

**ST. MARY'S COUNTY  
BOARD OF COUNTY COMMISSIONERS' MEETING  
GOVERNMENTAL CENTER  
Tuesday, March 13, 2007**

**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, Senior Admin. Coordinator (Recorder)

The Board of County Commissioners' meeting was called to order at 9:30 AM.

**APPROVAL OF CHECK REGISTER**

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

**APPROVAL OF MINUTES**

**Commissioner Raley moved, seconded by Commissioner Jarboe, to adopt the minutes of the Commissioners' meeting of March 6, 2007, as presented. Motion carried 5-0.**

**PROCLAMATION: DISABILITY AWARENESS MONTH** (*Commission for People with Disabilities*)

Present: Cathy Zumbun, and other Commission for People with Disabilities members

The Board of County Commissioners proclaimed March 2007 as "Disabilities Awareness Month" and urged all citizens in St. Mary's County to recognize the full potential of individuals with disabilities and to work toward their full integration into our community and called upon Government officials, educators, employers, and all citizens to observe this month with appropriate programs and activities.

The "High Hopes for Everyone" Disability Awareness Day event, sponsored by Recreation Parks and Community Service, is March 24, 2007, 1:00 – 4:00 PM, at the Leonard Hall Recreation Center.

**UPDATE ON PATUXENT RIVER ACTIVITIES**

Present: Vice Admiral Dave Venlet, Commander, Naval Air Systems Command  
Rear Admiral Steven Eastburg, Commander, Naval Air Warfare Center, Aircraft  
Division Capt. Glen Ives, Commanding Officer, PAX River

Vice Admiral Venlet reaffirmed NAS Patuxent River's partnership with the community and County officials. Programs that support "live where you work," encroachment protection, and educational opportunities were cited by Vice Admiral Venlet as examples of efforts that "make

St. Mary's the right place for highly technical national defense work, now and long into the future." The Board also expressed their commitment to Patuxent River and its importance, not only to the County, but to the state of Maryland.

Patuxent River is home to the Naval Air Systems Command headquarters and the Naval Air Warfare Center Aircraft Division (NAWCAD). NAVAIR's Aircraft Division at Patuxent River (including Webster Field Annex) is the Navy's principal research, development, test, evaluation, engineering and fleet support activity for manned and unmanned aircraft, engines, avionics, aircraft support systems and ship/shore/air operations.

Captain Ives said the number one issue is to protect the Base from over development. Captain Ives also stated the 1998 Environmental Impact Statement is the most accurate and current noise data that the Navy presently has to assist in the planning of future development.

Other discussion included encouraging the Base to pursue use of bio-fuel and the Base's plans to setup a "buddy system" for local military returning from active duty in Iraq.

#### **STUDENT PRESENTATIONS: GEORGE CRAGG HOPKINS, JR., ARTS ENDOWMENT SCHOLARSHIP PARTICIPANTS**

Present: Lynne Morgan Smoot, Supervisor of Instruction for Fine Arts  
Joe Mitchell

George Cragg Hopkins, Jr., who was an art teacher in the St. Mary's County school system, granted three \$5000 scholarship awards (one to each County public high school) for a ten-year period. In celebration of Youth Art Month, and the fifth year for the George Cragg Hopkins, Jr. scholarship, the following students were recognized; each presented two of their artwork examples and received a Commendation from the Commissioners:

|                    |                         |
|--------------------|-------------------------|
| Adrienne Buckler   | Chopticon High School   |
| Alyssa DeGroat     | Chopticon High School   |
| Eve Moyle          | Great Mills High School |
| Christopher Walker | Great Mills High School |
| Josephine Gaido    | Leonardtown High School |
| Allison Shafer     | Leonardtown High School |

#### **COUNTY ADMINISTRATOR**

1. Draft Agendas for March 20 and 27, 2007

2. **Department of Public Works and Transportation** (*George Erichsen, P.E., Director*)

**Commissioner Raley moved, seconded by Commissioner Jarboe, that the Board of County Commissioners approve the Public Works Agreements and the Public Works Agreement Addendums that are cited in Mr. Erichsen's memo to the BOCC dated March 7, 2007, and, to approve the Resolution accepting Feather Court, Gosling Court, and Gander Court, located in the Wild Goose Crest subdivision, into the County's Maintenance System, and to approve the Resolutions to post the 25 mph speed limit and stop signs. Motion carried 5-0.**

*Mr. Erichsen's memo outlined the following:*

- A. *Public Works Agreement for Lighthouse Commons Subdivision, Phase 1, located in the 2<sup>nd</sup> Election District, with an expiration date of March 1, 2008.*
- B. *Public Works Agreement for Hanover at Breton Bay Subdivision, Phase 1, located in the 3<sup>rd</sup> Election District, with an expiration date of January 1, 2008.*
- C. *Public Works Agreement for Forrest Farm Subdivision, Section 3, Phase 8, located in the 3<sup>rd</sup> Election District, with an expiration date of February 1, 2008.*
- D. *Public Works Agreement for the Continued Maintenance and Repair for Wild Goose Crest Subdivision, located in the 5<sup>th</sup> Election District, with an expiration date of December 1, 2007; Resolutions accepting Feather Court, Gosling Court, and Gander Court, located in the Wild Goose Crest Subdivision, into the County maintenance system, and to post 25-mph speed limit and stop signs on said roads.*
- E. *Public Works Agreement for McIntosh Subdivision, located in the 6<sup>th</sup> Election District, with an expiration date of April 1, 2008, and Sight Distance Easement Declaration for property which lies adjacent to the McIntosh Subdivision,.*
- F. *Public Works Agreement for Pembroke Subdivision, Section 1, located in the 8<sup>th</sup> Election District, with an expiration date of March 1, 2008.*
- G. *Public Works Agreement for Columbia Colony at First Colony Subdivision, located in the 8<sup>th</sup> Election District, with an expiration date of July 1, 2008.*

3. **St. Mary's County Public Schools** (*Daniel L. Carney, CFO; Marilyn Mathes, Director of Special Education*)

**Commissioner Raley moved, seconded by Commissioner Mattingly, to approve the FY2007 request for Categorical Changes, as presented on the enclosed attachment from the Superintendent of Schools dated February 15, 2007, which was also approved by the Board of Education on February 14, 2007. Motion carried 5-0.**

**Commissioner Mattingly moved, seconded by Commission Dement, to approve including the Enhancing Student Success in High School Assessments Grant in the amount of \$59,312 into the Board of Education's FY2007 Approved Budget and to sign the related consent letter. Motion carried 5-0.**

#### 4. **County Administrator** (*John Savich, County Administrator*)

Regarding the Form of Government Task Force (Re: BOCC 3/7/07 meeting), Mr. Savich presented the proposed scope; i.e., “To evaluate the forms of government for St. Mary’s County as allowed under Maryland law and recommend one of the three courses of action to the Board of County Commissioners: no change, proceed with the process for a referendum on adoption of Code Home Rule, or proceed with the process for development of a charter and a referendum on adoption of Charter government.

There was general agreement on the proposed number of members; i.e., 15. The membership composition recommended by Mr. Savich was: five regional representatives, three – five business representatives, and three – five civic group representatives). Commissioner Raley suggested having a representative from the Democratic Central Committee and from the Republican Central Committee.

A report with recommendations to the BOCC should be finalized within 90 days. Task Force members will select the Chair and the Vice Chair at the first meeting. After the first meeting and the Chair and Vice Chair have been selected, then the 90 day clock with start).

The Commissioners are to have membership names by next week.

#### **APPOINTMENTS TO RURAL PRESERVATION DISTRICT TASK FORCE**

Present: John Savich, County Administrator

As a follow-up to the March 7, 2007 BOCC discussion, the following individuals were named by the Commissioners to serve on the task force:

Phil Dorsey (*Commissioner Raley*)  
James “Bubby” Norris (*Commissioner Jarboe*)  
Merl Evans (*Commissioner Mattingly*)  
John Parlett (*Commissioner Dement*)  
Robin Hahnel (*Commissioner Russell*)

The charge of the advisory task force is to make recommendations regarding effectively protecting land in the Rural Preservation District (RPD) that is of great agricultural and/or environmental value. There was a general consensus for supporting developing a voluntary agriculture overlay (zone), with incentives to participate.

**Commissioner Raley moved, seconded by Commissioner Jarboe, to form a citizen task force to recommend effective ways to protect land in the Rural Preservation District that is of great agricultural and/or environmental value. Motion carried 5-0.**

## **COMMISSIONER'S TIME**

#### Commissioner Dement

Along with wife, toured the camp at Riverview (Scotland); very positive impression.  
Attended, along with Commissioner Raley, the Kings Christian Academy fundraiser gospel concert.  
Stopped by the Farm Bureau Annual Banquet.  
On behalf of the BOCC, presented Proclamations to Pop Morris in celebration of his 80<sup>th</sup> birthday and to Jack and Peggy Tippet for their 40<sup>th</sup> anniversary.

#### Commissioner Mattingly

Condolences to the Harry Koehler family.  
Attended the Special Olympics benefit concert at Hollywood.  
Went to Annapolis on Saturday, with other individuals from the County, to testify on the various bond bills.  
Extended happy birthday to grandson, Cameron.

#### Commissioner Raley

Congratulations to Ms. Rhonda McCarthy, of Leonardtown High School, for receiving the 2007 Agnes Meyer Teaching Award presented by the Washington Post.  
Also offered congratulations to the Kings Christian Academy for their concert and recognized their expansion and development.  
Also went to the Farm Bureau banquet.

#### Commissioner Russell

Welcomed back Delores Lacey, of the Public Information Office.

### **EMERGENCY SERVICES COMMITTEE (ESC): BRIEFING AND REQUEST TO ADOPT ORDINANCE TO REQUIRE THE INSTALLATION OF AN APPROVED RESIDENTIAL FIRE SPRINKLER SYSTEM IN ALL NEW AND ONE AND TWO FAMILY DWELLINGS**

Present: Keith Fairfax, Chair of the Emergency Services Committee  
Ferd Reetz, Secretary, Emergency Services Committee  
Several members representing the St. Mary's County Fire Departments, Rescue Squads, and ALS Unit and the State Fire Marshal's Office

A video demonstrating the significance and importance of sprinkler systems in terms of minimizing fire damage and saving lives was presented, followed by a PowerPoint presentation outlining safety and economic issues.

The ESC requested that the Commissioners adopt an ordinance/building code amendment that would require the installation of an approved Residential Fire Sprinkler System in all new one and two family dwellings, including manufactured homes delivered or built within St. Mary's County for which a building permit is issued on or after a certain date.

Discussion included how a sprinkler system could be installed and functional for Amish and Mennonite communities. Commissioner Jarboe suggested that a presentation/demonstration be held at the Charlotte Hall Visitor's Center.

Commissioner Raley requested that the County Attorney's Office determine whether St. Mary's County has the enabling authority to enact a property tax credit to help offset the costs for home owners who install a sprinkler system and if so, to advise the Board of the process. There was discussion on costs relative to those on central water and not on central water, plumbing requirements, permits, certifications, installation and inspections, and the process for adopting the amendment, i.e, via the Building Code and/or the Zoning Ordinance. It was requested that LU&GM (Denis Canavan / Adam Knight) provide this specific information to the Board. It was requested that these tasks be conducted in parallel; documents can be drafted before the Public Hearing.

**Commissioner Mattingly moved, seconded by Commissioner Dement, to direct staff to begin to prepare the necessary language for public presentation for a draft Ordinance to require residential fire sprinkler systems in all new one and two family dwellings, including manufactured homes delivered or built within St. Mary's County for which a building permit is issued, and the date will be determined. Motion carried 5-0.**

*Commissioner Jarboe indicated that he supports the motion, with an exemption, and reiterated concern for homes off the electrical grid system or those who may have some religious prohibitions or concerns.*

The Commissioners attended a fire sprinkler demonstration at the Leonardtown VFD.

## **MOTION TO ENTER INTO EXECUTIVE SESSION**

**Commissioner Mattingly moved, seconded by Commissioner Raley, to enter into Executive Session for the purpose of discussing Real Property Acquisition. Motion carried 5-0.**

## **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  
Christy Chesser, County Attorney  
Liz Passarelli, Real Property Manager  
Donna Gebicke, Administrative Assistant to the BOCC, Recorder

Authority: Article 24, Section 4-210(a)11

Time Held: 1:35 pm – 1:41 pm

Action Taken: The Commissioners discussed real property acquisition matters.



## **ACTIONS FROM EXECUTIVE SESSION**

**Commissioner Raley moved, seconded by Commissioner Jarboe, as a result of the Executive Session, to authorize the Commissioner President to direct staff to execute the contract of sale and related tax document regarding the purchase of the FDR Boulevard 60-foot right-of-way from the 235 Partnership. Motion carried 5-0.**

**Commissioner Raley moved, seconded by Commissioner Dement, to authorize staff to sign the Contract of Sale and related closing document regarding the purchase of 22139 Pegg Road from Golden West Way Construction, Inc. for the purpose of securing land for the FDR project. Motion carried 5-0.**

## **FY 2008 BUDGET WORK SESSION**

The meeting was adjourned and the Board reconvened to hold a FY2008 Budget Work Session.

## **JOINT PRESENTATION TO THE BOARD OF COUNTY COMMISSIONERS AND THE PLANNING COMMISSION: MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION (MALPF) - AGRICULTURE LAND PRESERVATION**

Present: Board of County Commissioners and Planning Commission Members

Presenters: Joseph Tassone, Maryland Department of Planning, Coordinator,  
Agricultural

Certification Program

James Conrad, Executive Director, MALPF

Daniel Rosen, Planner, Md. Dept. of Planning

Messrs. Tassone and Conrad's January 29, 2007, letter to St. Mary's County's Agricultural Manager and Commissioner President served as notification that the County's agricultural preservation program was recertified through June 30, 2009. The letter also stated that, although the County is making incremental progress in the right direction, the current preservation program and strategies are not adequate to maintain certification once the recent program changes take effect. The new certification law

(House Bill 2) and resulting regulations require that many aspects of an effective program be in place by July 1, 2008.

As a follow-up to their letter, Messrs. Tassone and Conrad appeared before the Board of County Commissioners and the Planning Commission to provide further background on the Maryland Agricultural Land Preservation Foundation and the potential impact of House Bill 2. Mr. Tassone reviewed state goals that counties must demonstrate the ability to achieve by October 2008 in order to retain certification.

Commissioners Raley and Mattingly commented on the overall negative tone in the letter, and in particular, such statements as: “. . . the program improvement strategies that the County is proposing will be too little, too late, unless the County makes essentially all of them in the near future;” and, “. . . the County will not be able to preserve 80% of a viable Priority Preservation Area, as will be required under the revised program, unless the rate of conversion is slowed by more protective zoning and significantly more is accomplished by MALPF, Rural Legacy, a local PDR program, and an improved TDR program.”

Mr. Tassone stated that the intentions of the January letter were to advise the County of the new requirements that counties with certified agricultural land preservation programs have to remain certified after July 1, 2008, and to begin working with County staff and the Commissioners so that the County’s preservation program can remain certified after July 1, 2008. He also clarified that “certification” does not determine whether or not a County participates in the program. Certification provides for the use of a different formula (higher percentage) to determine funds available from the agriculture transfer tax. There are still matching funds and funds available from the general allocation.

Commissioner Raley expressed concern that the state was not fully aware of the County’s many accomplishments and future plans related to land preservation. Mr. Tassone commented that he spoke recently with the Director of Land Use and Growth Management who provided additional information on the County’s extensive plans to address land use issues.

Commissioner Mattingly spoke to the state’s criticism that St. Mary’s County’s priority areas are too large. He then presented maps comparing the percentage of Priority Funding Areas in St. Mary’s County with Priority Funding Areas in other Maryland counties, which proved that the opposite situation exist. He also provided statistics including how many acres in St. Mary’s County are in the Critical Area; how many acres are preserved by the 50% cluster ordinance and through the use of TDRs, Rural Legacy and other programs; how many acres are state- or federally-owned; the amount of funding dedicated to land preservation since 1995, and percentage of development in the RPD vs. the Development District.

Commissioner Mattingly also expressed his commitment to land preservation, but that there needs to be a balance which can best be achieved through decisions made at the local level.

Following a question and answer period, Commissioner President Russell called for adjournment at 8:00 pm.

**ADJOURNMENT**

The meeting adjourned at approximately 8:00 PM.

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

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Betty Jean Pasko, Senior Administrative Coordinator