

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Governmental Center
Tuesday, August 7, 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)
Kate Mauck, Administrative Assistant (Recorder)

CALL TO ORDER

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

ADDITIONS/DELETIONS TO AGENDA

Commissioner Mattingly moved, seconded by Commissioner Raley, to accept the agenda as amended (to add a Proclamation for National Night Out). 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 Raley, to approve the minutes of the Commissioners' meeting of Tuesday, July 31, 2001, as corrected. Motion carried.

PROCLAMATION/COMMENDATION

The Commissioners presented a Proclamation recognizing Big Brothers/Big Sisters' 25th Anniversary, and a Commendation to Beth Flynn, who will be leaving Big Brothers/Big Sisters, for her dedicated service to the organization.

Kate Mauck recorded the following minutes:

**ST. MARY'S COUNTY BOARD OF EDUCATION
FISCAL YEAR 2002 BUDGET**

Present: Elaine Kramer, Finance Director
Dr. Patricia Richardson, Superintendent of Schools
Daniel L. Carney, Budget and Finance, Schools

Dr. Richardson and staff came before the Board of County Commissioners as a follow-up to discussions held last week regarding the supplemental funding for the Board of Education's Fiscal Year 2002 Budget. Ms. Kramer outlined the issues needing discussion and/or approval as follows:

- Details of budget changes due to recordation funding;
- Ordinance submitted for approval which would authorize the allocation of the recordation tax to use toward St. Mary's County Public Schools and to place it in its categories;

- The allocation to the categories and the FTE information is based on the submissions by St. Mary's County Public Schools for the use of the \$270,000 recordation tax;
- Letter to be signed approving the request for the supplemental appropriations as outlined last week; and
- Letter to be signed approving the base budget.

The Board of County Commissioners asked Dr. Richardson to provide information regarding the needs in the schools that would now be funded due to the budget increase of \$2.6M in revenue from grant funding as well as the \$270,000 from the recordation tax. Dr. Richardson outlined some of the following requests that would now be filled:

- Significant number of teaching/staff positions;
- Completion of the Social Studies new textbook adoption requirement. The monies spent this year on textbooks for students will be the most spent on textbooks in the last three years;
- Additional resource teachers to support classroom teachers and students;
- Two assistant principal positions to be added at two of the high schools – this will provide a total of four assistant principals at each of these high schools;
- Will be more than doubling the number of full-day kindergarten classes;
- Stated that research is being done in order to outline new ways to help classroom teachers with paperwork area of special education;
- Sports trainers;
- Gifted and talented coordinator hired;
- AP testing payments to be provided by St. Mary's County Public Schools;
- Maintaining class size goals;
- Honoring the negotiated agreements for teachers, staff members, principles and assistant principles;
- St. Mary's Technical Center expansion and special education programs at the Tech Center; and
- Numerous other programs were discussed where progress is being made.

Commissioner Anderson moved, seconded by Commissioner Mattingly, to approve and sign the allocation of the base capital operating budget for St. Mary's County Public Schools for FY 2002 to its category levels and to sign the letter to the Board of Education. Motion carried.

Commissioner Anderson moved, seconded by Commissioner Guazzo, to approve and sign the supplemental appropriation Ordinance for FY 2002 for St. Mary's County Public Schools in the estimated amount of \$270,000 and the accompanying letter. Motion carried.

Peggy Childs recorded the following minutes:

ZONING ORDINANCE DISCUSSION

All County Commissioners were present, as was County Administrator Al Lacer. DPZ staff present were Jon Grimm, Director; and Peggy Childs, Recording Secretary.

ADEQUATE PUBLIC FACILITIES

In this second of a series of meetings on a Zoning Ordinance Update, the Commissioners directed the following:

Board of Education

Present: Brad Clements, St. Mary's County Public Schools
Steve Kracinovich, Vice Chairman, St. Mary's County BOE

- (1) Schools or school renovations and additions shall be funded for construction within the current year of the then current Capital Improvements Program.
- (2) Set fixed high school boundaries to determine service areas and allow redistricting within the fixed boundaries.

A third major issue discussed by the Board was whether to stay with its previous decision to use state capacity to determine adequate facilities or to reconsider using local capacity with existing and perhaps even more relocatables. Board of Education staff was asked to update their April chart summarizing school capacity, including Option D, using: 1) state capacity at 100%; 2) local capacity; and 3) local capacity with relocatables that exist today. Relocatables to accommodate capacity should be broken out separately from relocatables for program needs.

Metropolitan Commission

Present: Steve King, Director
Tom Russell, Deputy Director

- (1) 70.1.2 MetCom and DPZ will write language to allow MetCom, in certain instances, to bring water and sewer lines to specific growth areas and recoup the costs through benefit assessment charges.
- (2) 70.3.1 Subdivisions. The Deputy County Attorney will provide a recommendation on MetCom's request to substitute "requirement" for "finding" in this provision.
- (3) 70.8.2.a.(2) - Add the words "the anticipated sewage flow" between the words "the existing sewage flow and" and "from the project," providing DPZ and the County Attorney have no problem with the change.
- (4) 70.8.2.b.(1) - Change to read, "connection to a public community sewerage system is not *permitted by the Comprehensive Water & Sewerage Plan*; and" with concurrence of DPZ and County Attorney.
- (5) 70.8.2.b.(2) - Change "community" to "multi-user" in line one of this provision.
- (6) 70.9.1.a Change to read, "Public water systems required. All residential subdivisions of 25 lots or more within the Rural Districts and all residential, commercial, and industrial subdivisions and development within development districts, town centers and village centers."
- (7) 70.9.1.b Delete existing paragraph and replace with, "Authorization for use of wells. All residential subdivisions of 24 lots or less within the Rural Preservation District may be served by individual wells."
- (8) 70.12.2.a Change line 5 of paragraph to read "Metropolitan Commission Standards Specifications for Water and Sewerage Construction..."

- (9) 70.12.2.b.(1) - Delete "A water system with" . Capitalize F in "Fire" and change "is" to "and"
- (10) 70.12.2.b.(1)(a) - Insert quotations marks around "grouped" and close parenthesis after "(other"
- (11) 70.12.2.b.(1)(b) – Delete entire subparagraph. Superseded by 70.9.

Department of Public Works & Transportation

- (1) Schedule 70.7.3 – Allowable Levels of Service
Residential Districts – Development Districts-Change Peak Hour to LOS D
Rural/Commercial Marine – Change Off Peak to B and Peak Hour to C
Airport – Eliminate Off Peak LOS
- (2) 70.7.4 – Trip Generation Tables – Add "(ADT)" to Daily Trips column in all three tables. Add "Hour" to all AM and PM Peak columns.
- (3) 70.7.5, after item f., add two paragraphs spelled out in Mr. Erichsen's memo dated 7/19/01 to allow developers to: 1) render a fee to DPWT to have DPWT's independent consultant review a traffic study; and 2) the independent consultant's review is at the expense of the applicant and the fee is not revenue-producing but is for cost-recovery purposes only.
- (4) 70.10.1.c.(2) – Delete. Superseded by Stormwater Management Ordinance.
- (5) 70.10.4 - Change "two year storm" to "ten year storm."

Judith Spalding recorded the following minutes:

COUNTY ADMINISTRATOR

Present: Alfred A. Lacer, County Administrator

- 1. Draft Agendas for August 21 and 28, 2001
- 2. Department of Public Works

Present: John Groeger, Deputy Director, DPW

- a. Old Village Road Stop Signs Resolution

As a follow up to last week's meeting, Mr. Groeger explained the traffic study conducted at that location including turning movement count, accident data, site distance issues, and turning radius at the intersection of Mechanicsville Road and Old Village Road. He indicated that a multi-way stop sign was warranted at this site.

After discussion Commissioner Mattingly moved, seconded by Commissioner Anderson, to approve and sign the Resolution for Old Village Road. Motion carried.

- b. Adult Day Care Facility (Old Hollywood School) Joint Use Entrance

Commissioner Mattingly moved, seconded by Commissioner Guazzo, to approve and authorize Commissioner Randall to sign MOU for the Joint Use Entrance. Motion carried.

- 3. Sheriff's Department
Juvenile Justice Transportation Agreement

Present: Sheriff Voorhaar
Mary Ann Thompson, Detention Center

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

4. Legal Department
Eye Care Center property on Route 235
Railroad Right-of-way License Agreement for maintenance potential landscaping
Present: Joan Lolcama, Property Manager

Commissioner moved, seconded by Commissioner approve and authorize Commissioner Randall to sign the Agreement. Motion carried four to one with Commissioner Guazzo voting against, stating that she did not believe that this needed to be done.

5. Facilities Management
Possible development at Routes 5 and 6
(including Park & Ride, MTA Bus Stop; Senior Center;
Town Center Waste Management)
Present: Richard Rohrbaugh, Director, Facilities Management

Mr. Rohrbaugh presented a proposal for the location of the Northern Senior Center at a site (Site 2) at the intersection of Routes 5 and 6, as opposed to the original site (Site 1) at the Charlotte Hall Veterans Home property. He pointed out that there were more costs associated with Site 1, e.g., relocating of facilities. Mr. Rohrbaugh explained that Site 2 could be developed as a Town Center with a *Park and Ride* and relocate the transfer station to the rear of the site; that the County could sell or long-term lease the property at Site 2; that those funds could be used to relocate the transfer station.

Areas of discussion included the traffic at Routes 5 and 6; the fact that Site 1 was approved in the FY 2002 Capital Budget; to continue to look at Site 2 as a Town Center; the need to proceed with the Charlotte Hall/New Market Area Plan; the need for the current Park and Ride site to be moved; relocating Farmers' Market; public/private senior housing.

After discussion, Commissioner Guazzo moved, seconded by Commissioner Anderson, to direct staff to proceed with the Northern Senior Center at the original site (Site 1) at the Charlotte Hall Veterans Home property. Motion carried four to one with Commissioner Mattingly voting against stating that he thought that the Routes 5 and 6 site (Site 2) would be more appropriate because there would be less cost associated with that site, recreational facilities would allow seniors to mix with youth and other pluses relative to Site 2.

6. Recreation and Parks
Right-of-Entry Agreement between SMECO and the County for Lancaster Park.
Present: Phil Rollins, Director

Commissioner Raley moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner Randall to sign the Right-of-Way Agreement. Motion carried.

Kate Mauck recorded the following minutes:

**LEXINGTON PARK LIBRARY
FOREST CONSERVATION EASEMENT**

Present: Richard Rohrbaugh, Director of Facilities Management
Gary Whipple, Project Manager

Mr. Rohrbaugh appeared before the Board of County Commissioners in order to present a request for approval of a Forest Conservation Easement at the Lexington Park

Library. The easement is required for the Forest Conservation Plan and final site approval.

The Commissioners pointed out that the easement plats should have 7th Election District printed on them, and not 2nd Election District. A small amount of discussion took place.

Commissioner Raley moved, seconded by Commissioner Guazzo, to approve and authorize Commission Randall to sign the Forest Conservation Easement. Motion carried.

ZONING ORDINANCE DISCUSSION

CHAPTER 54 – RIGHT TO FARM PROVISIONS

Present: Steve Hoopengardner, Farm Bureau
Donna Sasscer, Ag/Seafood Specialist
Robin Guyther, Director, Permits & Inspection

A Draft Document authored by Mr. Hoopengardner's Farm Bureau subcommittee was entered into the public record. The document expresses some of the Farm Bureau's concerns. Mr. Hoopengardner said the Farm Bureau will be meeting later in the month to finalize the document.

The Commissioners directed that existing paragraphs 54.1 and 54.2 be deleted and those paragraphs replaced as follows:

“54.1 Purpose

1. It is the policy of the Board of County Commissioners to preserve, protect and encourage the development and improvement of its agricultural land for the production of food and other agricultural products. The Right to Farm policy is intended to reduce the loss of agricultural resources by limiting the circumstances under which agricultural and forestry operations may be deemed to interfere with the reasonable use and enjoyment of adjacent land.
2. Agricultural lands and operations are worthy of recognition and protection because farming, and all manner of agricultural activities and operations within and throughout the County, are integral elements of and necessary for the continued vitality of the history, economy, landscape, open space, lifestyle, and culture of the County and the State.

54.2 Implementation

The farmer has the right to farm without being restricted by neighboring residential areas. Hours of operation of farm equipment restricting odor-producing fertilizers or mandatory noise reductions may not be imposed on the farmer in the agricultural and rural preservation districts.”

This paragraph shall also be repeated in Section 31.1 in the intent of the RPD.

Ms. Sasscer noted that the paragraphs suggested in her memorandum are intended to apply not only to land within the RPD, but to all agriculturally-assessed land. Mr. Grimm asked that the Commissioners note the distinction, however, that, in the development districts and village centers, agriculture is not the preferred use, and they must consider what level of protection they want to offer to farming as a land use in those areas. Setbacks and buffers from the preferred use and existing uses must also be considered in village and town centers. Ms. Sasscer suggested that paragraph 2. under Chapter 54 in her memorandum be included maybe not within the ordinance, but in a brochure to be distributed by DPZ.

Mr. Guyther submitted a memorandum to the Commissioners asking that Chapter 54 recognize that “agriculture needs to be redefined to include the corporate, almost industrial, nature of modern farms.” Mr. Guyther's memo says permitted uses on farms need to be expanded to allow storage of equipment, trucks and fuel, maintenance

buildings, offices, product storage and processing facilities, chemical storage, and the ability to use equipment flexibly, and that farming should be considered a home occupation that encompasses a large variety of activities. The farmer who has large tractor-trailers for hauling grain and water should be allowed to use that equipment for other enterprises, such as filling swimming pools or freight hauling, he states.

The Commissioners agreed that this should be considered and asked Mr. Hoopengardner to have his subcommittee review Mr. Guyther's proposal from the Farm Bureau perspective and respond as part of his written comments to the Board.

Schedule 50.4, – Use Classifications

- (1) Use #1 – Change Ls to Ps in the RPD; remove limiting standard from Chapter 51.
- (2) Remove any requirements from farming provisions that are covered by state or federal regulations.
- (3) 1.3.1.b (1), (2), (3) and (5) – Delete existing paragraphs and replace with existing setback requirements.
- (4) 51.3.3.a(2), (3), and (4) – Delete.
- (5) 51.3.3.b. – Delete existing (1), (2) and (3) and replace with, “(1) In the RL District, activity shall be located on no less than _____ acres.”
- (6) Take from the current Ordinance the “good” provisions; i.e., which meet the commissioners’ goal of protecting and preserving farms, and add the provisions of the Draft ULDC which enhance it, including no buffers in the RPD, some buffers in the lower order growth areas, and some setbacks for new buildings in growth areas.
- (7) DPZ staff to work with DPWT and determine threshold for requiring review of intensive farming operations which will have a traffic impact.
- (8) 51.4.b(1) and (c) – Delete (lines 28-37 on page 51-3 and lines 1-15 on Page 51-4).
- (9) DPZ staff, Mr. Guyther, Ms. Sasscer and Mr. Hoopengardner will work out provision for allowing horses and a stable (barn) on lots in subdivisions and bring it back for the commissioners’ review. The language will make it clear that barns do not require permits on agriculturally-assessed land but do require permits in subdivisions. Make sure the provision is enforceable.

Staff will provide an interim draft within 2 weeks with the proposed changes for the commissioners’ review. The recommendations contained in Ms. Sasscer’s August 6, 2001 memorandum will be included in the draft.

Commissioner Mattingly provided a list of Focal Points recommended by the Farm Bureau to use as a basis for DPZ, Mr. Guyther, Ms. Sasscer, and Mr. Hoopengardner’s discussion.

SIMPLIFICATION OF DRAFT DOCUMENT

Information previously distributed by Commissioner Randall to the commissioners suggested breaking the document up into understandable parts, making sure it reads like prose rather than bullets and outlines, and using layman’s terms as much as possible. In addition, the commissioners agreed with Mr. Grimm’s proposal to provide four separate documents:

- (1) Zoning Ordinance, with associated state mandates, as separate document.
- (2) Erosion/Sediment Control, Grading, and Stormwater Management as separate document.
- (3) Road Ordinance as stand-alone document.
- (4) Subdivision Regulations as stand-alone document.

In addition, the commissioners directed staff to:

- (1) Combine development guidelines into a separate brochure or handbook, with a separate handout or customer guide for Harry Homeowner.
- (2) Provide separate guidelines for farming regulations.

DRAFT SCHEDULE

Thursday, August 9 th 6:00 p.m.	Articles 10, 11 and 27 Enforcement, Definitions, and Grandfathered terms (one page)
Tuesday, August 21 st	Right to Farm provisions will come back
Thursday, August 23 rd	Historic Districts; Use Regulations
Thursday, August 30 th	Article 5 and Right to Farm/Agricultural Provisions providing we get comments back from Farm Bureau and Soil Conservation
Tuesday, September 4 th	Development Standards. Invite Development Review Forum and other development experts?
Thursday, September 6 th	Continue Article 6?
Tuesday, September 11 th	Article 8 – Subdivisions and Future of Phasing

Judith Spalding recorded the remaining minutes:

COUNTY COMMISSIONERS' TIME

Approval of Bills for week of August 13

Since the Board of County Commissioners will not be meeting on Tuesday, August 14, 2001, Commissioner Anderson moved, seconded by Commissioner Mattingly, to authorize the Commissioner President or Vice-President to sign the bills. Motion carried.

ADJOURNMENT

The meeting adjourned at 5:15 p.m.

Minutes Approved by the
Board of County Commissioners on 8/21/01

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