

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Governmental Center
Tuesday, August 28, 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)

Kate Mauck recorded the following minutes:

CALL TO ORDER

The meeting was called to order at 10:05 a.m.

ADDITIONS/DELETIONS TO AGENDA

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

APPROVAL OF CHECK REGISTER

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

APPROVAL OF MINUTES

Commissioner Guazzo moved, seconded by Commissioner Mattingly, to approve the minutes of the Commissioners' meeting of Tuesday, August 21, 2001, as corrected. Motion carried.

COUNTY ADMINISTRATOR

Present: Alfred A. Lacer, County Administrator

1. Draft Agenda of September 4/6 and September 11/13, 2001

Mr. Lacer was asked to check on times for the Wellness Program and starting time for Employee Recognition Service program to coordinate with Commissioners' meeting schedule of September 6. Commissioners indicated their blue sheet start times might be incorrect. Change Commissioners' agenda start time on September 6th to 6:30 p.m. pending Mr. Lacer's input.

2. Marcey House
FY 2002 Supplemental Budget Request (State Funding - \$35,206)

Present: Larry Harvey, Director

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

3. Department of Human Resources
Classification of Position in Sheriff's Office and
Amendment to Classification Plan

Present: Dawn Drew, Acting Director, DHR

Ms. Drew provided background information regarding the request for reclassification of a position. The position would change a Senior Communication Specialist to a Supervisor Grade 6 position.

Commissioners directed that the following questions be researched and information be presented regarding this issue in September:

- *How were the five part-time positions budgeted for?*
- *Why was the position not moved to DCC during the budget cycle process?*
- *Is there a requirement for a duty officer at the Sheriff's office as well as a requirement for a duty officer at the Communications Center?*
- *Do we still need a Grade 6 supervising Grade 3's?*
- *Provide a profile of the supervisory role the duty officer plays in the Sheriff's office.*

4. Emergency Management
Mutual Aid Agreement among County Commissioners
of Calvert, Charles, and St. Mary's

Present: Patrick Murphy, County Attorney
Paul Wible, Director, Emergency Management

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

5. Tri-County Community Action Agreement for Distribution of Commodities and Funds for the Emergency Food Assistance Program

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

6. Department of Recreation and Parks
Intergovernmental Agreement for Teen Center After School Program

Present: Phil Rollins, Director, R&P
Tyrone Harris, Special Facilities Coordinator
John Raley, Department of Social Services

Mr. Rollins stated that this was the fifth year of after-school programming at the Chancellor's Run Teen Center, which serves approximately 60 youth. The State of Maryland is providing \$79,517 for FY2002, and there are no matching funds required by the County. Mr. Raley indicated that, despite shrinking funds, DSS is committed to supporting this program.

Mr. Rollins was directed to provide an update in September or October to the Board of County Commissioners regarding the Teen Center/Local Management Board and how services might be expanded.

Commissioner Guazzo moved, seconded by Commissioner Anderson, to approve and authorize Commissioner Randall to sign. Motion carried.

7. Department of Economic & Community Development – Housing Authority
On Behalf Of (OBO) Local Governments Housing Program
(\$1,969,625 from Federal)

Present: John Savich, Director
Dennis Nicholson, Executive Director, Housing Authority

Mr. Savich and Mr. Nicholson presented information regarding federal funds, issued by the State, in the amount of \$1,969,625 for a bond program at no cost to the County. The purpose of the program is to produce a fixed rate below market mortgage product. There is a 60-day requirement in place to find individuals willing to apply for the program, although a request of 120 days had been submitted.

Commissioners directed that staff look into reasons why St. Mary's County is in a different category than Charles and Calvert and does not qualify for the same amount of funding/assistance. Staff was directed to look at criteria being used and determine what the County can do to improve its status. This should become a priority.

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

8. Department of Planning and Zoning
FY 2002 Critical Areas Grant – State Funding: (\$34,400)

Present: Jon Grimm

Mr. Grimm stated that this was a renewal grant submitted to the Chesapeake Bay Critical Area Commission for a nine-month contract to begin June 30, 2002. The proposed grant funds up to 50% of the salary of staff responsible for implementing the Critical Area program in the County. The County funds the balance of the salaries and other costs associated with implementation of the local Critical Area program. The amount is less than previous years, as the contract does not cover a full year. Mr. Grimm discussed using some of the funds to establish a demonstration planting area. A plan will be presented regarding this issue in the future.

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

9. Department of Public Works

Present: George Erichsen, Director
Al Stewart, Soil Conservation Service
Robin Guyther, Permits and Inspections

- a. Public Works Agreement for Meadow Lake Subdivision, Phases 2 and 3, 8th Election District, with a completion date of July 1, 2002. A letter of credit has been provided by the Maryland Bank & Trust Company in the amount of \$364,300.
- b. Public Works Agreement Addendum for Aberdeen Subdivision, Section 2, 2nd Election District, extending the completion date to July 1, 2002. The letter of credit provided by the Cedar Point Federal Credit Union in the amount of \$58,700 has been reduced to \$34,800.
- c. Public Works Agreement Addendum for Cedar Cove Subdivision (Swash Bay) Section 5, 8th Election District, extending the completion date to August 1, 2002. The letter of credit provided by the Bank of America in the amount of \$45,000 remains as posted.
- d. Public Works Agreement Addendum for Valley Woods Estates, Phase 4, 5th Election District, extending the completion date to August 1, 2002. The letter of credit provided by Peoples Bank in the amount of \$30,000 remains as posted.

Commissioner Guazzo moved, seconded by Commissioner Raley, to approve and authorize Commissioner Randall to sign DPW documents 9a through 9d. Motion carried.

e. Mr. Erichsen presented the following items for discussion and review by the Board of County Commissioners regarding the Willow Woods Subdivision:

- (1) Public Works Agreement Addendum for Willow Woods Subdivision, Phases 1 and 2, 8th Election District, extending the completion date to August 1, 2002. The letter of credit provided by The First National Bank of St. Mary's in the amount of \$530,000 remains as posted.
- (2) Public Works Agreement Addendum for Willow Woods Subdivision, Phases 1 and 2, 8th Election District, extending the completion date to October 20, 2001 and eliminating the streets in Phase 2. The letter of credit provided by The First National Bank of St. Mary's in the amount of \$530,000 would be reduced to \$177,500.
- (3) Grading Permit #98-27 Addendum extending the completion date to August 1, 2002. The letter of credit provided by The First National Bank of St. Mary's in the amount of \$51,600 remains as posted.

Mr. Erichsen presented and discussed with Commissioners the following items:

- Outstanding drainage issues that have continued to plague the development;
- An August 20th memo was written by Mr. Erichsen to the County Attorney and the County Administrator which outlined recommendations by the Department of Public Works and Transportation;
- The main issue at the present time is the water impacting the roads as well as the lots;
- Roads will not be accepted until the water problems are solved;
- Overlot grading is a completely separate issue;
- Approved plan for Willow Woods' overlot grading expires October 20, 2001;
- There are approximately 86 lots in phases 1 and 2 of the development;
- Forty-three lots are in phase 1, with about 16 building permits having been issued;
- Effective October 20th the Soil Conservation Service will not approve their part of the plan unless they are presented with information outlining overlot grading to their satisfaction;
- No more road construction will occur;
- Reasons for the expiration of some of the documents on August 1st were outlined;
- Mr. Stewart stated that the sediment control plan allows for a two year plan approval;
- Mr. Guyther reported that the developer has one approved building permit waiting for pickup at the Department of Permits and Inspections. The developer was notified of its readiness one month ago and has not picked it up as yet;
- Discussion took place concerning building foundations;
- Mr. Erichsen outlined perceived problems that might occur in phase 2, as there are no proposed grades or sediment control plans;
- Discussion took place concerning the lack of a Stormwater Management Ordinance when developer plans were approved previously by the County; and
- Mr. Stewart insisted that safeguards would be in place for phase 2 and that the developer would be required to conform to overlot grading provisions.

Commissioner Guazzo moved, seconded by Commissioner Raley, that in the face of numerous letters pointing out problems that exist at the Willow Woods Subdivision as far as erosion and soil control and drainage, on the lots and the roads, and in the face of continued non-compliance by the

property owner, that his privileges to draw building permits be suspended until such time as the Department of Public Works and Soil Conservation have approved the drainage, erosion and sediment controls necessary to make this a proper livable development.

Mr. Guyther stated that should Commissioners direct the Soil Conservation Service to revoke the sediment control plan, then the Department of Permit and Inspections would not be permitted to issue building permits. This was discussed in detail.

Commissioner Guazzo withdrew the previous motion, with Mr. Raley concurring, and she then provided the following motion:

Commissioner Guazzo moved, seconded by Commissioner Raley, in the subject of the Willow Woods Subdivision, Phase 1, the request is made of the Soil Conservation Service to revoke the existing erosion and sediment control plan. Motion carried.

The Board of County Commissioners requested that a letter be written by staff for Commissioners to sign today directing the Soil Conservation Service to revoke the existing erosion and sediment control plan for the Willow Woods Subdivision, Phase 1.

Mr. Erichsen offered to withdraw item number (2) and item numbers (1) and (3) to have Mr. Murphy review and sign off and then submit to Commissioners for their signature today.

Commissioner Mattingly moved, seconded by Commissioner Guazzo, to approve and sign items e(1) and e(3). Motion carried.

10. Department of Emergency Communications

Present: Joan Lolcama, Real Property Manager

Ms. Lolcama presented Commissioners with a request to sign an easement agreement between SMECO and St. Mary's County in order to provide electrical service to the communications tower on Governmental Center property.

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

**DEPARTMENT OF RECREATION AND PARKS
LAUREL GROVE PARK UPDATE**

Present: Phil Rollins, Director
Charlie Klein, Park Planning
Sam Krozier, Park Planning
John Knight, Vice President, Whitney, Baley & Cox
Jane Sypher, Recreation and Parks Board
Cheryl Blazer, Recreation and Parks Board

Mr. Rollins and staff provided a plan revision of the Laurel Grove Park to the Board of County Commissioners. A revised schematic drawing and fact sheet were presented and discussed. The fact sheet highlighted proposed changes and cost savings. The proposed plan was presented to the Recreation and Parks Board on August 22, 2001 and the Board unanimously recommended the proposed plan for submission to the Board of County Commissioners for consideration.

The plan was revised due to the low bid for construction of the park expansion and also because renovation as was originally designed greatly exceeded the budget. The

proposed construction budget is \$650,000 and the previous low bid was approximately \$1 million.

Specific details of the revised plan and entryway to the park were presented and discussed. Ms. Sypher provided additional information regarding the inability to rehabilitate the tennis courts and the need for an attractive park on Route 235 as people enter the County. Ms. Blazer stated that the playground was verging on being unsafe. *The Board of County Commissioners directed the following:*

- *Put reduced price walkway (asphalt) and ball field fencing as alternates;*
- *No additional money is to be spent on designing the park;*
- *In all projects, cost cutting factors need to be pursued early in the project;*
- *Make looped walkway through the grove of trees the first alternate; additionally, it should be asphalt in order to cut costs.*

Mr. Rollins stated that the process would now move forward toward the bidding process.

COMMISSION ON EDUCATION FINANCE, EQUITY, AND EXCELLENCE (THORNTON COMMISSION)

Present: Dr. Patricia Richardson, Superintendent of Schools
Elaine Kramer, Director of Finance

Dr. Richardson and Ms. Kramer briefed the Board of County Commissioners, along with input from Commissioner Anderson, regarding the status of the Thornton Commission. Several public hearings will be conducted on September 10th, and the closest one to St. Mary's County will occur that evening in Clinton, Maryland at Surrattsville High School from 7:00 to 9:00 p.m. Highlights of the presentation were as follows:

- The charge of the Commission;
- A close look at the two main issues of concern to St. Mary's County last year – transportation and special education as well as the drop in state funding for each;
- Estimated financial impact on St. Mary's County Public Schools is a total increase of \$2,116,579 in FY 2002;
- Current Thornton Commission Schedule;
- Next steps to take and key questions to answer;
- The Commission's recommendations of 10/19/2000;
- Adequate funding – Professional Judgment Approach and Successful Schools Approach;
- Local funding – 52%; State funding – 43% and Federal funding – 5%;
- Funding models;
- Estimated potential impact of funding models on St. Mary's;
- Nine questions to frame the testimony were outlined;
- Considerations in developing the testimony was presented;
- Immediate next steps are to identify key issues to St. Mary's and determine whether there will be separate or joint testimony; and
- Future steps will be to monitor developments, for Commissioner Anderson to update Boards regarding draft reports and to consider testimony based upon the draft reports; and
- Serious concern was expressed for State funding of mandates and the need for the State to provide funding for the basics before issuing additionally mandates.

The Board of County Commissioners requested that Dr. Richardson and Ms. Kramer develop a joint letter to be signed by the Commissioners and the Board of Education to the Thornton Commission regarding the concerns discussed at today's meeting.

Commissioner Anderson thanked Dr. Richardson and Ms. Kramer for their excellent work in putting together the presentation in a short period of time.

Commissioner President Randall outlined discussion with the Governor at the recent Maryland Association of Counties meeting. The Governor indicated at that time that no new initiatives would be forthcoming this year. Commissioner Anderson encouraged individuals to attend the public hearings on September 10th, as their testimony would have an impact on the County.

Judy Spalding recorded the remaining minutes:

ZONING ORDINANCE WORK SESSION

Present: Jon Grimm, Director, DPZ
John Norris, Deputy County Attorney

Prior to beginning the review of Chapters 50 and 51, the Commissioners requested that they be kept up to date with changes as they are being made and to try to avoid duplication of comments submitted.

Chapters 50 and 51

<u>Page No.</u>	<u>Action</u>
Page 50-1	okay as is
Page 50-2	okay as is
Page 50-3	(agricultural classifications are being reviewed by Farm Bureau)
Page 50-4	okay as is
Page 50-5	okay as is
Page 50-6 in "Regulation	<i>No. 17 - Limited Standards need to be added on Page 51-9 of Uses"</i>
Page 50-7	okay as is
Page 50-8	<i>No. 27 - Remove "P" under Industrial;</i>
Page 50-9	<i>* No. 35 - Add "C" to RSC;</i> <i>* No. 37 - (Question of whether High Density was appropriate); change RPD to "C"; and RCL to "P"</i> <i>* Change Limited Standards to Conditional Use Standards on Page 51-15, deleting the number of employee provision and adding appropriate considerations for a conditional use; i.e., vehicle trip generation buffer size and type, etc.</i>
Page 50-10	<i>* No. 39 - Add to Limited Standards on Page 51-16 requirement for a run and distance from adjacent property (and possibly limit hours); question on Page 51-16 - b(2) which states "all activities shall be performed or housed within an enclosed building." (Animal Welfare League and Kennel Club to submit recommendations)</i> <i>* No. 40 - Remove last sentence from description: "Use shall not be considered a 'bona fide agricultural' use..."</i> (This shall be posed to the Soil Conservation Service whether the General Standards need to state that an approved Erosion and Sediment Control Plan and nutrient management plan are required prior to permit issuance.) <i>* No. 42 - Add "P" to RCL;</i>

Page 50-11

* No. 45 – Add “A” to CM and to I;

* No. 47 – Add “P” to CC and OBP; replace “L” with a “P” under VMX and draft limiting standards for the RSC on page 51-19;

* No. 48 – Delete Use Category

Page 50-12

* No. 56 – Add “L” to RPD; delete Use

(discuss with Farm Bureau re reasonable square footage for a business to work on farm equipment (tractors, etc.) BOCC will revisit when more information is received.)

* No. 59 - Add “A” to I;

Page 50-13

No. 63 – Change Limited Standards to Accessory Standards on Page 51-23;

Page 50-14

*No. 65 – Add “L” to VMX

sign lighting issue needs to be addressed in the sign provisions; therefore delete Limited Standards subpart (b)(2) addressing sign lighting whether to remove and add to signs)

* No. 68 – to add a (b) under Limited Standards on Page 51-25 indicating only bowling alleys, skating rinks, fitness and gyms and others within the commercial use (warehouse type structures)

Page 50-15

* No. 71 – question of whether it is needed and whether it was covered in other places. (Mr. Grimm to make recommendations)

* No. 73 – Mr. Grimm will check to see if there were any comments regarding outdoor seating.

Page 50-16

No. 76 – Concerns whether this would affect the Amish/Mennonite community selling handcrafted items (this would be covered under No. 112 (home occupations); however, under No. 112 on pages 51-46 and 51-47, items 6 and 7 should be deleted);

Page 50-17

okay as is

Page 50-18

No. 81 – add “C” to RMX; delete second sentence on page 51-28 in item no. (4) and delete (5); questions regarding (10)(e) Economic Impact Statement requirement (Mr. Grimm will check with Board of Appeals as to whether this is necessary)

Page 50-19

* No. 88 – Change “high intensity” to “low;” (need to check with amateur radio group in that this may be preempted by a higher level government and it could be removed; (Commissioner Guazzo offered to contact commentator, Pete Butt, regarding antenna height limitations and report back to the board)

*No. 90 – Make RCL, TMX, and DMX a “C”

Page 50-20

okay as is

Page 50-21

* No. 99 – page 51-40, delete a.(2) (check to see if there are state regulations about this.

* No. 100 – page 51-40, delete a(2);

Page 50-22

okay as is

Page 50-23

- * No. 106 – *add "A" to RL and CM;*
- * No. 113 – (discussion of certain improvements requiring a PUD) (see comments for page 50-25 below)
- *No. 115 – *Remove (Outdoor Retail Sales); add a new No. 115 (Accessory - General) pursuant to Mr. Grimm's memorandum)*

Page 50-24

- * No. 117 – *on page 51-48 delete a.(2)*
- * No. 118 – *on page 51-48 delete a.(2) because it is regulated by the Building Code*

Page 50-25

Re: No.113 above, the Commissioners indicated that the outdoor bluegrass festival is covered under No. 122.

EXECUTIVE SESSION

Commissioner Guazzo moved, seconded by Commissioner Anderson, to meet in Executive Session to discuss matters of Personnel, as provided for in Article 24, Section 4-210(a)1. Motion carried.

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

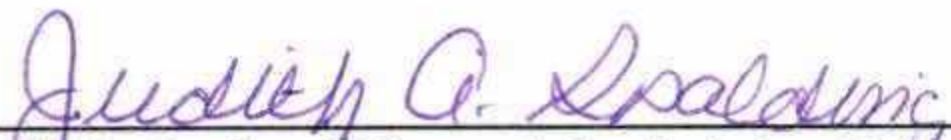
Time Held: 7:05 p.m. – 7:55 p.m.

Action Taken: The Commissioners discussed employment contracts and gave direction to staff.

ADJOURNMENT

The meeting adjourned at 7:55 p.m.

**Minutes Approved by the
Board of County Commissioners on 9/25/01**



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