

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Governmental Center
Tuesday, March 12, 2002**

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)

CALL TO ORDER

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

ADDITIONS/DELETIONS TO AGENDA

Commissioner Anderson moved, seconded by Commissioner Mattingly, to accept the agenda as presented. 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.

Commissioner Mattingly moved, seconded by Commissioner Anderson, to approve payment of the \$1,000 bill for TAMS training that was held last week for additional information. Motion carried with Commissioner Raley abstaining.

APPROVAL OF MINUTES

Commissioner Mattingly moved, seconded by Commissioner Anderson, to approve the minutes of the Commissioners' meeting of Tuesday, March 5, 2002, as amended. Motion carried.

DISABILITIES AWARENESS MONTH

Proclamation

The Commissioners presented a Proclamation designating the Month of March as Disabilities Awareness Month.

Commendation

The Commissioners presented a Commendation to J. W. St. Clair recognizing his award for *Good Sportsmanship* at the State Special Olympics.

St. Mary's Public School Presentation

Students from Lettie Marshall Dent Elementary and Leonardtown High School appeared before the Board to give talks relevant to Disabilities Awareness. The students also provided information on the *Best Buddy* Program whereby disabled students are paired with the non-disabled.

PROCLAMATIONS

The Commissioners presented the following Proclamations:

- * Recognition Of Girl Scouts 90th Birthday
- * Month of the Young Child

(Cynthia Brown and Bonnie Elward announced that April 19 is the date set for the Annual Recognition Banquet for the Month of the Young Child)

COUNTY ADMINISTRATOR

Present: Alfred A. Lacer, County Administrator

1. Draft Agendas – March 19 and 26, 2002
2. Department of Public Works
Resolution to Waive Tipping Fees for *Christmas in April*.

Present: George Erichsen, Director, DPW&T

Commissioner Guazzo moved, seconded by Commissioner Raley, to approve and sign the Resolution to Waive tipping Fees for *Christmas in April*. Motion carried.

3. Boards and Committees
Letters of Appointment

Commissioner Anderson moved, seconded by Commissioner Raley, to approve and sign the letters of appointment as presented. Motion carried.

The appointments are as follows:

<u>Housing Authority Board</u>	<u>Terms To Expire</u>
Joan Gelrud	6/30/2004
<u>Solid Waste Advisory Committee</u>	
Denise Reichard - <i>Reappointment</i>	12/31/2005

4. State's Attorney's Office
Community Gun Violence Prosecution Program
Certification Statement (EEOP)

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

5. Extension of Service Contract and Joint Powers Agreement
Between St. Mary's County and St. Mary's Housing Authority

Commissioner Mattingly moved, seconded by Commissioner Anderson, to approve and authorize Commissioner Randall to sign the *Agreement Extension*. Motion carried.

SHERIFF'S DEPARTMENT

Present: Sheriff Richard Voorhaar
Randy Schultz, Director, DHR
Capt. Doolan
Tom Sacks, Personnel Coordinator
John Norris, Acting County Engineer
Elaine Kramer, Director of Finance

Corrections Position

The referenced individuals appeared before the Board to request to amend the classification plan to change the Director of Corrections (civilian position) to Commander of Corrections (law enforcement lieutenant).

Areas of discussion included:

- Whether an acting sworn officer would put the liability on the sheriff's department and the County or on the State of Maryland; whether an civilian liability would flow to the Commissioners. (*Acting County Attorney John Norris will research this point.*)
- Whether this reclassification should be done with other reclassifications during the FY 03 budget process.
- That there would be no budget impact in FY 2002; but there would be an increase to the FY 2003 budget in the amount of \$10,000 to \$15,000.

After discussion Commissioner Mattingly moved, seconded by Commissioner Raley, to authorize the reclassification of the Director of Corrections (civilian) to Commander of Corrections (law enforcement lieutenant) during the Fiscal Year 2003 budget process. Motion carried four to one with Commissioner Guazzo voting against stating that she did not see a reason to put it off because there might be liability exposure for the County, and that there was no budgetary impact this year.

Deputy First Class Rank

Representatives of the Sheriff's Department request approval to increase the authorized rank of Deputy First class Ranks for the 11 deputies that will become eligible prior to the end of this fiscal year.

Commissioner Mattingly moved, seconded by Commissioner Anderson, to authorize the Deputy First Class Rank for the 11 deputies. Motion carried.

(Karen Burke recorded the remaining portion of the meeting.)

ST. MARY'S RIVER RURAL LEGACY PROJECT

Present: Gita von Heerdon, Executive Director, Patuxent Tidewater Land Trust
Donna Sasscer, Agriculture & Seafood Development Coordinator
Dr. Robert Paul, St. Mary's College

Ms. Von Heerdon presented the following for consideration:

Goals of the Rural Legacy

- Protect by preserving the historical, aesthetic, and ecological value of the watershed
- Complement the environmental work on the river
- Support Maryland's Smart Growth initiative
- Give landowners a valuable land management tool to preserve property

Comparison With Other Rural Legacy Area

- Currently 23 Rural Legacy Areas
- St. Mary's River RLA covers 28,200 acres, of which 6,630 acres protected; 16,200 acres are in parcels larger than 25 acres
- 7 areas are larger than that
- 9 of the areas are between 15,000 and 22,000 acres
- 7 are less than 15 acres (Huntersville, at 5,000 acres, is the second smallest RLA)

Rationale

- Using natural boundaries like a watershed is one way to define an RLA
- The St. Mary's River watershed protects the river thus protecting its sources
- Protecting the river protects the interests of Historic St. Mary's City, and the College and the educational opportunities and recreational activities that center on the river

General Issues

- Estimated length of project is 5 years
- It's a win/win situation for everybody
- Project is completely voluntary
- Properties of less than 25 acres are acceptable if contiguous to other properties
- Important the BOCC support efforts
- Return on investment is good
- PTLT is well placed to manage a RLA in St. Mary's River watershed

Ms. Van Heerdan requested a letter from the Board that will go to the Rural Legacy Board supporting the application put forward. The entire watershed, minus the development district, will be designated as a Rural Legacy area. This means that within that area, contiguous blocks of property will be preserved as open space that will support the Rural Legacy project and preserve sensitive areas.

Since 1999, Dr. Paul reported that the water quality has been an issue. Water quality is linked with land use. The approach is to work upstream and consider the entire watershed. Encourage support of the RL designation because water quality will depend on our ability to control growth in certain areas.

The Board's supportive letter (pending signature) dated March 12, to Secretary J. Charles Fox, was referenced. *It was recommended that the last paragraph of this letter be changed as follows: add "necessarily" before "agree with the ranking..." in first sentence; delete the second sentence and remove "in years four and five" in the third sentence. It was emphasized that the Board and all future Boards - after the designation and funding becomes available - be part of the process.*

It was also recommended that a Memorandum of Understanding between the PTLT and the Board of County Commissioners be developed to clearly address the ranking of properties and that the Board will be included in the process. The DECD will develop this MOU.

Commissioner Anderson moved, seconded by Commissioner Mattingly, to endorse the Huntersville Rural Legacy Renewal Application and the St. Mary's River Rural Legacy Plan and application, and to sign and forward the letter as amended. Motion carried.

In discussion, Commissioner Guazzo requested a companion letter to the PTLT clarifying what is meant by the Board's letter to Secretary Fox.

Commissioner Guazzo moved, seconded by Commissioner Anderson to direct DECD to prepare a companion letter addressed to the PTLT expressing the Board's desire to work with them on acquisitions and ranking of properties in the St. Mary's Rural Legacy area. Motion carried.

**PUBLIC HEARING
AGRICULTURAL LAND PRESERVATION DISTRICT**

Present: Donna Sasscer, DECD Agriculture Coordinator

It was requested that the Board approve the proposed ALPD establishment for the following:

- James L. Hill, Sr. 02-150-001
- Eugene Guazzo – Willow Glen Farm 02-150-002
- Rebecca & Paul Morgan 02-150-003

Public comment was opened. There was no public response. There is no requirement to an additional ten days for public comments.

Commissioner Anderson moved, seconded by Commissioner Mattingly, to accept all three applications. Motion passed.

(Commissioner Guazzo entered at 2:00 p.m.)

LIVABILITY CODE

Present: Robin Guyther, Director Permits and Inspections
Adam Knight, Code Official
John, Norris, Acting County Attorney
George Forrest, Deputy County Administrator

The purpose of this meeting was to address the timeline to incorporate the Cohen report, budget, and codes into a new Livability Code, which will require the Board to give direction to staff to craft ordinance language to modify the existing code and go to public hearing.

(Commissioner President Randall entered at 2:07 p.m.)

Other areas of discussion included requirement for a registry of rental units for those owners of three or more units; establishment of a and questions about tenant's rights and enforcement of code. A point was made that a tenant cannot be displaced without locating suitable accommodations.

It was recommended Mr. Norris bring models from other communities who have adopted livability codes to an April Board meeting. The Board will review the recommendations for parity. An adoption date will be set for July 1, 2002.

It was further recommended that all of Cohen's recommendations be added into an ordinance and then the Board can debate the pros and cons, after which staff would then draft a final Code to take to public hearing.

COUNTY COMMISSIONERS' TIME

Commissioner Randall

A wonderful accomplishment for St. Mary's County occurred as a partnership among citizens, Senator Mikulski, our school Board, and instigated by this Board. That is the NASA Lab for the George Forrest Technical Center! Federal funds are in place for this exciting accomplishment.

Commissioner Raley

The Great Mills Spelling Bee benefit was held and congratulations to the winner Harry Lundberg Seamanship School. Some of the most outstanding elected officials, Delegate Bohanan, and Commissioner Anderson, and the Honorable Merv Hampton composed a team. The word they missed was "impropriety." Congrats to the Chopticon boys basketball team. They were not successful at State but are commended for getting to the finals!

A reminder that budget issues are coming up. It is imperative the public meeting room is expanded. It cannot accommodate larger groups as was demonstrated this morning during the Disabilities Awareness presentation.

Commissioner Guazzo

Attended the annual banquet for the Commission for Women. Ten women from the county were honored - three from rescue squads, Red Cross, Library, Christmas in April, and the Cancer Society. Mrs. Baggett, from the Cancer Society and spouse of the former Parks and Recs Director, won Woman of the Year. As a show of support, everyone is urged to purchase daffodils to help the Cancer Society.

It was recommended a letter be drafted to congratulate Ms. Baggett for the Board to sign.

Commissioner Anderson

The Thornton Bill, despite the State's financial problems, may be approved. It is possible to raise the cigarette tax to fund educational and mental health issues.

A parallel bill submitted by Delegates Rollins and Conway, may help with transportation funding deficits.

Attended the opening of the "Youth Art Month" at the Northend Gallery. Recommend every see it. There are lots of talented young people in St. Mary's County!

Joyce Malone, who is involved with the Employee Association, is encouraging everyone to participate in the "Relay for Life" taking place May 31 - June 1, 2002. It's held at Chopticon High School and is a great event! Let's give Charles County a run for the money!

Commissioner Mattingly

On March 13, will go to Annapolis to appear before the Governor to request support for the Potomac River Museum project.

Next Monday, the Tri County Council Executive Board meeting will take place in Hughesville at 8:00 p.m. The proposal for a consumer affairs office is moving along. The economic impact of military installations will be out the end of the month. Will continue to earnestly pursue change in the GSA region to Washington, DC. It will affect the military per diem rate.

ADJOURNMENT

The meeting adjourned at 2:45 p.m.

There will be a Public Forum held, Tuesday, March 19, 2002 at 6:30 p.m.

**Minutes Approved by the
Board of County Commissioners on 3/19/02**

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