

**ST. MARY'S COUNTY  
BOARD OF COUNTY COMMISSIONERS' MEETING  
GOVERNMENTAL CENTER  
Tuesday, September 19, 2006**

**Present:** Commissioner President Thomas F. McKay (absent until 11:30 AM)  
Commissioner Kenneth R. Dement (absent from afternoon session)  
Commissioner Lawrence D. Jarboe  
Commissioner Thomas A. Mattingly, Sr.  
Commissioner Daniel H. Raley  
George G. Forrest, County Administrator  
Betty Jean Pasko, Senior Admin. Coordinator (Recorder)

The Commissioners attended the Multi-Agency Meeting at the Leonardtown Library and the Leonardtown Elementary School Addition/Renovation Groundbreaking ceremony at 8:00 am and 9:30 am, respectively.

The meeting was called to order at 11:10 am.

**APPROVAL OF CHECK REGISTER**

**Commissioner Mattingly moved, seconded by Commissioner Raley, to authorize the Commissioner President to sign the Check Register, as presented. Motion carried 4-0.**

**APPROVAL OF MINUTES**

**Commissioner Jarboe moved, seconded by Commissioner Mattingly, to adopt the minutes of the Commissioners' meeting of September 5, 2006, as presented. Motion carried 4-0.**

**ST. MARY'S COUNTY FAIR INVITATION**

Present: John Richards, Fair Board

Mr. Richards announced that the St. Mary's County Fair is this weekend, commencing with the ribbon cutting this evening. This year's fair program cover was designed by Lindsey Graves of Margaret Brent Middle School. Commissioner Mattingly presented Mr. Richards with a Commendation celebrating the St. Mary's County Fair's 60<sup>th</sup> Anniversary.

**COUNTY ADMINISTRATOR**

1. Draft Agendas for September 26 and October 3, 2006. (*Mr. Forrest indicated that staff*

*will be prepared at the Budget Work Session on September 26 to make recommendations regarding funding requests from Smartco and the Tri County Youth Services Bureau, as well as the Workmen's Compensation issue, so that appropriate Board actions can be taken under County Administrator time later in the day. Mr. Forrest will also get an update on current level of expenses for Ernesto storm relief efforts and will include these in the numbers.)*

2. **Department of Aging** (*Lori Jennings-Harris, Director; Peggy Maio, Fiscal Supervisor*)

**Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign the revised Nutrition Services Incentive Program (NSIP) Notification of Grant Award and the associated Budget Amendment, increasing the budget by \$11,193. Motion carried 4-0.**

3. **Circuit Court** (*Teresa Weeks, Senior Legal Assistant* )

**Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign the Cooperative Reimbursement Agreement Application and to sign the related Budget Amendment, restoring \$533 to the BOCC Emergency Appropriation Reserve. Motion carried 4-0.**

**Commissioner Jarboe moved, seconded by Commissioner Raley, to accept the Family Services Coordinator Grant and authorize the Commissioner President to sign the Budget Amendment, in the amount of \$11,800, decreasing the FY07 Family Services Grant project budget and increasing the supplemental reserve accounts. Motion carried 4-0.**

4. **Department of Economic and Community Development** (*Donna Sasscer, Manager, Agriculture and Seafood Division*)

**Commissioner Jarboe moved, seconded by Commissioner Mattingly, to authorize resubmission of the Agriculture Land Preservation component of the St. Mary's County's Land Preservation, Parks and Recreation Plan to the Maryland Office of State Planning for recertification of the Maryland Agriculture Land Preservation Foundation Program. Motion carried 4-0.**

*Ms. Sasscer announced that Governor Ehrlich awarded an additional \$1.5m to St. Mary's County for the Mattapan Rural Legacy Area, which brings the total funding to \$3,000,000 to work in this area which runs south of Hermanville Road, bordering on the Chesapeake Bay, heading to Ridge in the St. Jerome's Neck area, with Route 5 as the boundary line.*

5. **Department of Public Works and Transportation** (*George Erichsen, P.E. Director, DPW&T; Jacqueline Fournier, Transportation Mgr., DPW&T*)

**Commissioner Jarboe moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to sign the FY07 Job Access and Reverse Commute Grant, and the related Budget Amendment, aligning the**

**budget with the grant amount and restoring \$1,038 to the BOCC Emergency Appropriation Reserve. Motion carried 4-0.**

**Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign the FY07 Rural Public Transportation Operating Grant, and the related Budget Amendment, restoring \$16,031 to the BOCC Emergency Appropriation Reserve. Motion carried 4-0.**

*(Commissioner McKay joined the meeting at this time.)*

**Commissioner Jarboe moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to sign the FY07 Capital Grant Agreement and related Budget Amendments, to align the project budget with the actual grant award. Motion carried 5-0.**

**Commissioner Mattingly moved, seconded by Commissioner Raley, to approve and authorize the Commissioner President to sign the FY07 Rural and Community Based Grant and related Budget Amendment, restoring \$2,230 to the BOCC Emergency Appropriation Reserve. Motion carried 5-0.**

**Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign the Right of Entry Agreement to perform environmental sampling, as may be required, during the post-closure care period of the St. Andrews Landfill. Motion carried 5-0.**

**Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign the Performance Agreements for the Continued Maintenance and Repair for Aberdeen Subdivision, Phase 1, Section 2, and Phase 2, Section 2, located in the 2<sup>nd</sup> Election District, with expiration dates of October 16, 2006. Motion carried 5-0.**

*Staff recommended, and the Board concurred, that no more extensions with respect to maintenance and repair be given for this project. The developer experienced stabilization issues over the summer and staff agreed to recommend an additional 45 days due to the upcoming growing season. Commissioner Raley asked about the 20' high dirt pile on an out parcel that was referred to in a letter received from a citizen concerning this project. Mr. Erichsen replied that the developer is not finished with construction and continues to use this as a topsoil stockpile, but it can still be stabilized. This will be included in the follow-up letter to the developer today.*

**Commissioner Jarboe moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to sign the Public Works Agreement Addendum for Helen's Retreat Subdivision, Section 1, located in the 4<sup>th</sup> Election District, with an expiration date of July 1, 2007.**

**Commissioner Raley moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to sign the Public Works Agreement**

**for Columbia Colony Subdivision at First Colony, located in the 8<sup>th</sup> Election District, with an expiration date of July 1, 2007. Motion carried 5-0.**

**Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign the Public Works Agreement for Clements Landing Subdivision, Phases 1 and 2, located in the 8<sup>th</sup> Election District with an expiration date of May 1, 2007. Motion carried 5-0.**

**Commissioner Raley moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to sign the Public Works Agreement for Greenbrier Subdivision, Section 3, located in the 8<sup>th</sup> Election District, with an expiration date of September 1, 2007. Motion carried 5-0.**

**MARYLAND YOU ARE BEAUTIFUL PROGRAM** (Held at the College of Southern Maryland Auditorium, Leonardtown Campus)

Present: Kelsey Bush, Youth Coordinator, Community Services Division,  
Recreation,  
Parks and Community Services Department

This year celebrates the 20<sup>th</sup> anniversary of the Maryland You are Beautiful Volunteer Recognition Program. The program honors volunteers from each county in Maryland and Baltimore City who have earned distinction as some of “Maryland’s Most Beautiful People” for their extraordinary contributions to their communities.

The Commissioners presented commendations to the following local nominees who were selected by members of the St. Mary’s County community for their outstanding volunteer service:

Gwen Bankins  
Julia Bates and Susan Hardin  
Sam Brown  
Linda Carlson  
Theresa Cassagnol  
Jess Davis  
R. Keith Fairfax  
Agnes Fenwick  
Kimberly Fischer  
Janie Hunter  
Shirley Leyland  
Abell Longmore  
Christopher Longmore  
Mary Ann Longmore  
Joyce Mayor  
Patricia Myers  
Alan Pagenhardt

William (Levi) Parker  
Charles Roach  
Thomas Spalding, Sr.  
June Stockwell  
Mike Swartz  
Mechelina (Maggie) Van der Veur

Gwen Bankins was selected as the representative for St. Mary's County at the statewide recognition ceremony in Annapolis.

*(Commissioner Dement left the meeting at this time.)*

**ST. MARY'S COUNTY COMMUNITY DEVELOPMENT CORPORATION  
(CDC) AND THE DEPARTMENT OF ECONOMIC & COMMUNITY  
DEVELOPMENT**

Present: Robin Finnacom, President & CEO, CDC  
Kim Flynn, NAVMAR  
Carl Engelbert, NAVMAR  
Debra Pence, St. Mary's County Museum Director

The Commissioners received an update on the development of a static display for the two buildings to be retained and restored at Lexington Manor and recognized NAVMAR for its financial contribution of \$900 towards the project. The display will include a history of the evolution of the "Flattops" and its importance to St. Mary's County.

**DEPARTMENT OF PUBLIC SAFETY**

Present: Tim Cameron, Director  
Tim Bennett, Manager, Emergency Management Div.  
Michelle Lilly, Emergency Planner

Mr. Cameron presented a Resolution for the Board's consideration that will provide for intrastate mutual aid between jurisdictions in Maryland during an emergency and authorize member jurisdictions to request assistance under the terms of the Compact.

**Commissioner Mattingly moved, seconded by Commissioner Jarboe, to sign the Resolution adopting the Maryland Emergency Management Assistance Compact (MEMAC). Motion carried 4-0.**

Mr. Cameron reported that the County received the disaster declaration for Tropical Storm Ernesto which will allow the Small Business Administration to come to St. Mary's County to assist citizens with the process and paperwork required for assistance.

Mr. Forrest will schedule community meetings for Ernesto storm victims as soon as possible. The Public Information Office will take care of the necessary press releases.

## DEPARTMENT OF LAND USE AND GROWTH MANAGEMENT (LUGM)

Present: Denis Canavan, Director  
Jeff Jackman, Senior Planner

### Proposed Amendments to the Comprehensive Water and Sewer Plan

The Commissioners held a public hearing on August 29, 2006, to consider the Planning Commission's recommendation to amend the Comprehensive Water and Sewerage Plan to allow access to community water and sewer service for improvements to be made within 0.68 acres known as the Zabiegalski Clinic property.

**Commissioner Raley moved, seconded by Commissioner Jarboe, based on the favorable recommendation of the Planning Commission, to amend Service Area Maps III-34 and IV-34 of the Comprehensive Water and Sewerage Plan to change the service area categories from W-6 and S-6 to W-3D and S-3D for 0.68 acres described as Tax Map 35A, Grid 7, Parcel 51, Lot B, (Zabiegalski Clinic). Motion carried 4-0.**

### Proposed Amendment of the Official Zoning Maps

The Commissioners held a public hearing on August 29, 2006, on the Planning Commission's recommendation to: (1) amend Official Zoning Maps to rezone subject property from Resource Conservation Area (RCA) Critical Area Overlay to Limited Development Area (LDA) Critical Area Overlay; and (2) to amend the County Commissioners Ordinance No. Z-93-08 to revise the open space requirements that were a condition of the growth allocation that was awarded in 1993. Properties subject to the request are Tax Map 40, Grid 6, Parcels 253, 14, 53 (part), 54 (part), 55, 135, 164, 119, 190, 191, and 188 (Lots 1-6) in the 3rd Election District.

**Commissioner Mattingly moved, seconded by Commissioner Raley, to amend the Official Zoning Maps to rezone the property known as Chesapeake Industrial Park from Resource Conservation Area (RCA) Critical Area Overlay, to Limited Development Area (LDA) Critical Area Overlay. Motion carried 3-1.**

*(Commissioner Jarboe voted nay, and Commissioner Dement was absent).*

**Commissioner Mattingly moved, seconded by Commissioner Raley, to amend the Board of County Commissioners' Ordinance No. Z-93-08, to revise the open space requirements that were a condition of the growth allocation that was awarded in 1993. Motion carried 3-1. (Commissioner Jarboe voted nay, and Commissioner Dement was absent.)**

## COMMISSIONERS' TIME

Commissioner Mattingly

Attended the United Way Kick-Off Breakfast in Lexington Park. Great turn-out. The whole community will be learning more about the United Way's efforts in the coming months.

An initial meeting was held of the Volunteer Task Force to look at fire, rescue and ALS issues. The next meeting was scheduled and invitations will be extended to additional people who were recommended at the first meeting.

Congratulations to John Henry and Victoria Bond on their 50<sup>th</sup> wedding anniversary. Commissioner Dement and I presented a proclamation at their celebration.

Had two opportunities to look at work done at St. Jerome's Creek. Took a boat ride to visit the actual dredging site and get reactions from the folks who live on the creek. Attended the ribbon cutting, which had a great turn-out and the community seems very pleased with the results of the effort the Board took on this project.

Attended the groundbreaking for renovations and addition at the Leonardtown Elementary School today. I know the parents and students are pleased to see this project underway. Congratulations to the Board of Education for bringing this project to fruition and within budget.

The College Fair will be held tonight at the Hollywood Volunteer Fire Department.

#### Commissioner Jarboe

Commissioners are reminded to attend the Tri County Council Meeting tonight to meet the new administrator.

#### Commissioner Raley

Congratulations to the IT Department and to Catherine Countiss, the Election Board, staff and volunteers. Our primary election process went smoothly because of a lot of hard work.

The St. Mary's County Fair is coming up. Mr. Dement and I will be judging the speech contest on Friday afternoon. I look forward to seeing everyone and having a great time.

Happy Belated Birthday to my mom.

#### Commissioner McKay

We received word yesterday from Governor Ehrlich that the Rural Legacy program in St. Mary's County is alive and well. Not only did we receive \$1.5m in the first round of funding, but we received another \$1.5 in the second round of funding to help continue efforts to preserve the Mattapany area from development that would ruin its rural



character. Thanks to Governor Ehrlich and the state Rural Legacy staff, and in particular to the Commissioners for their persistence in getting this done.

The parking lot construction at Ridge Elementary School was on the Critical Area Commission's September 6<sup>th</sup> agenda. This is the project that was sent to the Commission for approval after the fact (following the actual construction). I don't believe this was done intentionally. My evaluation is that the Board of Education may not fully understand the Critical Area development process, and I want to make sure that their staff gets together with County staff to ensure that there is a clear understanding of the process. Mr. Clements felt that he had done everything he needed to do for the project and had the permit in hand. He was not aware that in addition to local approval, Critical Area Commission approval is required for any projects in the Critical Area. The Commission was upset that the request for approval came after the fact and decided that instead of a 1-1 mitigation for tree removal, which is typical in the Critical Area outside the 100' buffer and was recommended by Critical Area Commission staff and County staff, to impose a 3-1 mitigation on this project. I explained that there was a serious safety issue for the school children, and it was critical that this parking lot be completed before school reopened in the fall. I also raised the question as to whether the Commission's action was a punitive measure, or whether the Commission is moving towards a position of requiring 3-1 mitigation within any Critical Area. I will continue to monitor this issue to ensure that this type of action is not just restricted to St. Mary's County. The mitigation will require additional funds to plant more trees, but will not be a major problem. It is important that all County agencies clearly understand what the development process is in the Critical Area so this does not occur again.

## **ADJOURNMENT**

The meeting adjourned at 2:50 pm.

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

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Betty Jean Pasko, Senior Administrative Coordinator