

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Governmental Center
Tuesday, January 15, 2002**

Present: Commissioner Daniel H. Raley, Vice President
Commissioner Joseph F. Anderson
Commissioner Shelby P. Guazzo
Commissioner Thomas A. Mattingly, Sr.
Alfred A. Lacer, County Administrator
Judith A. Spalding, Administrative Assistant to BOCC (Recorder)

(Commissioner Randall was not present due to illness.)

CALL TO ORDER

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

ADDITIONS/DELETIONS TO AGENDA

Commissioner Guazzo moved, seconded by Commissioner Mattingly, to accept the agenda as amended (to reschedule lunch time to 11:10 a.m. instead of 12 Noon). Motion carried.

During discussion of the agenda, the Commissioners indicated they would make a decision about the Thursday night Zoning Ordinance Work Session later in the day.

APPROVAL OF CHECK REGISTER

Commissioner Guazzo moved, seconded by Commissioner Anderson, authorizing Commissioner Vice President Raley to sign the Check Register. Motion carried.

APPROVAL OF MINUTES

Commissioner Guazzo moved, seconded by Commissioner Anderson, to approve the minutes of the Commissioners' meeting of Tuesday, January 8, 2002, as corrected. Motion carried.

(The following portion of the meeting was recorded by Kaaren Burke.)

PATUXENT TIDEWATER LAND TRUST (PTLT)

Present: Donna Sasscer, St. Mary's County Economic Development Department
Jim Conrad, Patuxent Tidewater Land Trust
Gita S. van Heerden, Patuxent Tidewater Land Trust

Huntersville Rural Legacy Area

- The PTLT purchased easements on Cremona Farm and the Old Parlett family farm, encompassing over five miles of undeveloped shoreline, 700+ acres of forested land, and 567 acres of farmland.
- Governor Glendening announced June 2001 that the project will receive \$3.72 million in Rural Legacy funds for FY02, which was more than the County had applied for. This means the Patuxent River Greenway will likely be extended from Cremona Creek to Horse Landing Creek, more than 5 additional miles of undeveloped riverscape. An additional 1,252 acres of agricultural and environmentally sensitive land along the Patuxent could be protected.
- Archaeological and historically significant structures and watershed buffers are also protected.
- The Rural Legacy has preserved 40% of the targeted lands.

- PTLT has received more than \$9 million from the State and \$500,000+ in local matching funds and support from St. Mary's County.

Commissioner Raley asked what the cost was to Maryland for saving the undeveloped riverscape. Mr. Conrad responded that the cost was about \$6 million. St. Mary's County kicked in \$500,000 and was the only jurisdiction to pledge full grant monies to this project.

Commissioner Anderson asked how many more acres were being pursued and at what cost, and would funds be requested for FY2003. Mr. Conrad stated 1600 acres and funds would be required and that alternative resources will be pursued. One possibility is landowners donating easements to the State - which are financially a good deal.

Commissioner Guazzo offered that the County has started a pot of money for rural preservation for another option in rural preservation resources.

Commissioner Raley asked if there were enough funds available today to do what PTLT needed to do. Mr. Conrad responded positively - at least for most of the viable properties.

St. Mary's River Watershed

Ms. van Heerden has been talking with representatives from St. Mary's College, Historic St. Mary's City Commission, the St. Mary's River project and River Lands Institute, the Potomac River Association, and the Friends of St. Mary's River asking for support for Rural Legacy status. All landowners of more than 25 acres in the watershed have been contacted, and it is clear that sufficient interest exists to form a Rural Legacy area.

- There are 28,000 acres involved in the watershed of which 22,000 acres are unprotected.

Commissioner Anderson stated the Commissioners should lend their support to this effort and asked what the PTLT schedule might be. Ms. van Heerden stated 5 to 10 years. The application for Rural Legacy designation is ready now and will be submitted soon. By the end of summer, a decision should be made.

Commissioner Mattingly suggested there were many uncertainties. Maps need to be reviewed along with the PTLT application for Rural Legacy and more thought given to the overall project. He recommended more information be provided to the Commissioners to discuss the matter further.

Commissioner Anderson asked if a letter of support from the Commissioners was required to go along with the application. Mr. Conrad responded the application will be submitted and the letter of support can follow.

Commissioner Raley asked *what if* he was a landowner who had no interest in the Rural Legacy. What would happen in such a case? Mr. Conrad responded that landowners have the option to say "yes" or "no" to easements, etc.

Commissioner Guazzo stated maps would be necessary and asked if there was a core of interested people they approached when conceiving the Huntersville project. Ms. van Heerden responded that maps are available. Mr. Conrad responded that in the Huntersville area, they started with one individual large lot owner who showed an early interest and worked out from there.

Commissioner Raley reiterated that PTLT will submit their application first, the maps would be completed and submitted to the Board and then, after review, the Board may consider endorsing the plan. After endorsement of the plan, Donna Sasscer would then put the subject on a future BOCC agenda.

Mr. Conrad requested that the Commissioners rank the projects in priority order, as requested by the State. He suggested Huntersville be first, followed by St. Mary's River.

In the long run, PTLT will work with St. Mary's College on the "big picture" to understand how the water shed works and how to manage it.

(Following recorded by Judith Spalding)

COUNTY ADMINISTRATOR

Present: Alfred A. Lacer, County Administrator

1. Draft Agendas – January 22 and 29, 2002
2. Department of Public Works and Transportation
 - a. Resolution accepting the streets located in the Lavender Estates Subdivision, 5th Election District. Also attached are Resolutions for 25-mph speed limit and stop signs.

Commissioner Guazzo moved, seconded by Commissioner Mattingly, to approve and sign the referenced Resolutions for Lavender Estates. Motion carried.

- b. Solid Waste Advisory Committee bylaws

Commissioner Mattingly moved, seconded by Commissioner Guazzo, to approve and sign Resolution amending the Solid Waste Advisory Committee bylaws. Motion carried.

3. Office of Community Services
Combating Underage Drinking Grant Agreement (\$14,000 federal funds)

Commissioner Anderson moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner Vice President Raley to sign the Grant Agreement. Motion carried.

4. Department of Facilities Management

Present: Richard Rohrbaugh, Director

 - a. Storm Water Management Easement
(Great Mills Road Bio-Retention Project)

Also present: Robin Finnacom, Director, Lexington Park Plan

Commissioner Guazzo moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner Vice President Raley to sign the Easement Agreement for Great Mills Road. Motion carried.

- b. Right of Entry Agreement
Study of Proposed Charlotte Hall Park and Ride Site

Commissioner Guazzo moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner Vice President Raley to sign the Right of Entry Agreement. Motion carried.

5. Department of Economic and Community Development
FY 2002 Development Tourism Grant Agreement

Present: John Savich, Director
(\$20,000 state funding grant, specifically for the purpose of advertising, trade shows and consumer shows.)

Areas of discussion included whether funds could be used for advertisement of a specific event; concerns about effectiveness of past tourism advertisements; and status of tourism coordinator position.

Commissioner Guazzo moved, seconded by Commissioner Anderson, to approve and authorize Commissioner Vice President Raley to sign the Grant Agreement. Motion carried.

6. Walden/Sierra Grant Modification
Walden Women's Transitional Living Program

Present: Kathy Slagle, Walden/Sierra

Commissioner Mattingly moved, seconded by Commissioner Guazzo, to approve and authorize Commissioner Vice President Raley to sign the Grant Modification. Motion carried.

7. Bond Sale Resolutions

Present: Elaine Kramer, Director of Finance
James E. Cumbie, Bond Counsel
Sam Ketterman, Financial Counsel

- a. Resolution for St. Mary's Hospital General Obligation Bonds (\$20 million)

Commissioner Anderson moved, seconded by Commissioner Mattingly, to approve and sign the Resolution authorizing and empowering the County Commissioners for St. Mary's County to issue and sell at public sale, upon its full faith and credit, its General Obligation Serial Maturity Bonds in an amount not to exceed \$20,000,000 to be known as "County Commissioners for St. Mary's County General Obligation Hospital Bonds of 2002". Motion carried.

Mr. Lacer explained that the bond sale is scheduled for January 29; however, the terms of the financial arrangements have not been finalized, and signing of the Resolution does not commit the County to the sale.

- b. Resolution for Refunding of up to \$22.5M of General Obligation Bonds for savings in debt service.

Commissioner Anderson moved, seconded by Commissioner Mattingly, to approve and sign the Resolution authorizing and empowering the County Commissioners for St. Mary's County to issue and sell at public sale, upon its full faith and credit, its General Obligation Serial Maturity Bonds in an amount not to exceed \$22,500,000 to be known as "County Commissioners for St. Mary's County Consolidated Public Improvement Bonds of 2002". Motion carried.

Ms. Kramer reported that the refunding should result in a net savings of approximately \$455,000.

NOTES OF COUNTY COMMISSIONERS ZONING ORDINANCE DISCUSSION

Present: Jon Grimm, Director, DPZ
John Norris, Acting County Attorney
Peggy Childs, Recorder

- Page 31-3, Lines 7-10 – Add "shoreline" after "provides and protects"; delete "marinas offering" and add "marinas" after "including."
- Page 41-13, Lines 26-30 – Replace 4a and 4b replace with "Site Development Standards for Specific Water-Dependent Facilities" from current ordinance and as provided in Jon Grimm's e-mail of 1/14/02 (4.a, b., and c.)
- Page 44-6, Line 11 – Change "2 acres" to "1 acre"
- The Commissioners accepted all Development Review Forum comments in John B. Norris III's memorandum dated January 11, 2001 related to PUDs, as well as the three additional items following immediately below:

- Page 44-6, Lines 16-18 – Delete “The maximum allowable density/intensity in a PUD floating zone as provided below:”
- Page 44-6 - Delete Schedule “Maximum Allowed Density and Intensity In Planned Unit Development District.”
- Page 44-10, Lines 10-15 – Delete.
- Page 50-21, #98, Commercial dock – Delete “exclusively or primarily” and substitute “for commercial mooring.” After “with no on-site processing” add “except on-site restaurants.” Add “A” under RCL.
- 50-21, #99 – Delete “or commercial.”
- 50-21, #100 – Add “and fuel sales” to sentence beginning “May include support facilities...”
- 50-22, #103 – Delete “and restaurants” after “excluding grocery stores...”
- 50-23, #108 – Add “Accessory use to a single-family residential use. Facility may have 4 slips and a boat ramp provided the boat ramp is located adjacent to the pier.”
- Add new #118 for “Charter Fishing. One or two Charter Fishing boats accommodating a maximum of 12 customers may be berthed and operated at a private pier as an accessory use to the residential use. Generation of revenue from fishing excursions shall *not* be deemed prima facie evidence contradicting the subordinate and incidental nature of this use to the primary residential use.” Use intensity “none;” list as accessory “A” in the RPD, RCL and TMX districts; and list in RCA, LDA, IDA.
- 51-23, Lines 7-9 – Change “Marina” to “marine” and add period. Delete remainder of sentence.
- 51-37, Add new line following 24: “(8) If state grants are available, pump out facilities shall be provided for any overnight berths for recreational boats.”
- 51-37, Lines 41-43 – Delete. Lines 44-45, (b) become “(2)”
- 51-38, Lines 1-2 become “(3)” Delete lines 3-4.
- 51-38, Line 22 – Change “20” to “10 total berths...”
- 51-41, Line 31 – Insert “individual” after “Private” Line 40 – Change “3” to “4.”
Line 44 – Insert “community” after “Private”
- Page 51-42, Line 1 – Delete “and less than 10.” Line 2 – After “navigable waters” insert “, subject to Section 41.8.4, Water Dependent Facilities,”
- 51-42, Lines 4-5 – Delete “or community facilities”
- 63-1, Line 15 – After “all uses” insert “except single-family dwellings on individual lots of record.”
- 63-2, Line 40 – Change “shall” to “should.”
- 63-7, After line 2 add new rows for “Accessory Use (L)” with all dashes (-) except for column Residential L which is “A”; and “Accessory Use (H)” which is all dashes (-) except for Residential L, which is “B”; Residential H, which is “A”; and Public and Semipublic L, which is “B.”
- 64-3, Line 6 – Change “shall” to “should.”
- 64-4, #10 – Delete “2 per unit” and replace with dash (-). #34 – Change “1 per 4” to “1 per 3”
- 64-7 – Add parking standards for new use #118, Charter Fishing.

Commissioner Guazzo moved that, based on the work sessions the Commissioners have had for the past few months, the minutes that have resulted, and their work today on the PUD and Commercial Marine sections, the Commissioners deem the document ready to schedule for public hearing, subject to the copy editor’s report, which is due this week. The motion was seconded by Commissioner Anderson and passed by a vote of 4-0.

Staff will make the changes from today's meeting for the Commissioners to sign off on next Tuesday and will send the final draft to the printers for distribution to the public on or about January 29th. Two informational meetings will be held by staff in the northern and central parts of the county and two public hearings will be held back-to-back around February 26th and 27th also in the northern and central areas of the county. The Commissioners will notify staff of any conflicts with this proposed schedule at next Tuesday's meeting.

(The following portion of the meeting was taken by Kaaren Burke.)

COUNTY COMMISSIONERS' TIME

Commissioner Mattingly

On January 10, 2002, Commissioner Mattingly, along with Commissioner Anderson, attended the College of Southern Maryland Commencement ceremony and 37% of the graduates were from St. Mary's County. ***Congratulations graduates!***

On January 11, Commissioner Mattingly, along with Commissioner Anderson, attended the Regional Conference on Strategy for the Council. There was a good turnout with 40 people in attendance - including Senator Mikulski's representative.

On January 12, attended the Hollywood Volunteer Fire Department installation of officers, with Commissioner Raley. ***Congratulations to the new Officers!***

On January 16, will attend the Tri-County Council meeting at Lowes in Annapolis. The executive meeting starts at 6:00 p.m. and the regular meeting at 7:00 p.m.

Commissioner Anderson

Commissioner Anderson represented the Board at the Salt and Pepper banquet on January 12. They showed a video of the Martin Luther King, Jr. speech "I had a dream." It was a very nice and inspiring event.

Southern Maryland Works will begin a series of meetings next week to kick off the MetroTech program. The program will provide training funds to employers willing to hire people. A meeting in St. Mary's County will be held on January 23, from 2-4:00 p.m. at the Hampton Inn.

Two years ago, St. Mary's County received \$500,000 in grant funds towards Workforce Development. In March, a Work Force summit will be held and the results will be shared.

Commissioner Guazzo

On January 11, along with other members of the Board, Commissioner Guazzo attended the membership committee meeting for the Friends of the Museum of St. Clement's Island. Support of the Friends of the Museum is very high and the meetings are well attended. The museum offers unique events celebrating the 1634 settlement and history of the County. The museum is always in need of added support. The public school system will finally be scheduling regular visits to the museum.

On January 12, with Commissioner Randall, Commissioner Guazzo attended the 7th District Volunteer Rescue Squad annual banquet and installation of officers. They honored the auxiliary, for 30 years of service, and Bob Arnold who has put in 50 years supporting the fire department and then the rescue squad.

A letter from St. Mary's Emergency Services Committee was received stating a lack of liaison between the County and the SMESC. *Requested Judy Spalding ask County staff be contacted to remedy this situation.*

Received a letter from the Senior Warden from All Faith Church, Huntersville. They are asking for a \$50,000 grant from the Maryland Historical Trust, and for the Commissioners' support for that grant. No county funds are required. *Recommend a letter from the Board stating their acquiescence in this effort be developed.*

Commissioner Raley

Thanked the Commissioners for signing off on a letter in the Consent Agenda to SMECO referencing the utility lines at the Lexington Park Library site.

On January 14, attended the Southern Maryland Agriculture Commission meeting. They are very close to the submission date for the 3rd round (of 5 rounds) of the tobacco buy-out. Forty farmers have signed up for this round which would bring the County up to 70% of tobacco in Southern Maryland will no longer be produced. By 2005, the Commission hopes 85-90% will no longer be produced.

There are currently five tobacco warehouses that will likely be out of business within a year or so. They brought up one good point about the Amish community who are not participating in the buy-out. If the warehouses close, the Amish will have nowhere to take their tobacco. This is an issue of concern.

The St. Mary's Farmers Market has been in need of a permanent location. The Committee voted to allow the use of any monies from the buy-out rounds toward land acquisition for the farmers market.

The Angelo Settlement has made an offer to the State. This is critical to the Agricultural Commission. Once the settlement is reached, additional funds may be forthcoming.

The Parent Teacher Student Association of Great Mills High School has requested the Commissioners form a team and participate in the spelling bee to be held March 8, 2002.

(Following was recorded by Judith Spalding)

EXECUTIVE SESSION

Commissioner Anderson moved, seconded by Commissioner Mattingly, to meet in Executive Session to discuss a matter of Litigation, as provided for in Article 24, Section 4-210(a)8. Motion carried.

Litigation

Present: Commissioner Daniel H. Raley, Vice President
Commissioner Joseph F. Anderson
Commissioner Shelby P. Guazzo
Commissioner Thomas A. Mattingly, Sr.
Alfred A. Lacer, County Administrator
John B. Norris, III, Acting County Attorney
Phil Rollins, Director, R&P
Richard Rohrbaugh, Director, Facilities Mgmt.
Judith A. Spalding, Recorder

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

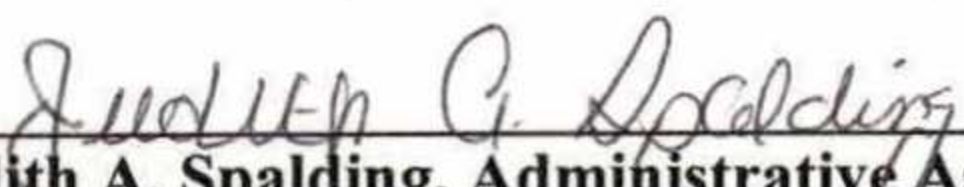
Time Held: 5:14 p.m. – 5:35 p.m.

Action Taken: The Commissioners discussed two matters of litigation and gave direction to staff.

ADJOURNMENT

The meeting adjourned at 5:35 p.m.

**Minutes Approved by the
Board of County Commissioners on 1/29/02**


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