooperative Extension develops, integrates, and delivers relevant and accurate, research-based knowledge and educational programs; and, engages communities, groups, and agencies in decision making to achieve: economic prosperity, stewardship of resources, and improved quality of life. Their motto is "Educating People to Help Themselves"

Mr. Beale provided an overview of Agriculture Sciences and On-going Research activities. Each presenter provided an update on their specific program; i.e., Master Gardener Program, Nutrient Management Program, Family and Consumer Sciences Programs, Early Childhood Education, Nutrition and Food Safety Programs Food Stamp Nutrition Education (FSNE), and the St. Mary's County 4-H Youth Development Program

COUNTY EMPLOYEE SERVICE AWARDS

Present: Sue Sabo, HR Director
June Robrecht, Deputy Director

The following County employees were recognized for Years of Service:

35 Years of Service: Howard A. (Tony) Adams

30 Years of Service: Shirley Copado, George C. Yates

25 Years of Service: Mark C. Clark, Elizabeth H. Fritz, Mary A. Walters, Mary A. Winters

20 Years of Service: Bernard A. Alvey, Edward L. Boswell, Jr., Richard A. Corcoran, Gary Holley, Jeffrey G. Jackman, Margaret C. Lewis, Joseph E. Lumpkins, Joseph L. Wheeler

15 Years of Service: Joseph W. Bowles, Anthony T. Fenwick, Selina M. Fenwick, Jacqueline A. Fournier, Clifford E. Fuller, Mary A. Henderson, Robert W. Johnston, Amanda E. Koenig, Bernard A. Mayor, Christopher S. Medved, John C. Raley, Laura M. Roberts, Phillip D. Rollins, Donald L. Russell, Wiley E. Schuhart, David I. Sewell, Allen M. Settle, Eric D. Sweeney, Marie C. Urbanski

10 Years of Service: David M. Alexander, Margaret C. Bixby, Norris G. Bond, Jack A. Curtis, Edward B. Evans, Sandra J. Greene, Marcus T. Harris, Clarence O. Lyall, Robert A. Russell, Jr., John F. Sadler, Daniel L. Snyder, Teresa D. Studds, James M. Wood, Brian U. Woodland

COUNTY ADMINISTRATOR

1. Draft Agendas for March 27 and April 10, 2007 (no meeting April 3)
2. **Dept. of Recreation, Parks and Community Service** (*Phil Rollins, Director; and Laschelle Miller, Town Administrator*)

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign the Memorandum of Understanding replacing in full the September 26, 2006, MOU between the Board of County Commissioners and the Town of Leonardtown regarding the Leonardtown Wharf Project. Motion carried 5-0.

3. **Dept. of Public Safety** (*David Zylak, Director; Tim Bennett, Manager, Emergency Management Division*)

Commissioner Mattingly moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign the Memorandum of

Agreement with the Maryland Emergency Management Agency for the FY07 Emergency Management Performance Grant in the amount of \$77,219. Motion carried 5-0.

(\$50,048 is in the FY07 Public Safety budget and the remaining \$27,171 is in the FY08 Public Safety budget.)

4. **Department of Economic and Community Development** (*Dennis Nicholson, Executive Director, Housing Authority; Cindy Phillips, Program Manager*)

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign the Rental Allowance Program Application, the Assurance of Compliance, and the Grant Agreement for FY2007 for an amount up to \$53,210. Motion carried 5-0.

5. **Department of Public Works and Transportation** (*George Erichsen, P.E., Director*)

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign the Budget Amendment in the amount of \$350,000 closing out a portion of the Carter State Office Building Project # PF 0505. Motion carried 5-0.

6. **Boards and Committees Appointments**

Commission for People with Disabilities

Rocco Aiello (Public Schools Representative) – term to expire 12/31/2010

Marcy House Board

Herbert L. Hardy, Jr. – term to expire 12/31/2009

Rural Preservation District Task Force – no terms

Philip H. Dorsey, III

A. Merl Evans, Jr.

Robin Hahnel

James B. “Bubby” Norris

John K. Parlett, Jr.

Commissioner Jarboe moved, seconded by Commissioner Mattingly, to make the appointments as articulated by the County Administrator. Motion carried 5-0.

7. **Form of Government Task Force**

The Commissioners announced task force members as follows:

Commissioner Russell: Anne Bell, Dr. Kathleen O'Brien, Elmer Brown
Commissioner Mattingly: John Mattingly, Patty Robrecht, Judy Spalding
Commissioner Dement: Dan Rebarchick, John Madel, Jr., Richard Gass
Commissioner Jarboe: Clare Whitbeck, Doug Ritchie, Pat Woodburn
Commissioner Raley: Dr. Francine Dove-Hawkins, Patrick Murphy, John K. Parlett, Jr.

Mr. Savich stated that appointment letters will be prepared for the Board's signature next week.

COMMISSIONER'S TIME

Commissioner Raley

Thanked John Savich for his work and communications regarding the budget process and commented that in the eight or nine years that he's been here, this has been the toughest budget – tough decisions to be made and more hard work to do.

Commissioner Jarboe

One year ago, the Golden Beach Civic Organization communicated concerns regarding junk cars (violation of code). 110 vehicles have been removed, only eight yet to be addressed. Recognized and thanked Jackie Alvey and LU&GM for their efforts with resolving this issue, and the Civic Organization, for taking their initiative.

Commissioner Dement

On behalf of the Board, presented the County Seal at the "Room with a Brew" ribbon cutting.

Commissioner Mattingly

Went to Annapolis last week with Connie Walker (testified before the Veteran's caucus) to help support a Bill that is similar to what we asked the Delegation to implement. Attended the Habitat fund raiser at the Hampton Inn; they spoke very positively regarding Board support and are anxious to get started as soon as details are worked out (re: property on Hermanville Road, and they're getting ready to do a PERC test on a piece of land in Chaptico).

Commissioner Russell

Attended the 1st study circle last Wednesday regarding Race Relations in St. Mary's County, very informative and looks forward to the next five weeks. Reiterated Commissioner Raley's comments regarding the budget. There are four additional Budget Work Sessions scheduled, tough negotiations and decisions to be made --- but the budget will be done by the end of the month. Announced that the Budget Work Session for this afternoon has been cancelled (awaiting a report that contains critical data in support of decisions that need to be made).

Commissioner Raley also commented on some of the upcoming Maryland Day celebration activities planned in the County; e.g., on Maryland Day, the annual celebration in St. Mary's City in the morning and at St. Clement's Island in the afternoon.

MOTIONS TO ENTER INTO EXECUTIVE SESSION

Commissioner Jarboe moved, seconded by Commissioner Dement, to enter into Executive Session for the purpose of Litigation (specifically Arrowhead, and Marcas, LLC). Motion carried 5-0.

Commissioner Mattingly moved, seconded by Commissioner Raley, to enter into Executive Session for the purpose of Personnel. Motion carried 3-2. Commissioners Jarboe and Dement voted against the motion.

EXECUTIVE SESSION

Personnel

Present: Commissioner Francis Jack Russell, President
Commissioner Lawrence D. Jarboe
Commissioner Thomas A. Mattingly, Sr.
Commissioner Daniel H. Raley
John Savich, County Administrator
Christy Chesser, County Attorney
Delores Lacey, Appointments Secretary
Donna Gebicke, Administrative Assistant to the BOCC, Recorder

Authority: Article 24, Section 4-210(a)1
Time Held: 10:55 am – 11:00 am
Action Taken: The Commissioners discussed appointments to boards and committees.

Litigation

Present: Commissioner Francis Jack Russell, President
Commissioner Kenneth R. Dement
Commissioner Lawrence D. Jarboe
Commissioner Thomas A. Mattingly, Sr.
Commissioner Daniel H. Raley (recused himself and left room for discussion

of Marcas, LLC)
John Savich, County Administrator
Christy Chesser, County Attorney
Donna Gebicke, Administrative Assistant to the BOCC, Recorder

Authority: Article 24, Section 4-210(a)8
Time Held: 11:00 am – 11:50 am
Action Taken: The Commissioners discussed pending litigation matters.

OPEN SESSION: ACTIONS FROM EXECUTIVE SESSION

Commissioner Mattingly moved, seconded by Commissioner Raley, to appoint Greg Callaway to the Board of Appeals. Motion carried 4-1. Commissioner Dement abstained.

PUBLIC HEARING (LUGM): PROPOSED AMENDMENT TO THE COMPREHENSIVE WATER AND SEWERAGE PLAN FOR THE NEW ELEMENTARY SCHOOL SITE (WILDEWOOD), CASE CWSP 06-132-036, TO CHANGE SERVICE AREA MAPS III-33 AND IV-33 FROM NO PLANNED SERVICE TO W-3D AND S-3D FOR PROPERTY DESCRIBED AS TAX MAP 33, GRID 24, PARCEL 245 IN THE 3RD ELECTION DISTRICT

Present: Jeff Jackman, Sr. Planner, LU&GM

The proposed amendments are in anticipation of the construction of a 646-student elementary school. Mr. Jackman stated that notice of this Public Hearing was advertised in the March 4th, and March 11th, 2007, editions of *St. Mary's Today*, posted on the property, and sent via certified mail to adjoining property owners. The property, 54.99 acres, is zoned as RPD (Rural Preservation District) and owned by the St. Mary's Board of Education.

Mr. Jackman displayed maps delineating the location of the property and, referencing the Public Hearing Staff Report, reviewed the particulars of the case. While the property is located in the RPD, it is adjacent to and accessible through a population center. In adopting Resolutions W/S 05-83 and W/S 06-64, the County Commissioners balanced the provision of needed schools with the vision of directing growth to population centers. The proposed amendments are therefore compatible with the St. Mary's County Comprehensive Plan. The proposed development is permitted as a conditional use in the RPD zoning district. On November 10, 2005, the Board of Appeals granted conditional use approval for the school use of the subject property.

The proposed elementary school would be equivalent to 20 dwelling units in terms of water demand and sewerage flow (State standard guideline). The Lexington Park water distribution system and the Marlay Taylor wastewater treatment plant are adequate to accommodate these demands. In general, the Technical Evaluation Committee, the Health Department, and the Metropolitan Commissioner support the provision of community sewer to the subject properties.

Following a Public Hearing on January 22, 2007, and by a unanimous vote, the Planning Commission authorized the Chair to sign PC Resolution 07-02 to convey to the County Commissioners its recommendation that the CWSP be amended as requested.

Referencing the Preliminary Engineering Report dated 12/21/2006, Narrative f) Description of Supporting Offsite Facilities, Commissioner Mattingly questioned the

accuracy of the statement regarding Wildewood Residential drilling a new well to the Aquia aquifer. The Patapsco is the deeper of the two aquifers. Clarification was requested regarding if the process for drilling the well has started and did Metcom approve. Commissioner Jarboe stated that \$600,000 was forward funded in order to drill deeper wells in some of the rural areas.

Commissioner Raley clarified, regarding adopting the Text Amendment to the Zoning Ordinance, the vote was not unanimous, it was 3-2.

Public Testimony

There was no public testimony; i.e., no one signed-up to speak. However, on behalf of the Board of Education, Jackie Meiser, expressed they are hoping to be before the Planning Commission for the actual site plan review on April 9th. Ms. Meiser stated that she will also look into the aquifer issue and further stated that the well will be drilled whether or not this category change amendment request is approved (it is not dependent on this change). Ms. Meiser further clarified that the Planning Commission received the same report as was provided to the Commissioners.

Commissioner Russell closed the Public Hearing at 6:50 PM and stated that the record will remain open for 10 days for written public comment.

ADJOURNMENT

Commissioner Mattingly moved, seconded by Commissioner Dement, to close the Public Hearing and adjourn. Motion carried 5-0.

The meeting adjourned at approximately 6:55 PM.

Minutes Approved by the Board of County Commissioners on _____

Betty Jean Pasko, Senior Administrative Coordinator