

**ST. MARYS COUNTY  
BOARD OF COUNTY COMMISSIONERS MEETING  
GOVERNMENTAL CENTER  
Tuesday, April 15, 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.

**PROCLAMATION:**

**Fair Housing Month, April, 2008**, presented to the Housing Authority of St. Marys County and the Southern Maryland Association of Realtors.

*Commissioner Mattingly stepped out of the meeting.*

**APPROVAL OF CHECK REGISTER**

**Commissioner Jarboe moved, seconded by Commissioner Raley, to authorize the Commissioner President to sign the Check Register for checks dated April 15, 2008, as submitted. Motion carried 4-0.**

**APPROVAL OF MINUTES**

**Commissioner Jarboe moved, seconded by Commissioner Dement, to adopt the minutes of the Commissioners meeting of April 8, 2008, as presented. Motion carried 4-0.**

*Commissioner Mattingly returned to the meeting.*

**COUNTY ADMINISTRATOR:**

1. Draft Agendas for April 22 and 29, 2008

2. **St. Marys County Public Schools** (*Daniel Carney, CFO*)  
**Commissioner Raley moved, seconded by Commissioner Jarboe, to approve the FY2008 Categorical Request for the Middle School After School Programs, approved by the Board of Education on March 26, 2008, and to sign the letter of consent evidencing this action. Motion carried 5-0.**

3. **Office of the County Attorney** (*Liz Passarelli, Real Property Manager*)

**Commissioner Mattingly moved, seconded by Commissioner Raley, to approve and authorize Commissioner President Russell to execute the Easement Agreement with SMECO for the purpose running a new distribution line along the northbound side of Route 5 to Lawrence Avenue, on the existing Verizon pole, to accommodate new growth in the Leonardtown area. Motion carried 5-0.**

4. **Dept. of Land Use and Growth Management** (*Denis Canavan, Director; Adam Knight, Code Coordinator*)

**Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President Russell to sign the Budget Amendment in the amount of \$2,000 to provide for the purchase of code books for the Building Code Board, Electrical Board and the Inspectors. Motion carried 5-0.**

5. **Office of the Sheriff** (*Lt. Michael Merican; Erin Shoemaker, Fiscal Manager*)

**Commissioner Dement moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President Russell to sign the Budget Amendment, in the amount of \$52,000, increasing the Home Detention expenses and offsetting revenue in support of the increased inmate count in the Home Detention Program. Motion carried 5-0.**

6. **Dept. of Public Works and Transportation** (*George Erichsen, P.E., Director*)

**Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize Commissioner President Russell to sign the Budget Amendment, in the amount of \$10,000, transferring funds to the Construction and Inspections Division-Other Contract Services account from the Development Review Division-Other Contract Services account. Motion carried 5-0.**

7. **County Administration** (*Sabrina Hecht, Chief of Staff*)

**Commissioner Raley moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner President Russell to execute the Maryland Department of Health and Mental Hygiene Standard Memorandum of Understanding between the Mental Hygiene Administration and St. Marys**

**County and the related DHMH Contract Proposals and to approve the related Conditions of Award. Motion carried 5-0.**

## **911 ADDRESS VERIFICATION PROJECT**

As a follow-up to the April 1, 2008, public meeting to address the public's concerns about the 911 Address Verification Project, the Commissioners discussed project options.

Commissioner Jarboe expressed concerns that while the resources for this project were provided via a state grant, the funding for the grant came from the phone tax increase paid by citizens. He also asked who the local members are on the 911 Numbers Board.

Commissioner Raley stated that St. Marys County voted on the phone tax increase and every jurisdiction, with the exception of Anne Arundel, is at the \$.75 rate. The County has benefited by receiving funding for much needed projects under this program.

Commissioner Mattingly noted that the 911 Numbers Board members are appointed by the Governor, State Firemen's Association, and local governments. He also clarified that databases such as those maintained by the U.S. Post Office, SMECO, Health Department, and St. Marys Hospital, contain proprietary information and that interfacing with these existing databases is not allowed by law. Regarding comments about protecting the 4<sup>th</sup> Amendment, Commissioner Mattingly said it is the responsibility of local government to provide for the safety and welfare of citizens. The project is an attempt to proactively correct 911 information. There is no plan for future project phases and the 911 tech in the Department of Land Use and Growth Management will continue to conduct field inspections as warranted.

Commissioner Dement commented that better communications and oversight would have prevented or lessened many of the public's concerns about the project. Commissioner Dement suggested using existing aerial photography and resources to correct the address data.

**Commissioner Jarboe moved, seconded by Commissioner Dement, to cancel the contract with GTF for the Address Verification Project. Motion failed 2-3.**

Commissioners Mattingly, Raley, and Russell voted against the motion.

**Commissioner Raley moved, seconded by Commissioner Mattingly, to execute the contract with GTF for the Address Verification Project without photography. Motion carried 3-2.** Commissioners Jarboe and Dement voted against the motion.

It was clarified the project will continue without photography and that private roads and private property will not be accessed. Commissioner Russell added that every citizen should take responsibility by displaying their 5-digit address properly and confirming that the 911 Center has accurate information regarding the location of their home.

**U.S. DEPT. OF AGRICULTURE & NATIONAL RESOURCES CONSERVATION SERVICE:**

**REQUEST FOR RESOLUTION OF SUPPORT FOR THE EXTENSION OF THE POTOMAC**

**HERITAGE NATIONAL SCENIC TRAIL INTO ST. MARYS COUNTY**

Present: Jeremy West, U.S. Dept. of Agriculture-National Resources Conservation Service  
Tom Tudor, So. Md. Resource, Conservation & Development Board  
Bob Schaller, Director, DECD  
Carolyn Laray, Tourism Manager, DECD

The Southern Maryland Resource, Conservation and Development sought a BOCC Resolution of Support for the extension of the Potomac Heritage National Scenic Trail into St. Marys County. The St. Marys County segment will be approximately 83 miles long, begin at the County line on Dixie Lyon Road, and continue to Point Lookout State Park. It will follow existing roadways and will incorporate the multi-use Three Notch Trail. The trail is primarily viewed as a bicycling route and will purposely take in County sites of tourism interest, including museums and parks.

Ms. Laray specified that language was added to the Resolution to ensure trail development, usage types, and signage is coordinated with the appropriate County agencies in Charles, Calvert and St. Marys, to mitigate any potential overlap issues with the Religious Freedom By-way, the trail portion that is contiguous with a section in Charles County, and other existing trails.

**Commissioner Jarboe moved, seconded by Commissioner Dement, to adopt and sign the Resolution in support of the application by the So. Md. Resource, Conservation, and Development Board, Inc., for the designation of the St. Marys County Potomac Heritage Trail as a segment of the Potomac Heritage National Scenic Trail. Motion carried 5-0.**

## **COMMISSIONERS TIME**

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

## **TRI-COUNTY COUNCIL FOR SOUTHERN MARYLAND: PRESENTATION OF STATES APPROVED PLAN AND REQUEST CONCURRENCE WITH A RESOLUTION TO ESTABLISH A SOUTHERN MARYLAND REGIONAL WORKFORCE INVESTMENT BOARD**

Present: Wayne Clark, Executive Director, Tri-County Council for So. Maryland  
Andy Moser, Asst. Secretary., Div. of Workforce Dev., MD Dept. of Labor, Licensing and Regulations  
Ellen Flowers-Fields, Dir., Regional Economic Dev., Tri-County Council  
for So. MD

The States plan for the re-establishment of a Southern Maryland Regional Workforce Investment Board (WIB) under the administration of the Tri-County Council for Southern MD was presented.

A local WIB:

Supports connecting employees to businesses and businesses to funding support for training.

Acts as a consensus builder on solutions for issues of workforce development for employers/businesses.

Works in partnership with workforce services providers and educators to better prepare citizens for workforce needs.

Provides oversight for and ensures accountability of services of local one-stop system.

It was stressed that no County funding is required to re-establish or fund the operations of the Southern Maryland Workforce Investment Board. However, it was noted that there will be a reduction of state and federal funds in the out-years (FY11 and beyond), and if the County so desired, it could decide to lend support to a grant opportunity during those years. Mr. Clark presented three possible scenarios for funding in the out-years of the workforce program:

Scenario 1 (Primary Scenario) No County Support

Scenario 2 County Support (FY11 assumes \$33,000 per County; and \$66,000 per County for  
FY 12 and 13)

Scenario 3 Grant Diversification Strategy (no County support, STEM and other grant sources)

The presenters requested concurrence to:

- Reestablish the So. MD Workforce Investment Board
- Authorize the Tri-County Council for St. MD to serve as the administrative organization.
- Authorize that the Chair of the Tri-County Council will serve as the Chief Local Elected Official of the Workforce Investment Board.

If all three BOCCs (St. Marys, Charles, and Calvert) approve, the Resolution will go before the full Tri-County Council Board for acceptance. The draft Resolution will be revised to include concerns expressed by the Commissioners and presented at next weeks meeting for approval.

## **DEPARTMENT OF LAND USE & GROWTH MANAGEMENT: UPDATE ON OAK CREST CENTER PLANNED UNIT DEVELOPMENT (PUD) PROJECT**

Present: Denis Canavan, Director, LU&GM  
Phil Shire, Deputy Dir., LU&GM  
Bill D. McKissick, Jr., Dugan, McKissick, Wood, Longmore  
Ramn Bentez, St. John Properties, Inc.  
William MeHaffey, MeHaffey & Associates, P.C.  
Joe Caloggero, Traffic Group Inc.

At the request of the Planning Commission, an update on the Oak Crest Center Planned Unit Development (PUD) was presented to the BOCC.

Mr. Shire provided background information. The original development plan was approved in August 1990. There was little activity during the 90s except for a CW&SP amendment for the water and sewer categories and expansion and improvements to the existing concrete plan. The property changed hands and went before the Planning Commission on December 10, 2004. Several minor amendments to the PUD were approved, including an improved, overall site layout (exhibited during the presentation). Several design standards were established such as setbacks, parking standards, and road design and section standards. A detailed review and approval process was one of the minor amendments. A phasing plan was established, ranging from the year 2006 until 2012. While the phasing plan has not expired, it needs revision because phase one was supposed to have been completed in 2006.

Section 44.4.5 of the Comprehensive Zoning Ordinance allows the BOCC, at their discretion, to revoke approval of or propose a major amendment to the PUD development plan if construction falls more than one year behind the approved schedule, or if construction exceeds 15 years. This same section also allows justifiable extensions to be granted.

Speaking on behalf of Cecils Mill, LLC, the current owner of the property, and St. John Properties, Inc., the developer, Mr. McKissick provided additional background and current status of the PUD:

- PUD development plan approved by the BOCC in August of 1990. At that time, Bobby Dean was the property owner. Subsequently, two parcels were developed and are currently being operated as a concrete plant by Southstar (aka Chaney Enterprises, Inc.).
- Cecils Mill, LLC acquired the property in September 2003. At that time, the owner conducted due diligence to ascertain that the PUD was still in good standing and the development plan in effect and was advised it was.
- In 2004, there had been a series of engineering and design enhancements requiring minor amendments to the PUD. At the 2004 hearing, the Planning Commission accepted the all of the PUD minor amendments. Also, at that time the phasing schedule was revised (phasing schedule to help ensure adequate public facilities). For example, the PUD is not grandfathered against road improvements. The major concern of the Planning Commission in 2004 was the impact on the Rt. 235/Rt. 4 intersection and improvements along the Rt. 235 corridor.
- Once the minor amendments were approved, the developer went into the design phase and started working with SHA, DPW&T, and LU&GM to work out what kind of improvements are necessary. The County has a fee-in-lieu where projects along the Rt. 235 corridor have to pay money to go forward (for road improvements). Also during the design phase, the SHA wanted to look at if there can be addition right-of-way acquired for property owners, resulting in a series of negotiations. A traffic mitigation agreement and phasing plan were also developed that would ensure adequate service was provided for the affected

- roadways. St. John Properties wanted to accelerate the road improvements, requiring additional design work.
- Market conditions changed. St. John Properties had to reconfigure the project so that it was sufficient under current market conditions.

This PUD is in the development district with no residential areas around it, but it is flexible and does allow for mixed-use development. PUDs create their own zoning ordinance. It does not take into consideration the proximity to the airport. Residential use would be considered a major amendment to the PUD.

Ramn Bentez, Development Director for the project, provided an overview of St. John Properties project activities. Mr. Bentez addressed:

- Traffic (long-term vs. short-term), best to implement as much as the project can support.
- Environmental sensitive area (storm water management features designed into the site).
- Time took longer than anticipated (to address traffic and APF)
- Primary focus for the past two years has been to implement the traffic mitigation plan.

Joe Caloggero, Traffic Engineer for the project, provided details on traffic mitigation plans. Major improvements are:

- to widen Rt. 235 from Rt. 4, maintaining the three lane section to Airport Rd.
- Approximately 500 feet north of Oak Crest Drive, Rt. 235 will be widened from two to three lanes (just north of Rt. 4).
- Site access improvements - additional left turn lane into the site (will provide two left turn lanes into the site) and a right turn lane into the site (extended beyond the property).
- Fee-in-lieu will be provided for future improvements at the intersection of Rt. 235/Rt. 4.
- 30% design plans have been submitted to the SHA on April 1, 2008 (awaiting comments).

Additional clarifications:

- The stoplight at the site access will remain at its present location and will be modified to accommodate additional turn signals.
- The current level of service (at the intersection) - 464 trips in the morning, 1100 trips in the evening (provided by John Groeger).
- Square footage reduced 1,000,003 was authorized (original proposal), reduced to 900,000.
- Attempting to relocate the asphalt plant, storm water management taken into consideration (relocating will require a site plan, subject to the most current storm water regulations).
- PUD is going to adhere to the current storm water management regulations (not grandfathered in).

- Highly erosive soils/storm water management is just as big of a concern as transportation.

*Commissioner Dement left the meeting at 11:30 am.*

**DEPT. OF LAND USE & GROWTH MANAGEMENT: REQUEST  
CONCURRENCE WITH WORK PROGRAM ANTICIPATED FOR 2002  
COMPREHENSIVE LAND USE PLAN AMENDMENTS**

Present: Denis Canavan, Director  
Jeff Jackman, Sr. Planner

By law, the Comprehensive Plan: Quality of Life in St. Marys County A Strategy for the 21<sup>st</sup> Century, is required to be updated every six years. To allow for compliance with more recently adopted State legislation, the target date for updating the 2002 Comprehensive Plan, with the concurrence of the State Department of Planning, has been extended until July 2009. A work plan binder, Six Year Review, 2008 2009, was provided to each Commissioner.

Since 2002, new State legislation has taken effect that requires additional elements to be included in the Countys plan:

- HB 2 of 2006 (the Agriculture Stewardship Act) requires a Priority Preservation Element, and it requires that the Sensitive Areas Element of the plan include the topics of agricultural land and forest land intended for resource protection and conservation.
- HB 1141 of 2006 requires a Water Resource Element.
- HB 1160 of 2006 requires a Workforce Housing Element.

The review of the plan must confirm continued compliance with the eight visions of the 1993 Planning Act and with the 1997 Smart Growth Initiatives, including the ten principles of smart growth. It was clarified that the Annual Growth Policy will be documented in the Comprehensive Plan.

Mr. Canavan reviewed the proposed work plan, general tasks and list of interdepartmental participants.

It was requested that representatives from the St. Marys Chamber of Commerce, Farm Bureau, and Southern Maryland Higher Education Center be added to the list of participants and that the 7<sup>th</sup> District be added as a location for community meetings. Mr. Canavan said that he will pursue hiring a facilitator to coordinate and conduct the community meetings.

The question was raised as to potential conflicts with the proposed timeline and July 2009 completion date, particularly in light of the number of meetings needed at the same time the budget process is underway. It was noted that if the completion date slides to a later date, it will impact the subsequent comprehensive rezoning process.

It was stressed that public work sessions for the Planning Commission and the BOCC need to be advertised to the public well in advance. Advertisements should include a notation that the Comprehensive Plan update is required by state law.

**Commissioner Raley moved, seconded by Commissioner Jarboe, to accept the work program as presented by staff to update the Comprehensive Plan and request staff to proceed with the work program as presented. Motion carried 4-0.**

**MOTION TO ADJOURN**

**Commissioner Jarboe moved, seconded by Commissioner Raley, to adjourn. Motion carried 4-0.**

The meeting adjourned at 12:35 pm.

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

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Betty Jean Pasko, Sr. Admin. Coordinator