

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
GOVERNMENTAL CENTER
Tuesday, December 13, 2005**

Present: Commissioner President Thomas F. McKay
Commissioner Kenneth R. Dement
Commissioner Lawrence D. Jarboe
Commissioner Thomas A. Mattingly, Sr.
Commissioner Daniel H. Raley
John Savich, Director, Department of Economic & Community
Development
(representing George Forrest, County Administrator)
Susan J. Wolfe, Acting Senior Administrative Coordinator (Recorder)

Susan Wolfe recorded the following meeting minutes:

“STUFF-A-BUS” EVENT

From 8:00 – 9:30 a.m., the Commissioners distributed food items donated for needy families by St. Mary's County citizens on December 9-12, to the St. Mary's Caring Soup Kitchen, Lexington Park, and the St. Paul's United Methodist Church Loaves and Fishes Ministry (food pantry), Leonardtown. Over 4000 lbs. of non-perishable foodstuffs were delivered.

CALL TO ORDER

The meeting was called to order at 10:15 a.m.

APPROVAL OF CHECK REGISTER

Commissioner Mattingly moved, seconded by Commissioner Raley, to authorize the Commissioner President to sign the Check Register. Motion carried, 5-0.

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve the minutes of the Commissioners Meeting of December 6, 2005, as amended. Motion carried, 5-0.

PRESENTATION OF A PRINT BY GEORGE MC WILLIAMS OF THE ST. CLEMENT'S ISLAND LIGHTHOUSE BY ST. CLEMENT'S 100 (*Richard Gass, Chair, and members*)

John Model and Bo Bailey)

Mr. Richard Gass, Chair, St. Clement's 100, presented a framed print of the St. Clement's Island Lighthouse, originally painted by George McWilliams, to the Board of County Commissioners. He also provided a brief history of the Lighthouse and the plans to build the new Lighthouse.

COUNTY ADMINISTRATOR

John Savich, Director of Economic Community & Development, represented George Forrest, County Administrator

1. Draft Agenda for December 20, 2005 *(There will be no meetings on December 27, 2005, or January 3, 2006)*
2. **Department of Public Works and Transportation** *(George Erichsen, Director)*

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign the Public Works Agreement Addendum for McIntosh Estates Subdivision, Section 1, located in the 6th Election District. Motion carried, 5-0.

3. Department of Land Use & Growth Management

- a. *(Denis Canavan, Director, and Phil Shire, Planner)*

Commissioner Dement moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign the proposed instrument of final transfer for 12 transferable development rights (TDR's) for six (6) additional lots in the RPD zone: Case File #04-120-016, Heritage Manor Subdivision containing 24 lots, in accordance with Chapter 26 and Schedule 32.1 of the Comprehensive Zoning Ordinance. Motion carried, 5-0.

- b. *(Denis Canavan, Director, and Phil Shire, Planner; John Groeger, Department of Public Works & Transportation; John Norris, County Attorney)*

Commissioner Raley moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to sign the final TDR instruments (93 TDRs total) for 92,226 square foot addition to existing Wal-Mart store, Wal-Mart Sit Plan File #03-132-017, and to authorize the Commissioner President to sign said documents, and further moved that the traffic mitigation program and agreement be presented to the Board of County

Commissioners for approval once signed by the applicant in File #03-132-017. Commissioner Jarboe abstained. Motion carried, 4-0.

Commissioner Jarboe abstained from participation in the discussion and voting and left the meeting because his re-election campaign treasurer would benefit from the sale of the largest group of the TDR's involved in the proposed action.

Commissioner President McKay asked about the calculation for the number of TDR's, specifically the concrete pad with chain link fence to be used for compressor houses and a fenced area with a slab in front of the building with a fixed canopy which are contiguous to the expanded space. Mr. Canavan said it is not floor space or part of the building "footprint" but could be recalculated into the total space. Staff will examine this issue, specifically the need for TDR's.

Commissioner Raley asked how many acres are involved with the total TDR's. Mr. Canavan estimated 255 acres of RPD land to be preserved. He also asked the size of the Wal-Mart structure.

Mr. Canavan responded that the addition is 92,226 sq. ft., so the total space will be over 208,000 sq. ft. Commissioner Raley then asked John Groeger, Department of Public Works & Transportation, about the two main intersections that serve the Wal-Mart store and their current level of service. The intersections in the afternoon are close to failing. They discussed the issue of safety with failing intersections. He asked Mr. Canavan what is the next step in the process. Mr. Canavan said it is approval of the traffic mitigation study. He asked if the Board could review the study.

Commissioner President McKay followed up on Commissioner Raley's discussion with Mr. Groeger and pointed to a December 15, 2005, email from Mr. Groeger discussing the failing Md 235 intersections, including comments on the Wal-Mart project. He affirmed that the Board of County Commissioners should review the traffic mitigation study for the project. He noted the citizens of St. Mary's County just spent \$70 million to improve the Md 235 corridor. A discussion is needed about the Zoning Ordinance and its legal limits to require mitigation. Mr. Canavan will bring the mitigation program to the Commissioners for further discussion.

Commissioner Raley referenced an October 31, 2005, letter from William McKissick, counsel to Wal-Mart, citing two remaining administrative items, but there is a traffic mitigation plan that needs to be included. Mr. Shire said the site plan is approvable unless the traffic mitigation project amends the plan. Commissioner Raley stated that his concerns are not with Wal-Mart, but with the fact that a large retail structure will be served by one or more failing intersections.

Commissioner Mattingly said he would support the motion but acknowledged that the Zoning Ordinance is a guide and should be considered an evolving document and reviewed by the Board of County Commissioners on a regular basis. He believed that all these issues should be affirmed by staff, the Planning Commission, etc. before they are

brought to the Commissioners for approval, as well as for timely revisions to the Zoning Ordinance.

4. Office of the County Attorney and Department of Recreation, Parks & Community Services (*John Norris; Phil Rollins*)

Commissioner Raley moved, seconded by Commissioner Jarboe, to authorize the Commissioner President to sign the Railroad Right-of-Way Temporary Easement Agreement with SMECO and Wal-Mart Real Estate Business Trust for the purpose of the construction of a portion of the Three Notch Trail, on a portion of the railroad right-of-way which adjoins property owned by Wal-Mart, in accordance with the design and specifications of the St. Mary's County Department of Recreation, Parks & Community Services. Motion carried, 5-0.

HOSPICE PRESENTATION AND REQUEST FOR PAGE PROPERTY TO BE USED FOR HOSPICE HOME (*Christine Wray, President & Chief Executive Officer, St. Mary's Hospital; Kathy Franzen, Assistant Director, Hospice of St. Mary's; Jan Barnes, Chair, Board of Directors, Hospice of St. Mary's; John Norris, County Attorney*)

Ms. Wray provided a brief history of the concept development for a hospice house for St. Mary's County. The business plan was presented to the St. Mary's Hospital Board of Directors in September 2005 and was approved with one caveat, i.e., final costs, if any, of the land for the house.

Kathy Franzen spoke about what a hospice house is and whom it would serve. She described the preliminary concept drawing for the planned six bedroom hospice house. Ms. Barnes said that the Hospice Board of Directors is looking for a site within a ten mile radius of the hospital. The Board hopes to open the house by fall 2007 and there is a capital campaign underway for the next year. They identified the forfeited Page property as an alternative site. On behalf of the Board of Directors of St. Mary's Hospice, she asked the Commissioners to donate the Page property to Hospice for the hospice house.

Commissioner Mattingly moved, seconded by Commissioner Dement, to approve and sign the resolution to convey the forfeited property of Jeffrey Page to St. Mary's Hospital and to approve and authorize the Commissioner President to sign the quit claim deed. Motion carried, 5-0.

COMMISSIONERS TIME

Commissioner Raley

Requested John Savich to make George Forrest aware that there is illegal dumping occurring on land given by the County to the Tri-County Community Action on Willows Road. He requested that a barricade be stationed to prevent further dumping.

Expressed appreciation to the Leonardtown commissioners for their recent open house.

Received call from Joe St. Clair and 8-9 other County residents as they delivered almost 1,100 boxes of Christmas presents and \$50,000 in donations to the children and their families in D'Iberville, Mississippi.

Commissioner Dement

Attended the St. Mary's Nursing Home Tree of Remembrance event.

Presented proclamation on behalf of the Board of County Commissioners to Susan McMillin, retiring Assistant Executive Director, Charlotte Hall Veterans' Home.

Aquired proclamation of behalf of the Board of County Commissioners to Charlene Taylor, retiring director of Hospice of St. Mary's. It will be presented to her by Christine Wray, President & Chief Executive Officer, St. Mary's Hospital.

Attended "Inspecting Carol" at the Three Notch Theatre.

Attended the Ridge Volunteer Rescue Squad installation and awards ceremony.

Commissioner Mattingly

Attended the Three Oaks Center graduation for culinary students.

Attended Tonja Frazier-Jenkins goodbye party as she leaves the St. Mary's County Housing Authority.

Attended the St. Mary's County Hospice Tree of Lights.

Attended a briefing on the proposal for the Tudor Hall project in Leonardtown. He recommended that a similar presentation be provided to the Board of County Commissioners at a future meeting.

Commissioner Jarboe

Attended "Inspecting Carol" at the Three Notch Theatre.

Expressed Christmas greetings to all citizens.

Commissioner President McKay

Attended the investiture of the newly appointed District Court Judge, Bobby Riddle, who will serve Calvert and St. Mary's counties. Judge Riddell will be sitting two days a week in St. Mary's County.

Advised citizens that the new K-12 Educational channel (Channel 96) will become operational on December 14. Board of Education meetings and K-12 educational programs will be featured.

VOTE TO MOVE INTO EXECUTIVE SESSION

Commissioner Raley moved, seconded by Commissioner Dement, to move into Executive Session to discuss matters of personnel as provided for in Article 24, Section 4-210(a)(1). Motion carried, 5-0.

EXECUTIVE SESSION

Personnel

Present: Commissioner Thomas F. McKay, President
Commissioner Kenneth Dement
Commissioner Lawrence D. Jarboe
Commissioner Thomas A. Mattingly, Sr.
Commissioner Daniel H. Raley
John Savich, Director, Economic & Community Development,
(representing
George Forrest, County Administrator)
George Forrest (via conference call for a portion of the discussions)
John B. Norris, III, County Attorney (for portions of the discussions)
Delores Lacey, Boards and Commissions Coordinator (for Boards and
Commissioners
discussion only)
Donna Gebicke, Administrative Assistant, Recorder

Authority: Article 24, Section 4-210(a)1

Time Held: 12:55 pm – 4:12 pm

Action taken: The Commissioners discussed employment contracts and boards and commissions.

ACTION FROM EXECUTIVE SESSION

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to direct staff to proceed as discussed in Executive Session on matters relating to personnel. Motion carried 5-0.

ADJOURNMENT

The meeting adjourned at 4:14 p.m.

Minutes approved by the Board of County Commissioners on _____

Susan Wolfe, Acting Senior Administrative Coordinator