

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Governmental Center
Tuesday, March 26, 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

Kaaren Burke took the minutes of this meeting.

CALL TO ORDER

The meeting was called to order at 9:03 a.m.

ADDITIONS/DELETIONS TO AGENDA

Commissioner Mattingly moved, seconded by Commissioner Guazzo, to accept the agenda as amended. Motion carried.

APPROVAL OF CHECK REGISTER

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

Commissioner Anderson entered the meeting at 9:13 a.m.

APPROVAL OF MINUTES

Commissioner Mattingly moved, seconded by Commissioner Raley, to approve the minutes of the Commissioners' meeting of Tuesday, March 19, 2002, as corrected. Motion carried.

COUNTY ADMINISTRATOR

Present: Alfred A. Lacer, County Administrator

1. Draft Agenda – April 9, 2002

Commissioner Randall wants to study the agenda further due to the necessity of having another zoning ordinance work session on April 9. The public hearings at 6:30 will not be changed.

Commissioner Guazzo suggested that the zoning ordinance be a discussion and approval session – not a work session.

2. Board of Education Grant Awards: VSA Arts Maryland Grant (\$2,500)

Present: Elaine Kramer, Director of Finance
Lynn Morgan, Public Schools

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

3. Employment Contract for Director of Office on Aging

Commissioner Mattingly moved, seconded by Commissioner Anderson to approve the contract. Motion carried.

4. Nursing Center Board of Trustees Bylaws

Present: Don Lewis, Director
Nell Hampton, President of the Board of Trustees

Mr. Lacer explained that the Board had approved the Bylaws at an earlier date. However, some technical changes (reflected in the handout) will be discussed today.

The handout did not correspond with the Bylaw document provided. Commissioner Randall requested a definition of "ex-officio member." Her understanding was that the ex-officio member was a non-voting member. John Norris, Acting County Attorney, offered that the meaning refers to a "seat," not an individual and that voting is not precluded. Mr. Lacer explained that the State mandates this particular Board to have ten members - one of whom will be a County Commissioner, ex-officio member. This status cannot change without a legislative initiative.

Commissioner Randall recommended the Nursing Center Board return in two weeks, and provide a red-lined copy of their bylaws to the BOCC for further review and action.

5. Office on Aging

Curb Abuse in Medicare & Medicaid (CAMM) Grant (\$12,000)

Present: Gene Carter, Director

Commissioner Raley moved, seconded by Commissioner Anderson to approve the CAMM grant. Motion carried.

6. Recreation and Parks

Present: Phil Rollins, Director

a. Forest Conservation Easements for Nicolet Park

Commissioner Randall inquired as to how someone goes about reversing an easement. Jon Grimm from DPZ&T replied modification is simple and routinely done, but it would have to be with an equivalent quality of land. Mr. Lacer explained that if the Board did not want the project in the current location, they could move it. However, the contract must be "let" now so the project is not delayed at Nicolet.

Commissioner Guazzo moved, seconded by Commissioner Anderson to proceed with the Forest Conservation Easement. The vote was 2 ayes; 3 nays. Motion failed.

Mr. Lacer recommended the easement be adopted today and any changes could be made at a later date. Commissioner Randall recommended a meeting of all interested parties take place sometime today.

Later in the meeting, after Commissioner Randall's meeting with staff over lunch to garner additional information, the Commissioners agreed to take action on the Forest Conservation Easement.

Commissioner President Randall recommends voting for a motion that:

- *stipulates approval for the Forest Conservation Easement for Nicolet Park and*
- *gives direction to staff to take another view at all the easements at the Valley Lee Transfer property – both existing and proposed –*
- *with the understanding the Oakville Transfer station would be a more appropriate place for easements because of the erodible soils and ravines*
- *staff will report back to the BOCC in 45-60 days for review and approval of easement reversals.*

Of note, there is another Forest Conservation Easement for the senior center being proposed almost in the middle of this piece of property at Valley Lee transfer station.

Commissioner Guazzo moved, seconded by Commissioner Anderson to approve the Forest Conservation Easement for Nicolet Park with direction to staff to review and report to the commissioners on moving all proposed and present easements to the Oakville Transfer Station site. Motion carried.

- b. Maryland Department of Health and Mental Hygiene Developmental Disabilities Grant

Also present: Arthur Shepherd
Christina Bishop

The request for funds for New Horizons is doubling this year because the staff needs training, an additional week of camp, salary increases, etc. Children with special needs are being included in camps.

Recommendations:

- Mr. Shepherd investigate the STS bus service to assist in transporting the children to/from camps – including the disabled.
- All camp programs are integrated into one big program to become eligible for additional grant funding. Partner with other departments.

Phil Rollins stated a form 434 requires the County take affirmative action to employ qualified disabled citizens. The Human Resources Department is currently developing such a plan. *John Norris, Acting County Attorney, recommends that the Board can make a motion directing staff to conform to all requirements in form 434. This will work for the interim.*

Commissioner Anderson moved, seconded by Commissioner Mattingly, to approve the grant and direct staff to comply with the requirements of form 434 from the Health and Mental Hygiene Department. Motion carried.

7. Emergency Communications

Maryland Department of Public Safety and Correctional Services – Information Technology & Communications Division, *Criminal Records Information (CHRI) User Agreement and Data Communications Facility (DCF) Agreement*

Present: Phil Cooper, Director

Commissioner Mattingly moved, seconded by Commissioner Guazzo to adopt the CHRI and DCF agreements. Motion carried.

8. Maintenance of Effort calculations for funding to SMCPS 2004 (*Elaine Kramer*)
Ms. Kramer stated these items have been identified under the State's guidelines.

Commissioner Guazzo moved, seconded by Commissioner Anderson that the document be signed by all Commissioners. Motion carried.

9. Substance Abuse Treatment Outcome Partnership Grant Funding for Walden/Sierra and Marcey House.

Present: Larry Harvey, Director, Marcey House
Kathleen O'Brien, Director, Walden/Sierra

Dr. O'Brien explained that this is a tri-county initiative for long term treatment. The State's objective is to develop regionalized services so that the Southern Maryland residents will remain in a continuum of treatment and receive specialized services, (i.e. "Compass" program). Mr. Harvey explained that the need for psychiatric services is great and psychiatric care is a top priority when seeking funding.

Commissioner Mattingly recommended a presentation be made around June to the full Tri-County Council to garner additional support for Walden/Sierra and Marcey House.

The Commissioners were concerned that if all three counties are contributing to this effort that the contributions should be equal. As it is now, the weight is on St. Mary's County. This will be an area they will be looking at closely.

Commissioner Mattingly moved, seconded by Commissioner Anderson, to approve and sign this grant funding. Motion carried

(Kaaren Burke took following portion)

**SEDIMENTATION CONTROL/STORMWATER MANAGEMENT/GRADING
ORDINANCE REVIEW**

Present: George Erichsen, Director DPW&T
John Norris, Acting County Attorney

This document is ready, along with subdivision regulations, and road ordinance, to take to public hearing. The public hearing date has been set for April 16, 2002.

Recommendations to bring up at the public hearing:

- add clarifying language under the mitigation section under variances (Item 3.3.2a.2)
- identify specific criteria for variances to be used by the Zoning Board of Appeals

Commissioner Guazzo motioned, seconded by Commissioner Anderson to accept and incorporate the modifications suggested and release the document to be posted to the County website, and to the public for review. Motion carried.

BUILDING CODE ORDINANCE (follow up to public hearing)

Present: Robin Guyther, Director Permits and Inspections
Adam Knight, Deputy Code Official
Dan Baker, Inspector from MDIA

Only one item was raised at the public hearing and that was the definition of agricultural buildings. The definition is "any building used for agriculture." Of note, overlot grading was not deleted from the Ordinance. The Ordinance will be effective April 1, 2002

There will be a two-day workshop held on April 17 and 18, 2002. All interested parties are urged to attend the workshop which will be held in the Carter building. Registration is recommended. A flyer will be distributed to County office buildings, lumberyards, builders, and hand-delivered to contractors.

Commissioner Mattingly moved, seconded by Commissioner Guazzo to accept the Building Code Ordinance and the informational flyer. Motion carried.

ZONING ORDINANCE DISCUSSION

All Commissioners were present as were Jon Grimm and Peggy Childs, of DPZ, and Acting County Attorney John B. Norris, III.

Article 6

Page 60-2, Line 39 – Add "in color" after "architectural sketch") Commissioner Raley
Page 60-5, Line 13 – Add "in color" after "Elevation drawings") was not in favor of
either suggestion.

Page 61-1 – Lighting Standards. Mr. Grimm to work with Mr. Guyther and provide information as to where the Sheetz stores, the Food Lion in Callaway and other sites fall in meeting these standards.

Page 65-1, under paragraph 2 – Carry forward existing prohibitions against portable or mobile signs, both on-site and off-site. Also carry forward as new subparagraph under "Temporary and Miscellaneous Signs" on Page 65-4. Staff will compare language that prohibits mobile signs with the allowance for temporary signs, resolve any conflict, and

report back on how to accomplish allowing the temporary announcements without portable trailers.

Page 65-2, Line 16 – Add “except as provided in paragraph 4.b below” to end of sentence.

Page 65-4, Line 2 – Add “or any other public right-of-way” to end of sentence.

Page 65-4, Lines 10-11 – Delete.

Page 65-4, Schedule 65.3 – Divide Rural Preservation District & RCL in half to allow one 32 sq. ft. Building sign per business and a maximum of one 32 sq. ft. freestanding sign for the site. Add “See subsection c. below” to clarify that high-oriented sign bonus is available.

Under “Mixed Use, Commercial, etc. – Wall type sign – Correct typo to change subsection “b.” to “c.”

Page 65-5, Lines 19-29 – Change “12” feet to “16” feet.

Page 65-8, Lines 15-16 – Delete.

(Judith Spalding took the minutes of the Executive Sessions.)

EXECUTIVE SESSIONS

Commissioner Anderson moved, seconded by Commissioner Raley, to meet in Executive Session to discuss matters of Litigation and Personnel, as provided for in Article 24, Section 4-210(a)8 and 4-210(a)1, respectively. Motion carried.

Litigation

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
John Norris, Acting County Attorney
Jon Grimm, Director, DPZ *(left at 12:38 p.m.)*
Phil Rollins, Director, R&P “
Judith A. Spalding, Recorder

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

Time Held: 12:21 p.m. – 12:45 p.m.

Action Taken: The Commissioners discussed settlement issues and gave direction to staff.

Personnel

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, Recorder

Authority: Article 24, Section 4-210(a)1

Time Held: 12:46 p.m. – 1:05 p.m.

Action Taken: The Commissioners discussed appointments and gave direction to staff.

FY 2003 OPERATING BUDGET APPROVAL TO TAKE TO PUBLIC HEARING

Present: Elaine Kramer, Director of Finance
Jeannett Cudmore, Deputy Director of Finance

In preparation for the April 23 and 25 public hearings on the FY 2003 budget, Ms. Kramer reviewed the following:

This budget reflects the following:

- Revenue including grants of \$125.5M (+\$6M over 2002 approved or 5%) including:
 - Estimated income tax at existing rate but reflects revaluation of 2002 activity
 - Property taxes at current tax rate using the appraisal estimates from State information
 - Fund balance, rainy day funds, and CIP reversion funds totaling \$1.5M
 - Net increase overall is 2.7%
- Budget costs
- Health insurance for retirees (employer contributions); new quote pending
- Debt service which reflects the current capital plan for 2003
- \$1M pay-go combined with transfer of recordation tax totals of \$1.325M
- FTEs hasn't changed

Commissioners Raley and Mattingly were concerned there were no provisions for increased personnel at the Emergency Communications Center.

It was recommended that Randall Schultz, Director of Human Resources, appear before the BOCC two weeks after the public hearing date to discuss staffing issues at the ECC.

Commissioner Anderson moved, seconded by Commissioner Mattingly to take the FY 2003 Recommended Budget to public hearing. Motion carried four to one with Commissioner Raley voting against.

Commissioner President Randall departed the meeting at 2:36 p.m.

COMMISSIONERS' TIME

Tom Mattingly

Enjoyed attending Titan Industries ribbon cutting ceremony for their new facility last week.

Over the weekend, enjoyed the Maryland Day celebrations which were well done. With Commissioner Anderson, went to the Disability Awareness Program held at the Governmental Center which had the largest attendance ever! Good response from the public and lots of kites were flying! Earlier that day, met with Hospice at their annual fund raiser. They had a very successful event. Congratulations to the volunteers who make these events happen!

On Wednesday, March 27, I will attend the Nursing Board meeting as an ex-officio representative from the BOCC.

Joe Anderson

Attended two Maryland Day ceremonies. At Historic St. Mary's City on Sunday, was joined by Lt. Governor Townsend and Congressman Hoyer. Another ceremony was held at St. Clements Island Potomac River Museum. Both were excellent and it's always good to celebrate the founding of our great State!

Received a desk monitoring report from the Department of Housing and Community Development on a CDBG block grant. *Recommend George Forrest investigate increasing the use of minority and women owned businesses and document it in terms of what the County is doing to address the concerns of the DHCD audit report and report back to the BOCC about this deficiency.*

We get a lot of paper and 90% of that paper is boilerplate for grant documents. Do the Commissioners need to get all this information? Commissioners Mattingly and Raley commented it would be better to continue getting all the information.

Commissioner Guazzo

We had good times remembering Maryland's significant history. It's also March Madness time and *The Enterprise* indicated many team members of various sports who have made the State teams. Congratulations to all of them! *Recommend sending letters to the Principals of each school congratulating their athletes who have attained all-State status.*

Commissioner Raley

George Allen Hayden, SMECO, has turned over the \$2,000 check to the Lexington Park Library. We do appreciate that!

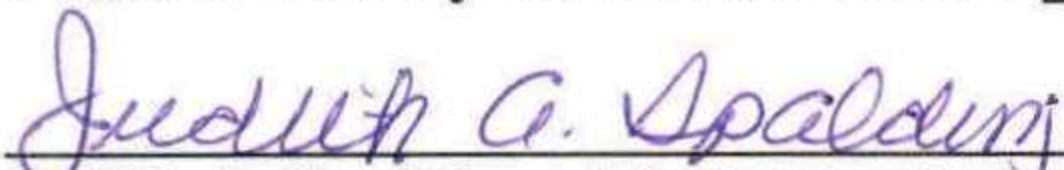
In addition to going to the Maryland Days celebrations, attended the Elks Banquet. Congratulations to the new Grand Exalted Ruler, Michael Hewitt. The Elks handed out a scholarship to one student from each of the four high schools. The Elks do great work!

A reminder from Robin Finnacom that on Wednesday, March 27, at the Lexington Park Library Community Room, from 4-8:00 p.m., the State Highway people will be talking about the improvements to enhance Great Mills Road traffic corridor. Everyone is invited!

ADJOURNMENT

The meeting adjourned at 2:45 p.m. There will be no meeting on April 2, 2002. The next meeting will be held on April 9, 2002.

**Minutes Approved by the
Board of County Commissioners on 4/9/02**


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

**NOTES OF COUNTY COMMISSIONERS ZONING ORDINANCE DISCUSSION
Tuesday, March 26, 2002**

All Commissioners were present as were Jon Grimm and Peggy Childs, of DPZ, and Acting County Attorney John B. Norris, III.

Article 6

Page 60-2, Line 39 – Add “in color” after “architectural sketch”) Commissioner Raley was not in
Page 60-5, Line 13 – Add “in color” after “Elevation drawings”) favor of either suggestion.

Page 61-1 – Lighting Standards. Mr. Grimm to work with Mr. Guyther and provide information as to where the Sheetz stores, the Food Lion in Callaway and other sites fall in meeting these standards.

Page 65-1, under paragraph 2 – Carry forward existing prohibitions against portable or mobile signs, both on-site and off-site. Also carry forward as new subparagraph under “Temporary and Miscellaneous Signs” on Page 65-4. Staff will compare language that prohibits mobile signs with the allowance for temporary signs, resolve any conflict, and report back on how to accomplish allowing the temporary announcements without portable trailers.

Page 65-2, Line 16 – Add “except as provided in paragraph 4.b below” to end of sentence.

Page 65-4, Line 2 – Add “or any other public right-of-way” to end of sentence.

Page 65-4, Lines 10-11 – Delete.

Page 65-4, Schedule 65.3 – Divide Rural Preservation District & RCL in half to allow one 32 sq. ft.

Building sign per business and a maximum of one 32 sq. ft. freestanding sign for the site. Add “See subsection c. below” to clarify that high-oriented sign bonus is available.

Under “Mixed Use, Commercial, etc. – Wall type sign – Correct typo to change subsection “b.” to “c.”

Page 65-5, Lines 19-29 – Change “12” feet to “16” feet.

Page 65-8, Lines 15-16 – Delete.