

**ST. MARY'S COUNTY  
BOARD OF COUNTY COMMISSIONERS' MEETING  
Governmental Center  
Tuesday, April 30, 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)

*(Commissioner Randall was not present at the beginning of the meeting.)*

**CALL TO ORDER**

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

**ADDITIONS/DELETIONS TO AGENDA**

**Commissioner Mattingly moved, seconded by Commissioner Guazzo, to accept the agenda as amended (to add a Commendation for Mary O'Brien, Risk Manager, at 10:15 a.m.). Motion carried.**

**APPROVAL OF CHECK REGISTER**

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

**APPROVAL OF MINUTES**

**Commissioner Mattingly moved, seconded by Commissioner Anderson, to approve the minutes of the Commissioners' meeting of Tuesday, April 23, 2002, as presented. Motion carried.**

**TORNADO CLEANUP IN CHARLES COUNTY**

Mr. Lacer advised that St. Mary's has been involved in assisting Charles County; our Emergency Plan was activated within minutes; the Sheriff's is assisting with security. We have made a general offer of assistance from County Government, and the Department of Public Works will be assisting with debris removal.

Mr. Erichsen advised that crews are on the way to the site, and the State may give approval to allow the truckloads of debris to be taken to the rubble landfill in St. Mary's. He further advised that Recreation and Parks staff is also providing assistance in the clean up.

**COUNTY ADMINISTRATOR**

**Present:** Alfred A. Lacer, County Administrator

1. Draft Agendas – May 7, and May 14, 2002
2. Department of Public Works – Greenview West Subdivision (*George Erichsen*)
  - a. Longfields Boulevard and Deerpath Court stop signs
  - b. Greenway Parkway, Longfields Boulevard the Deerpath Court speed limit
  - c. Adoption of Greenview Parkway, Longfields Boulevard, and Deerpath Court in Subdivision

**Commissioner Anderson moved, seconded by Commissioner Mattingly, to approve and sign the referenced DPW documents. Motion carried.**

3. Employment Contract: County Attorney

**Commissioner Guazzo moved, seconded by Commissioner Anderson, to approve and authorize Commissioner Randall to sign the Employment Contract as presented. Motion carried.**

4. Boards and Committees  
Letters of Appointment

**Commissioner Guazzo moved, seconded by Commissioner Mattingly, to approve and sign letters of appointment. Motion carried.**

The appointments are as follows:

<b>Board of Trustees for the St. Clement's Island</b>	<b><u>Terms To Expire</u></b>
<b><u>Potomac River Museum</u></b> Herbert M. Walling	12/31/2006
<b><u>Commission on Aging</u></b> Raymond M. Cooper Mary Ruth Horton	6/30/2004 6/30/2004
<b><u>Commission for Women</u></b> Annette Naru	6/30/2005
<b><u>Ethics Commission</u></b> Zora M. Siemasko	6/30/2005

5. Lexington Park Plan

Resolution to approve the concept for enhancements to Great Mills Road between Coral Drive and Saratoga Drive and to authorize the Office of the Lexington Park Plan to seek funding from the MSHA.

**Commissioner Mattingly moved, seconded by Commissioner Anderson, to approve and sign the Resolution as presented. Motion carried.**

6. Walden/Sierra Applications for DHR Funding

Present: Kathleen O'Brien, Director

- a. Funding for domestic violence programs
- b. Funding for services for victims of rape and sexual assault

**Commissioner Anderson moved, seconded by Commissioner Guazzo, to approve and authorize Commissioner Randall to sign. Motion carried.**

**PROCLAMATION**

The Commissioners presented a Proclamation honoring the St. Mary's County Sheriff's Office for participating in the Torch Run for Special Olympics on Friday, May 24, 2002 and urge all citizens to do their part in supporting athletes, friends, and family of the 2002 Summer Games for Special Olympics, Maryland.

**COMMENDATION  
RISK MANAGER**

The Commissioners presented a Commendation to Mary O'Brien, the County's Risk Manager, who will be leaving County Government, for her outstanding and dedicated services to the County.

**COUNTY COMMISSIONERS' TIME****Commissioner Mattingly**

Attended the Infrastructure Technology Symposium hosted by Tri-County Council for Southern Maryland which was held at the College of Southern Maryland. The symposium, which was an all-day event, addressed infrastructure needs within the region.

Attended Special Olympic Spring Games at Leonardtown High School

**Commissioner Anderson**

Also attended the Infrastructure Technology Symposium and it was clear that the region needs to make a greater effort in letting the State know of its needs, particularly in light of the impact on the State from Southern Maryland's economy. Need to pull together as a region and get a better return for what the area gives to the State.

Stated that while the *Bridge to Academic Excellence* was passed this legislative session and the County did receive additional funding because of the legislation, the County needs to look at the formula the State used for disbursement of the funds. St. Mary's is in the bottom five of all the State's jurisdictions with regard to funding from the this legislation (Charles County received three times as much as St. Mary's and Calvert received twice as much). He suggested that the County's Director of Finance, Public School's Director of Finance, the County Attorney, and the Director of Economic and Community Development analyze the formula and try to get additional funding. In addition the Commissioners should have a meeting with the legislative delegation on this issue.

Saturday was the 12<sup>th</sup> Annual Christmas in April and a lot of work was accomplished. Over 2,000 volunteers participated in the project with materials, funding, and labor and provided food to the workers. He stated that he visited several of the homes that were being repaired.

Stopped by the Annual Caregivers Conference at Chancellors Run and Secretary Ward from the State Office on Aging was present. There were 200 to 300 people in attendance. He congratulated Gene Carter and those who helped put this program together.

**Commissioner Guazzo**

Attended opening ceremonies for Special Olympics on Wednesday, and it was great to see the "grit and determination" of these young people. She thanked all the volunteers who helped with the event.

Attended the Lettie Marshall Dent Elementary School Annual Talent Show. There were 37 performances with a finale by the teachers. She commended all those who participated and the staff for their work in putting it together.

**LUNCH WITH YOUR COMMISSIONERS**

The Commissioners left to attend the Annual "Lunch with Your Commissioners" at the Loffler Senior Center at Chancellors Run.

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

*Commissioner Mattingly was not present at this session.*

**ALPD PUBLIC HEARINGS:**

Present: Donna Sasscer, DECD Agriculture Coordinator

The notice of public hearing was posted in the newspaper April 12 and 17, 2002. The purpose of this hearing is to establish a Maryland Agriculture Land Preservation District for the following:

	<u>ALPD Number</u>
John T. Hill	02-150-004
Obberron DeFreitos	02-150-005
Robert Springer	02-150-006
Malcolm Morris	02-150-008
C. Weakley & E. Pussler	02-150-009
Paul Russell	02-150-011
James Farmer	01-150-008

In the 7<sup>th</sup> Election District property ALPD 02-150-007 (containing 500 acres) was withdrawn. The owner is selling the property. The above districts add up to 652 acres which is very positive for land preservation in St. Mary's County.

Funds from the State were cut in half for the ALPD program. \$330,000 are county funds and \$700,000 will come from the State (not including the tobacco buyout funds – which are unknown at this date).

The meeting was opened for public hearing.

Obberron De Frietas asked about the ALPD “process” which was fully explained to him.

**Commissioner Raley motioned, and Commissioner Anderson seconded the motion, to approve the establishment of the above ALPD districts with the exclusion of 02-150-007. Three Commissioners voted in favor of the motion with Commissioner Guazzo abstaining (Commissioner Mattingly was not present). Motion carried.**

Commissioner Anderson commented that it was a shame that the monies are being cut because we are losing ALPD districts.

The public hearing ended at 2:15 p.m.

*Commissioner President Randall left the meeting at 2:26 p.m.*

**SUBDIVISION REGULATIONS; ROAD ORDINANCE; SWM/GRADING PERMIT/SEDIMENTATION CONTROL AND ZONING ORDINANCES**

Present: John Norris, Acting County Attorney  
Jon Grimm, Director Planning and Zoning  
Bruce Young, SCS  
Phil Rollins, Director Recreation and Parks

The purpose of this meeting is to present the interim update of the draft documents to the Board for their information and to seek direction on the Zoning Ordinance.

**Subdivision Regulations**

The hearing record closed on April 26, 2002 and five comments were forwarded to the Board. The requested changes to the ordinance were agreed upon by the Commissioners.

Responses to concerns:

- Wildewood's request to grandfather existing PUDs in this ordinance was addressed but not to Wildewood's satisfaction or understanding.

*The Board members recommended P&Z duplicate the language from Chapter 27.1 (PUD's) of the Draft Zoning Ordinance that speaks to vesting PUDs, and repeat it in Chapter 24.3 of the Subdivision Regulations.*

*Commissioner Randall returned at 2:30 p.m.*

- Mr. Grimm's response to correspondence from Tom Russell/METCOM was that the same language should be used in the Subdivision regulations as in the Zoning Ordinance regulations for 25 lot subdivisions.

*The Board members recommended Mr. Russell's recommendation be entered in both Zoning Ordinance and Subdivision regulations, as appropriate.*

- In response to the letter from Karen Abrams (regarding sewage reserve areas Section 30.14.5.c) Mr. Grimm stated the concern is really for commercial districts in the northern end of the County. Section 70.8 lines 4 and 5 addresses the issue. If public sewage is available, connection is mandatory.

*Commissioner Mattingly entered at 3:14 p.m.*

- Developing sewage systems on property not contiguous to the building lot is prohibited

*The Board members recommended the following:*

- *That Mr. Grimm and Mr. Norris develop language that would allow for off-site sewage disposal in the growth areas for commercial use.*
- *It is recommended that staff advise what the distance should be between building lot and sewage system, but no greater than 1/2 mile.*
- *Response is due May 2, 2002.*

Phil Rollins stated Mr. Harper's concerns were about terminology. Public, County government owned vs general public use facilities but privately owned - could be clearer in the Subdivision.

*The Board recommended further clarification on terminology on items 2, 3, 4, and 7 of Harper's letter on May 7, 2002. Request that Mr. Rollins pass along the Board's appreciation for their guidance.*

### **Road Ordinance**

*Recommended Mr. Erichsen bring only policy issues to the Board and consider the Ordinance - with the few issues discussed today - now complete.*

### **Stormwater Management, Grading, Erosion and Sediment Control**

The Maryland Department of the Environment (MDE) and the Water Management Administration (WMA) completed their review of the SMC Ordinance. As a result, Section 3.3.1.e was deleted. Because some of the Grading and Erosion and Sedimentation Control Ordinance items conflict with State law or regulations, changes will be made, as required.

In previous discussions, Mr. Kline had commented about erodible soils. Mr. Erichsen indicated DPW&T had satisfied his concerns.

Since we have been living with the water quality issue since last summer, it is not necessary to revisit it now.

**Zoning Ordinance**

The transfer of development rights is permanent. Mr. Norris recommended one sentence be added to page 26.2.1 Effective Transfer: "Once development rights have been transferred from a lot or parcel of record, that lot or parcel of record ~~may~~ **shall** not later become a receiving parcel."

Properties were to have been identified zoned as RCL. An inventory was done in March 2001 and presented to the Board. It has since revisited. The "use" classifications are inconclusive. The results were broad classifications were drawn that are representative - not specific.

The effective date for all ordinances will be May 13, 2002.

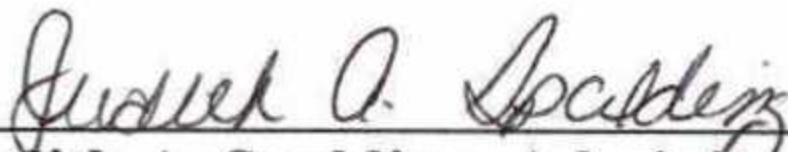
**ADJOURNMENT**

The meeting adjourned at 4:20 p.m. The next meeting will be held on May 7, 2002.

**NICOLET PARK GROUNDBREAKING**

The Commissioners left to attend the 4:30 p.m. Nicolet Park Groundbreaking Ceremony.

**Minutes Approved by the  
Board of County Commissioners on 2/7/03**

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