

**ST. MARYS COUNTY
BOARD OF COUNTY COMMISSIONERS MEETING
CHESEAPEAKE BUILDING
Tuesday, September 23, 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 10:00 am.

ADDITION/DELETION TO AGENDA

Commissioner Russell noted the addition of an Executive Session at 3:45 pm, following the CSM Wellness Center groundbreaking, for the purpose of discussing a Real Property Acquisition matter, specifically, a public facilities site.

The St. Marys County Board of Educations presentation of its Capital Improvements Program will be rescheduled to October 21st. Mr. John Savich said that the Board of Education asked to reschedule to allow for revisiting the CIP in conjunction with receiving the new enrollment figures (Sept. 30th); and added that meeting the States deadline should not be in jeopardy.

MOTION TO ENTER INTO EXECUTIVE SESSION

Commissioner Mattingly moved, seconded by Commissioner Raley, to enter into Executive Session, following the groundbreaking ceremony, for the purpose of discussing a Real Property Acquisition matter, specifically, a public facilities site. Motion carried 5-0.

APPROVAL OF CHECK REGISTER

Commissioner Raley moved, seconded by Commissioner Jarboe, to authorize the Commissioner President to sign the Check Register for checks dated September 23, 2008, as submitted. Motion carried 5-0.

APPROVAL OF MINUTES

Commissioner Russell announced that the minutes of the meeting of September 16, 2008, which include the minutes of the public hearing, will be presented for adoption on September 23, 2008.

Commissioner Jarboe moved, seconded by Commissioner Dement, to adopt the minutes of the Commissioners meeting of September 9, 2008, as amended. Motion carried 5-0.

COUNTY ADMINISTRATOR

1. Draft Agendas for Sept. 30 and October 7, 2008
2. **Sheriffs Office** (*Erin Shoemaker, Fiscal Manager; Bonnie Lancaster, Fiscal Specialist*)

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign the budget amendment, increasing the grant reserve for US0915 by \$25,805, to reflect that a grant budgeted was not received. Motion carried 5-0.

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

Commissioner Mattingly moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to execute the Temporary Railroad Right-of-Way Easement Agreement for the construction of a sewer main to the proposed Park Place project, to be located on the northbound side of Route 235 in California. Motion carried 5-0.

4. **Dept. of Economic and Community Development** (*Robin Finnacom, Dir., Lexington Park Plan; Scott Rowan, Director of Operations/Secretary, SMARTCO*)

Commissioner Dement moved, seconded by Commissioner Jarboe, to approve and sign the resolution in support of SMARTCOs application to the Maryland Department of Housing and Community Development for an allocation of tax credits for business entities under the Community Investment Tax Credit Program, with an Effective Date of October 7, 2008. Motion carried 5-0.

5. **Dept. of Human Services** (*Cynthia Brown, Mgr., Div. of Community Services; Swynice Hawkins, President, So. MD Tri-County Community Action Committee, Inc.*)

Commissioner Dement moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to sign the Emergency Food Assistance Program Grant Memorandum of Understanding, in the amount not to exceed \$24,000 for three years (\$8,000 per year), as a pass-through to the

Southern Maryland Tri-County Community Action Committee, Inc.; and also to sign the Sub-Recipient Agreement. Motion carried 5-0.

Motion pertains to the sub-recipient agreement with the Southern Maryland Tri-County Community Action Committee, Inc., related to Emergency Food Assistance Program Grant Agreement.

- 6. Dept. of Public Safety** (*David Zylak, Director; Michelle Lilly, Emergency Mgmt. Mgr.*)

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to execute the sub-recipient agreement with the Town of Leonardtown allowing the pass-through of funding, in the amount of \$62,000, from the Maryland Emergency Management Agency (MEMA), FFY2007 Homeland Security Grant program (Critical Infrastructure Protection), to the Town of Leonardtown in support of acquiring a generator to protect the towns water source; and to sign the related budget amendment realigning funds in support of the sub-recipient agreement. Motion carried 5-0.

- 7. Dept. of Finance** (*Elaine Kramer, CFO; Jeannett Cudmore, Deputy Director*)

Commissioner Raley moved, seconded by Commissioner Dement, to approve the budget calendar for FY2010, as presented. Motion carried 5-0.

- 8. County Administrator** (*John Savich*)

(Elaine Kramer, CFO; George Erichsen, P.E., Director, DWP&T)

Commissioner Raley moved, seconded by Commissioner Jarboe, to authorize staff to take the necessary steps to reject all bids and to contact the appropriate State officials to determine whether current State/Federal monies may be utilized for the redesign and/or construction of a new project within the specified funding limitations. Motion carried 5-0.

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign the Community Health Advisory Committee Bylaws Revision dated September 10, 2008. Motion carried 5-0.

Commissioner Mattingly moved, seconded by Commissioner Raley, to appoint Mary Ann Murray, Ray Wernecke, and Joe Densford to serve as the Board of County Commissioners appointments to the 2008 Elected Officials Compensation Review Commission. Motion carried 3-2. Commissioners Jarboe and Dement voted no.

St. Marys County Legislative Delegation Appointments to the Compensation Commission are Judith Hewitt Sterling and Beverly Bailey. St. Marys County

Democratic Central Committee Appointment is Betty Currie. St. Marys County
Republican Central Committee Appointment is Doug Ritchie.

**DEPARTMENT OF LAND USE AND GROWTH MANAGEMENT:
PRELIMINARY REVIEW OF REQUEST FOR TWO ACCESS DRIVES TO
CROSS THE BOARD OF COUNTY COMMISSIONERS RIGHT-OF-WAY IN
THE NORTHWEST CORNER OF RT. 4 AND RT. 235 INTERSECTION TO
SERVE THE FUTURE MARKETPLACE DEVELOPMENT**

Present: Denis Canavan, Director, LU&GM
Christy Chesser, County Attorney

The preliminary review and Board discussion was sought to provide LU&GM and the applicants a better understanding/guidance as to the acceptance or reluctance to the concept of two driveways crossing the BOCC right-of-way. The request for concept plan is currently before the Planning Commission. The State Highway Administration (SHA) has granted approval of the concept plan, noting that future construction of the interchange of MD Routes 4 and 235 may require adjustments to access into St. Marys Marketplace.

The applicant is proposing to raze the existing strip commercial development, known as the Baycenter Shopping Center and the Pearl Vision store that fronts on Rt. 235, just north of the Rt. 4 intersection, and dedicate the land to the SHA. This dedication of land, all on the Rt. 235 side of the BOCC right-of-way, is for purposes of future Rt. 235/Rt. 4 road/intersection improvements yet to be finalized by the SHA. In addition, the applicant intends to remove the existing mobile home park and construct a 121,242 square foot shopping center (with 516 parking spaces). Access to the commercial development is desired from the three sides; i.e., two driveway entrances from Rt. 235, one from Rt. 4 (St. Andrews Church Road), and two from future FDR Boulevard. This portion of FDR Boulevard will be constructed by the applicant and dedicated to the County and will link with the constructed portion to the north, which connects to Rt. 235 (1.8 acres).

Mr. Canavan reviewed exhibits displaying an aerial photograph (with the existing curve cuts outlined) of the existing Rt. 235/Rt. 4 intersection and of the proposed commercial development that were included with the staff report.

Discussion notes:

It was confirmed by Ms. Chesser that the BOCC can impose easement conditions.

As recollected by the Board, First Colony is the only other area where two crossings have been permitted.

There is currently no contingency plan for a parallel service road (a parallel service road was noted in the SHA letter to Mr. Canavan).

The intersection of Rt. 235 / Rt. 4 is one of the worst in the County; there is concern for safety implications. The southern most curb cut is 700 feet from the intersection (State requires 750 for a full intersection). However, it was

noted, the design will reduce the number of cars going through the intersection.

It was clarified that a dedicated right turn lane will be added to Rt. 4 (to prevent traffic stacking). It was questioned if this is a type of condition (keeping the dedicated right turn lane) that the BOCC could impose. Like with Hughesville (by-pass), the State could take the right-of-way.

Commissioner Raley moved to direct staff to proceed with the Marketplace Development Plan for review of all appropriate agencies both on state and county levels and by SMECO with the following stipulations: 1. The future request for crossing the Board of County Commissioners right-of-way will be brought back to the Board of County Commissioners after it has been thoroughly reviewed by appropriate agencies on both state and county levels and by SMECO; 2. The final approval of the crossing of the Board of County Commissioners right-of-way is at the discretion of the Board of County Commissioners; and, 3. Any approval to grant the two proposed right-of ways will be contingent on the elimination of the right-in and right-out as proposed on Route 4 between the intersection of Route 4 and Route 235 and the intersection of FDR Boulevard and Route 4. The motion made by Commissioner Raley was not seconded.

Commissioner Mattingly moved to direct staff to proceed with the Marketplace Development Plan for review of all appropriate agencies both on state and county levels and by SMECO with the following stipulations: The future request for crossing the Board of County Commissioners right-of-way will be brought back to the Board of County Commissioners after it has been thoroughly reviewed by appropriate agencies on both state and county levels and by SMECO; and, The final approval of the crossing of the Board of County Commissioners right-of-way is at the discretion of the Board of County Commissioners; and, that a recommendation of this Board for the Planning Commission review and staff review of this proposal make special emphasis and note of the preservation of the right-of-way for the dualization of MD Rt. 4. The motion made by Commissioner Mattingly was not seconded.

Commissioner Jarboe moved that staff not proceed with the railroad right-of-way with easements regarding Marketplace Development. The motion made by Commissioner Jarboe was not seconded.

Mr. Canavan said he appreciated the discussion, plans to proceed with concept plan (before the Planning Commission), and reiterated that no access (off Rt. 235) will be granted before coming back to the BOCC for a vote. It was noted by Commissioner Mattingly, with concurrence from Mr. Canavan, that if the project doesnt get BOCC approval for a right-of-way crossing, it can conceivably get SHA / Planning Commission approvals and move forward with accesses off of Rt. 4 and FDR Boulevard (none off of Rt. 235) without coming back to the BOCC.

**DEPT. OF ECONOMIC & COMMUNITY DEVELOPMENT: CELEBRATE 375
MARKETING CAMPAIGN AND PROPOSED REQUEST TO THE GOVERNOR
FOR ASSISTANCE WITH COORDINATING AND IMPLEMENTING THE
CELEBRATE 375-CELEBRATE STATE EMPLOYEES PROGRAM**

Present: Bob Schaller, Director
Carolyn Laray, Tourism Manager
Sue Wilkerson, Director of Communications, St. Marys College

With support from several tourism and hospitality industry representative in attendance, the presenters briefed the Board on the Celebrate 375 marketing campaign and requested the Board sign a consent letter to Governor OMalley requesting assistance with coordinating and implementing a program to foster awareness of St. Marys County and the 375th anniversary of the States founding among state employees.

Commissioner Dement moved, seconded by Commissioner Mattingly, to approve and sign the proposed letter to the Governor requesting assistance with coordinating and implementing a program to foster awareness of St. Marys County and the 375th anniversary of the states founding among our state employees. Motion carried 5-0.

COMMISSIONERS TIME

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

**JOINT BOARD OF COUNTY COMMISSIONERS AND BOARD OF
EDUCATION MEETING TO SIGN RESOLUTION REGARDING ENERGY
MANAGEMENT AND CONSERVATION**

The joint Board of County Commissioners (BOCC) and Board of Education (BOE) meeting commenced at 2:00 pm and was held in the meeting room at the Chesapeake Building, 41770 Baldrige St., Gov. Center Campus.

Board of Education members and St. Marys County Public Schools (SMCPS) staff present:

Mr. William M. Mattingly, Chairman, Board of Education
Ms. Cathy Allen, Vice Chair
Dr. Salvatore L. Raspa, Member
Mrs. Mary M. Washington, Member
Dr. Michael J. Martirano, Secretary/Treasurer and Superintendent, SMCPS
Bradley J. Clements, Chief Operating Officer

Mr. George Erichsen, Director, Dept. of Public Works and Transportation, was also present.

Mr. Savich and Dr. Martirano provided background information on the development of the joint resolution. Mr. Clements and Mr. Erichsen provided additional information about the resolution and the Energy Management and Conservation Action Plan and provided some specific examples that are in place and the resultant cost/energy savings.

The Board of County Commissioners for St. Marys County and the Board of Education of St. Marys County are jointly committed to the environment through the efficient use of energy, recycling, and use of environmentally friendly products. In an effort to preserve the environment of St. Marys County for present and future generations, the BOCC and the BOE have established a comprehensive approach to the efficient use of energy through energy management and conservation action plans with an emphasis on maximizing the materials recycled. The plan will also include commitment to the environment through the procurement and efficient use of environmentally friendly and recycled products and a commitment to seeking new and innovative technologies in building renovations, maintenance and new construction that support sustainable designs.

Commissioner Jarboe moved, seconded by Commissioner Dement, to appoint George Erichsen, Director, St. Marys County Dept. of Public Works and Transportation, as St. Marys County Energy Manager to serve as a link to facilitate the conservation and management of resources. Motion carried 5-0.

Mr. John Savich read the Resolution.

Commissioner Mattingly moved, seconded by Commissioner Jarboe, that the Board of County Commissioners and County Administrator sign the Joint Resolution which commits the Board of County Commissioners and the Board of Education to comprehensively approach the efficient use of energy through energy management and conservation plans with emphasis on modifying behaviors through education. Motion carried 5-0.

EVENT

Beginning at 3:00 pm, the Board of County Commissioners and the County Administrator attended the groundbreaking ceremony for the College of Southern Maryland's Wellness Center at the Leonardtown Campus.

EXECUTIVE SESSION:

Real Property

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
Christy Chesser, County Attorney
Phil Rollins, Director, Recreation and Parks
Liz Passarelli, Real Property Manager
Dr. Michael Martirano, Superintendent of SMCP
Bradley J. Clements, COO, SMCP
Donna Gebicke, Recorder

Authority: Article 24, Section 4-210(a)11
Time Held: 4:08 pm 4:35 pm
Subject Discussed: Potential public facilities properties.

ACTION FROM EXECUTIVE SESSION (Motion taken in open session)

Commissioner Raley moved, seconded by Commissioner Dement, to proceed as discussed in Executive Session regarding property acquisition for public facilities sites. Motion carried 4-0. (Commissioner Mattingly was not present for the vote.)

ADJOURNED

The meeting adjourned at 4:40 pm.

Minutes Approved by the Board of County Commissioners on _____

Betty Jean Pasko, Sr. Admin. Coordinator

