

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Governmental Center
*Thursday, June 28, 2001**

*(In that the Commissioners were in New York for bond rating meetings on Tuesday, June 26, 2001, the Board met on Thursday, June 28.)

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)
Kate Mauck, Recorder

DEDICATION OF RENOVATED COURTHOUSE

The Commissioners attended the dedication of the newly renovated Courthouse at 3:30 p.m. prior to convening their regular meeting.

CALL TO ORDER

The meeting was called to order at 5:10 p.m.

ADDITIONS/DELETIONS TO AGENDA

Commissioner Guazzo moved, seconded by Commissioner Raley, to accept the agenda as amended (to add to the County Administrator's list *Board of Education Budget 2002 – Continuing Resolution*). Motion carried.

APPROVAL OF MINUTES

Tuesday, June 12, 2001

Commissioner Guazzo moved, seconded by Commissioner Anderson, to approve the minutes of the Commissioners' meeting of Tuesday, June 12, 2001, as presented. Motion carried.

Tuesday, June 19, 2001

Commissioner Guazzo moved, seconded by Commissioner Anderson, to approve the minutes of the Commissioners' meeting of Tuesday, June 19, 2001, as presented. Motion carried.

COUNTY ADMINISTRATOR

Present: Alfred A. Lacer, County Administrator

1. Draft Agenda for July 10, 2001
2. **Recreation and Parks**

Present: Phil Rollins, Director

- a. Dept. of Education, Office of Special Education and Rehabilitative Services Grant Application (Federal: \$141,130.67; State: \$129,000; \$145,494.91 (in kind for salaries and benefits))

Also present: Art Shepherd, Recreation Division Chief
Christina, Bishop, Therapeutic Recreation Specialist

Commissioner Mattingly moved, seconded by Commissioner Anderson, to approve and authorize Commissioner Randall to sign the Application. Motion carried.

- b. St. Clements Island - Quit Claim Deed, Ordinance, and Boundary Line Adjustment Plan

Commissioner Mattingly moved, seconded by Commissioner Anderson, to approve and authorize Commissioner Randall to sign the Quit Claim Deed and to approve and Board to sign Ordinance and Boundary Line Adjustment Plan. Motion carried.

3. **Circuit Court**

Cooperative Reimbursement Agreement for Child Support
(Federal: \$15,982; County: \$9,704)

Present: Present: Teresa Yeatman, Circuit Court

Commissioner Mattingly moved, seconded by Commissioner Raley, to approve and authorize Commissioner Randall to sign Grant Agreement. Motion carried.

4. **Housing Authority**

Amendments to "RAP" to Work Program and Rental Allowance Program

Present: Dennis Nicholson, Executive Direction

Commissioner Guazzo moved, seconded by Commissioner Raley, to approve and authorize Commissioner Randall to sign the Amendments as presented. Motion carried.

5. **Metropolitan Commission**

Request for three (3) new positions (systems administrator; laboratory technician; field services clerk)

Present: Tom Russell, Deputy Director

Commissioner Guazzo moved, seconded by Commissioner Mattingly, to approve the positions (as required by Section 113-1.c of County Code). Motion carried.

6. **St. Mary's Public Schools**

- a. Tobacco Use Prevention and Cessation Programs Grant

Present: Patricia Richardson, Superintendent of Schools

Commissioner Mattingly moved, seconded by Commissioner Raley, to approve and authorize Commissioner Randall to sign the letter approving the grant. Motion carried.

- b. Board of Education – Categorical Transfers – FY 2001

Also present: Elaine Kramer, County Director of Finance
Daniel Carney, Finance Officer, SMCPS

(Increase: Operations	-	\$412,000
Transportation	-	<u>42,000</u>
Total:		\$454,000
Decrease: Student Personnel Services		\$ (60,000)
Fixed Charges		(214,000)
Special Education		<u>(180,000)</u>
Total	-	\$ (454,000)

Commissioner Mattingly moved, seconded by Commissioner Anderson, to approve and authorize Commissioner Randall to sign the letter approving the categorical transfer. Motion carried.

c. Board of Education Budget 2002 – Continuing Resolution

Also present: Elaine Kramer, County Director of Finance
Daniel Carney, Finance Officer, SMCPS

Per June 27 letter from the Board of Education and June 28 memorandum from the County Director of Finance, the BOE has requested continuing authority to spend in FY 2002 within the limits of the category totals for FY 2001, until the BOE's budget is submitted and approved. The BOE has not yet submitted its approved budget to the County for FY 2002.

Commissioner Anderson moved, seconded by Commissioner Raley, to approve and authorize Commissioner Randall to sign the letter approving the categorical transfer. Motion carried.

7. Public Facilities Bond Resolutions

* **No. 2001-33 – Public Facilities Bonds of 1995**
Great Mills High Addition

(amending Resolution No. 95-09 to authorize the designation of a portion (\$1,293,281) of the proceeds from the sale of the Bonds be used to finance the increased costs of the Great Mills High School addition/renovation project, and to decrease the St. Andrew's Landfill project by like amount.)

* **No. 2001-34 – Public Facilities Bonds of 1993**

Park Hall Elementary Addition/Renovation; Pegg Road;
Technical Center Roof; Piney Point Elementary Roof; Regional Park

(amending Resolution No. 93-09 to authorize the designation of a portion (\$1,293,281) of the proceeds from the sale of the Bonds be used to finance the increased costs of the Park Hall and Pegg Road projects and for new projects: Technical Center Roof, Piney Point Elementary Roof; and Regional Park projects, and to decrease the St. Andrew's Landfill project by like amount.)

Commissioner Anderson moved, seconded by Commissioner Raley, to approve and sign the referenced Public Facilities Bond Resolutions. Motion carried.

8. Consolidated Public Improvement Bonds of 2001

(authorizing the issuance and sale General Obligation Bonds in the amount of \$25,000,000, to be known as "County Commissioners of St. Mary's County Consolidated Public Improvement Bonds of 2001" for the purpose of financing certain capital projects.)

Present: Elaine Kramer, Director of Finance
Jim Cumbie, Bond Counsel

Commissioner Anderson moved, seconded by Commissioner Raley, to approve and sign the referenced Public Facilities Bond Resolutions. Motion carried.

9. Budget Amendments

a. No. 2001-64 - Angel's Watch (for new well) - \$4,000

Commissioner Guazzo moved, seconded by Commissioner Anderson, to approve and authorize Commissioner Randall to sign budget amendment #2001-64. Motion carried.

b. No. 2001-65 -County Administrator's Office
(code book supplements) - \$3,170

Commissioner Anderson moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner Randall to sign budget amendment #2001-65. Motion carried.

c. No. 2001-66 - Planning and Zoning – (overtime for ULDC) - \$9,000

Commissioner Anderson moved, seconded by Commissioner Guazzo, to approve and authorize Commissioner Randall to sign Budget Amendment No. 2001-66. Motion carried.

d. No. 2001-67 - Finance Office
(additional supplies, publications, maintenance of equipment)

Commissioner Mattingly moved, seconded by Commissioner Guazzo, to approve and authorize Commissioner Randall to sign Budget Amendment No. 2001-67. Motion carried.

STORMWATER MANAGEMENT ORDINANCE

Present: George Erichsen, Director, DPW
John Groeger, Deputy Director, DPW
John Norris, Deputy County Attorney

As a follow up to the June 12 public hearing, the Commissioners discussed the proposed Stormwater Management Ordinance. Mr. Groeger reviewed the changes made to the draft Ordinance which was amended to incorporate suggestions made at the June 12 public hearing and subsequent written comments.

Areas of discussion included exemptions; watershed management plan; overlot grading provisions; bioretention systems; grandfathering provisions; redevelopment in-fill and redevelopment scenarios; redevelopment criteria; addition of clarifying language in the redevelopment criteria; the need to have procedures in place should the SWM plan be implemented; and responsibility for determining whether a project is exempt or not exempt.

After lengthy discussion Commissioner Anderson moved, seconded by Commissioner Guazzo, to approve the Stormwater Management Ordinance with the overlot provision included and with amendments described by Mr. Groeger, to be effective July 1, 2001 and will be incorporated into the ULDC when adopted. Motion carried.

Kate Mauck recorded the following meeting minutes:

AIR INSTALLATIONS COMPATIBLE USE ZONE (AICUZ) BUILDING PERMIT ORDINANCE – FOLLOW UP TO PUBLIC HEARING

Present: John Norris III, Assistant County Attorney

Mr. Norris appeared before the Board of County Commissioners regarding the AICUZ Building Permit Ordinance. A public hearing on the draft Ordinance occurred on June 12, 2001. Two versions of the Ordinance were presented to the Commissioners for review. The first version was presented at the June 12th public hearing and the second version includes an "Act of God" statement that was discussed at the public hearing.

In essence, the Ordinance would impose a limited and temporary moratorium on the issuance of zoning and building permits for, or related to, two-family and multi-family residences in the AICUZ, for a period not to exceed 180 days from the date of the enactment of the Ordinance. This would allow the County time to study fair housing issues with the aim to have the density at the standard density designated by AICUZ and for a task force to develop a plan for the County to ensure adequate low-cost housing for its citizens.

Commissioner Anderson moved, seconded by Commissioner Guazzo, to approve and sign the second version of the Ordinance, which included the "Act of God" statement. Motion carried.

**RECORDATION FEE ORDINANCE
FOLLOW UP TO PUBLIC HEARING**

Present: Elaine Kramer, Director of Finance

Ms. Kramer appeared before the Board of County Commissioners regarding the Recordation Fee Ordinance. A public hearing regarding the Ordinance occurred on June 12, 2001.

The proposed Ordinance would increase the recordation tax rate set in 1969, currently at \$3.30 per \$500 of consideration payable or of the principal amount of the debt secured for an instrument of writing through the Clerk of the Circuit Court. With approval of the requested Ordinance, the tax rate would be increased to \$4.55. The Ordinance would not propose to change the exemptions granted under the state law, as the County has been pre-empted in the field. The proposal is to take the recordation tax to \$4.55; of that increase, \$.50 would be allocated to the Purchase of Development Rights (PDR) program for rural preservation that has been proposed to the Commissioners in rough draft. The remainder of the increase was proposed to be allocated to the Board of Education to assist in providing them with additional funding.

Discussion took place regarding the following topics:

- County's revenues have not changed since the signing of the budget;
- Board of Education's financial outlook has improved with an unexpected increase in Federal Impact Aid which will be forthcoming in FY 2002;
- Details of the Board of Education's budget were discussed in-depth. It was determined that there would still be a shortfall from the Board of Education's requested budget of approximately \$1.5 million;
- The increase to the Board of Education budget that this Ordinance would allow for should enable the textbook replacement program to move forward;
- It was reported that additional funding for rural land preservation (tobacco restitution funds) should be forthcoming in FY 2002 from the state;
- With approval of the Ordinance at this time, a Resolution would later come before the Board of County Commissioners regarding supplemental appropriation; and
- It was reported that Governor Glendenning announced this morning during his visit to St. Mary's County that \$3, 725,000 will be forthcoming for the Rural Legacy Program.

After discussion, Commissioner Guazzo moved, seconded by Commissioner Anderson, to raise the Recordation Fee from \$3.30 to \$4.00, which would increase the fee by \$.70. The new fee will take effect September 1, 2001. Thirty-five cents (\$.35) will be dedicated to funding rural land preservation programs and the remaining thirty-five cents (\$.35) will become part of the general fund; however, for FY 2002, thirty-five cents of the increase in the Recordation Fee will be allocated to the Board of Education. Commissioners Anderson, Guazzo, Raley and Randall voted in favor of the motion with Commissioner Mattingly voting against. Motion carried 4-1.

EXECUTIVE SESSION

Commissioner Anderson moved, seconded by Commissioner Guazzo, to meet in Executive Session to discuss a matter of Property Acquisition as provided for in Article 24, Section 4-210(a)11. Motion carried.

Judith Spalding recorded the remaining meeting minutes:

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
John Norris, Deputy County Attorney
Judith A. Spalding, Recorder

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

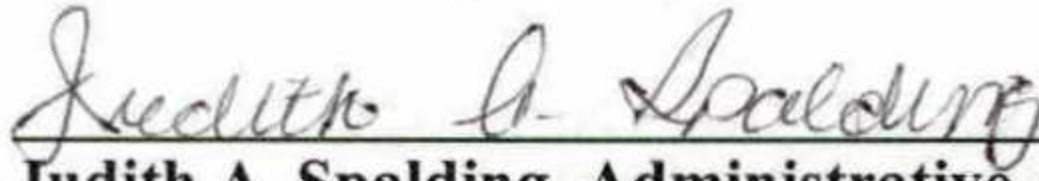
Time Held: 7:45 p.m. – 8:15 p.m.

Action Taken: As a follow up to last week's executive session, the Commissioners continued discussion on a matter of property acquisition and gave direction to staff.

ADJOURNMENT

The meeting adjourned at 8:15 p.m.

**Minutes Approved by the
Board of County Commissioners on 7/10/01**


**Judith A. Spalding, Administrative Assistant
to the Board of County Commissioners**