

**ST. MARY'S COUNTY  
BOARD OF COUNTY COMMISSIONERS' MEETING  
Governmental Center  
Tuesday, June 5, 2001**

**Present:** Commissioner President Julie B. Randall  
Commissioner Joseph F. Anderson  
Commissioner Shelby P. Guazzo  
Commissioner Thomas A. Mattingly, Sr.  
Commissioner Daniel H. Raley  
Alfred A. Lacer, County Administrator  
Judith A. Spalding, Administrative Assistant to BOCC (Recorder)

**RIBBON CUTTING AND DEDICATION CEREMONY  
PINEY POINT PUBLIC LANDING**

The Commissioners attended the ribbon cutting and dedication ceremony for Piney Point Landing.

**CALL TO ORDER**

The meeting was called to order at 10:50 a.m.

**ADDITIONS/DELETIONS TO AGENDA**

**Commissioner Anderson moved, seconded by Commissioner Raley, to accept the agenda as presented. Motion carried.**

**APPROVAL OF CHECK REGISTER**

**Commissioner Mattingly moved, seconded by Commissioner Raley, to authorize Commissioner President Randall to sign the Check Register. Motion carried.**

**APPROVAL OF MINUTES**

**Commissioner Mattingly moved, seconded by Commissioner Guazzo, to approve the minutes of the Commissioners' meeting of Tuesday, May 29, 2001, as corrected. Motion carried.**

**PROCLAMATION**

The Commissioners presented a Proclamation designating the week of as Lead Poisoning Prevention Awareness Week.

**COUNTY ADMINISTRATOR**

**Present:** Alfred A. Lacer, County Administrator

1. Draft Agendas for June 12 and 19, 2001

During discussion of the June 12 agenda Mr. Lacer reported that Finance had placed the ad for the Recordation Tax public hearing at 3:45 p.m., and the AICUZ has been advertised for 3 p.m. Because of the potential for a large crowd, arrangements have been made to have both hearings at the Annex (the former temporary courthouse). Mr. Lacer recommended that the public forum on affordable housing be held at 7 p.m. at the Chancellor's Run Activity Center, and in order to facilitate participation, bus service has been made available from the Lexington Park Library to Chancellor's Run.

The Commissioners expressed concurrence with these arrangements.



2. **Budget Amendments**

Present: Elaine Kramer, Director of Finance

- a. #2001-56 – DPW&T (\$5,200)  
(Bus Shuttle service between Governmental Center and Courthouse)

**Commissioner Mattingly moved, seconded by Commissioner Raley, to approve and authorize Commissioner Randall to sign Budget Amendment No. 2001-56. Motion carried.**

- b. #2001-57 – Capital Projects (\$742,000)  
(FDR Boulevard)

**Commissioner Mattingly moved, seconded by Commissioner Raley, to approve and authorize Commissioner Randall to sign Budget Amendment No. 2001-57. Motion carried.**

- c. #2001-58 – Multiple Departments (\$45,116)

Present: Dawn Drew, Acting Human Resources Director

(Reallocation of Personal Services Expenditures – to be used to pay down excess comp time accrued by employees who were recently reclassified to exempt status. Their comp time will be reduced to an 80-hour cap[; the pay-down will be at the option of the individual employee and will be included in the June 29 pay check.) Commissioner Randall asked that overtime and compensatory time policies be reviewed for both exempt and non-exempt employees during review of the personnel manual.

**Commissioner Guazzo moved, seconded by Commissioner Anderson, to approve and authorize Commissioner Randall to sign Budget Amendment No. 2001-58. Motion carried.**

- d. #2001-59 – Marcey House (\$12,147)  
(Transfer of Grant Appropriation)

Present: Larry Harvey, Director, Marcey House

**Commissioner Mattingly moved, seconded by Commissioner Raley, to approve and authorize Commissioner Randall to sign Budget Amendment No. 2001-59. Motion carried.**

3. SMECO Easement Agreement for Tulagi Place

**Commissioner Raley moved, seconded by Commissioner Guazzo, to approve and authorize Commissioner Randall to sign the Easement Agreement. Motion carried.**

4. Certification of Funding to the Library

**Commissioner Raley moved, seconded by Commissioner Anderson, to approve and authorize Commissioner Randall to sign the Certification as presented. Motion carried.**

5. Office of Community Services  
Change to Bylaws for the Commission for Disabled

**Commissioner Mattingly moved, seconded by Commissioner Raley, to approve the amendments to the bylaws as presented. Motion carried.**

6. Area Plan Funding Discussion

(deferred until the afternoon prior to the session on the ULDC)



## **OATH OF OFFICE - AMERICORP\*VISTA SUMMER ASSOCIATES**

Present: Cynthia Brown, Director, Office of Community Services  
Walt Biscoe, Community Services Coordinator  
George Kirby, SOSAR Program Coordinator  
Jerry Yates, State Director, MD/DE, Corporation for National Service  
VISTA Workers

The Commissioners were introduced and were witnesses to the induction of 32 new VISTA Summer Associates into the AmeriCorps\*VISTA program. A reception following the induction was held at the Carter Office Building.

## **COUNTY COMMISSIONERS' TIME**

### **Cancer Survivors Fundraiser**

Commissioner Anderson advised that he attended the Cancer Survivors fund raising event held at Chopticon High School. The goal to raise \$70,000 for the Cancer Society was met.

### **Sotterley Foundation 40<sup>th</sup> Anniversary Celebration**

Commissioner Anderson reported on the 40<sup>th</sup> Anniversary Event of the Sotterley Foundation and thanked the Sotterley volunteers and workers for all they do for the community. A plaque was unveiled recognizing Sotterley as a National Historic Landmark.

Commissioner Randall pointed out that all five Commissioners attended the event and added her thanks to the staff and volunteers for their efforts in making Sotterley an historic landmark.

### **St. Mary's - Ryken Graduation**

Commissioner Mattingly congratulated all of the graduates from St. Mary's-Ryken and reported that one of the students gave very moving comments in remembrance of their classmates, who they lost last year.

Commissioner Raley advised that he and Commissioner Mattingly were recognized during the event as graduates of Ryken.

### **World Gym Ribbon Cutting**

Commissioner Mattingly advised that he attended the Ribbon Cutting for the new World Gym located at the Leonardtown Center and pointed out that the facility had quite extensive exercise equipment.

### **Secretary Iannucci's Visit to St. Mary's County**

Commissioner Mattingly reported that Secretary Iannucci (Maryland Department of Business and Community Development) is scheduled to visit St. Mary's County on June 11 and will be attending the Chamber of Commerce dinner at St. Mary's College.

### **Wicomico Shores Golf Course Clubhouse**

Commissioner Guazzo advised that the architect for the new Wicomico Shores Golf Course Clubhouse will be presenting the schematic plans for the facility the R&P Board and the public on June 7 at 5:30 p.m. at the Governmental Center. She encouraged all interested individuals to attend.

### **Margaret Brent Middle School**

Commissioner Guazzo reported that she attended the funding award presentation to Margaret Brent Middle School. The funds were received in recognition of the school's continued increasing MSPAP scores. Commissioner Guazzo commended the principal, Cathy Wiggins, and the students and teachers for this achievement.



**Eagle Scout Honor Court**

Commissioner Guazzo stated that she attended the Eagle Scout Honor Court for Jesse Geisbert and reported that it was a very moving ceremony. She pointed out that the tri-county area had the highest concentration of eagle scouts in the nation.

**College Reunion**

Commissioner Raley thanked his wife, Ann, for encouraging him to attend his college reunion at Loyola.

**Piney Point Public Landing Ribbon Cutting Ceremony**

Commissioner Randall referred to the ribbon cutting ceremony for improvements and renovations at Piney Point Landing. She pointed out that partnerships with the federal and state governments made this project a reality.

Commissioner Anderson noted that the landscaping and tree planting had been done by volunteers, another example of partnerships making a project successful.

**Workforce Investment**

Commissioner Anderson advised that he met with Mr. Colina of Workforce Investment and John O'Connor, Secretary of Labor, Licensing and Regulations, to discuss efforts in making the programs in Southern Maryland effective.

Commissioner Anderson also pointed out that he attended the Technical Center Awards Ceremony and mentioned the many programs in place that will assist in growing the county's own work force.

**FISCAL YEAR 2001 SUPPLEMENTAL APPROPRIATION  
SHERIFF'S DEPARTMENT**

Present: Sheriff Richard Voorhaar, Dr. Ebenezer Israel, Health Officer

As a follow up to last week's discussion, Sheriff Voorhaar and Dr. Israel appeared before the Board to continue review of the supplemental appropriation for state's tobacco use prevention and cessation initiative for the reduction of tobacco use by youths in St. Mary's County.

Areas of discussion included concerns about enforcement techniques as proposed in the letter of agreement with the Health Department and Sheriff's Office (the level and type of enforcement) putting tobacco use in the same category as controlled dangerous substance; the parents' role in handling of underage children caught smoking; letters to parents for a first offense; need for children to get help rather than punishment; the need to raise awareness of the dangers of smoking; burden being placed on businesses; that the Sheriff's Office is the enforcement agency for this program; that if funding is not used it will return to the State; and the issue of whether tobacco was addictive. During the discussion the Board indicated several times that the Commissioners were supportive of under-aged smoking prevention, but had concerns with the proposed implementation of the program.

During discussion Dr. Israel pointed out that there were just three weeks remaining in the program for FY 2001 and assured the Commissioners that for that period of time if children are found smoking, the only enforcement to take place will be for the Sheriff's office to get name, age and address and to contact parents and advise them to get treatment for the child.

**After discussion, Commissioner Mattingly moved, seconded by Commissioner Anderson, to approve and sign Ordinance No. 2001-14 approving the supplemental appropriation for the Sheriff's Department in the amount of \$12,511 for the tobacco use prevention and cessation initiative. Motion carried three-one-one, with Commissioner Guazzo voting against and Commissioner Raley abstaining.** Commissioner Guazzo indicated



that she would not vote in favor of the motion stating she was concerned that a physician and the Sheriff use the term "addiction" so loosely and that she was concerned that "hard core drugs" were being trivialized by putting tobacco in the same category.

Commissioner Randall suggested that the Sheriff, Health Officer, and Director of Walden/Sierra get on a future agenda in late summer or early fall to discuss what is being done in the county regarding enforcement of drug abuse laws. (The Sheriff suggested that the State's Attorney should also be included.)

With regard to plans for the tobacco use prevention and cessation program grant for Fiscal Year 2002, the Commissioners recommended that an enforcement plan be developed relative to business and children.

#### **AREA PLAN FUNDING**

Present: Jon Grimm, Director, DPZ  
Elaine Kramer, Director of Finance

As a follow up to last week's meeting, the Commissioners discussed the funding for the various area plans. \$60,000 had been budgeted in FY 2001 for the Charlotte Hall/ New Market/Mechanicsville area, and the Commissioners were considering the possibility of using a large portion of that allocation for the Lexington Park area plan. Mr. Grimm explained that once the Callaway plan was completed, the next plan on the list was the Charlotte Hall area.

Highlights of discussion included:

- ◆ the amount of activity currently underway for the Lexington Park area (stormwater management plan, affordable housing, transportation plan, etc.).
- ◆ that Mr. Grimm had prepared a purchase requisition for scope of work for Charlotte Hall/ New Market/Mechanicsville with ERM, the firm under contract with the county, and the requisition can be amended to include the Lexington Park plan.
- ◆ that the Charlotte Hall area plan could proceed on a smaller scale if the Board wanted to go forward the Lexington Park plan.
- ◆ the importance to business owners in the Charlotte Hall/Mechanicsville to begin development of a plan for that area, at least to start the process of information gathering; and that the Development Review Task Force has offered assistance in preparing a survey.
- ◆ that this would be a good opportunity to implement an overall integrated plan in that many county departments/agencies have ongoing activities in the Lexington Park area.
- ◆ the urgency of needing to begin the Lexington Park area plan due to upcoming BRAC issues.

**After discussion Commissioner Anderson moved, seconded by Commissioner Guazzo, to use \$50,000 of the \$60,000 budgeted in Fiscal Year 2001 to move forward with the Lexington Park Area Plan and that the remaining \$10,000 be made available to begin the information gathering process for the Charlotte Hall/New Market/Mechanicsville area plan; the County will use the same firm currently under contract, ERM. Motion carried.**

#### **COUNTY COMMISSIONERS ULDC WORK SESSION NOTES Monday, June 4, 2001**

Present: Chris Drummond, ULDC Facilitator  
DPZ Staff: Jon Grimm, Jeffrey Jackman, Sue Veith, and Peggy Childs

The Commissioners discussed the topics of staff's memorandum dated June 1, 2001, directing as follows:

#### **Transferable Development Rights**

Adopt Table 32.2 as contained in the June 1<sup>st</sup> memo, with the following changes to subparagraphs 1) and 5) of Footnote 3 (*added language is in italics*):



- 1) rights *are* transferred from the available RPD density *of* the sending parcel;
- 2) 3 acres, *or the entire sending parcel, if less than 6 acres*, shall be permanently restricted to agricultural or open space use for each density right relocated from a non-contiguous sending parcel.”
- 3) an easement *restricting future subdivision of the sending parcel, or that portion to be dedicated to agricultural or opens space uses*, is recorded *is among the Land Records of St. Mary’s County*.

**Adequate Public Facilities**

Mr. Drummond’s conversation with Colleen Bonnell, of the Town of Leonardtown, indicates that the Academy Hills Subdivision could add 100 additional children to the public school system. Some children could be generated from the final phase of Singletree and the Tudor Hall project could impact the public schools, but has not yet been approved.

Commissioner Randall asked staff to see how Charles County handles the town of La Plata and Indianhead in their Public Facilities ordinance.

**USE TABLES**

<u>Line #</u>	<u>Old #</u>	<u>New #</u>	<u>Use Classification</u>	<u>Change</u>
19	10	10	Town house	Eliminate “L” in the RPD.
Chapter 51, 10.a(3)(c – no more than 6 units per structure.				
47/49	24/25	23	Child/Social Adult Day Care Social Adult Day Care	Add Ps in CC and OBP for both Make C in RNC
27/31	14/16	14	Institutional Residences*	Make P in all residential for up to 8 L for over 8
* Revert to <u>Group Home, Limited</u> – should be Permitted wherever single-family homes are allowed. <u>Group Home, General</u> (9 or above) Limitations of Schedule 51-9 shall apply				
35/37	18/19	16	Residential Services	16.b.(1) Fire/Rescue services shall certify that they can meet required response times.
67	34	Make new 57A	Office, Rural Practice	“L” in RPD; P in RSC; L in RCL
Eliminate “vehicle trips per day” IN 52-11 and write restrictive standards for 1) no on-street parking; 2) # of off-street parking spaces; 3) signage, etc. Anything beyond these requirements will require conditional use approval from Board of Appeals.				
90	43	34	Animal Boarding	P in RPD; P in RSC; A in RL; Prohibited in RMX; L in VMX, TMX, CMX, and CC Standard: Indoors and on 2 acres.
151-160	72-75	51-56	Auto Repair Services; i.e., stand-alone facilities	Staff to look at examples of square footage and apply “reasonable, feasible” limitations.
5/7	3/4	3/4	Animal Husbandry	Eliminate fencing requirements on Page 51-2 and 51-3. Eliminate site plan approval requirement of 51.3.3.a.(1), page 51-2. CCRS Guazzo and Raley will talk with Al Stewart of SCS regarding Table 51.3.3.a(3): Animal Units and the CCRS will live with whatever they come up with to go to public hrg. Changes by next Friday, please.
Change L to P in RPD for Animal Husbandry, Intensive, Line 7, New Use #4				



9	5	5	Aquaculture	Add Ls in RMX, VMX, DMX
17	9	11	Mobile Homes	Revert to Mobile Homes and separate from Dwelling Unit, Detached. P in RPD and Ls in RL and RH.
39	20	18	Burial Grounds	Take out "other" in "or other animals." Page 50-4
51	26	22	Medical Adult Day Care	Add Ps in CMX, CC, OBP.
172	81	59	Personal Improvement Services	Make P in OPB and RCL. Eliminate Limited Standard 2,500 square foot maximum on 51-23, 58.b.(1).
174	82	58	Personal/Business Services	Eliminate Limited Standard 10% or 500 square foot maximum on 51-23 (59.b.(1)). Change Ls to Ps.
55	28	24	Colleges, Public or Private	Change Ps to Cs in VMX, TMX. Add L in OBP; P in DMX. Add limitation = % of office park.
65	33	29	Outpatient Care Centers	Eliminate in RPD; use Rural Practice. Add P in OBP.
73	37	32	Public Safety Facility	Eliminate 32.a.(3). Eliminate <b>ALL</b> local requirements where there are existing Federal / State regulations.
77	39	106	Adult Entertainment	Break out Live Entertainment the way it was. Make L in VMX, TMX,CMX; C in DMX. Not allowed anywhere else.
103	50	104	Banking w/drive-throughs	Eliminate 104.1.(5) on Pg 51-48.
99	48	35	Animal Boarding, Stables	Eliminate 35.a.(2).
109	53	39	Commercial Parking Facility	Staff to come up with incentives to encourage structured parking, <i>without density</i> .
111	54	38	Campgrounds	Eliminate 20-foot setback requirement from <i>interior</i> roads. 51-18,, part of 38.a.(4)(11).
121/123	59/60	61/63	Recreational Facilities Minor outdoor Major indoor/outdoor	Eliminate standards on 51-24 and 51-25. Staff to come up with regs to allow Potomac Speedway and MIR to expand, including the possibility of streamlining the PUD process.
127	62/63	66	Restaurant and Restaurant with outdoor seating	Make P wherever it's an L except in Industrial, where it is Accessory. Standards are excessive as well.
142/143	68	69/70	Retail Sales, General Take-out Food & Beverage	Eliminate Limited Standards b. on Page 51-26, 69.b. Leave L in RCL, but eliminate last sentence of definition on 50-8, which begins: "This classification includes but is not limited to department stores ...". Add convenience stores.  In Use 70, <i>Take-out Food &amp; Beverage</i> , change L to P in RCL.
176	83	69	Plant Nursery	Include in "Horticulture," New #6.
178	84	64	Rental and Leasing, Equipment	Add P in Industrial.



191	90	42	Convenience Stores	Change L to P in RSC, RCL, and VMX.
** STAFF TO PROVIDE ROAD MAPS AND CLASSIFICATIONS FOR Tuesday, June 5.				
193	91	54	Motor Fuel Sales	Add L in RSC. Use number of vehicles which can be serviced simultaneously for limiting standard on Page 51-22, 54.b.(1). Fewer (SUGGEST 4) in rural and more in growth areas.
191/193	90/91	42/54	Convenience Store / Retail Sales, Motor Fuel	Eliminate Limited Standard 54.b.(4) on Page 51-22.
195	92	53	Manufactured Home Sales	Add A in Industrial.
197	93	49	Bed-and-Breakfast Inn	Eliminate C in RH; change to P in RSC and RCL; add C in RL.
199/201	94/95	50/17	Hotels and Motels Extended Stay Facility	Add P in CMX and CC.
206	97	60	Personal Storage	Eliminate PD in RCL.
208	98	72	Warehousing	Eliminate L in RPD; change L to P in Industrial.
224	106	75	Production Industry, General	Allow <u>sawmills only</u> as L in RPD.
258	123	87	Solid Waste Collection and Processing, Transfer Handling Facility	Change L to C in Industrial. Under Standards on Page 51-37 "refer to Solid Waste Plan."

\*\* NEED TO REZONE HIGHER EDUCATION FACILITY TO OBP.  
STAFF TO BRING BLOW-UP MAP TOMORROW TO SHOW SURROUNDING PROPERTIES

262	125	103	Pier, Ramp and/or Railway, Private	STAFF TO LOOK UP whether private ramp could be allowed on vacant lot if it meets ordinance setbacks for principal use.
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## EXECUTIVE SESSIONS

**Commissioner Anderson moved, seconded by Commissioner Mattingly, to meet in Executive Session to discuss matters of Litigation, Property Acquisition and Personnel, as provided for in Article 24, Section 4-210(a)8, Section 4-210(a)11 and 4-210(a)1, respectively. Motion carried.**

### Litigation

**Present:** Commissioner President Julie B. Randall  
Commissioner Joseph F. Anderson  
Commissioner Shelby P. Guazzo  
Commissioner Thomas A. Mattingly, Sr.  
Commissioner Daniel H. Raley  
Alfred A. Lacer, County Administrator  
Patrick Murphy, County Attorney  
Phil Rollins, Director, Recreation and Parks  
Judith A. Spalding, Recorder

**Authority:** Article 24, Section 4-210(a)8

**Time Held:** 5:30 p.m. – 6:30 p.m.

**Action Taken:** The Commissioners continued discussion of a settlement issue and gave direction to staff.



**Property Acquisition**

**Present:** Commissioner President Julie B. Randall  
Commissioner Joseph F. Anderson  
Commissioner Shelby P. Guazzo  
Commissioner Thomas A. Mattingly, Sr.  
Commissioner Daniel H. Raley  
Alfred A. Lacer, County Administrator  
George Erichsen, Director, DPW  
Phil Rollins, Director, R&P  
Joan Lolcama, Property Manager  
Judith A. Spalding, Recorder

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

**Time Held:** 6:30 p.m. – 7:15 p.m.

**Action Taken:** The Commissioners discussed property acquisition options and gave direction to staff.

**Personnel**

**Present:** Commissioner President Julie B. Randall  
Commissioner Joseph F. Anderson  
Commissioner Shelby P. Guazzo  
Commissioner Thomas A. Mattingly, Sr.  
Commissioner Daniel H. Raley  
Alfred A. Lacer, County Administrator  
Judith A. Spalding, Recorder

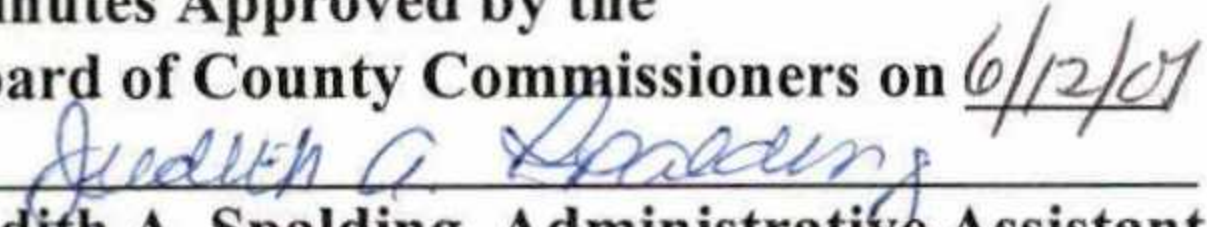
**Authority:** Article 24, Section 4-210(a)1

**Time Held:** 7:15 p.m. – 8:50 p.m.

**Action Taken:** The Commissioners addressed a personnel issue with the County Administrator and requested additional information.

**ADJOURNMENT**

The meeting adjourned at 8:50 p.m.

**Minutes Approved by the  
Board of County Commissioners on 6/12/01**  
  
**Judith A. Spalding, Administrative Assistant  
to the Board of County Commissioners**