

**ST. MARYS COUNTY
BOARD OF COUNTY COMMISSIONERS MEETING
GOVERNMENTAL CENTER
Tuesday, January 29, 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 9:35 AM.

ADDITION TO AGENDA

Item 3c was added to the County Administrators agenda: Public Works Agreement for FDR Boulevard at Buck Hewitt Road, White Oak Subdivision.

APPROVAL OF CHECK REGISTER

Commissioner Raley moved, seconded by Commissioner Jarboe, to authorize the Commissioner President to sign the Check Register, for checks dated January 29, 2008, as submitted. Motion carried 5-0.

APPROVAL OF MINUTES

Commissioner Mattingly moved, seconded by Commissioner Dement, to adopt the minutes of the Commissioners meeting of January 22, 2008, as presented. Motion carried 5-0.

AMERICAN CANCER SOCIETY: PRESENTATION OF 2004-2007 ST. MARYS COUNTY PER CAPITA AWARDS

Present: Sue Lyddon-Hayes, Chair, 2008 Relay for Life
Susan Dudley, volunteer and cancer survivor

Ms. Lyddon-Hayes briefed the Board on the American Cancer Societys fundraising campaigns. The 2006 2007 Relay for Life in St. Marys County raised just under

\$200,000. \$11 million was provided for cancer research organizations in Maryland. Funds raised were used for college scholarships for cancer patients, assisting patients, and hosting a camp for children with cancer.

A Relay for Life video, produced by students at the Forrest Career Technology Center, was viewed.

The following American Cancer Society, South Atlantic Division, St. Marys County Per Capita Award Plaques were presented to the Commissioners:

For the Year	Amount Relay Netted	Amount Per Capita
2004 2005	\$77,817	\$0.84
2005 2006	\$153,507	\$1.59
2006 2007	\$199,857	\$2.03

COUNTY ADMINISTRATOR

1. Draft Agendas for February 5 and 12, 2008
2. **St. Marys County Public Schools** (*Daniel Carney, CFO; Dr. Charles Ridgell, Dir. of Curriculum and Instruction*)

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve the St. Marys County Board of Educations two budget increase requests, pursuant to their actions taken on December 11, 2007, as follows:

- a) **to increase their FY08 Restricted Fund budget by \$3,000 to incorporate the new Community Arts Development Grant, Performance Workshop for Secondary Performing Arts Students; and**
- b) **to increase their FY08 Restricted Fund budget by \$5,000 to incorporate the new Community Arts Development Grant, Summer Enrichment Program in the Fine Arts, Grades 3 through 5 and 6 through 8; and to sign the letters evidencing this action. Motion carried 5-0.**

3. **Dept. of Public Works & Transportation** (*George Erichsen, P.E., Director*)

Commissioner Jarboe moved, seconded by Commissioner Raley, to approve and authorize the Commissioner President to sign the Budget Amendment, in the amount of \$53,555, to close out project HW0702, Golf Course Drive Drainage, to the FIN08 account. Motion carried 5-0.

Commissioner Mattingly moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign the DNR Shore Erosion Control Project Agreement for the North Patuxent Beach Road Shore Erosion Control Project and the related Budget Amendment, realigning the projects budget in accordance with DNRs Project Agreement. 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 FDR Boulevard at Buck Hewitt Road, White Oak Subdivision, located in the 8th Election District, with an Expiration Date of December 1, 2008. Motion carried 5-0.

- 4. Dept. of Economic and Community Development** (*Bob Schaller, Director; Donna Sasscer, Agriculture and Seafood Mgr.*)

Commissioner Raley moved, seconded by Commissioner Dement, to approve the proposed FY 2009 Rural Legacy applications as presented by staff here today and to sign the letter to the MD Dept. of Natural Resources Rural Legacy Program prioritizing the Mattapany Rural Legacy Area as the Countys top priority for designation and funding and the Huntersville Rural Legacy as the second priority for additional funding. Motion carried 5-0. Commissioner Jarboe noted that he supports the motion with the understanding that this area is facing more development pressure, so it should be a priority for rural legacy, and that the southern part of the County is facing problems, and we need this priority.

- 5. Dept. of Human Resources and Dept. of Finance** (*Sue Sabo, Director, HR; Elaine Kramer, CFO*)

Commissioner Mattingly moved, seconded by Commissioner Dement, to approve the request for reclassification for the Fiscal Specialist III (Payroll Specialist) from a Grade 5 to a Grade 6. Motion carried 5-0.

DEPT. OF LAND USE AND GROWTH MANAGEMENT: PROPOSAL TO ADOPT REVISED COMPREHENSIVE WATER AND SEWER PLAN

Present: Denis Canavan, Director, LU&GM

On January 15, 2008, the majority (Commissioner Jarboe voted no) of the Board of County Commissioners voted to repeal and re-enact the St. Marys County Comprehensive Water and Sewerage Plan (CWSP), as recommended by the Planning Commission, with modifications that were voted on individually by the Board, and to direct staff to prepare a Resolution that will adopt the Comprehensive Water and Sewerage Plan as modified.

As directed by the Board on January 15, 2008, Mr. Canavan presented Resolution No. W/S 08-01 to adopt the updated Comprehensive Water and Sewerage Plan (CWSP). Included in the Resolution is a commitment to review and maintain the CWSP on a three-year cycle. The CWSP will be sent to the Maryland Department of Environment (MDE) for their review and approval and distribution to various state agencies.

Resolution No. W/S 08-01 contains the following attachments:

Attachment A - The full October 2007 document recommended by the Planning Commission.

Attachment B - Post Hearing Staff Report, dated January 10, 2008

Attachment C - Excerpt from the approved minutes of the BOCCs January 15, 2008 meeting.

Commissioner Mattingly moved, seconded by Commissioner Raley, to sign Resolution

W/S 2008-01 to repeal and re-enact the St. Marys County Comprehensive Water and Sewerage Plan as approved by the Board of County Commissioners on January 15, 2008, with modifications individually voted upon as set forth in the minutes and incorporated as Attachment C to the Resolution. Motion carried 4-1 (Commissioner Jarboe voted no).

Commissioner Jarboe read the following statement into the record:

Though I support the vast majority of the present revisions to the St. Marys County Comprehensive Water & Sewerage Plan, there are two changes that I do not support. These revisions are enough that I cannot support the overall plan. The first revision is allowing the St. George Peninsulas vacant properties to have sewer access. How can we explain the action to the owners of vacant lots in Piney Point and St. George Island who do not have EDUs and have been denied sewer access? Of greater concern is the addition of the Johnson Property for residential sewer access. As a result, our Board will have to add this property into the Lexington Park Development District during the Comprehensive Land Use Plan review. This will increase the size of this Development District by 87 acres. Increasing the size of the Lexington Park Development District is against the State Planning Office recommendations. The St. Marys Commissioners could mitigate this problem by taking twice as many acres of County owned land out of the Lexington Park Development District. The County Commissioners should be held to similar standards of mitigation that private property owners must abide by.

DEPT. OF LAND USE AND GROWTH MANAGEMENT ANNUAL REPORT ON SCHOOL CAPACITY

Present: Denis Canavan, Director, LU&GM

The report includes enrollment and school capacity data for the 20072008 school year at the service region and individual school levels.

Based on 2007-2008 school enrollments and the requirements of Chapter 70 of the Comprehensive Zoning Ordinance, Adequate Public Facilities, inadequate school

capacity continues to limit approval of major sub-divisions or site plans for residential development in much of the County. BOCC Resolution 03-02 establishes 107% of State Rate Capacity as the threshold for determining adequacy of school facilities.

The northern service area (Chopticon) is shut down for approval of major subdivisions or site plans. The number of in queue proposals for the northern service area was estimated at approximately 1000 by Mr. Phil Shire, Deputy Director, Land Use and Growth Management. Mr. Canavan added that there are approximately 2000 in queue proposals in the central service area. Within the central service area (Leonardtown), only 69 lots or units could be approved. In the southern service area (Great Mills), that number is 900.

Discussion:

- New legislation (APF task force recommendation for amendments to the text of the Comprehensive Zoning Ordinance) going to the Planning Commission (then back to the BOCC).
- Mobile classrooms (relocatables) do not count toward capacity. Fifty percent of capacity needs to be in mobile classrooms to get approval at the State level. State-rated high school capacity figure is the same for all three high schools; i.e., 1,695.
- The Board of Education could propose redistricting. Commissioner Mattingly added that redistricting should focus on growth area.
- Commissioner Dement questioned if renovation could be an option. The Board noted that the County has reached its maximum for renovation.

Commissioner Raley moved, seconded by Commissioner Jarboe, to accept the Annual Report on School Capacity and to ask the Department of Land Use and Growth Management to use the school capacities reported therein in the determination of Adequate Public Facilities required for the approval of major residential subdivisions or site plans. Motion carried 5-0.

COMMISSIONERS TIME

The Commissioners highlighted events attended over the past week and personal interest items.

MOTION TO ENTER INTO EXECUTIVE SESSION

Commissioner Raley moved, seconded by Commissioner Mattingly, to enter into Executive Session following the Joint Meeting with CO, Naval Air Station, to discuss real property acquisition matters, specifically the Lexington Manor Redevelopment Project.

DEPART GOVERNMENTAL CENTER

The Commissioners departed the Governmental Center to participate in the joint meeting with the Commanding Officer (CO), PAX River, at the Frank Knox Training Center, NAS, Patuxent River.

**JOINT MEETING OF THE BOARD OF COUNTY COMMISSIONERS AND THE
COMMANDING OFFICER, NAVAL AIR STATION (NAS) PATUXENT RIVER:
ENCROACHMENT MITIGATION AND PREVENTION**

Present: Captain Glen Ives, Commanding Officer, NAS, Patuxent River, and staff
St. Marys County Government staff members: John Savich, County
Administrator; Sabrina Hecht, Chief of Staff; Denis Canavan, Director,
Department of Land Use and Growth Management; Robert Schaller, Director,
Department of Economic and Community Development; Karen Everett, Public
Information Officer; Donna Gebicke, Recorder; Robin Finnacom, CEO,
Community
Development Corporation

Commissioner President Russell opened the second joint meeting since the April 2007 signing of the Cooperation Agreement between the Commanding Officer, NAS Patuxent River and the Board of County Commissioners for Encroachment Mitigation and Prevention. One of the terms of the Agreement is that representatives of the County and the Navy will meet twice a year to discuss: new encroachment threats, proposed new development, potential encroachment remedies and progress, a review of existing and proposed development in the AICUZ (Air Installation Compatibility Use Zone) and nearby areas, and changes to the local zoning ordinance.

Encroachment Update

Denis Canavan, Director, Land Use and Growth Management, St. Marys County

Mr. Canavan reported on text amendments adopted over the last six months prohibiting residential development within the Accident Potential Zone-2 (APZ-2) and the Office Business Park, plans for a 2008 Update of the Comprehensive Land Use Plan, and today's adoption of an Updated Comprehensive Water and Sewer Plan by the Board of County Commissioners. Partly as a result of the extensive requirements called for in House Bill 1141, the updated Land Use Plan is expected to be completed by late 2008 or early 2009. The need to reassess buffer zones and finalize zoning initiatives for overlay protection at Webster Field was discussed. Noise data from the Navy is needed in order to formulate new zones.

Mr. Savich noted two actions taken by the Board of County Commissioners during today's meeting in support of the Base: a letter appealing to the Governor to amend a proposed change to the planned housing policy that could negatively impact St. Marys County's workforce housing needs, and a letter to the Maryland Department of Natural Resources prioritizing the Mattapany Rural Legacy Area for designation and funding as the County's top priority.

Commissioner Raley reiterated the importance of laying the ground work so that the future of Webster Field can be addressed.

Mr. Canavan reaffirmed that the County will continue to be in direct communication with Base liaisons in order to get the Navys input into the planning process as land use plans are adopted.

Encroachment Update

U.S. Navy: LeRoy Mattingly

Mr. Mattingly reviewed the status of the Webster Field Encroachment Partnering Project. While he does not feel that Webster Field is an issue today, Capt. Ives indicated that the Navy is taking steps today to ensure that operations will not be restricted in the future. Mr. Canavan offered that once the Navy defines the proximity, overlay zones can be put in place. Mr. Savich suggested, and Capt. Ives agreed, that representatives from the Base, agricultural land preservation concerns, and the County's Department of Land Use and Growth Management work together to put a program together that looks at: noise data, identification of vulnerable areas, regulations, and purchase options.

Mr. Mattingly reported that the PAX AICUZ is on track for completion in October 2008, and RAICUZ is on track for December 2008. A road show is planned to the Eastern Shore and the Northern Neck of Virginia for next month. It was agreed that a representative from the County would participate in the road show to help build a strong relationship with these areas.

Encroachment Update

U.S. Navy: Fred Pierson, NAVFAC

Mr. Pierson described the Proposed Joint Land Use Study (JLUS) process. The Navy nominates the installation; the Office of Economic Adjustment (OEA) conducts a site visit to confirm need; a grant application is filed; the study is conducted; a plan is then adopted and implemented.

The AICUZ study should take six to nine months from the time of the first site visit to complete.

70-80% of the funding is provided by OEA, and the remainder can be in-kind. Staff participation in the process can be considered as the in-kind contribution. A multi-jurisdictional/regional concept remains a goal of the process. Mr. Savich suggested that all counties involved be included in the process from the onset.

Related County Matters

Bob Schaller, Director, Economic and Community Development, St. Marys County

Mr. Schaller reported on encroachment related items taking place outside of the AICUZ. The Economic Development Council (EDC) hosted a Joint Planning Session comprised of County leaders interested in economic development, including representatives from the Navy, Chamber of Commerce, Patuxent Partnership, and the housing industry. Although not included in the current BRAC, the County is still facing some of the same challenges which were addressed by the group. Several major themes came to the top: workforce housing, workforce development, BRAC, and economic diversity. A report on the session is expected this spring.

Chancellor Kirwan, University System of Maryland, visited St. Marys County and toured the PAX River Naval Air Station on December 10. His visit was an important step in continuing to work towards expanding local undergraduate, graduate, and post graduate opportunities that are mutually beneficial to the County, NAS, and the University System of Maryland.

The Board of County Commissioners and Navy representatives recently participated in a tour of workforce housing, including the start of over 200 new housing units developed by Lincoln Military Housing at Columbia Colony behind Target and Challenger Estates in Wildewood.

Lexington Manor and Park Redevelopment

Robin Finnacom, CEO, Community Development Corporation

Ms. Finnacom provided an update on several projects important to the main gate and surrounding area of PAX River, including Lexington Manor Redevelopment, the MD 246 Streetscape, and infrastructure improvements to the Patuxent Park neighborhood.

Lexington Manor Oral History Presentation

Hans Welch, Business Development Mgr., St. Marys County

Lexington Manor was a housing community built in 1942 for non-military employees of PAX River Naval Air Station. One of the aspects of the Lexington Manor redevelopment project was a requirement by The Maryland Historical Trust to produce an oral history of the community through audio tapes and written transcripts. Mr. Welch described the process involved in putting together the oral history chronicling the history of Lexington Manor from a lifestyle and folklore point of view. The County went one step further from the basic requirements and produced a video which was viewed by the Commissioners and Navy and civilian staff.

Open Discussion

Capt. Ives reported on the Coast Guards need to be relieved of maintenance costs related to the Point No Point Lighthouse. The lighthouse was placed on the market recently, but later removed and taken on by GSA when the Navy learned of the plans to sell. The lighthouse is in a key part of PAX Rivers range area, and selling it to private concerns would have a major impact on the Navys ability to conduct operations. Capt. Ives inquired as to whether or not the County or state might be interested in the property.

Mr. Savich offered that the County would be willing to be a part of trying to solve the matter, but would not be in a position to purchase the property since it could not be used for a public purpose. Commissioner Mattingly suggested that volunteers may be interested in helping to maintain the property.

Commissioner President Russell reported on the efforts of the Save the Village organization to preserve African-American heritage by obtaining the former Health Department building in the Carver Heights area and requested the Navys ideas and involvement in support of their mission.

Commissioner Raley asked if the Navys relationship relative to the Navy Museum has recently changed. Capt. Ives replied that there has been a change in roles and responsibilities and that museum activities now fall under the Historic Division, located at the U.S. Navy Yard.

Mr. Savich reviewed items for follow up: status of Webster Field and detailed time tables; County to collaborate with the Navy on the road show reaching out to other local governments; anticipated progress on the JLUS; ideas for Point No Point situation; and report on development activity outside of the gate.

EXECUTIVE SESSION

Real Property Acquisition

Present: Commissioner Francis Jack Russell, President
Commissioner Kenneth R. Dement
Commissioner Lawrence D. Jarboe
Commissioner Thomas A. Mattingly, Sr.
Commissioner Daniel H. Raley
John Savich, County Administrator
Denis Canavan, Dir., Land Use and Growth Management
Christy Chesser, County Attorney
Karen Everett, Public Information Officer
Elaine Kramer, CFO
Robert Schaller, Director, Economic and Community Development
Barbara Horn, Chair, Community Development Corporation (CDC)

Robin Finnacom, CEO, CDC
Joe Densford, Counsel, Lexington Manor Project
Donna Gebicke, Recorder
Authority: Article 24, Section 4-210(a)11
Time Held: 4:03 pm 6:40 pm
Subject Discussed: Lexington Manor Redevelopment Project

ADJOURNMENT

The meeting adjourned at 6:40 pm.

Minutes Approved by the Board of County Commissioners on _____

Betty Jean Pasko, Sr. Admin. Coordinator