

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Governmental Center
January 23, 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, Recorder

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 amended (to add an executive session on personnel; to delete the St. Mary's River Commission discussion and add Impact Fee Clarification legislation on the County Administrator's agenda). Motion carried.

APPROVAL OF CHECK REGISTER

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

APPROVAL OF MINUTES

Commissioner Anderson moved, seconded by Commissioner Raley, to approve the minutes of the Commissioners' meeting of Tuesday, January 16, 2001, as presented. Motion carried.

COUNTY ADMINISTRATOR

Present: Alfred A. Lacer, County Administrator

1. Draft Agendas for January 30 and February 6, 2001
2. **Impact Fee Exemption Authority Clarification**

Present: Patrick Murphy, County Attorney

Mr. Murphy presented proposed legislation confirming and clarifying the Commissioners' authority to grant exemptions to the Economic Impact Fee.. He stated that since 1974 the exemptions had been enacted locally for intra-family transfers. Discussion ensued as to the fact that no official correspondence had been received from the Attorney General's Office questioning the Commissioners' authority to grant such exemptions.

After discussion Commissioner Raley moved, seconded by Commissioner Mattingly, to authorize legal staff to submit the proposed legislation to the County's Legislative Delegation relative to authority to grant exemptions to the Economic Impact Fee. Motion carried.

The Commissioners requested Mr. Murphy to prepare a letter giving the background of the exemption process for the Board's signatures to accompany the legislative proposal.

2. Department of Planning and Zoning
Smart Growth Index License Agreement

Present: Jon Grimm, Director, DPZ

Commissioner Mattingly moved, seconded by Commissioner Anderson, to approve and authorize Commissioner Randall to sign the Smart Growth Index License Agreement. Motion carried.

3. Lavendar Estates – Public Works Agreement
(deferred from 1/16/01 meeting)

Present: Patrick Murphy, County Attorney
Jon Grimm, Director, DPZ

As a follow up to last week's discussion, and in response to inquiries from Commissioner Guazzo, Mr. Grimm pointed out that the Release will be recorded prior to the recording of the developer's plat, and that the Release and the plat will be recorded as separate documents.

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

4. Boards and Committees (letters of appointment)

Commissioner Anderson moved, seconded by Commissioner Raley, and motion carried, to sign the letters of appointment to the following individuals:

Development Review Forum

Wayne M. Davis – *Reappointment*
Herb Redmond, Jr. - *Reappointment*

Term to Expire

12/31/2003
12/31/2003

Marcey House Board

Christie Holt Chesser

12/31/2003

Recreation and Parks Board

Coleman Hillman – *Reappointment*

12/31/2004

Wicomico River Commission

G. Howard Burch – *Reappointment*
Richard Colliflower – *Reappointment*

12/31/2004
12/31/2004

COUNTY COMMISSIONERS' TIME

Commissioner Anderson's District Forums

Commissioner Anderson expressed appreciation to all the citizens that participated in his first District Forum held at the Valley Lee Firehouse on January 17. He said there was a great turnout and looked forward the second forum which will be held at the American Legion Hall in Ridge.

Guest Speaker at Teen Center

Commissioner Raley reported that Gwen Bankins advised him that Rev. Jamal-Harrison Bryant will be the keynote speaker at the Teen Center's *The Dream Continues* program on February 3, 2001 from 11 a.m. to 2 p.m. The Teen Center is located at the Chancellor's Run Regional Park.

**Patuxent Partnership
Tech Talk Luncheon**

Commissioner Raley announced that The Patuxent Partnership is sponsoring a Tech Talk luncheon on January 25 at the College of Southern Maryland, Leonardtown, 11:30 a.m.

Resolution No. Z91-11
Piers and Bulkheads

Commissioner Raley advised that several people who are looking at the ULDC and the recent case before the Board of Appeals have expressed concerns to him regarding Resolution No. Z91-11 – Piers and Bulkheads – Administrative Policy Section. Since the Resolution has been in existence since 1991, he requested County Administrator Lacer to look at it to see if it is still relevant e.g.; lateral lot lines relative to piers.

Mechanicsville Fire Department/Auxiliary Installation of Officers

Commissioner Guazzo advised that she and Commissioner Raley enjoyed the hospitality of the combined Annual Banquet for the Mechanicsville Fire Department and Mechanicsville Rescue Squad and their auxiliaries (Commissioners Anderson and Randall were able to attend a portion of it.) Two people were recognized during the program—“Stormy” Combs family was presented with several items in his memory and also gave expressions of appreciation for his dedication to the fire department; Billy Simpson was recognized for his 50 years of service to the fire department.

Commissioner Guazzo stated that the MVFD is moving forward with its plans for a substation at Golden Beach, and that there will also be an ambulance at that location when it is completed. MVFD also has plans for another facility in the Fourth District, and that she would be helping to find a suitable site in that area.

Gypsy Moth

Commissioner Guazzo referred to a letter from the Agricultural Department, Pest Control Division, regarding the gypsy moth program, and the Department is inquiring if St. Mary's County would participate in funding the program in St. Mary's County. She suggested that the appropriate department be contacted to develop a response to the Maryland Department of Agriculture. (Later in the meeting the letter was included in the Consent Agenda and signed by the Board.)

DEPARTMENT OF RECREATION AND PARKS

Present: Phil Rollins, Director, Department of Recreation and Parks
Sam Crozier, Crozier and Associates
Charles Klein, Whitney, Bailey, Cox and Magnani

Update On Laurel Grove/Nicolet Park Improvements

Mr. Rollins, along with staff and consultants, appeared before the Board of County Commissioners to provide a brief update on the status of design and engineering work for improvements at Laurel Grove Park. Mr. Klein stated that the master plan for Laurel Grove Park had been developed, and implementation of the plan was now in progress. Details of the plan are as follows:

- ◆ Due to concerns from various departments and the State Highway Administration, the entryway into the park was modified, which appears to be a good improvement;
- ◆ Parking area also was modified;
- ◆ Amount of ballfields expanded from three to six;
- ◆ Plans have been resubmitted for technical review;
- ◆ Schedule: hope to put out for bid late spring, construction to begin in early summer, seeding to occur in August/September, with an anticipated opening of the park in the spring of 2002.

Commissioner Guazzo expressed concerns with water/well/bathroom facilities at the second pavilion. Other items discussed were: future budget funding for the second phase of the project (\$210,000 in FY02), playing field distance from parking areas, and liability from foul balls potentially hitting car windshields. The Risk Manager had assured Mr. Rollins that the County should not expect to be held liable for car damage from foul balls. This plan would provide the full extent of any improvements to be made to the park, as the remainder of the property consists of forest and wetlands.

Mr. Rollins and staff also provided a briefing on the status of Nicolet Park. The Board of County Commissioners had previously reviewed and approved the park, and the design development and construction of the park is ready to begin. Issues discussed were:

- ◆ Flexibility potential should the road alignment and entrance to the park need to change;
- ◆ Stormwater management – a stream runs between the park and an adjacent office park – there is the potential for sharing the stormwater management responsibility with the owner of the office park;
- ◆ Easement agreement with the Millison's expected to occur soon;
- ◆ Schedule: this summer or early fall the park should be under construction with completion expected by the summer or fall of 2002.

The Board of County Commissioners expressed a sense of urgency for construction to begin this year with no unanticipated delays.

Mr. Rollins also provided information on other projects as follows:

- ◆ Grand opening of Willows Road Park expected on September 1st, although a "soft" opening will occur earlier;
- ◆ Settlement is expected this week on Chaptico Park. Master plan should be to the Commissioners in March or April 2001. Once the master plan has been adopted, design and engineering will begin immediately;
- ◆ Discussions have occurred and will continue with property owners regarding the entrance to Chaptico Park;
- ◆ Cecil Park plans moved to FY04 – FY-06; and
- ◆ The Elms property is listed in the capital program for FY03 for plan and design with construction to occur in FY04.

Presentation Of Draft Concept Plan For Great Mills Road Property

Also Present: Robin Finnacom, Director, Lexington Park Revitalization

Ms. Finnacom presented information pertaining to the 19-acre Great Mills Road property that had been purchased by the County, and was formerly known as the Waring property. Active involvement and dialogue has occurred by County staff and members of the community in the brainstorming of ideas for opportunities as well as constraints on the use of the land. Photographs as well as the layout of the property were exhibited and discussed. The following details were presented:

- ◆ Property is located next to Great Mills High School;
- ◆ There are approximately 950-1000 dwelling units within walking distance;
- ◆ Many pedestrian access points to the park are desirable;
- ◆ Potential entrances to area outlined as well as utility and access easements identified;
- ◆ Wooded areas outlined;
- ◆ Small businesses located in the front of the property;
- ◆ Five acres of program open space identified – could be moved elsewhere if necessary;
- ◆ Stormwater management – may be able to place adjacent to high school's stormwater management area – this locality is the lowest spot on the site.

Goals for land use were outlined as follows:

- ◆ Gateway to the Lexington Park community from the South;
- ◆ Maximize recreational/community activities and services in a park-like or campus setting;
- ◆ Create a pedestrian-friendly atmosphere with linkage to adjacent land uses;
- ◆ Could be used for recreation facilities, community facilities, and/or education cooperation.

The Board of County Commissioners directed Ms. Finnacom to look at a campus complex approach for different governmental facilities, including St. Mary's public schools, to meet the needs of the entire community. Create the ability to bike/walk to all the facilities. It is unnecessary to fully utilize the site at the present time, as the site will provide land to meet future needs. Several of the Commissioners indicated that other older buildings could be used to meet office space requirements in the future. A pool may be a good approach and the Sheriff's Department may soon need a small space in that locality.

Ms. Finnacom stated that she would research the issue and provide a complete presentation to the Board of County Commissioners by the end of February.

**PUBLIC HEARING
PROPOSED NEW INSPECTION FEE SCHEDULE
DEPARTMENT OF PERMITS AND INSPECTIONS**

Present: Robin Guyther, Director, Department of Permits and Inspections
Adam Knight, Department of Permits and Inspections
Patrick Murphy, County Attorney

Mr. Guyther and Mr. Knight presented a draft amendment to the Code of St. Mary's County, Maryland, Chapters 223, 242 and 249 relative to inspection fees for new homes. The recommendation is to award a contract to MDIA, as they are the lowest bidder and they have an excellent reputation as well as an established working relationship with the County. Details of the new fee schedule were as follows:

- ◆ New fee schedule cost would be \$328, which is a reduction from current cost;
- ◆ Fee amount reduced as MDIA would collect fees and no longer rebate the county 5% as had been done previously;
- ◆ \$8.00 per home cost for MDIA to collect money. Should the County be able in the future to take over the collection of the money, then the \$8.00 fee would be dropped;
- ◆ MDIA has agreed to add a third full-time inspector.

Discussion took place concerning inspection problems by homeowners that occurred approximately 1 ½ years ago. Mr. Knight stated that he has looked into that situation intensively and has worked to ensure that it does not occur again. Mr. Murphy responded to concerns by the Commissioners regarding liability by the County. Mr. Knight stated that MDIA has not deferred blame in the past if it was determined that their own inspectors were at fault – they have accepted the full financial responsibility for settlement of the issues.

The Board of County Commissioners asked for the following information: provide a copy of the Ordinance that is currently in effect on the inspection fee schedule. Also, provide a copy of the proposed contract to be awarded to MDIA.

Commissioner President Randall opened the public hearing for public comment. As no speakers were present, the public hearing was closed. The record will remain open for a period of ten days for the submission of written public comment. The matter will then be placed on the Commissioners agenda for discussion/decision.

**LEXINGTON PARK REVITALIZATION DISTRICT
PRESENTATION OF PROPOSED LANDSCAPE-STREETScape PLAN**

Present: Robin Finnacom, Director, Lexington Park Revitalization
John Groeger, Deputy Director, DPW&T

Ms. Finnacom presented program initiatives developed and incentives to help encourage property owners to reinvest along the Great Mills Road corridor. A master plan had been developed, Commissioners had committed \$80,000 for a streetscape plan, and the Church of the Ascension has worked with different property owners to help develop further minor landscaping opportunities. The Church has provided a model for showing the community that the program will indeed work.

A listing of 34 sites, along with accompanying improvements identified, were presented to the Board of County Commissioners. In the plan, the County would provide improvements to properties and the owners would provide on-going maintenance, watering, etc. to maintain the improvements. A written agreement would occur between the County and the individual property owners.

The Board of County Commissioners gave their approval for Ms. Finnacom to issue letters to property owners concerning the participation in the Landscape-Streetscape program. Additionally, Commissioner Randall asked that a letter be sent to Mr. Armstrong concerning the need for State Highways to complete handicapped accessible sidewalks on Great Mills Road. This issue was raised nearly two years ago and to date has not been completed

**ST. MARY'S NURSING CENTER
GOVERNANCE COMMITTEE'S RECOMMENDATIONS
DECISION BY THE BOARD OF COUNTY COMMISSIONERS**

Present: Alfred A. Lacer, County Administrator

Mr. Lacer stated that the final report on the Nursing Center had previously been presented by the Nursing Center Governance Committee and the following recommendations having been submitted:

- 1) St. Mary's Nursing Center should resume its legal identity as a nonprofit corporation with 501(c)(3) designation.
- 2) The first Board of Directors shall be appointed by and all vacancies filled by the St. Mary's Board of County Commissioners with due regard to the demographics of the County and the needs of the Center. The Board should be given broad power to independently operate the Center.
- 3) The Board of Directors of the Nursing Center should seek opportunities to establish alliances with other health care agencies in the County, especially St. Mary's Hospital, to assure financial stability, easy access for the residents of the County, and transition from one level of care to another.

Mr. Lacer stated that he would work with professionals to implement any recommendations concerning the Nursing Home, and that he would primarily be working with legal counsel on the issue. The target date for initial implementation of a plan would be July 2, 2001.

Commissioner Anderson moved, seconded by Commissioner Mattingly, to accept the Committee's recommendations and to direct the County Administrator to implement the plan, with a July 1st target date. All voted in favor.

Additionally, Commissioners expressed their appreciation for the Committee's hard work and the excellent recommendations that were provided. A great deal of support had been expressed by private citizens, the Nursing Home Advisory Board, as well as by the staff of the Nursing Center.

**UNIFIED LAND DEVELOPMENT CODE
TECHNICAL ADVISORY COMMITTEE FINAL REPORT**

Present: Keith Fairfax, Chairman, ULDC Technical Advisory Committee
 Jeff Jackman, Planning and Zoning
 Bill Mehaffey, Growth Area Subcommittee Report
 Donny Tennyson, Rural Area Subcommittee Report
 John Roberts, TDR Subcommittee Report

Mr. Fairfax, along with several members of the Unified Land Development Code Technical Advisory Committee, presented the final Committee report to the Board of County Commissioners. Mr. Fairfax, as the Chairperson, provided an introduction and an executive summary of the Committee's findings and recommendations. The conclusions and recommendations of the Committee support two interrelated themes:

- 1) Preservation of the rural character and rural economy of St. Mary's County, and;
- 2) Fostering residential and commercial development in the designated growth areas.

Specific detailed information on the Committee's recommendations were submitted in written form and are on file in the Board of County Commissioners' office.

Mr. Mehaffey presented information and recommendations made by the Growth Area Subcommittee. This Committee looked at one residential and three commercial sites and attempted to apply the following tests: environmental analysis, economic model, development of a concept plan, and proposed ULDC & Comprehensive Plan analysis information. The findings, conclusions and recommendations made by this subcommittee can be found in the Committee's written report.

Mr. Tennyson presented information and recommendations made by the Rural Area Subcommittee. This team looked at decreasing densities in the rural areas by the use of a sliding scale for existing lots with the ultimate goal of downzoning to one dwelling unit per 20 acres for parcels greater than 40 acres. They also reviewed the growth potentials in the existing smaller growth areas and the proposed rural service. Effects of downzoning in Baltimore County were reviewed. A potential scenario was displayed utilizing the St. Inigoes area and the recommendation was that the Comprehensive Plan be changed so that large business development would not be allowable.

Mr. Roberts presented information and recommendations made by the TDR Subcommittee. He provided detailed information concerning the rezoning of RPD's via a sliding scale leading to 1 du/20 acres for large parcels. Detailed information concerning this subcommittee's report was submitted in written format, with the exception of the issue of transportation corridor overlay.

Mr. Fairfax outlined six user-friendly processes subcommittee conclusions:

- ◆ There are numerous editorial changes that need to be made to the ULDC to make it effective and useful to the professionals and citizens that will have to use this document. Each of the subcommittees has provided specific recommended changes. In addition, the Chair has walked through the document with Mr. Grimm and his staff with proposed editorial changes;
- ◆ The customer services guides need to be developed after approval;
- ◆ Robust index should be provided for the document and it should be included in the comprehensive editorial review.
- ◆ The P&Z, Permits & Inspections, Soils, DPW, MetCom & Environmental Health staff should provide a time line for the development of the customer service guides after approval of the ULDC;

- ◆ Use a retreat format for the development of the customer service guides and training for in-house staff and user teams.
- ◆ The ULDC be taken to public hearing by April 2001; and
- ◆ Use the Development Review Forum to bring forward procedural issues to the Commissioners after their approval of the ULDC.

The Board of County Commissioners asked the ULDC Committee to provide written copies of presentations given by Mr. Roberts and Mr. Tennyson.

Additionally, the Board of County Commissioners expressed appreciation to Mr. Fairfax and the entire Committee for the hard work and the enormous effort given, which led to the presentation of an excellent final Committee report.

The remaining minutes were recorded by Judith Spalding:

EXECUTIVE SESSION

Commissioner Anderson moved, seconded by Commissioner Raley, to meet in Executive Session to discuss matters of Property Acquisition, Litigation, and Personnel, as provided for in Article 24, Section 4-210(a)11, 4-210(a)8, 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 (left at 7:00 p.m.)
Jon Grimm, Director, DPZ “
Judith A. Spalding, Recorder “

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

Time Held: 5:15 p.m. – 5:40 p.m. and continued 6:25 p.m. – 7:25 p.m.

Action Taken: The Commissioners discussed two matters of litigation 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
Patrick Murphy, County Attorney
Joan Lolcama, Property Manager (left at 6:13 p.m.)
Judith A. Spalding, Recorder

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

Time Held: 5:40 p.m. – 6:13 p.m. and continued 7:40 p.m. – 8:35 p.m.

Action Taken: The Commissioners discussed three matters of property acquisition 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: 8:35 p.m. – 8:45 p.m.

Action Taken: The Commissioners discussed a matter of personnel.

ADJOURNMENT

The meeting adjourned at 8:45 p.m.

**Minutes Approved by the
Board of County Commissioners on 2/6/01**



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