

**ST. MARYS COUNTY  
BOARD OF COUNTY COMMISSIONERS MEETING  
CHESEAPEAKE BUILDING  
Wednesday, December 24, 2008**

**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, Sr. Administrative Coordinator (Recorder)

**CALL TO ORDER**

Commissioner President Russell called the meeting to order at 9:00 am and announced the purpose of the special meeting; i.e., to consider the purchase of real property located in the 3<sup>rd</sup> Election District for public facility use.

**CONSIDER PURCHASE OF REAL PROPERTY IN THE LEONARDTOWN AREA FOR PUBLIC FACILITY USE (APPROXIMATELY 172 ACRES)**

Present: Christy Holt-Chesser, County Attorney  
Liz Passarelli, Real Property Manager

Ms. Chesser stated that the property, known as the Hayden property, is comprised of 172 acres and is located in the Leonardtown Development District. The property is being considered for public facilities; i.e., schools, library, and parks and recreation use.

Ms. Chesser provided an overview of two contracts for BOCC consideration:

Contract #1:

BOCC and sellers; i.e., Debra A. Griffin, Walter V. Hayden, Jr., Ellen K. Emmart, Mary Catherine Knapp, Joseph E. Hayden, and Richard Hayden, Sr., 168.48 acres for a purchase price of \$4,730,000.

Contract #2:

BOCC and seller; i.e., Janice W. Hayden  
2.75 acres for a purchase price of \$529,500.

Ms. Chesser added that a budget amendment, in the amount of \$5,300,000, has been prepared to move funding from the Land Acquisition Project to establish the capital project to purchase the Hayden property. The budget amendment will be used for purchasing the land, conducting an environmental assessment, and for settlement costs. The environmental assessment is to be done within 60 days and the settlement within 120

to 150 days of the execution of the contract. Ms. Chesser added that the contracts are presented as buy in total, and not one piece or the other.

It was clarified that Lot 1 of the 2.75 acres (Lot 1 is comprised of 1.064 acres) contains two residential properties.

In response to Commissioner Jarboe, Mr. John Savich, County Administrator, stated the meeting was not a public hearing but was to take BOCC action. It was clarified that the meeting was advertised in the Enterprise newspaper. Commissioner Jarboe stated that it was his understanding that the meeting was to be a public hearing and that the public should have the opportunity to hear about and speak to the subject matter, and there should be an open record period before the Board takes action.

The Board engaged in a process and background discussion. Funding to purchase property in the Leonardtown / Hollywood area for public facility use has been allocated in the CIP (Capital Improvement Project) for several years and the process, relative to acquiring this property, has been on-going for 1.5 to two years.

Commissioner Mattingly provided specific background information and rationale for the Countys interest in acquiring the property, including the location, timing relative to the States requirement to have a school site (and it must be in a development district) to be eligible for funding, and zoning (property zoned as RL and RPD). It was noted that one week ago the Board of Educations request for (school) design funding was turned-down by the State.

It was clarified that in 2005, five million (\$5,000,000) was placed in capital funding for land acquisition. It was stressed that capital funding will be used, not operations funding. It was further stressed that the property will be used as an educational complex, and there have been no BOCC discussions for detention center, jail, or homeless facility use .

Although the meeting was not advertised as a public hearing, Commissioner Russell stressed the importance of communications and Ms. Chesser concurred that the Board may allow public comment in conjunction with the meeting.

The following individuals expressed concerns and posed questions, that were addressed by the Board: Joan Ritchie, Doug Merrit, Joe Wible, Sr., Jim Handley, and Matt Cosco.

Briefly summarized, the citizens voiced concerns and questions primarily relative to:

- Communications / public involvement / perception
- Timing, cost, and being good stewards of taxpayer money
- Previous County land acquisition and use

Ms. Jeannett Cudmore, Deputy Director, Department of Finance, confirmed that capital funds come from impact fees and transfer tax and that operation funds are not used for capital projects.

Mr. Savich recapped by acknowledging the amount of work and effort undertaken to get to this point, restating that the Board acted within its authority and the law, and by stating risks associated to delaying land acquisitions.

Commissioners Raley, Mattingly, and Russell provided closing comments in support of purchasing the property.

**Commissioner Mattingly moved, seconded by Commissioner Raley, to approve the purchase of certain parcels of real property located in the Third Election District of St. Marys County, Maryland, containing in the aggregate approximately 168.48 acres of land, more or less, from Debra A. Griffin, Walter V. Hayden, Jr., Ellen K. Emmart, Mary Catherine Knapp, Joseph E. Hayden, and Richard I. Hayden, Sr., for a purchase price of \$4,730,000.00, and to authorize Commissioner President Russell to sign the required documents to accomplish the purchase, including approval and release of appropriate checks. Motion carried 4-1. Commissioner Jarboe voted no.**

**Commissioner Mattingly moved, seconded by Commissioner Raley, to approve the purchase of Lot One (1), containing 1.064 acres of land, more or less, and Adjusted Parcel 225, containing 1.693 acres of land, more or less, Woodbury Minor Subdivision, located in the Third (3<sup>rd</sup>) Election District of St. Marys County, Maryland, from Janice W. Hayden, for a purchase price of \$529,500.00 and to authorize Commissioner President Russell to sign the required documents to accomplish the purchase, including approval and release of appropriate checks. Motion carried 4-1. Commissioner Jarboe voted no.**

**Commissioner Mattingly moved, seconded by Commissioner Raley, to approve and authorize Commissioner President Russell to execute a budget amendment realigning budget authority and creating a capital project specifically for the costs associated with the Hayden land acquisition form the County Land Acquisition project, in the amount of \$5,300,000. Motion carried 4-1. Commissioner Jarboe voted no.**

#### **MOTION TO ADJOURN**

**Commissioner Dement moved, seconded by Commissioner Mattingly, to adjourn. Motion carried 5-0.**

#### **ADJOURNMENT**

The meeting adjourned at 10:00 am.

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

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Betty Jean Pasko, Sr. Admin. Coordinator (Recorder)