

**ST. MARY'S COUNTY  
BOARD OF COUNTY COMMISSIONERS' MEETING  
Governmental Center  
Tuesday, October 3, 2000**

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

*(Commissioner Shelby P. Guazzo was not present.)*

**CALL TO ORDER**

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

**ADDITIONS/DELETIONS TO AGENDA**

Commissioner Raley moved, seconded by Commissioner Mattingly, to accept the agenda as amended (to add discussion regarding County Commissioners' Time on the agenda). 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 Raley moved, seconded by Commissioner Mattingly, to approve the minutes of the Commissioners' meeting of Tuesday, September 26, 2000, as corrected. Motion carried.

**COUNTY ADMINISTRATOR**

Present: Alfred A. Lacer, County Administrator

1. Draft Agendas for October 10 and 17, 2000

2. **Budget Amendments**

Present: George Erichsen, Director, DPW

a. **#2001-09 – Public Works and Transportation (\$38,000)**  
(recycling support)

Commissioner Raley moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner President Randall to sign budget amendment #2000-09. Motion carried.

b. **#2001-10 Department of Public Works and Transportation (\$35,000)**  
(retrofit sidewalk program)

Commissioner Mattingly moved, seconded by Commissioner Raley, to approve and authorize Commissioner President Randall to sign budget amendment #2001-10. Motion carried.

3. **Boards and Committees  
Letters of Appointment**



**Commissioner Mattingly moved, seconded by Commissioner Raley, and motion carried, to sign letters appointing the following individuals:**

<u>Adult Public Guardianship Review Board</u>	<u>Terms to Expire</u>
John Sharrett	12/31/2003
<u>Historic Preservation Commission</u>	
Peter Himmelheber	5/30/2003

#### **MOTIONS/COUNTY COMMISSIONERS' TIME**

Commissioner Randall suggested that the Commissioners adopt a process for the Commissioners' Time on the agenda. She stated that all motions entertained by the Board are important and are worthy of participation by individuals on the Board, worthy of staff input, and there should be an opportunity to get additional information prior to any motion being put on the table. Towards that end Commissioner Randall proposed that motions only be offered at the Commissioners' table for subjects that are included on the agenda and included on the County Administrator's agenda. The Commissioners and County Administrator have an opportunity to request modifications to the agenda during "additions/deletions" if it is something that cannot wait.

**After discussion Commissioner Mattingly moved, seconded by Commissioner Raley, that motions only be offered on subjects that are included on the Commissioners' and County Administrator's agenda. Motion carried.**

Commissioner Randall suggested that during Commissioners' time members can request items be included on a future agenda.

*(Kate Mauck took the following portion of the minutes.)*

#### **SINGER STUDY** **DISCUSSION/DECISION**

Present: Melvin McClintock, Director of Human Resources  
Elaine Kramer, Director of Finance

Mr. McClintock and Ms. Kramer appeared before the Board of County Commissioners to respond to questions resulting from the Singer Pay Scale/Classification Study Presentation recently given and to submit additional information that was requested during the presentation. In-depth discussion took place concerning the appeals process and Commissioner Mattingly expressed concerns that lower level personnel may have felt isolated from the original appeal process. The communication process to employees was discussed, and Ms. Kramer outlined dates that specific information would be sent out to each employee.

Retroactive pay was discussed for those individuals who may be successful in the upcoming final appeal process. Mr. Lacer suggested that few individuals might fall into the category of receiving a step increase from October 1<sup>st</sup> to the end of the appeal process. The Board of County Commissioners requested that Mr. McClintock evaluate the cost, should this occur, and at that time, it will be determined whether or not pay should be retroactive.

Mr. McClintock reported that Dr. Singer informed him they used current market data to analyze and establish salaries for IT employees. Human Resources requested that Singer Group perform and submit a more formal evaluation. Mr. McClintock had previously forwarded two documents that relate to this issue from Commissioner President Randall to Dr. Singer.

Mr. McClintock reported that a written request had just been received from the Office of the Sheriff, asking to keep sworn officers only on their existing pay scale until January 1, 2001. Sheriff Voorhaar was present and was invited to answer questions regarding this issue. He stated that this would avoid a flip-flop from one pay scale to



another, only to have it occur again on January 1<sup>st</sup>. It was determined that this issue would be deferred one week so that the Board of County Commissioners could examine the written request and make an informed decision.

**Commissioner Anderson moved, seconded by Commissioner Mattingly, to approve the position classifications, but to defer the issue for Office on the Sheriff, sworn officers only, for one week. All were in favor.**

**It was further determined that a feedback report should be sent to Dr. Singer after completion of the entire process.**

*(Judith Spalding resumed taking the minutes at this point.)*

## **COUNTY COMMISSIONERS' TIME**

### **Enhancements to Great Mills Road**

Commissioner Raley announced that there will be a public informational meeting Wednesday, October 11 at 7 p.m. at the Lexington Park United Methodist Church regarding enhancements to Great Mills Road from Route 235 to Saratoga Drive in Lexington Park.

### **Test and Evaluation Museum**

Commissioner Raley reported that the museum project is moving forward, and that there will be a fundraising kick off on Wednesday at 12:00 Noon. Progress is being made regarding the relocation of the museum and commended all those who worked on this project, particularly Keith Fairfax.

### **Expression of Condolence**

Commissioner Raley expressed condolences to the Ridgell family on the passing of Paula Ridgell in a tragic automobile accident on Saturday evening.

### **Blessing of the Fleet**

Commissioner Anderson expressed appreciation to all those who worked on the Annual Blessing of the Fleet including the Seventh District Optimist and staff and volunteers of the museum and thanked them for furthering the County's tourism goals.

### **Great Mills High School – Smart Growth Award**

Commissioner Mattingly reported that he attended on behalf of the County, along with Superintendent Richardson, public school staff and Board of Education members, the awards ceremony recognizing Great Mills High School with a Smart Growth Award and recognition for the renovation of the school which has been identified as part of the Lexington Park Revitalization project.

Commissioner Mattingly advised that there are many categories for awards and with so much going on with the Lexington Park revitalization, he encouraged departments and agencies to look into making an application for the awards.

The Commissioners directed Deputy County Administrator George Forrest to work with the Public Information Officer to look at ongoing project that could qualify for a Smart Growth Award.

### **Weekend Celebrations**

The Commissioners noted the following celebrations being held this upcoming weekend:

- St. Mary's County Public Library 50<sup>th</sup> Anniversary Celebration
- 3<sup>rd</sup> Annual Farm Life Festival at the Parlett Farm



- African American Coalition Celebration Honoring Viola Gardner for her many years of volunteerism

In addition the Commissioners noted the Glenn Miller Concert at Chopticon High School on Wednesday, October 4, 2000.

*(Kate Mauck took the remaining portion of the minutes.)*

#### **LEXINGTON PARK LIBRARY UPDATE**

Present: Greg Lukmire, Architect  
Mary Wood, Director, St. Mary's County Memorial Library

Mr. Lukmire provided an update to the Board of County Commissioners on the status of the Lexington Park Library. The last update was given in August and the library is still moving forward on schedule. The design development phase should be completed in November, drawings are expected to be completed over the holidays, and the project should go out for bidding in the January time frame. Groundbreaking should occur in late winter or early spring. Stormwater management issues and soil borings are the two matters that are incomplete at this time. When these issues are settled, a more detailed cost estimate will be developed.

Outside design illustrations of the library were presented and discussed. Other issues discussed include: direct access by pedestrian traffic, security issues due to entrance into the facility, "presence" of the building, the stormwater management facility and hopeful elimination of fencing, sidewalks, directional lights and signs leading to the library. Ms. Wood stated that an approximate 10% personnel increase would be necessary to staff the new, larger library.

Commissioner Mattingly expressed disagreement with discussions on possible repositioning of the building from the current 40-foot setback, due to costs and potential delays.

Mr. Lukmire was directed to look into the current 40-foot setback requirement on the building to see if moving it closer to the street would create the same effect, but lessen the walk for pedestrians entering the facility. The 40-foot setback differs from the Lexington Plan. Mr. Lukmire stated that a zoning variance may be required, and stormwater management may also affect it; however, he would consult with the civil engineer and report back to the Board of County Commissioners on this issue. After discussion, Mr. Lukmire was asked to find out if moving the building forward would: 1) cost more in funding, 2) push the schedule back, 3) be advisable in his professional opinion.

#### **ULDC UPDATE AND DISCUSSION OF PROPOSED AMENDMENTS (STORMWATER MANAGEMENT/SEDIMENTATION CONTROL)**

Present: Jon Grimm, Director, Planning and Zoning  
George Erichsen, Director, Public Works

Mr. Grimm reported on the status of the Unified Land Development Code (ULDC), and outlined where the Planning Commission is at with regard to changes to the document. The Planning and Zoning Department has been trying to stay current with the changes that are made by the Planning Commission, and expects that it may take another two weeks to complete the changes, with hopeful submission to the Planning Commission a few days prior to their meeting on October 16<sup>th</sup>. It is expected that another work session will occur on October 23<sup>rd</sup>, and it is possible the document will be approved at that time. It appears more likely for the document approval to occur on October 30<sup>th</sup>, after which time, the document would then be ready for submittal to the Board of County Commissioners.

Mr. Grimm gave a presentation in response to the motion made by Commissioner Guazzo at the last meeting of the Board of County Commissioners. Mr. Grimm stated that it is possible, from a Planning and Zoning viewpoint, to do what the motion asked



for. Carrying the task out would raise some concerns in the areas of diverting efforts from moving forward with the ULDC and would require piecemeal implementation of the ULDC, which would be quite difficult to do. Mr. Grimm stated that Planning and Zoning was prepared to follow the direction of the Board of County Commissioners on this issue. Also discussed was the possible adoption of a Resolution for development review policy bringing the review into compliance with the Comprehensive Plan. This would provide a bridge from the update of the ULDC to the new one, and the Resolution as an expression of policy by the Board of County Commissioners, and could, therefore, be used by County departments and review agencies during the TEC process.

Mr. Erichsen came before the Board of County Commissioners in order to address specific amendments to the ULDC and his recommendations on implementing portions of the document. Mr. Erichsen outlined his in-depth review of Article 7 regarding storm drainage, adequate out-falls, deep slopes, erodible soil, sediment control standards, stormwater management, and Article 8 regarding infrastructure standards. Mr. Erichsen recommended limiting the piece-meal approach due to numerous references being woven throughout the document, and he also stated that separate public hearings might be required on each item lifted out.

**Commissioner Raley moved, seconded by Commissioner Mattingly to put the motion back on the table. All were in favor.**

**The original motion by Commissioner Guazzo was:**

*to bring forward certain articles of the zoning ordinance related to site development and resource protection standards, and subdivision standard approvals and that her recommended changes to Article 7 and 8 be taken to hearing for the intent and purpose of adjusting these chapters in the current zoning ordinance.*

Discussion then took place on the original motion. Commissioner Anderson requested information on the number of projects that are currently in the approval loop that would potentially affect our watersheds. He stated that perhaps action should be taken immediately to ensure no further damage occurs.

Mr. Grimm stated that there are perhaps 15 to 20 projects currently, and that the scale of each project must be evaluated, as well as determination of where each project is at in the approval process. He would put this information together and submit to the Commissioners as soon as possible. Mr. Grimm was further directed by the Board of County Commissioners to put together the framework and a draft Resolution for the Commissioners to consider for immediate implementation of the updated Comprehensive Plan.

*After further discussion, Commissioner President Randall called for a vote. All were opposed and the motion failed.*

**Commission Mattingly moved to appoint a Citizens Technical Advisory Committee to work in conjunction with county staff. The committee shall consist of no more than 15 individuals with technical background in land use and planning appointed by the Board of County Commissioners. They will be requested to evaluate the complete ULDC draft and make recommendations as to the articles technically acceptable for immediate adoption with minor or no revision. Once this initial review has been reported to the Board of County Commissioners, the committee will also be requested to provide to the Board of County Commissioners a detailed review with recommendation of all remaining articles of the draft ULDC. The Board of County Commissioners would ask that a status report be provided within 30 days following the appointment of this committee. This report should represent issues within the ULDC that will require short and long term review and an estimated timetable for adoption of the complete ULDC code.**

**Commissioner Anderson suggested that the committee be balanced between technical experts on land use planning and environmental and ecological experts.**



**Commissioner Raley seconded the motion for the purposes of discussion. After discussion, it was determined that quick action by the Commissioners could help this to move forward for discussion of potential members next week during Executive Session. All voted in favor.**

3:30 p.m.

**PUBLIC HEARING  
RODO BEACH SUBDIVISION ROAD TAXING DISTRICT**

Present: George Erichsen, Director of Public Works  
Allen Settle, Department of Public Works

Mr. Erichsen and Mr. Settle appeared before the Board of County Commissioners to present a petition/ballot that was submitted to the Department of Public Works on February 8, 2000 by a majority of the property owners in Rodo Beach to have their roads upgraded from private to public road standards and maintained by the County. Mr. Erichsen read the Notice of Public Hearing, which was properly advertised in the Enterprise newspaper on September 13, & 20, 2000.

Mr. Erichsen outlined information about the location in question and provided detailed illustrations of the property. The following specifics were discussed:

- The total estimated project cost for construction of roads to meet county standards is \$366,335, which would be funded in the CIP program;
- \$63,095 of that total would be the county's responsibility;
- The remaining funds necessary, estimated to be \$303,240, would be paid by the property owners (with interest to be added) to the county for a period of twenty (20) years;
- 64% of property owners voted in favor of the petition (28 out of 44);
- Supplemental petition sent out to most recent new owners (August 31<sup>st</sup>) resulted in continued vote in favor of 64%;
- Benefits to the community from the county were outlined.

**Commissioner Raley asked for information about a potential reduction of cost by tar and chipping the roads instead of using asphalt. In addition, Mr. Murphy was asked to remove the "no prepayment" stipulation that was in the draft Ordinance.**

Commissioner President Randall opened the floor up for public comment and the following individuals spoke:

**Michael Daras** – Vice President of the Homeowners Association – Outlined health and safety issues in the development. Also concerned about a letter received from the county about a cul-de-sac – he has measured and cannot see how it would fit.

**Cate Venango** – Asked that tar and chip be considered if it would result in less cost. Snow removal was a bad issue last winter, and fire trucks cannot get into the development.

**Charlene Taylor** – Outlined safety issues for children who must be picked up 8/10 of a mile from her home as it goes through a wooded area. No UPS service in development. Ms. Taylor is a RN and Hospice volunteer – in bad weather, she is unable to get out. Fire department had difficulty four years ago due to potholes on their road.

**Bernie Gascon** – Not opposed, but has concerns about the roadway – the potential cul-de-sac would take a good portion of his property. Mr. Gascon had easement questions. Pond is usually land-locked. Tom Russell stated that Hollis Lake is a state lake. Perhaps the county can ask the state for funding. In favor of tar and chip road – afraid of speeds if the road is asphalted.



**Mervyn Hampton** – Lives just outside the district, but is heavily affected by it. His house is the first house in the Poplar Neck subdivision – had questions about how the new road would be hooked up to his road. Also major concerns because his property holds a major drainage ditch that flows out to the Chesapeake Bay. The ditch is currently maxed out, and careful forethought and design must be done on the drainage issue.

**Mary Roach** – Mrs. Roach and her late husband developed the property. Ms. Roach believes the majority of the homeowners would be making a mistake to turn it over to the county, and that it would cost less to perform the tasks themselves. She also expressed concerns about costs she would have to pay for lots she owns.

**Bette Ridgell** – Property owner who doesn't live there. Ms. Ridgell believes it would cost less for the owners to pay for it themselves.

**Andres Lagal** – Her house goes under water with very little rainfall. The foundation is weakening and she believes it is sinking. Hollis Lake is self contained, full of algae, smells and is a health issue. Concerns about how to drain the water so her house doesn't sink further. Does not have the money to pay for twenty years – soon expects to be on a fixed income. Concerns about paying taxes with nothing to show for it – no postal service, etc. Concerns about who would pay for buried utilities.

**Hector Montenegro** – Homeowner on Lot 1 – affected by size of road and right-of-way. Mr. Erichsen stated that he would work closely with Mr. Montenegro, as well as with the owner of Lot 2. The county will work closely with the property owners to determine the best scenario.

**Don Strada** – President of the Homeowners Association – Appreciates the work done to date by the Public Works Department. Concerns about basic requirements for people on fixed incomes and some who are elderly – ambulance service, drainage, etc. Seeking an environmentally stable community. Managing the drainage would be wise. Hollis Lake and the creek are manually drained now, and it's expensive for all the owners. The county would provide long-term help for the roads.

**Vince Vegus** – representing owner of Lot 17 – she is a retired, elderly individual who has lived there for 40 years, and cannot afford to pay \$600 per year. She is against the request. Is she able to make an appeal?

**Mary Roach** – spoke again – Ms. Roach stated that the pond does not belong to the public, but is still her property. When her husband was living, he kept it drained.

**Nello Caltabiano** – speaking for his parents who are property owners and live out of town – their lot is unable to be developed and they do not want to pay when they can't even build on the lot. The value and benefits to the other property owners is much greater than to ones that have no home there.

**Alice Daras** – Research for private funding for the roads - \$40,000 for only one road – appreciates that the county is willing to help and work out their concerns.

**Joe Venango** – He pays high taxes and has nothing to show for it. All may suffer because a handful of property owners don't want to take care of their property.

**Karl Hanson** – Opposed and would like to hear alternative proposals. Stated that major potholes have become a problem since a "crown" is no longer maintained on the surface of the roads.

Mr. Raley asked about ownership of the Reservation Area, and Mr. Erichsen stated that he could not find any ownership recorded.

Commissioner President Randall closed the public hearing. She stated that the record would be kept open for written public comment for a period of ten days, after which time, the Board of County Commissioners would place the item on the agenda for decision.



The public hearing adjourned at 5:13 p.m.

**ADJOURNMENT**

The meeting adjourned at 5:13 p.m.

Minutes Approved by the  
Board of County Commissioners on 10/10/00

Judith A. Spalding  
Judith A. Spalding, Recorder