

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Governmental Center
February 20, 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 Guazzo moved, seconded by Commissioner Raley, to accept the agenda as amended (to delete the words "work session" from the ULDC item at 4:45 p.m.). Motion carried.

APPROVAL OF CHECK REGISTER

Commissioner Raley 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 Anderson, to approve the minutes of the Commissioners' meeting of Tuesday, February 13, 2001, as corrected. Motion carried.

COUNTY ADMINISTRATOR

Present: Alfred A. Lacer, County Administrator

1. Draft Agendas for February 27 and March 6, 2001
2. **St. Mary's County Public Schools)**
Sexual Assault Prevention Grant (MSDE: \$9,682)

Present: Rhodessa Millham, Public Schools

Commissioner Anderson moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner Randall to sign letter the letter to Board of Education approving inclusion of the grant. Motion carried.

3. **Ordinance No. 2001-05**
Department of Finance
FY2001 Supplemental Appropriation - Workforce Investment Program
(State: \$407,275) (follow up to Public Hearing of 2/6/2001)

Present: Elaine Kramer, Director of Finance

Commissioner Guazzo moved, seconded by Commissioner Raley, to approve and sign Ordinance No. 2001-05. Motion carried.

4. **Director of Finance**
Budget Amendments:

Present: Elaine Kramer, Director of Finance

- a) **No. 2001-16**
State's Attorney - \$6,681
(to hire law clerk for balance of FY2001)

Also present: Mike Stamm, State's Attorney's Office

Commissioner Mattingly moved, seconded by Commissioner Anderson, to approve the transfer of funds from the Drug Education Budget rather than the Undesignated Fund Balance (budget amendment will be revised to reflect the change in the source of funding). Motion carried.

- a) **No. 2001-17**
Social Services - \$2,500
(Additional burial cost)

Commissioner Guazzo moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner Randall to sign Budget Amendment No. 2001-17. Motion carried.

- b) **No. 2001-18 through 2001-39**
Finance Department
(CIP Accounts – Closeout and recapture of funds)

Commissioner Raley moved, seconded by Commissioner Guazzo, to approve and authorize Commissioner Randall to sign Budget Amendments No. 2001-18 through 2001-39. Motion carried.

5. **Department of Public Works and Transportation**
Job Access and Reverse Commute Grant
(Section 3037) (Federal: \$37,500, State: \$15,000, County: \$2,500)

Present: George Jarboe, Transportation Supervisor

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

Mr. Jarboe announced that the joint public transportation system connector between St. Mary's County and Charles County's *VanGo* has begun. He advised that Calvert County may be participating soon if the grant application is approved.

6. **Department of Public Works and Transportation**
Memorandum of Understanding between Charles County and St. Mary's County regarding Transportation and Disposal of Residential and Municipal Solid Waste

Present: George Erichsen, Director, DPW&T

Commissioner Anderson moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner President Randall to sign the Memorandum of Understanding. Motion carried.

7. **Historic St. Mary's City Commission**
Request for Approval to Redirect Funds (\$1,500)

County Administrator Lacer advised that Mr. Sullivan of St. Mary's City Commission has requested that the \$1500 County funds designated for Maryland Day be directed to the St. Clements Island Potomac River Museum for a joint project that will occur this spring.

Commissioner Guazzo moved, seconded by Commissioner Anderson, to approve the request by the Historic St. Mary's City Commission. Motion carried.

The following portion of the meeting was recorded by Kate Mauck:

COUNTY COMMISSIONER TIME

Southern Maryland Transit Connection Ceremony

Commissioner Mattingly reported that he had attended Monday's Southern Maryland Transit Connection Ceremony. The event, sponsored by the Tri-County Council, was in celebration of the kick-off of the connection of bus service between St. Mary's County to Charles County. This new service should prove to be very positive for the community. A variety of bus service connections were outlined and citizens in both counties will be able to have more flexibility in traveling. It is hoped that connections will soon occur with Calvert County as well, with eventual expansion into more rural areas.

Commissioner Guazzo stated that STS has been successful in receiving New Start Grant funding because ridership has increased in the County.

Commissioner Raley offered congratulations to Commissioner Mattingly, who hosted the Ceremony in his capacity as Chairman of the Tri-County Council.

Chopticon Girls Basketball

Commissioner Raley stated that although the Great Mills Girls Basketball team had proven to be successful, he now offered his congratulations to the Chopticon Girls Basketball team in their success at overcoming Great Mills.

GOVERNOR'S OFFICE – CHIEF OF STAFF DEPARTMENT TUDOR HALL PROJECT

Present: Steve Cassard, Deputy Chief of Staff, Governor's Office
Richard Castaldi, Director, Intergovernmental Affairs, Governor's Office
Asuntha Chiang, Special Assistant, Governor's Office
Mayor J. Harry Norris III, Town of Leonardtown

Staff from the Governor's office presented the Board of County Commissioners with a briefing regarding the State's vision of the proposed Tudor Hall project in Leonardtown. Mr. Cassard outlined a two-phased approach in order to achieve the objective of establishing a signature golf course supported by a quality convention center with hotel accommodations. The intent is to bring a partnership together with the State of Maryland, St. Mary's County Government, and the Town of Leonardtown. During the course of the project, Maryland Economic Development Corporation (MEDCO) would provide a primary role, with significant involvement by the Maryland Stadium Authority. Mr. Cassard provided the following details:

Phase I:

- Purpose of Phase I is to get the golf course underway;
- Feasibility study completed in January by Maryland Stadium Authority – study concludes that there is a large enough market to support the golf course;
- Market would be within a 1 ½ hour driving distance;
- Number of rounds of golf estimated at 34,000 once the course is completed and established;
- Competitive pricing for rounds of golf for greens fees, etc. were outlined;
- The golf course would potentially be open early 2003;
- Project to be jump started through MEDCO to get it underway;

- As a public project, return on investment could potentially provide a very early payback;
- Depending on source of funding, payback may be limited (e.g.; bonds); and
- Structure proposal – MEDCO as project leader, property to be leased from the Town of Leonardtown to MEDCO. MEDCO to then secure financing for golf course and secure a professional management contract to manage the course.

Phase II:

- Hotel Conference Center to come close on the heels of the golf course. As soon as ground is broken on golf course, partners would then put together a plan for the implementation of Phase II.

The Board of County Commissioners had received the draft Memorandum of Understanding on January 5th, and after the Commissioners' review and discussion the draft MOU was subsequently returned to the State for revision. The revised MOU had been faxed to the Commissioners' office earlier today, and it was ready for the final review process.

Mr. Cassard announced that ordinarily Mr. Gene Lynch would be the lead on this project; however, due to Mr. Lynch's illness, Mr. Cassard was temporarily heading up the project for the State. He had met with Mayor Norris who indicated that there was much interest in St. Mary's County for this project. Mr. Lynch especially commended Leonardtown Recreation, Inc. for the role that many volunteers were playing in helping to bring this project to fruition. The Mayor stated that he was very supportive of this project, and that it would provide numerous benefits for St. Mary's County.

The Board of County Commissioners expressed great interest in having the Tudor Hall project move forward, and they indicated they would be reviewing the draft MOU. Commissioner Mattingly had recently toured other similar facilities and indicated that St. Mary's County would provide the right fit for this type of project. The Commissioners stated that they were ready to resolve any questions regarding the MOU should any still remain.

Commissioners asked the staff of the Governor's Office to remain after their presentation to meet with Mr. Lacer and Ms. Kramer to go over details regarding the finalization of the MOU.

BLACK HISTORY MONTH PRESENTATION

Present: Ruth Portee, President, St. Mary's Chapter, The Delicados, Inc.
Evelyn Holland
Leonardtown Elementary Third Grade Choir, with teacher, Ms. Beard

Ms. Portee outlined the programmatic thrusts projected by The Delicados in St. Mary's County. There are Delicado chapters in nine states, and the St. Mary's Chapter was formed in 1993. The group is comprised of women who are currently employed in business, legal, governmental, and teaching professions who provide service to the community. The four basic goals of The Delicados are: civic consciousness, health awareness, cultural enrichment and educational advancement. Specific goals within the County were outlined by Ms. Portee.

Ms. Holland announced that a Woman's Wellness Program would be held at St. Mary's Hospital this coming Saturday, February 24th, from 9:00 to 3:00 in the atrium of the hospital. She outlined the many discussion topics and presentations that would be given at the event, and stated that women could sign up to attend by calling St. Mary's Hospital.

The Leonardtown Elementary Third Grade Chorus, along with their teacher, Ms. Beard, provided entertaining songs in celebration of Black History Month.

**DEPARTMENT OF FACILITIES MANAGEMENT
COUNTY SPACE NEEDS FUNDING REQUEST**

Present: Richard Rohrbaugh, Director, Department of Facilities Management
Elaine Kramer, Director, Finance Department

Mr. Rohrbaugh outlined a request for the funding for space needs in order to proceed with a seven-phased approach to renovate County office building spaces. The primary goal of the Space Needs Study Committee was to locate departments, agencies and groups to better serve the public and encourage interagency cooperation and communication. Another goal was to maximize the use of current and future County buildings and to develop a relocation plan that minimizes both disruptions and costs. He presented for discussion a detailed phasing plan for renovations and minimal new construction. The total cost breakdown for each phase is as follows:

Phase 1:	\$ 2,100,000
Phase 2:	2,100,000
Phase 3:	200,000
Phase 4:	3,550,000
Phase 5:	925,000
Phase 6:	125,000
Phase 7:	275,000

There is currently \$857,000 funded; therefore, the total additional appropriations needed comes to \$8,393,000. Much discussion took place regarding concerns about renovations and/or an addition to the current Governmental Center building. Potential financing difficulties for other projects in the County were discussed at length. Commissioners outlined their concerns regarding the planned expenditures and the total Capital Plan for the County. Mr. Lacer outlined impacts that could occur if some phases were voted for and others delayed or eliminated. The greatest concerns expressed included potential cost overruns for the renovation of Banneker Elementary, Lexington Park Elementary, the appeal for Carver Elementary, and the New Lexington Park Library.

Commissioner Guazzo moved, seconded by Commissioner Mattingly, to support the first three phases of the program and to direct staff to go forward. Commissioners' Guazzo and Raley voted yea; Commissioners' Randall, Anderson and Mattingly voted nay. The motion failed two to three. More discussion ensued, with further input from Mr. Lacer.

Commissioner Mattingly moved, seconded by Commissioner Anderson, to approve and authorize Phase 1 of the County Space Needs Funding and to defer the other phases until budgetary concerns were made clear by staff. More discussion ensued, with further input from Mr. Lacer regarding the integration of Phases 1 and 2. Commissioner Mattingly withdrew the motion.

It was decided that staff should work with the Board of Education to determine potential overrun costs on bids for both Banneker Elementary and Lexington Park Elementary prior to future discussion and decision on the Space Needs Funding. The issue is to be placed on the Commissioners' Agenda two weeks from this date.

**MARYLAND STATE FIRE FIGHTERS' ASSOCIATION
FUNDING SHORTFALL – REQUEST FOR LETTER OF SUPPORT**

Present: Jenks Mattingly, Chief Mike Roberts

Mr. Mattingly and Chief Roberts met with the Board of County Commissioners in order to present a briefing on the current financial status of State Emergency Medical System Operations Funds. Discussion took place concerning Senate Bill 292, Motor Vehicle Registration Surcharge, and House Bill 1148, which is a cross-filed bill. After detailed discussion on the bills and the status of EMS, the Commissioners were asked to consider signing a letter of support to the Southern Maryland Delegation outlining their support of the bills.

Commissioner Mattingly moved, seconded by Commissioner Anderson, to support the request for a letter of support to the Southern Maryland Delegation. Motion carried.

Staff was directed to draft a letter for each member of the Southern Maryland Delegation to be signed by the Board of County Commissioners.

**ST. MARY'S COUNTY ETHICS COMMISSION
REVIEW OF PROPOSED CHANGES TO ETHICS ORDINANCE**

Present: George Abell, Chairman, Ethics Commission
John Dixon, Vice Chairman, Ethics Commission

Members of the Ethics Commission appeared before the Board of County Commissioners to present recommended changes to the St. Mary's County Public Ethics Ordinance, which was last revised in 1998. Discussion included:

- Two-tiered approach to requiring individuals to file Financial Disclosure Statements – current statement for County staff, elected officials and compensated Board, Committee and Commission members; separate less-intrusive statement for non-compensated volunteer Board, Committee and Commission members;
- Short versus long version of State Financial Disclosure Statement;
- List of filers – Ethics Commission recommends maintaining all filers listed, with the removal of some on the list due to the elimination of the position or Board;
- Concerns by Commissioners regarding item #32, ad hoc members, and their filing requirement that was added in the 1998 revision of the Ordinance;
- Positions required to file Financial Disclosure Statements that were added in the 1998 revision;
- Advisory-only nature of some Boards, Committees or Commissions; and
- State has reviewed and temporarily approved proposed changes to the Ordinance, pending public hearing and Board of County Commissioners' approval.

The Ethics Commission was thanked for their hard work on the proposed revision of the Ethics Ordinance.

Commissioners stated that they would further review the proposed changes and get back to the Ethics Commission regarding a future public hearing on the issue.

**PUBLIC HEARING
ANIMAL CONTROL REGULATIONS**

The public hearing scheduled for today's meeting on the proposed revised Animal Control Regulations was deferred. The requirement for advertising on this Regulation was a four-week requirement vice the normal two-week advertising requirement. *The item is to be rescheduled on a future Commissioners' agenda.*

**LEXINGTON PARK PLAN
COMMUNITY BLOCK DEVELOPMENT GRANT (CDBG)
FOLLOW UP TO PUBLIC HEARING OF 1/30/2001**

Present: Robin Finnacom, Director, Lexington Park Revitalization Plan
Patrick Murphy, County Attorney

Ms. Finnacom appeared before the Board of County Commissioners as a follow up to the public hearing on the CDBG held on January 30, 2001. Objectives of the grant funding were discussed. The County had previously submitted an application to the CDBG Program seeking \$597,661 to fund the demolition of 72 buildings that have been determined as vacant and unfit for human habitation. The buildings are located within the community of Lexington Manor, and the County would not be under any obligation to replace any of the structures that are to be demolished.

Two Resolutions were presented to the Board of County Commissioners: the first was in confirmation of the original application, and the second was to withdraw the application.

Commissioner Guazzo moved, seconded by Commissioner Raley to approve and sign the confirming Resolution for the application for the Community Block Development Grant. Motion carried.

Ms. Finnacom stated that the property owner is in full agreement with the effort on behalf of the County toward this project. Further, a letter of agreement would be necessary between the County and the property owner, should the grant funding become available, and prior to the County moving forward with demolition efforts.

After discussion on the CDBG, the Commissioners announced that they were in receipt of a letter from the Secretary of the Department of Business, Economic and Community Development regarding the designation of Lexington Park as a Revitalization Focus Enterprise Zone. Benefits for new businesses and existing property owners will be received in St. Mary's County due to this designation. Ms. Finnacom stated that she would be issuing a press release to further explain this new designation to the public. Also, officials will soon be providing a presentation to the business community outlining the benefits and how the benefits will be administered as well as how people can apply.

(The following portion of the meeting was recorded by Peggy Childs from the Department of Planning and Zoning.)

UNIFIED LAND DEVELOPMENT CODE ALTERNATE PROPOSAL FOR DENSITY IN THE RURAL DISTRICT

All Commissioners were present. DPZ staff present were Jon Grimm, Director; Planners Jeffrey Jackman and Sue Veith, and Peggy Childs, Recording Secretary.

Commissioner Randall presented an alternate proposal for reducing density in the rural district, under the new ULDC in an effort to implement the goals of the Comprehensive Plan, including:

- 1) Reduce the amount of new residential growth in the rural planning area by *one-half*;
- 2) Preserve the rural character of the county, preserve open space, and protect land for agriculture and resource utilization; and
- 3) Reverse the imbalance where it is far cheaper to develop in rural areas than in designated growth areas, and implement differential fees for development based on the differential impact of provision of services;

Under this proposal:

- Properties with less than six acres would have one dwelling unit by right.
- 6.0 up to 21.0 acres – three lots of any size may be subdivided.
- 21 acres or larger
 - 3 lots of any size may be subdivided.
 - 4th and 5th lots may be subdivided, each with a maximum of 3 acres.
 - 6th and 7th lots may be subdivided, each with a maximum of 3 acres, with additional fees, provided the 7 lots are clustered on less than 50% of the parent parcel.

This proposal would reduce the rural density from a potential of 63,632 new dwelling units, which is available today under 1:3 zoning, to a cap of 29,290 new dwelling units in the rural district. Additional lots could be developed only with the transfer of development rights from other RPD lands.

Each new dwelling unit in the non-growth areas of the county will be required to pay some type of rural development fee. The fees collected under this proposal would be used for rural land preservation programs, such as ALPD, PDRs, Rural Legacy, etc.

Commissioner Guazzo moved to direct staff to use the proposal as a model to rewrite applicable sections of the ULDC and the Comprehensive Plan, if any, in preparation for a subsequent public hearing. Staff will return with recommendations on: the proposed fees; whether there should be a maximum density and a minimum lot size allowed for major subdivisions, with PDRs (Purchase of Development Rights); and a threshold for requiring central water. The motion was seconded by Mr. Mattingly and passed by 5-0.

No work session will be scheduled for next week. Staff was asked to recap, in memo form, the tasks assigned by the Commissioners on the ULDC, after which additional work sessions will be scheduled. Time will also be required for staff to rework the technical aspects of the ULDC document. Commissioner Randall suggested the Commissioners take this up at the next session.

Commissioner Randall asked, further, that landmarks or route numbers be provided on the zoning maps for easier identification, prior to work sessions on the maps.

ADJOURNMENT

The meeting adjourned at 6:15 p.m.

Minutes Approved by the
Board of County Commissioners on 2/27/01



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