

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Governmental Center
Tuesday, April 16, 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 Guazzo 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 Guazzo moved, seconded by Commissioner Anderson, to approve the minutes of the Commissioners' meeting of Tuesday, April 9, 2002, as corrected. Motion carried.

**ST. MARY'S COLLEGE
STATE OF THE COLLEGE**

Present: Dr. Jane "Maggie" O'Brien
Dirk Griffith, St. Mary's College

Dr. O'Brien appeared before the Board to present a *State of the College* report.

Highlights of the presentation included:

- Expression of appreciation to Commissioner Randall for her efforts in working with the higher education institutions in addressing the work force needs in St. Mary's County.
- Expressions of appreciation to the Board of County Commissioners for its support of the College, the scholarship program, and the work in the community. Six students have enrolled who would not have been able to go to St. Mary's College.
- Expressions of appreciation for the Commissioners' support of the River Concert Series at the College.
- 50% of the graduates from St. Mary's go on to post graduate studies.
- A slide presentation on the College's Maryland Heritage Project.
- A review of capital project activity and the College's Master Plan.

- In conclusion the Commissioners commended Dr. O'Brien for her many contributions to the community, the partnership the County shares with the College, and that she was certainly a asset to the communitiy.

COUNTY ADMINISTRATOR

Present: Alfred A. Lacer, County Administrator

1. Draft Agendas – April 23 and 30, 2002
2. Department of Public Works Documents

Present: George Erichsen, Director

- a) Public Works Agreement for Forrest Farm Subdivision, Section 3, Phases 1, 1A and 2, located in the Third (3rd) Election District, with a completion date of February 1, 2003. A letter of credit has been provided by The First National Bank of St. Mary's in the amount of \$225,100.
- b) Public Works Agreement Addendum for Westbury PUD Subdivision, Section 1, located in the Eighth (8th) Election District, extending the completion date to February 1, 2003. The bond provided by the Frontier Insurance Company in the amount of \$85,000 remains as posted.
- c) Public Works Agreement Addendum for Kingston Subdivision, Phase 1, located in the Third (3rd) Election District, extending the completion date to March 1, 2003. The letter of credit provided by the Maryland Bank & Trust Company in the amount of \$48,500 remains as posted.
- d) Public Works Agreement Addendum for Hunting Quarter Subdivision, Section 2C, located in the Second (2nd) Election District, extending the completion date to April 1, 2003. The letter of credit provided by the Maryland Bank & Trust Company in the amount of \$156,300 remains as posted.

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

3. Department of Facilities Management

Present: Richard Rohrbaugh, Director

Phase II, Classroom "C: Building, College of Southern Maryland
Petition Md. Higher Education Commission for construction funding.

(There are sufficient funds in the budget for all of the project's alternates)

Commissioner Guazzo moved, seconded by Commissioner Mattingly, to approve and sign the Petition. Motion carried.

4. Marcey House Board of Directors
Formal Invitation to the 9th Annual Golf Tournament

Present: Tyrone Harris, Chair
Bob Richardson, Member
Carl Smith, Area Manager External Affairs, Verizon
Ralph Blount, Verizon

The referenced individuals appeared before the Board to extend a formal invitation for Marcey House's Ninth Annual Golf Tournament. The tournament, which will be held on May 24 at Wicomico Shores Municipal Golf Course, is sponsored by Eagan, McAllister Associates, Inc. (title sponsor); in association with Verizon, Constellation Energy Group and Washington Gas. All proceeds will go to the benefit of Marcey House. Congressman Steny Hoyer will be the keynote speaker, along with Senator Dyson and Delegate John Bohanan. Tubby Smith will also be present. One of the featured guests will be NFL professional Kevin Hardy, and plans are being made to have Gary Williams Head Basketball Coach for the University of Maryland participate as well.

CHAMBER OF COMMERCE "STAFF APPRECIATION" LUNCH

The Commissioners left to attend the Chamber of Commerce "Staff Appreciation" Lunch at Outback Steakhouse.

EXECUTIVE SESSIONS

Commissioner Anderson moved, seconded by Commissioner Raley, 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 President Julie B. Randall
Commissioner Joseph F. Anderson
Commissioner Shelby P. Guazzo
Commissioner Thomas A. Mattingly, Sr.
Commissioner Daniel H. Raley
John Norris, Acting County Attorney
Phil Rollins, Director, R&P
Linda Price, Public Information Officer (*attended from 2:20 – 2:30*)
Alfred A. Lacer, County Administrator
Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a)8
Time Held: 1:50 p.m. – 2:20 p.m. (*continued 4:53 to 5:02*)
Action Taken: The Commissioners discussed two matters of litigation and gave direction to staff.

(Kaaren Burke took the minutes of the following portion of the meeting.)

PROCLAMATIONS

Fair and Affordable Housing Month

Present: Rose Crowley, President, Southern Maryland Association of Realtors (SMAR)
Jan Clark, CEO, SMAR
Sandy Johnson, Resource/Service Coordinator

On Channel 12 for the remainder of April, three episodes about fair housing will be aired. The Fair Housing number is 301 475 4410. SMAR will hold a reception on May 20th, to be held in the Hughesville SMAR building, which will honor students who participated in their poster and essay contests.

National Auctioneers Day (April 20th)

Present: Billy Fitzgerald

Over one million dollars have been raised by auctioneers for the Make-a-Wish Foundation in Maryland. The auctioneer's association works diligently to fulfill a \$2 million pledge to help disease-stricken children treated at St. Jude Children's Research hospital.

National Library Week

Present: Mary Wood, Director, St. Mary's Memorial Library
Library Board Members: Ms. Chasen and Ms. Marsh

The Library is celebrating this week with contests where users can write love letters to the Library and/or answer a simple question and your name goes into a drawing. Winners win great prizes!

DRAFT LIVABILITY CODE LANGUAGE REVIEW

Present: Robin Guyther, Director Permits and Inspections
John Norris, Acting County Attorney

Major components include:

- Requirement that everyone with 3+ rental units register their properties at a cost of \$30 per unit, renewal every three years. The fee can be changed by the Board at will. Prince George's County charges \$75 per year; North Beach charges \$50 for the same service. This money will be applied to administrative expenses not for site inspections.
- There will be no changes to the current site inspection process.
- A code official can waive enforcement of code in questionable neighborhood disputes.
- The budget recommendation has been submitted to Finance.

Permit and Inspections recommendations

- Requires BOCC appoint Rental Property Advisory Committee
- Revise Livability Code to require licensing and periodic inspection of rental units (because of budgetary implications, exterior inspections to be done every three years and if it fails, there would be a follow up with an interior inspection)
- Provide written information to tenants and landlords on their respective rights and responsibilities.
- Begin enforcement of Livability and Health Codes and retain an attorney who will be responsible for prosecution of code violations.
- Mediate tenant-landlord disputes.

It was recommended that the Code needed further review.

- *Reference materials on what is working for other communities need to be presented to the Board.*
- *How does the Code relate to renting rooms in a private house?*
- *That higher number of units was better than three or four;*
- *That inspections be done every three years on the exterior and if inspection fails then an interior inspection would need to be done*
- *To review the cost per unit per year for inspection; what are the budget implications.*
- *How will Permits and Inspections enforce registration of units?*
- *Draft language for the mediation process with health and safety codes or use the mediation service already existing in the community.*
- *Staff to recommend an existing committee that can take on this matter (i.e., Human Relations) vs. developing a new committee*
- *This item will return to the agenda in the near future.*

ANNUAL REPORT RECREATION AND PARKS BOARD

Present: Phil Rollins, Director of Recreation and Parks
Robert Harper, Chair
Cheryl Blazer, Vice Chair
Jody Payne, Member
Dr. Andrew Roper, Member
Bill Ball, Parks Division Manager
Arthur Shepherd, Recreation Division Manager
Dave Leitzel, Assistant Golf Course Manager

Significant Accomplishments for 2001

- Completed 2001 with 100% quorum of members present at regular and special meetings.
- Approved increased greens fees and created a seven-day limited pass at Wicomico Golf Course.

- Leonardtown Wharf was tabled for the present.
- Changed location of the skatepark from Chancellor's Run to Nicolet Park.
- Endorsed the draft Chaptico Park Master Plan and presented same to BOCC. However, there were specific issues remaining to be addressed. A revision was developed with an action plan and eventually approved.
- The revised schematic for Wicomico Shores Golf Course Clubhouse was endorsed after several changes were recommended.
- The Laurel Grove Park renovation concept plan was presented to the BOCC and approved.
- A swimming pool is still in the works at Great Mills.
- A ribbon cutting and dedication ceremony was held at John G. Lancaster Park in September.
- The Nicolet Park plan was adjusted to accommodate an entrance change.
- Will include senior programming in the Therapeutic Recreation Section – coordinated with OOA.
- The BOCC approved the revised Gymnastics Center lease agreement. R&P described a problem with the fee structure of the gymnastics program because the lease is included and this is handled differently than other fee structures for county-owned facilities.
- The Bushwood Wharf Public Landing public hearing was held.
- The ADA Transition Plan was implemented on many sites.
- Continue to monitor fee structures; developing reliable cost estimates during master planning stages still a challenge.
- Discouraged that budget for '03 is below the '02 level.
- Still need a Deputy Director for Recreation and Parks.

4-H PRESENTATION

Present: Tiffany Hall, Chaptico Chargers
Victoria Hall, Chaptico Chargers
Andrea Butterfield, Chaptico Chargers
Greg Butterfield, Chaptico Chargers
Randy Farrell, Wild Things
Danny Mast, Wild Things
Jason Farrell, Wild Things
Donald Burroughs, Tudor Hall
Susan Burroughs, Tudor Hall
Cathy Burroughs, Tudor Hall
Jay Farrell, Leader, St. Mary's County 4-H Livestock Club
Janet Butterfield, Leader, St. Mary's County 4-H Livestock Club

The results from the State Fair were outstanding and a pamphlet of pictures were presented to the Board. St. Mary's County 4-H participants won 70% of the 1st, 2nd, and 3rd places at the Fair. A concern was voiced that Charles County will not let outsiders participate in 4-H level competitions at their county fairs.

It was recommended that Donna Sasscer, DECD, write a letter to the Charles County Commissioners asking them to reconsider this decision.

The Agricultural Commission has approved funding all five counties with \$2,000 each for core activity expenses.

**MDIA CONTRACT DISCUSSION
(PROCUREMENT/PERMITS AND INSPECTIONS)**

Present: Robin Guyther, Director Permits and Inspections
Elaine Kramer, Director of Finance
Carol Gallagher, Procurement Officer

Based on their performance in the previous year, staff recommended that the contract be renewed beginning March 1, 2002. There have been no recent problems or complaints. MDIA has hired a new inspector as requested.

In litigious matters between MDIA and homeowners, a mediation service should be hired early on to remedy all concerns.

COMMISSIONERS' TIME

Commissioner Mattingly

In the past week, Mrs. Rose Longmore passed away. Mrs. Longmore was a very active and well-respected presence in our County. Our deepest sympathies are extended to the family.

Commissioner Raley

Prince George's County does not have an Agricultural Preservation Program ; therefore the \$124,000 that was allocated to PG has now been made available to other jurisdictions. St. Mary's County gets 40% of that to put into our agricultural preservation activities.

Happy Birthday to George Forrest, Deputy County Administrator! (April 13, 2002)

The Board is invited to a dance hosted by St. Mary's Caring on April 20, 8:00 p.m. to 10:00 p.m. at Chancellor's Run Activity Center.

Commissioner President Randall

Happy Birthday Dad! (April 14, 2002)

EXECUTIVE SESSION

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

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: 5:02 – 6:10 p.m.

Action Taken: The County Administrator reviewed several employment contracts, made recommendations.

(Peggy Childs recorded the Subdivision Regulations Public Hearing.)

**PUBLIC HEARING
SUBDIVISION REGULATIONS**

All Commissioners were present, as were County Administrator Al Lacer, DPZ Planning Director Jon Grimm, and Peggy Childs, DPZ Recording Secretary. Other DPZ staff present were Ruth Grover, Deputy Director; Phil Shire, Planner IV, and Tina Bowles, Office Manager. Also present was Acting County Attorney John B. Norris, III.

Following introductions and opening remarks by Mr. Lacer, Mr. Grimm gave the following overview on the proposed Subdivision Ordinance:

- **Article 66B – Comprehensive Plan Compliance** – The proposed Ordinance complies with both Article 66B and the St. Mary’s County Comprehensive Plan
- **Process**
 - Application process implements Development Review Forum Subcommittee recommendations
 - Mandatory preliminary plan review for major subdivision, no final plat with Planning Commission unless it is made a condition of the preliminary review.
 - Sketch plan required if less than 75 percent of tract proposed for subdivision.
 - No longer allows grading and road building with a preliminary plan.
 - Chapter 24 – establishes grandfathering provisions.
 - Major subdivision is 6 or more lots (not 9 or more)
 - Minor subdivision is 5 or fewer and ANY number of farmsteads
 - Farmsteads of 15 or more acres may not be resubdivided
 - Creates “Boundary Line Adjustment Plats” by legislation
 - Creates new “Plat Exempt” division
 - Establishes practices as legislation rather than policy such as:
 - Plat amendments Section 30.4 and “Minor” amendments Section 30.7
- **Design**
 - Creates new design “ menu” criteria for major subdivision at Section 30.13
 - Prohibits irregular lot shapes or discontinuous “lots” (e.g. Part A & Part B; Lot 120) for express purpose of meeting septic easement or access requirements
 - 50% cluster in RPD & RL required
 - Avoid use of cul-de-sacs and use alternative turnarounds for unavoidable dead-end streets;
 - Avoid use of flag lots;
 - Use shared driveways;
 - Use of “on-lot” stormwater detention and infiltration;
 - Use of open road sections and open vegetated channels for stormwater management;
 - Limit impervious surface coverage within development envelope to 15 percent;
 - Preserve Historic Resources ;
 - Establish environmental easements with a private land trust, the County or the State for permanent open space protection and post easement boundaries with signs stating purpose and allowable uses/activities within the easement;
 - Establish greenway(s) on the site which preserve and establish sections of designated Maryland “Green infrastructure” corridors, routes or which connect to existing adjacent federal, state or local parklands or private greenways;
 - Provides for pedestrian and biking paths.
 - Do at least one of the following:
 - Increase width of buffers by 50 feet and do not include buffers within the lot boundaries
 - Establish buffers where none are required
 - Plant buffers off-site.

- Overlot grading provisions apply to subdivisions as with individual lots.
- Establishes private road standards, Section 30.11

Public comments were as follows:

Steve Guy

- Disagrees with provision that allows only 5 lots on private driveways. Would like to see provision for up to 10 homes on a private drive revisited. Prior to 1986 there were provisions to allow 8 users on private drives. We should have that again. The Subdivision Ordinance encourages the use of shared driveways. If you only allow 5 people per driveway, how much sharing is that?
- Establish private road standards and set them aside for families. Start taking care of families before you run us all out.

Pat Mudd, Day Tech Engineering

- Thank you for putting the Development Review Forum's recommendations back in the Ordinance.
- Regarding Section 30.13, which requires clustering on 50% in the RPD and RL: RL is high density zone with public water and sewer, and development should be encouraged. Why are we restricting the land use area to 50%? Seems like a major disincentive and contrary to the Comprehensive Plan.

Al Francis Guy, Sr.

- Doesn't like 1:5 zoning and didn't much care for 1:3.
- Has a 30-acre farmstead on Baptist Church Road that has been in the family since 1942 or 1943 that he planned to subdivide for his children and grandchildren. Houses are not sitting on top of one another and they still farm most of the farm. He put in a 300-foot road. Applied for 3 percs this year and couldn't get them because they didn't do any percs. Asks the following:
 - Allow them to keep their road. They can maintain it and he doesn't think the County has the money to take care of all the roads they want to take over.
- Establish a grandfather clause for all the old landowners of the County.

John Parlett, Charlotte Hall

- Is involved with two pieces of commercial property in the Charlotte Hall Town Center which propose to use an off-site disposal area – one has a permit but the other has no formal plans submitted. Please reconsider existing lots for sewage disposal that isn't necessarily contiguous. Will submit written letter.

There were no further comments. The public hearing was closed at 7:15 p.m. Mr. Grimm announced that the public record would remain open until close of business on Friday, April 26, 2002 for written comment.

(Kaaren Burke took the following portions of the meeting.)

**PUBLIC HEARING
ROAD ORDINANCE/STORMWATER MANAGEMENT, GRADING, EROSION,
AND SEDIMENT CONTROL ORDINANCE**

Present: Board of County Commissioners
Alfred A. Lacer, County Administrator
Jon Grimm, Director Planning & Zoning
George Erichsen, Director DPW&T

A legal notice was posted in March 29, April 5, and April 10, 2002 in issues of *The Enterprise* newspaper announcing this public hearing.

Road Ordinance Major Changes/Additions

- Repair and maintenance bond establishing a warranty of construction and protects the roadway during build out
- Provision of geo-technical investigations to address areas with problem soils and high water tables
- An improved pedestrian/bicycle facility provision and additional crosswalk warrants have been added
- Bridge design standards allowing timber structures were introduced
- Consolidate roadway drainage standards from other ordinances
- Utility conduit PVC pipes are now requirements in construction of roadways
- Landscaping/streetscaping provisions added
- Standards for street lighting added
- Traffic calming measures are recognized; consolidates driveway entrance types
- Included bus shelter design standard
- Reevaluation of the number of lots allowed on different category streets for local roads was instigated
- Two egress and ingress points are desired for developments of 25+ lots
- Grading permits for roadway construction will not be issued without first having an approved site plan or recorded plat

The hearing was opened for comments from the audience:

Mr. Al Guy, Mechanicsville: Inquired about the minimum length of a public road being 250 feet. He installed a 300 foot "T" design which was acceptable per the ordinance, per George Erichsen.

Stormwater Management, Grading, Erosion and Sediment Control Ordinance**Overview**

- Consolidated the Stormwater Management and the old Sedimentation Control Ordinance which provides the following:
 - Overlot grading provisions have been coordinated with both the International Building Code and Subdivision Ordinance
 - Included environmental credit for lot sizes of 2+ acres
 - Established maximum permission velocities for both lined and unlined channels
 - Improved run-off controls for protection of steep slopes and erodible soil types – especially those found with Westphalia and chrome soils
 - Defined two types of sediment control plans – standard and engineered
 - Inserted language to address stormwater management on partially developed sites
 - Added performance standards for pipe materials to minimize maintenance costs
 - Clarified the current provisions for drainage and stormwater management easements and identified maintenance responsibilities
 - Coordinated with the Soil Conservation District, the Maryland Department of the Environment, and St. Mary's County Department of Permits and Inspections to make sure everyone was on the same page as far as implementing the Ordinance.
 - Reflects State law and basically codified existing policies and agreements that agencies have been working under for the past 30 years.

Mr. Richard Kline, President of Community and Environmental Defense Services, testifying on behalf of the Potomac River Association: Thanked the department and County for developing an excellent stormwater management ordinance. Suggested two changes to the Ordinance: (1) regarding the water quality volume, direct first inch of runoff from impervious surfaces into an infiltration device which removes 90+% of the pollution from runoffs (2) Westphalia soils make up 7%

of the total land area of the County. They are very susceptible to erosion and it's hard to engineer soil runoff control measures. Recommend amending runoff from impervious surfaces elsewhere – never into Westphalia soils.

Hearing no additional comment, the public hearing was closed. The record will remain open for ten days after which it will be placed back on the agenda for actoin. There is also a comment form in the rear of the auditorium. Email or hard copy inquiries are acceptable as well.

ADJOURNMENT

The meeting adjourned at 7:30 p.m.

**Minutes Approved by the
Board of County Commissioners on 04/23/02**

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