

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
GOVERNMENTAL CENTER
Tuesday, April 5, 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
Donna Gebicke, Administrative Assistant (Recorder)
Kate Mauck, Senior Administrative Coordinator (Recorder)

Kate Mauck recorded the following portion of the minutes:

CALL TO ORDER

The meeting was called to order at 9:12 a.m.

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve the minutes of the Commissioners' meeting of Tuesday, March 29, 2005 as corrected. Motion carried, 5-0.

PROCLAMATIONS

The Board of County Commissioners presented the following Proclamations:

- 2005 Maryland Chief's Challenge Life Saving Campaign
- Fair Housing Month
- National Public Health Week

**DISABILITY AWARENESS MONTH: COLLEGE OF SOUTHERN
MARYLAND GATEWAY TO INDEPENDENCE PROGRAM STUDENT
SPEAKERS**

Students presented speeches in honor of Disability Awareness Month, and the Board of County Commissioners presented Commendations in recognition of the event.

LIBRARY BOARD ANNUAL REPORT

Present: Kathleen Reif, Director
Joan March, President, Library Board
Library Board Representatives and Library Staff Members

Ms. Reif and Ms. March provided a detailed presentation outlining the Library Board Annual Report for the Board of County Commissioners.

THIRD INTERNATIONAL UNMANNED AERIAL VEHICLE DEMONSTRATION: BRIEFING

Present: Karen Everett, Business Development Manager
Dave Seagle, Program Manager, UAV Program
Doug Thorpe, UAV Program

Representatives from the Unmanned Aerial Vehicle Program provided information and invited the Board of County Commissioners to attend the Third International Unmanned Aerial Vehicle Demonstration, to be held on Monday, June 27th at Webster Field in St. Inigoes.

Commissioners agreed to provide the same level of services that have been provided for in the past for the Unmanned Aerial Vehicle Program. These services would be in the form of providing Sheriff's Department K-9 Officers for bomb/hardware searching efforts, security presence, and EMS services.

COUNTY ADMINISTRATOR

1. Draft Agendas for April 12 and April 19, 2005
2. **Three Oaks Center**

Present: Lanny Lancaster, Executive Director

Commissioner Mattingly moved, seconded by Commissioner Dement, to approve Application and approve and authorize the Commissioner President to sign pass-through grant for Homeless Women – Crisis Shelter Home Program from the Maryland Department of Human Resources, Office of Transitional Services, and approve and authorize the Commissioner President to sign Sub-recipient Agreement with Three Oaks Center. Motion carried, 5-0.

3. **Department of Economic and Community Development**

Present: John Savich, Director

Commissioner Raley moved, seconded by Commissioner Mattingly, to authorize the County Administrator to sign the Maryland State Clearinghouse Response Form indicating that the Construction of a new Bay District Volunteer Fire

Department Station and Social Hall is consistent with the county's local plans, programs, and objectives. Motion carried, 5-0.

4. Department of Recreation, Parks, and Community Services

Present: Cynthia Brown, Community Services Division Manager

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign Budget Amendment to increase revenues and expenses for the National Youth Services Day Project #US0537 by \$250, to decrease the unallocated grant reserve account by \$250, and also to approve the Program. Motion carried, 5-0.

5. Department of Public Works & Transportation, Finance Department, and Department of Public Safety

Present: George Erichsen

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign Budget Amendment in the amount of \$6,944 to transfer funds from the Reserve Account in order to refund overpayment to the Maryland Emergency Management Agency (MEMA) for debris removal costs associated with Hurricane Isabel from Federal Highway owned roads. Motion carried, 5-0.

Mr. Erichsen was directed to speak with Greg Welker of the State Highway Administration regarding the MEMA issue, and to report back to the Commissioners on options for the future.

6. Boards and Committees

Commissioner Jarboe moved, seconded by Commissioner Raley, to appoint the following individual to a Board, Committee, or Commission, and to sign the letter of appointment. Motion carried, 5-0.

Term to Expire

Emergency Services Committee

Gary Easley – *Company 39 Alternate Member*

NO TERM

COMMISSIONERS' TIME

Commissioner Mattingly

Reported that many of the Commissioners participated last week in the Doctor's Day Celebration, and that he and Commissioner President McKay presented a Proclamation on behalf of the Board of County Commissioners.

Reported that the county recently lost a good volunteer, Mr. Ben Hewitt, and that he recently presented a Proclamation in honor of Mr. Hewitt for many years of service with the 7th District Volunteer Fire Department.

Reported that many of the Commissioners attended the Wildewood Open House event, which included the unveiling of their seven decorated models on Festival Lane.

Reported that many of the Commissioners attended the Newtowne Players' opening play, and the group did a nice job presenting the adult comedy, *Cheaters*.

Commissioner Jarboe

Reported that the Mansfield Apartment building went down on Monday, and that staff in the County Attorney's Office, and in particular, Ms. Joyce Malone, did an outstanding job in bringing the entire process to closure. The work included, among many other things, the relocation of people to other homes.

Commissioner Raley

Reported that he attended the Mansfield event, and also, after driving past the property this morning, he saw that it was not only down, but approximately 95% had already been hauled away.

Asked Mr. Forrest to ask Steve King with the Metropolitan Commission have items cleaned up from work they completed earlier on county owned property. The property is located next to Great Mills High School, where the pool is located.

Commissioner Dement

Reported that the play by the Newtowne Players was a nice event.

Presented a Proclamation to a retired seafarer, Mr. Clarence Pine Malls, this past Saturday evening at St. James Hall upon the celebration of his 28 years of service.

Expressed condolences to Ms. Robin Finnacom, Executive Director of the Community Development Corporation, and to her entire family, upon the recent passing of her mother.

Expressed happy birthday wishes to Delores Lacey in the Public Information Office.

Commissioner President McKay

Reported that citizens have called into County Government asking why the United States flag is flying at half-staff. Stated that President Bush had ordered the Federal lowering of the flag in honor of Pope John Paul II, and ask that all government facilities do the same, recognizing him as a political, as well as religious, leader.

Reported that he would be attending a meeting of the Critical Area Commission tomorrow.

Stated that he would either be late, or possibly may be unable to attend, the Human Relations breakfast scheduled this coming Saturday, as he will be participating in the Walk for Hospice event.

VOTE TO GO INTO EXECUTIVE SESSION

Commissioner Raley moved, seconded by Commissioner Dement, for the Board of County Commissioners to meet in Executive Session in order to discuss two matters of Litigation, (first matter-El Dorado, second matter-Rossignol) as provided for in Article 24, Section 4-210(a)8. Commissioner Jarboe abstained from the vote on the second matter; all others voted in favor of the motion.

Motion carried, 4-0.

Donna Gebicke recorded the following minutes:

EXECUTIVE SESSION

Litigation

Present: Commissioner Thomas F. McKay, President
Commissioner Kenneth R. Dement
Commissioner Thomas A. Mattingly, Sr.
Commissioner Daniel H. Raley
George Forrest, County Administrator
John Norris, County Attorney
Jon Burrell, Local Government Insurance Trust (LGIT)
Sherrie Butler, LGIT

John Breads, Jr., LGIT
Donna Gebicke, Recorder

Authority: Article 24, Section 4-210(a)8
Time Held: 1:37 – 2:45 pm
Action Taken: The Commissioners discussed litigation matter (Rossignol).

Kate Mauck recorded the following minutes:

**DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION: DRAFT
TRANSPORTATION PLAN BRIEFING**

Present: George Erichsen, Director
John Groeger, Deputy Director

The Department of Public Works and Transportation presented a Draft Transportation Plan briefing. In addition to the Plan, a Report on Existing Conditions was included, and Mr. Erichsen reported that he would maintain a copy of the Technical Appendix, which is too large to copy, unless it is deemed necessary. The Draft Transportation Plan utilizes data in order to project how the county roadways will look up to, and including, the year 2025. Funding has been set aside for FY06 in order to run scenario potentials to assist in the planning process.

The following direction was given and/or questions for future response were submitted:

- *Have consultant look at lessening the full burden of traffic off of Route 235 and route it also onto Route 5;*
- *Plan needs to include more information detailing funding options;*
- *Explain the plan for volume of traffic planned onto Laurence Hayden Road and other similar issues as outlined in the Plan;*
- *Add to Plan – Point Lookout Road, Section of Maryland Route 5, shoulders of road through to Scotland – it is the County's #1 priority and was glaringly missing from the Plan;*
- *Clearly identify in the Plan whether each project is a state or county funded project;*
- *Priorities – explain why the extension of Tulagi Place & Shangri is set at the high priority of #4;*
- *Regarding the split of traffic on Route 235 and Route 5, this ties to #7, the extension of Pegg Road from MD 237 to MD 5 at the MD 249 intersection; if an easier access is made to Pegg Road & the Navy Gate, then folks would have an alternate route;*
- *Move #5 and #7 up on priority list and move #4 down;*
- *Cost estimates may be far below what it would actually cost;*
- *#10, urban diamond interchange at MD 235/MD intersection – move up to a priority for the county;*

- #20, North Ring Road – how would this benefit the County – may actually create another problem;
- Page 8, third paragraph, third line....”decrease from 10,000 to 15,000 vehicles per day” – better clarify this statement so as not to cause confusion;
- #11 – widen MD 4 from MD 5 to Thomas Johnson Bridge to four lanes – split into two projects;
- #16 – widen MD 5 from MD 245 to MD 249 to four lanes – move this item into at least a medium priority;
- #12 – Strickland Road – would provide relief on Chancellor’s Run Road if this project was moved up to short-term;
- Clement’s intersection needs to be looked at;
- Page 18, Section 20, first paragraph, fourth line from the end, determine if Route 235 should instead be Route 245;
- Page 18, Section 20, first paragraph, third line from the end, “This differs from the Leonardtown Transportation Plan...” – Clarify what the term “differs” means;
- Page 19, C1, “The Town Seat”, should be “the county seat of St. Mary’s County”;
- Page 20, Route 235 and Route 6 – interest in the intersection due to some accidents;
- Look at Route 5 & Farmer’s Market (St. Mary’s Landing) - consider adding improvements due to accidents, and put into Plan;
- Need to have a cost/benefit analysis in order to properly list priorities;
- Move #17 to a higher priority;
- Consider that conflicts may be listed regarding crossing of the railroad right-of-way in at least one example - Route 4 to FDR Boulevard;
- Emphasize that the railroad right-of-way will be used in the interim basis as a hiker/biker trail;
- Identify public landings in the Plan – in particular, access to the mouth of the Patuxent River and on the Potomac side, to cross into Virginia – access needed on both sides – Mr. Forrest directed to check on the possibility that staff is already coordinating this effort;
- Incorporate existing conditions into the Plan; and
- Ferry services and light rail – add to Plan.

Kate Mauck recorded the following minutes:

DECISION: WILDEWOOD RESIDENTIAL, L.L.C. REQUEST FOR TEMPORARY EASEMENT AGREEMENT AUTHORIZING THE CROSSING OF THE RAILROAD RIGHT-OF-WAY FROM WILDEWOOD COMMUNITY TO ROUTE 235

Present: Joyce Malone, Real Property Manager
 Denis Canavan, Director, Department of Land Use and Growth
 Management
 John B. Norris, III, County Attorney
 Larry Day, Daytech Engineering

David Laikin, Adjacent Property Developer

The matter of Wildewood Residential, LLC, request for Temporary Easement Agreement authorizing the crossing of the railroad right-of-way from Wildewood Community to Route 235 was discussed at the Board of County Commissioners' meeting last week, and brought forward this week so that county staff might provide recommendations regarding the matter. The Department of Land Use and Growth Management provided background materials regarding the history of the land in question, and Mr. Canavan stated that the matter would be a minor amendment.

In addition, Mr. Canavan reported that he is in full favor of project, and highly recommends that the Board of County Commissioners consider allowing the Easement Agreement. Mr. Canavan outlined in detail the reasons for this decision.

Commissioners expressed concern that Wildewood residents have not clearly indicated that they are in support of having to exit the subdivision in order to reach FDR Boulevard.

Staff was directed to negotiate with the adjacent land developer, as well as Daytech Engineering, in order to determine if they would be willing, as part of the possible agreement, to purchase the necessary land and fund the completion of FDR Boulevard for the short distance needed in order to close the gap that would occur in the road.

Mr. Norris reported that, should the matter be determined to be a major amendment, it would then possibly return to the Board of County Commissioners for a decision. In addition, he reported that the county might need to terminate the easement agreement at sometime in the future.

Staff was directed to look into what it would cost to gain an easement back on the land in the future, should it become necessary.

Much discussion took place regarding the potential need for residents of Wildewood to have direct access to FDR Boulevard. Mr. Laikin, the adjacent land developer, was authorized to speak, and reported that he would be unable to agree to a cut-through in Wildewood, as he currently is living in an area in Wildewood where it is a closed community, and he indicated that a cut-through to FDR Boulevard would prove to be hazardous and would also generate safety issues for the community.

Commissioner Raley requested that the matter be tabled, and asked that it be placed on the Board of County Commissioners' agenda next week so that he would have time to formulate a proper motion. The other Commissioners agreed to table the matter.

Donna Gebicke recorded the remaining meeting minutes:

RETURN TO EXECUTIVE SESSION

Litigation

Present: Commissioner Thomas F. McKay, President
Commissioner Kenneth R. Dement
Commissioner Thomas A. Mattingly, Sr.
Commissioner Daniel H. Raley
George Forrest, County Administrator
John Norris, County Attorney
Jennifer Fabbicante
Donna Gebicke, Recorder

Authority: Article 24, Section 4-210(a)8
Time Held: 5:34 pm – 5:49 pm
Action Taken: The Commissioners discussed litigation matter (Rossignol).

Litigation

Present: Commissioner Thomas F. McKay, President
Commissioner Kenneth R. Dement
Commissioner Lawrence D. Jarboe
Commissioner Thomas A. Mattingly, Sr.
Commissioner Daniel H. Raley
George Forrest, County Administrator
John Norris, County Attorney
Denis Canavan, Director, Land Use and Growth Management
Donna Gebicke, Recorder

Authority: Article 24, Section 4-210(a)8
Time Held: 5:50 pm – 6:29 pm
Action Taken: The Commissioners discussed litigation matter (El Dorado).

ACTION FROM EXECUTIVE SESSION

Commissioner Mattingly moved, seconded by Commissioner Raley, to authorize the Commissioner President to sign the Settlement Agreement in the matter of Rossignol v. Voorhaar, et al, (Civil Action No. WMN 99-CV-3302) as required by the Local Government Insurance Trust (LGIT). Commissioner Jarboe was absent at the time of the vote. Motion carried 4-0.

Commissioner McKay stated that it should be noted that since the court determined there was no wrong-doing on the part of the County Commissioners, and certainly not on the part of the citizens of St. Mary's County, I would hope that those who benefit financially from the settlement of this case will consider donating this money back to a charity in St. Mary's County.

ADJOURNMENT

The meeting adjourned at 6:32 p.m.

Minutes Approved by the Board of County Commissioners on _____

Kate Mauck, Senior Administrative Coordinator

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