

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Governmental Center
Tuesday, May 1, 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 Anderson moved, seconded by Commissioner Raley, to accept the agenda as presented. Motion carried.

APPROVAL OF CHECK REGISTER

Commissioner Raley 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 Mattingly, to approve the minutes of the Commissioners' meeting of Tuesday, April 24, 2001, as corrected. Motion carried.

COUNTY ADMINISTRATOR

Present: Alfred A. Lacer, County Administrator

1. Draft Agendas for May 8 and May 15, 2001
2. Department of Public Works Items

Present: George Erichsen, Director

- a) Public Works Agreement Addendum for Greenbrier (aka Whaler's Creek Runn) Subdivision, Section 2, 8th Election District, with a completion date of April 1, 2002. The letter of credit in the amount of \$152,000 provided by The First National Bank of St. Mary's remains as posted.
- b) Public Works Agreement Addendum for Meadow Lake Subdivision, Section 1, 8th Election District, with a completion date of April 1, 2002. The letter of credit in the amount of \$300,000 provided by the Maryland Bank & Trust Company has been reduced to \$180,000.
- c) Public Works Agreement Addendum for Porto Bello Estates Subdivision, Section 1, 2nd Election District, with a completion date of April 1, 2002. The letter of credit in the amount of \$69,000 provided by the Bank of America remains as posted.

Commissioner Mattingly moved, seconded by Commissioner Raley, to approve and authorize Commissioner Randall to sign the DPW documents as presented. Motion carried.

- d) Road Deeds for accepting Bay Ridge Road, Fox Run Road, Ark Court and Dove Place located in the Bay Ridge Estates Subdivision, Section 2, Phase 1, Eighth (8th) Election District into the County's Highway Maintenance System. Also, attached are the 25mph speed limit and stop sign resolutions for these roads.

Commissioner Anderson moved, seconded by Commissioner Raley, to approve and authorize Commissioner Randall to sign the DPW documents as presented. Motion carried.

3. Three Oaks Center
Homeless Women -- Crisis Shelter Home Program Grant Application
(State Funding - \$67,241)

Present: Harry S. Lancaster, Jr., Director
Kathleen O'Brien, Director, Walden/Sierra

Commissioner Anderson moved, seconded by Commissioner Raley, to approve and authorize Commissioner Randall to sign Grant Application. Motion carried.

(Commissioner Randall requested that Mr. Lancaster and Dr. O'Brien get on a future agenda to provide a comprehensive review of the need for shelter for our homeless population and those in crisis..)

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

Mr. Lacer explained that the grant application was in the process of being developed by the Department of Planning and Zoning as requested by the Board at last week's meeting. Because of the deadline for submission to the State (May 7), he requested that the Commissioners authorize Commissioner Randall to sign the application once it has been reviewed by staff.

Commissioner Anderson moved, seconded by Commissioner Mattingly, to authorize Commissioner Randall to sign the Proposal. Motion carried

6. Department of Facilities Management
Leases for Money Market Building
Present: Richard Rohrbaugh, Director

In response to an inquiry from Commissioner Randall, Mr. Rohrbaugh indicated that the tenant has agreed to lease the facility as is and will make any necessary repairs to operate his business

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

OFFICE ON AGING - LOFFLER SENIOR CENTER "MEETING WITH YOUR COMMISSIONERS"

The Board of County Commissioners departed the Governmental Center for the Loffler Senior Center luncheon and "Meeting With Your Commissioners" event.

COUNTY COMMISSIONERS' TIME

Office on Aging RSVP Luncheon

Commissioner Guazzo reported that she attended the RSVP Luncheon and Awards Ceremony last week at the Garvey Senior Center. Awards were given for years of volunteer service, and there were three individuals who have volunteered for 20 years.

Boards and Committees

Commissioner Raley indicated that the Commissioners met in Executive Session and stated that St. Mary's County was fortunate to have so many volunteers. He pointed out that the Commissioners identified two boards that need members and requested interested people to apply for membership on the Solid Waste Advisory Committee and the Teen Center.

St. Mary's Ryken Fine Arts Center

Commissioner Mattingly reported that he attended the Ribbon Cutting Ceremony for the new St. Mary's Ryken Fine Arts Center and indicated that there was a very good turn out. He pointed out that the community was greatly involved in this project.

Workforce Development Board

Commissioner Randall stated that it was her pleasure as a Veridian Resource Manager and a County Commissioner to host the Workforce Development Board last week. She reported that it was well attended.

Christmas in April

Commissioner Anderson reported that Christmas in April was held this past weekend in St. Mary's County. He expressed his thanks to the more than 2,100 volunteers who worked throughout the County helping to repair homes and the St. Joseph's Community Center. Commissioner Anderson visited the Community Center and was witness to approximately 150 individuals working at that site. Mary Ann Chasen and John Parlett were commended for their excellent efforts in helping to make the Christmas in April program one of the best programs in the country. Additionally, John Thompson and Jeff Jackman, County Government employees, were thanked for their continuing efforts as house captains for Christmas in April. Commissioner Guazzo expressed her thanks to the people with specific trades and skills who provide their services to Christmas in April.

Kate Mauck recorded the following meeting minutes:

PROPOSED ST. MARY'S RIVER COMMISSION

Present: John B. Norris III, Deputy County Attorney

Commissioner Anderson outlined his previous proposal to establish a St. Mary's River Commission. He stated that after much review and discussion, he wished to now alter his original proposal, and to include the entire St. Mary's County watershed. While Breton Bay and the St. Mary's River would be a major focus of the Commission, he indicated that it would be best to look at the watershed as an entire system.

Commissioner Anderson moved, seconded by Commissioner Mattingly, to direct staff to draw up the proper documents to establish a St. Mary's County Watershed Commission.

Commissioner Guazzo expressed concern that surface water problems are to be considered by the already existing Commission on the Environment. She stated that it did not seem logical to create another new commission. Commissioner President Randall stated that at least two members of the Commission on the Environment would be appointed to the Watershed Commission to ensure that there would be no overlapping problems.

Vote on the motion was four to one with Commissioner Guazzo voting against.

(Commissioner Randall stepped out of the meeting at 2:30 p.m.)

**PUBLIC HEARINGS
AGRICULTURE LAND PRESERVATION DISTRICT**

Present: Donna Sasscer, Agricultural/Seafood Development Coordinator

The Board of County Commissioner conducted public hearings on behalf of the following eight landowners in order to establish agricultural districts giving them the option to sell development rights to the state:

James Skunda	ALPD 01-150-000	Larredore Road/Blake Creek Road, Valley Lee, Tax Map 47, Grid 19, Parcel 2
John Dennison	ALPD 01-150-001	20925 Colton Point Road, Tax Map 46, Grid 16, Parcel 39
James A. Herriman	ALPD 01-150-002	25848 Baptist Church Road, Tax Map 17, Grid 17, Parcel 26 & 39
Kenneth Davis	ALPD 01-150-003	26375 Budds Creek Road, Tax Map 17, Parcel 21
Benjamin Clark	ALPD 01-150-004	49465 Demko Road, Dameron, Tax Map 64, Grid 13, Parcel 19
Joseph & Mary Wood	ALPD 01-150-005	39136 Avie Lane, Mechanicsville, Tax Map 13, Grid 99, Parcel 99
Timothy Hewitt	ALPD 01-150-006	19056 Piney Point Road, Tax Map 61, Block 12, Parcel 164
Walter & Betty Russell	ALPD 01-150-007	36495 Mill Point Road, Tax Map 22, Block 18, Parcel 25

Discussion took place concerning the \$666,000 maximum funding allowable that the County has directed toward ALPD's. This amount allows for approximately \$2M in matching state and/or federal funding for St. Mary's County. Commissioner Guazzo opened the public hearing for citizen's comments, and the following individual spoke:

Tina East – As her property backs to that of Joseph & Mary Wood, Ms. East asked for an explanation of the ALPD process and what it means to her as an adjacent property owner. Ms. Sasscer outlined the ALPD process to her satisfaction. The public hearing was then closed.

(No vote was taken on this subject. This item will be added to the County Administrator's List for action on May 8, 2001).

**PUBLIC HEARING
DEPARTMENT OF EMERGENCY COMMUNICATIONS
911 WIRELESS ORDINANCE**

Present: Phil Cooper, Director of Emergency Communications
Patrick Murphy, County Attorney

The Board of County Commissioners conducted a public hearing regarding the draft 911 Wireless Ordinance. The Ordinance would authorize the adoption of an additional 911 fee not to exceed \$.50 per account per month in St. Mary's County. Mr. Cooper read the notice of public hearing, which was properly advertised on April 18 and 25, 2001. It was pointed out that St. Mary's County was currently the only county in the state that was not collecting the 911 wireless fee.

The Commissioners asked Mr. Cooper to correct the Draft Ordinance, which states that the notice of public hearing occurred on April 20 and April 25, vice April 18 and April 25, as was stated in the original notice of public hearing.

Commissioner Guazzo opened the public hearing for citizen comments, and the following individual spoke:

Clare Whitbeck – Asked if the fee of \$.50 would be imposed upon telephones that a citizen might purchase (relative to convenience store sales). Mr. Cooper stated that it is a mandate to include the fee, and that the 911 Numbers Board is required to ensure this fee is collected.

Commissioner Guazzo closed the public hearing. The record will remain open for written public comment for ten days, and the matter would then be placed on the Commissioners' agenda for a final decision.

(Commissioner Randall returned to the meeting at 3:15 p.m.)

UNIFIED LAND DEVELOPMENT CODE ADEQUATE PUBLIC FACILITIES

Present: Chris Drummond, ULDC Facilitator
Dennis Nicholson, Housing Director
Brad Clements, St. Mary's County Public Schools
George Erichsen, Director, DPWT
Jon Grimm, Sue Veith, Jeffrey Jackman and Peggy Childs, of DPZ

Having reviewed Mr. Grimm's / Mr. Drummond's memo of April 27, 2001, the Commissioners directed as follows:

Affordable Housing

Page 32-1, Section 32.3.2.a

Reduce the density bonus income percentage from 80 percent to 50 percent of the County's median income.

School Facilities Analysis

On April 17, 2001, the Commissioners directed staff to analyze the impact of Willowbrook and Bay Ridge subdivisions on the County school system, using the draft ULDC test model. The results of that analysis are provided in the April 27th memo using both the current policy and the proposed service area or attendance zone method. Having reviewed the analysis, the Board directed as follows:

- 1) Change "service areas" to "high school attendance zones" within the ULDC document.
- 2) Adopt the methodology tested using high school attendance zones to determine adequacy of school facilities.
- 3) The Commissioners reached a consensus that they are comfortable with using *state-rated capacities* as the formula to calculate capacity, and that the Commissioners are waiting for a report / recommendation from the Board of Ed by the end of May for a June 5 BCC decision.

Commissioner Guazzo asked that a column reflecting state-rated capacities be added to the Draft Core Capacity Calculation which was provided for the meeting of April 17th. Mr. Clements replied that he has something with him that has all three capacities and will provide copies to the Commissioners before he leaves today.

Mr. Clements said his understanding is that the school system will agree on whatever capacity we are going to use – they've already had that discussion, and will provide September 30th enrollment in the attendance zones. That will generate a student yield, or how many lots can be approved for these areas. However, he asked how they should account for lots of record in incorporated towns? Commissioner Randall asked that Mr. Grimm and Mr. Drummond provide this information and said Charles County meets every 6 months to adjust their allocations. She said, while the methodology is good, we need to go back and take another look at Charles County's ordinance, to make sure we're not missing any steps in the ULDC. Mr. Clements stated his only problem with the school system setting out projections in the proposed adequate facilities section of the ULDC is that they are almost approving development that hasn't happened yet, and it seems like the county should be approving it and tracking it, not the Board of Ed. (NOTE by Jon Grimm: As drafted, this would be administered by county staff and not the Board of Ed.)

Roads, Water & Sewer

Mr. Drummond asked what topics the Commissioners want addressed? Mr. Anderson stated he wants water quality as well as water quantity addressed in Stormwater Management APF and asked if it is to our benefit to require any given project's given on a wider area? Mr. Erichsen replied that he has already provided comments recommending levels for traffic analysis, impact fees, escrow or fees-in-lieu for roads, and can insert a paragraph on water quality with no question, including that there is no waiver from water quality. They have recommended storm drainage design for the 2, 10 and 100-year storm events and, in some cases, 25 years. Commissioner Randall said Mr. Erichsen has had a lot of input into this, and asked if he believes this APF Ordinance is better? Mr. Erichsen replied that he does. He responded to Mr. Raley that the 18' road minimum in 70.7.2.a refers just to the road width and does not include shoulders; that Section 70.7.2.b refers to 75% funding in the *current year* of the CIP; and that the County does have the authority to impose a special impact fee for roads.

Next week: Ag Overlay, Rural Residential, and NCU.

ADJOURNMENT


The meeting adjourned at 5:04 p.m.

FY 2002 BUDGET WORK SESSION

Present: Alfred A. Lacer, County Administrator
Elaine Kramer, Director of Finance

The Commissioners met with staff to discuss the FY 2002 budget, the work sessions scheduled for the remainder of May (with adoption anticipated for May 29); to list the Commissioners' questions, issues and concerns; and to point out areas for increased/ decreased funding. Staff will follow up with responses to the Commissioners' issues at the May 14 work session.

**Minutes Approved by the
Board of County Commissioners on 5/8/01**


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