

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Governmental Center
Tuesday April 24, 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

SUNSHINE CENTER DAY CARE RIBBON CUTTING CEREMONY

The Commissioners attended the Ribbon Cutting Ceremony for the new Sunshine Day Care Center in Leonardtown.

CALL TO ORDER

The meeting was called to order at 10:30 a.m.

ADDITIONS/DELETIONS TO AGENDA

Commissioner Anderson moved, seconded by Commissioner Raley, to accept the agenda as amended (to delete the discussion on the Animal Control Regulations; to continue County Administrator time for Item #6 (DNR Watershed Management Grant) to 1:30 p.m., when Mr. Grimm will be present for the ULDC discussion). Motion carried.

APPROVAL OF CHECK REGISTER

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

APPROVAL OF MINUTES

Minutes of April 10, 2001

Commissioner Anderson moved, seconded by Commissioner Raley, to approve the minutes of the Commissioners' meeting of Tuesday, April 10, 2001, as corrected. Motion carried.

Minutes of April 17, 2001

Commissioner Anderson moved, seconded by Commissioner Raley, to approve the minutes of the Commissioners' meeting of Tuesday, April 17, 2001, as presented. Motion carried.

**PROCLAMATION
NATIONAL VOLUNTEER WEEK (NURSING CENTER)**

The Commissioners presented a Proclamation designating the week of April 22 – 28, 2001, as National Volunteer Week in St. Mary's County.

COUNTY ADMINISTRATOR

Present: Alfred A. Lacer, County Administrator

1. Draft Agendas for May 1, and May 8, 2001

2. Office on Aging
Medical Adult Day Services – FY 2002 Budget
Memorandum of Understanding with Maryland Department
of Health and Mental Hygiene

Present: Gene Carter, Director

Commissioner moved, seconded by Commissioner to approve and authorize Commissioner Randall to sign the Memorandum of Understanding as presented. Motion carried.

3. Department of Recreation and Parks
Update on John G. Lancaster Park at Willows Road

Present: Phil Rollins, Director

As requested by the Board, Mr. Rollins provided an update on the progress of the John G. Lancaster Park on Willows Road. The report included an update on the ball fields, paving of road and parking areas; lighting of fields, landscaping (75% completed); hiking/biking trail around perimeter of the park; nature trails; hard surface walkways; restroom facilities (under construction); boundless “high-hopes” playground; ribbon cutting is anticipated in September; however, there will be a “soft” opening in the summer.

4. Employment Contract
Golf Complex Manager

Commissioner Mattingly moved, seconded by Commissioner Anderson, to approve and authorize Commissioner Randall to sign the referenced Employment Contract. Motion carried.

5. St. Mary’s County Health Department
Community Health Advisory Committee Bylaw Revisions
(organizations and agencies that need to be permanent members)

Present: Dr. Ebenezer Israel, Health Officer
Nancy Luginbill, Health Department

Recommendations by the Commissioners included:

- That the Board of Health approve and appoint Committee members;
- That the Committee develop recommendations for disabled population representative.

(following was presented later in the day after lunchtime)

6. DNR Grant on Watershed Management
(Watershed Restoration Action Strategy Participation Recommendation)

Present: Jon Grimm, Director, DPZ
Sue Veith, Environmental Planner, DPZ

Discussion of April 19 memorandum from DPZ indicating that timeline for preparing the application for the Watershed Restoration Action Strategy (WRAS) grant precludes the possibility of developing a competitive proposal for the Breton Bay watershed this year. Areas of discussion included partnership with Leonardtown and Lower Potomac Tributary Team; expectations that the WRAS participation will be offered again next year; requirements of the RFP (development of projects, development of local match—cash or in-kind); and the importance of addressing the Breton Bay watershed issues;.

After discussion Commissioner Mattingly moved, seconded by Commissioner Anderson, to direct staff to move forward with preparing the grant proposal for the WRAS. Motion carried three to two with Commissioners Raley and Guazzo voting against.

Kate Mauck recorded the following meeting minutes:

PUBLIC HEARING

PROPOSED TRANSFER OF 6,524 SQUARE FEET OF COUNTY-OWNED LAND - PORTION OF ST. MARY'S COUNTY FAIRGROUNDS

Present: Joan Lolcama, Real Property Manager

The Board of County Commissioners conducted a public hearing on the proposed transfer of 6,524 square feet of county-owned land that is currently situated on a portion of the St. Mary's County Fairgrounds. Ms. Lolcama presented the certification of publication notice, which had been properly advertised on April 4 and April 11, 2001.

Ms. Lolcama stated that a garage had been build on the Fairgrounds property several years ago by Mr. Charles and Mrs. Hilda Gatton, who had believed the property to be a part of their land at the time. The error had since come to light, and the Gattons wished to purchase the property outright.

The public hearing was opened for public testimony and the following individual spoke:

John Richards - President of the St. Mary's County Fairgrounds – Mr. Richards stated that he had no objections to the transfer of the property to Mr. and Mrs. Gatton, as long as the property is holding a garage. This use would not interfere with the operation of the Fairgrounds.

The public hearing was closed for public testimony. The matter will remain open for written public comment for a ten-day period. After that time, the matter will be placed on the Board of County Commissioners' agenda.

COMMISSION ON AGING ANNUAL REPORT

Present: Sandra Wheeler, Chair, Commission on Aging
Mac Clabaugh, Member, Commission on Aging

The Commission on Aging presented the Board of County Commissioners with their Annual Report for 2000. Ms. Wheeler outlined significant activities that occurred in 2000 and significant problems and concerns were outlined and discussed at length. In addition, plans for the coming year were discussed.

The Board of County Commissioners requested that the following items be taken for action:

- *Check on the status of scheduling of a public hearing on supplemental appropriation on National Family Caregivers Support Program;*
- *Speak with the Director of the Local Management Board as well as the Health Department to determine whether possible additional funding may be applied for in order to assist with respite care for the elderly. Provide follow-up to the Commissioners regarding these issues;*
- *Provide Commissioners with monthly meeting minutes;*
- *Check on space and program needs for the Loffler Senior Center. Provide recommendations for future needs on this facility and the pros and cons of having the Senior Center located within a multi-purpose facility vice separated out like the Northern Senior Center; and*

- *In planning for the needs of the senior citizens, provide a recommendation to the Board of County Commissioners for a senior citizen to serve on the Recreation and Parks Board, which currently has a vacancy.*

COUNTY COMMISSIONERS' TIME

Southern Maryland Agricultural Development Commission

Commissioner Raley stated that he attended the meeting of the Southern Maryland Agricultural Development Commission last night. The meeting was well attended and numerous issues were discussed. There are currently 539 signed, sealed contracts that have been issued to farmers in the Southern Maryland area, representing 5.3 million pounds of tobacco that will not be raised next year. The Governor has signed the bond bill, which will guarantee money to be available for a ten-year period. There was a change in the final version that was passed, and the lump sum option did not materialize. While the initial sign-up period ends May 1st, farmers do have the option to sign up later, as the program will be spread over a five-year period.

Commissioner Raley announced that he chairs a subcommittee that has been tasked with looking at proposals and concepts of crops to replace tobacco. Citizens were encouraged to submit proposals on alternative crops to the subcommittee. A round of grant proposals has been completed, with another round to soon occur. Citizens can review these as they will be listed in the newspaper. Commissioners asked Mr. Raley to provide them with information regarding this issue.

Twenty-third Annual Child Welfare Day

Commissioner Anderson reported that he attended the Twenty-third Annual Child Welfare Day at the Technical Center this morning. He congratulated and applauded the efforts of Judge Marvin F. Kamnetz, who got the initiatives underway when he was Master of the Juvenile Court and has stuck with it for 23 years. Several individuals were thanked for their efforts on behalf of child welfare in St. Mary's County.

Office on Aging Volunteer Appreciation Reception

Commissioner Mattingly reported that he recently attended the recognition event for the Office on Aging. There was an excellent turnout for a fine group of people. Commissioner Mattingly stated that he expressed appreciation for all their efforts on behalf of the Board of County Commissioners.

Dinner in Honor of the Visiting Government and Industry Delegation from the United Kingdom

Commissioner Mattingly stated that Commissioners met with guests from the United Kingdom last night at a dinner held in their honor. Conversations included local government politics and the defense industry and what they do in the real world.

Commissioner Randall stated that the work that went into this event was an excellent example of teamwork that is prevalent in St. Mary's County. The Navy Alliance, the St. Mary's Department of Economic Development, the State of Maryland's Department of Economic Development, the Patuxent Partnership, and friends from the Navy base partnered and teamed to bring potential companies and members of the defense ministry to the County to "show our wares". Similar events are expected to occur in the future, and good things are expected to happen because of the enormous effort exhibited to involve the international community. Commissioner Randall stated that there are other fine examples of significant initiatives going on in the County where people and agencies are working together to form partnerships to better serve St. Mary's County. One example of another initiative would be this morning's ribbon-cutting ceremony at the Sunshine Daycare Center.

Blessing of the Bikes

Commissioner Mattingly reported that the Blessing of the Bikes event that occurred on Sunday at the Fairgrounds was a very nice event with perhaps 3,000 bikes in attendance. He spoke with people from as far away as New York who attended the popular event.

Ribbon-Cutting Ceremony for the Sunshine Daycare Center

Commissioner Mattingly reported that several of the Commissioners attended the ribbon-cutting ceremony for the Sunshine Daycare Center this morning. They have a very nice program and facility, which was taped and will be shown on Channel 12 for public viewing.

Tri-County Council Meeting

Commissioner Mattingly provided notice of the Tri-County Council Meeting that will occur on May 11th in the morning. The main topic for discussion will be partnership efforts between the Navy, the State and local government.

Governor's Workforce Investment Board Meeting

Commissioner Anderson stated that the Governor's Workforce Investment Board Meeting will be held on Wednesday, April 25th at Veridian Engineering. The Lieutenant Governor will be present to discuss issues concerning statewide top-quality workforce development. The investment, teamwork and partnerships expended to develop the economy in St. Mary's County has been demonstrated by the recent report that the ratio of technology workers to all those otherwise employed in the private sector is now causing St. Mary's to be the leading county in the state regarding that ratio.

Peggy Childs recorded the following meeting minutes:

UNIFIED LAND DEVELOPMENT CODE

Present: Chris Drummond, ULDC Facilitator
Jon Grimm, Director, DPZ
Sue Veith, Environmental Planner
Jeffrey Jackman, Planner
Peggy Childs, Recorder

The Commissioners discussed the topics delineated in Mr. Grimm's memorandum of April 19, 2001, and directed as follows:

Vested Rights

Motion by Mr. Anderson, seconded by Ms. Guazzo, passed by 5-0 to delete Sections 27.4 and 27.6 of draft document (Phased Projects and Request for Extensions), to modify 27.3.2.b to allow 24 months to record a final plat and delete "unless otherwise approved as part of a phasing plan."

Cleanup items requested by Ms. Guazzo and agreed to by the Board:

- (1) Eliminate portion of second sentence of 27.2 beginning with the word "however," so that it will read as follows: "The following sections establish a local standard."
- (2) 27.3.2 – Reserve this section for timeline conformance when we discuss PUDs.

In addition, the Board asked Mr. Drummond to consider whether 27.5 is still necessary or whether it should be eliminated and provide a recommendation at a future date.

Stormwater Management

Motion made and amended by Mr. Anderson, seconded by Ms. Guazzo, passed by 5-0 to schedule for public hearing by the Board of County Commissioners as a stand-alone ordinance which will be included in the ULDC when adopted. The Commissioners' public hearing will be held by mid-June to allow for adoption by July 1, 2001. The proposed section will be provided to the Planning Commission *immediately*, so their process can proceed concurrently and input to the County Commissioners can be provided in time to meet the July 1st deadline. Staff will notify the Chairman of the Board's decision. The Planning Commission hearing is scheduled for the meeting of May 14th.

Ms. Guazzo asked that staff provide a proposed Chapter 77 that shows the Commissioners what they can change and what is state-mandated. Ms. Veith agreed.

Administrative Variances and Adjustments

Motion by Ms. Guazzo, seconded by Mr. Anderson and passed by 5-0 to approve the recommendation to limit the extent of an administrative variance approvable by the Planning Director to 50% of the applicable dimensional requirement. Any variance greater than 50% would require Board of Appeals approval. Other provisions for waivers have been eliminated to the greatest extent possible in the ULDC; i.e., except where required by State or Federal regulations.

Eliminate Section 80.5 as a result of the above action.

Development Rights & Responsibility Agreement

Deferred to discussion on PUDs. Mr. Drummond said the Commissioners may want to change PUDs, which might make these agreements more important, and he would offer recommendations at that time.

TDRs / PDRs

The team's recommendation is that the procedural portion of Section 11 of the current ordinance be substituted for Chapter 26 of the draft document because they are very well done and much simpler than what is proposed, and Mr. Drummond said he would come back in a couple of weeks with some specific text for moving TDRs around. Ms. Guazzo said she has no problem with replacing the administrative portion of this provision and said she would like some recommendations on buy-backs, because when the commissioners passed the density proposal she envisioned transferring TDRs to other areas of the RPD.

On February 20, 2001, the Commissioners proposed and approved a sliding scale formula for reducing density in the rural district, with a provision that additional lots could only be developed with the use of development rights from other rural properties, and that the fees collected would be used to fund rural land preservation programs, including PDRs. The Commissioners now clarified that the PDR program is an integral part of the density proposal, but that a mechanism to fund the program is still being worked out by staff.

Deputy County Attorney John Norris stated that, even though Article 25 of the Annotated Code would not allow the county to use impact fees, there are other ways to fund the program, and he has asked Donna Sasscer for comments. Mr. Norris said he will also contact the person at the Chamber of Commerce who adopted their position on PDRs and he does not envision the program lagging behind the ULDC adoption. Perhaps the funding will, he said, but he hopes not.

School Adequate Facilities Test Results

Will be provided by May 1, 2001.

Role of the Facilitator

Following the Commissioners' discussion, Mr. Drummond stated that he has been asked by some citizens to sit down with them regarding specific portions of the ULDC document. Mr. Drummond said he didn't have the sense that that was what he was hired to do, but asked for clarification by the Commissioners.

Mr. Raley replied he envisions Mr. Drummond's role as one of a facilitator or a captain (of a team), to move the document through the process. He said he did not envision his role as one in the public relations arena, for one thing because he has only so much time, and Mr. Drummond's time and effort needs to be focused on getting the document in workable order. Ms. Randall added that, once the commissioners have their recommended document, they will go to public hearing to get citizen input.

PUDs

Ms. Guazzo said she would like to see an estimate of the success of the buildout schedules of PUDs that are on board, because she thinks they are significantly behind what they promised. She said the developers need to make realistic promises and the county needs to hold them accountable.

Kate Mauck recorded the remaining meeting minutes:

7:00 p.m.

**PUBLIC HEARINGS
FISCAL YEAR 2002 RECOMMENDED BUDGET
(Held at Great Mills High School Auditorium)**

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
Elaine Kramer, Director of Finance
L. Jeannett Cudmore, Assistant Director of Finance
Kate Mauck, Recorder

Mr. Lacer moderated the Public Hearing, introducing the Board of County Commissioners, Finance Director, Assistant Director of Finance, Recorder, as well as the Deputy County Administrator, the Sheriff and members of the Board of Education that were in the audience. Ms. Kramer provided a presentation on the FY2002 proposed budget. The date scheduled for adoption of the County's budget and the setting of the tax rate is May 29th, 2001.

The Board of County Commissioners conducted a public hearing on the Fiscal Year 2002 Recommended Budget. Mr. Lacer opened the hearing for public testimony.

The following individuals spoke in support of full and/or additional funding for the Sheriff's Department: Sheriff Richard Voorhaar, Sergeant David Zylack, Lieutenant John D. Horne, Lieutenant Timothy Cameron, Roy Fedders, Rocky Chandler, Christopher Gibbs, Angela Gibbs, and Latice Greene.

Dr. Patricia Richardson spoke in support of full and/or additional funding for the Sheriff's Department and the Board of Education.

Michael Barnett spoke in support of full and/or additional funding for Advanced Life Support.

The following individuals spoke in support of full and/or additional funding for the Office on Aging: Ardith Young, Edward Bergin, and Sandra Wheeler.

The following individuals spoke in support of full and/or additional funding for the Library: Deborah Joy Wright, Jennifer Wright, Lorraine Wallace, Fred Powledge, Jim Nagy, Mary Ann Chasen, and Janice Walthour.

The following individuals spoke in support of full and/or additional funding for the Greenwell Foundation: Terry and Michael Sczlsky, Sandy Majesky, Marion Bonk, Sally Allman, John Tarrant, and Susan Borneman.

The following individuals spoke in support of full and/or additional funding for the Southern Maryland Center for LIFE: Robert F. Hardin, Annie Richard, Dawn Reilly, and Gloria Daniels.

The following individuals spoke in support of full and/or additional funding for the Southern Maryland Childcare Resource Center: Tricia Powell and Becky Stevens.

Lynn Fitrell spoke in support of full and/or additional funding for the Women's Center.

The following individuals spoke in support of full and/or additional funding for the Three Oaks Center: Dan Copper, Pat Ball, Albert Edwards, and Al Reine.

Henry Bonner spoke in support of full and/or additional funding for the Navy Museum. Additionally, he presented a letter from Admiral Gus Eggert to the Board of County Commissioners.

James Flynn spoke in support of full and/or additional funding for the Jude House.

Elfreda Mathis spoke in support of full and/or additional funding for the Office on Aging, the Sheriff's Department, the Board of Education, and the Library.

Ebony Rothwell requested that a recreation center for children be placed in the Lexington Park area, with the suggestion of utilizing the Old Safeway building.

ADJOURNMENT

The meeting adjourned at 9:40 p.m.

**Minutes Approved by the
Board of County Commissions on 5/1/01**

**Judith Spalding, Administrative Assistant
To the Board of County Commissioners**