

**ST. MARY'S COUNTY  
BOARD OF COUNTY COMMISSIONERS' MEETING  
Governmental Center  
September 26, 2000**

**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

**CALL TO ORDER**

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

**ADDITIONS/DELETIONS TO AGENDA**

**Commissioner Raley moved, seconded by Commissioner Mattingly, to accept the agenda as amended (to add executive session on personnel). 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.**

**APPROVAL OF MINUTES**

**Commissioner Mattingly moved, seconded by Commissioner Raley, to approve the minutes of the Commissioners' meeting of Tuesday, September 19, 2000, as corrected. Motion carried.**

**TUDOR HALL PROJECT**

Mr. Lacer presented a draft letter to the Maryland Department of Business and Economic Development regarding the Tudor Hall project. He stated that the project has not moved forward and that there is interest at the state level to revisit this project. A strategy has been developed to get the project back on track by exploring the feasibility of doing the project in a phased approach. The letter requests DBED to provide financing for 70% of the study with a local share of 30% with the understanding that the study would not exceed \$25,000.

The Commissioners spoke to the importance of this project to the community and expressed support for moving forward.

**After discussion Commissioner Mattingly moved, seconded by Commissioner Anderson, to approve and sign the letter to the Maryland Department of Business and Economic Development supporting an updated feasibility study to look at phasing the Tudor Hall project. Motion carried.**

**CENSUS 2000 – PRESENTATION ON USE OF CENSUS DATA**

**Present:** Susan Hance, Census 2000 Partnership Specialist for Southern Maryland  
Mary Hayden, Planner II, Department of Planning and Zoning

Ms. Hance appeared before the Board of County Commissioners in order to provide an update on Census 2000 and information on the availability of data items that will be produced as a result of the Census. Ms. Hance reported that the Census was complete and that St. Mary's County ranked as one out of only four jurisdictions in the State of Maryland that achieved its goal of reaching the 1990 mail-back rate, plus 5%.

St. Mary's County actually surpassed that goal by 1%, for a total mail-back rate of 6%. Reasons for non-responses from individual households in the County were outlined. The response rate was so improved, however, that St. Mary's County should be eligible for greater federal allocations in the future.

Specific data will be available in early spring for the Board of County Commissioners to review, and will become available to the general public via the Internet on April 1<sup>st</sup>, 2001. Ms. Hance described information links, data tables and mapping that will be available on the website that will assist the County with future planning.

A test program, the American Community Survey, was implemented this year, and Calvert County was selected as a test case due to its status as one of the fastest growing counties in the State of Maryland. This survey updates census information on an annual basis. The program has proven to be very successful and will be phased in nationwide, with an expected completion date for reaching all jurisdictions by the year 2008. By 2010, no long forms will be required. The Board of County Commissioners expressed their appreciation to Ms. Hance, Ms. Hayden, and all the census workers, as well as the community, for the success of Census 2000 in St. Mary's County.

### **INVITATIONS TO CELEBRATIONS**

Present: Mary Ann Chasen

Ms. Chasen appeared before the Board to extend invitations to two events:

#### **Christmas in April – 3<sup>rd</sup> Annual Southern Maryland Farm Life Festival**

Also present: John K. Parlett, Sr.  
John K. Parlett, Jr.  
F. Elliot (Sonny) Burch, Jr.

The Third Annual Christmas in April Southern Maryland Farm Life Festival will be held October 7 and 8, 9 a.m. – 4 p.m., at The John K. Parlett Farm-Life Museum of Southern Maryland in Charlotte Hall. There will be many exhibits (60,000 square feet), equipment demonstrations, and attractions (including Bubby Knott's Black Stallion) at the event.

#### **Memorial Library 50<sup>th</sup> Anniversary Celebration**

Also present: Mary Wood, Director  
Staff and Board members

The 50<sup>th</sup> Anniversary Celebration of public libraries in St. Mary's County will be held Saturday, October 7, 6 – 9 p.m. at the Leonardtown Library. There will be displays, from hand typed card catalogues to electronic books, memorabilia, prizes, old photographs, and refreshments.

### **COUNTY ADMINISTRATOR**

Present: Alfred A. Lacer, County Administrator

1. Draft Agendas for October 3 and 10, 2000
2. **FY 2001 Supplemental Appropriation Ordinances**  
(follow up to 9/12/00 public hearings)

Also present: Elaine Kramer, Director of Finance

- Office on Aging - \$2,489 (senior nutrition and community service projects)
- Office on Aging - \$8,600 (Senior Group Assisted Homes)
- Office on Aging - \$9,000 (Statistical Reporting System)

**Commissioner Guazzo moved, seconded by Commissioner Mattingly, to approve and sign the Supplemental Appropriation Ordinances. Motion carried.**

3. **Department of Recreation and Parks  
Skate Park Project**

As a follow up to the August 29 discussion, Mr. Rollins reviewed his September 14 memorandum providing recommendations from the Recreation and Parks Board regarding the proposed skate park. He stated that the R&P Board voted on September 7 to recommend that the County proceed with the design, engineering work and construction for the skate park, and the R&P Board also suggested that the Commissioners include an additional \$50,000 in FY 2002 to complete the project. The R&P Board did not support scaling down the project to fit the FY2001 funding.

In addition Mr. Rollins advised that he met with a representative of LGIT and the County's Risk Manager, Mary O'Brien. LGIT indicated that its guidelines regarding supervision, protective gear and signage should be considered in order to insure the facility for liability coverage.

**Commissioner Raley moved, seconded by Commissioner Mattingly, that staff be directed to start the in-ground design process for a skate park to be constructed at the Chancellors Run Regional Park, Eighth Election District;**

**that the project should be designed to serve the maximum number of users, and as such, be designed taking into account the \$150,000 already budgeted in FY 2001 and \$50,000 in FY 2002 which the Board of County Commissioners hereby commits to;**

**that the project design incorporate the concept that the skate park will be fenced and landscaped so as to be inaccessible when not open or that said design be approved by LGIT;**

**that once the project is completed that said skate park project be operated as part of the Enterprise Fund;**

**that said facility will be directly supervised by county staff at all times when open to the public and that the cost for this supervision will be borne by the users of the facility in the form of user fees. The number of hours of operation will be directly proportional to the amount of use;**

**that prior to opening, LGIT, the Director of Recreation and Parks, and the County's Risk Manager will compile written guidelines for the safe operation of the facility and that said guidelines will be signed off on by the County Administrator prior to implementation.**

Areas of discussion on the motion included concerns regarding the Enterprise Fund, and that there was no information yet as to operational costs; whether the fee would prohibit low income families to participate who cannot afford to participate in organized sports; that R&P look at experience and history of similar facilities on other jurisdictions; concerns about tying together the operation and construction of the park; that R&P look at the feasibility of operating it as an Enterprise Fund and provide that information to the Commissioners; the need for proper supervision and equipment; possibility of operating it as an Enterprise Fund in the "red" and that the County could subsidize it.

County Administrator Lacer suggested that if the Commissioners approve the capital project, the design and the construction, there would be time to address the staff level costs, look at other expenses and options regarding fees and supervision. He stated that this information could come back to the Commissioners and be addressed before the opening of the park.

After discussion, the vote on the motion was three to two with Commissioners Randall and Anderson voting against. Commissioner Randall was concerned about using an Enterprise Fund approach, that it would restrict low-income families from participating, and that costs and fees are unknown at this time. Commissioner Anderson voted against the motion stating he supported the recommendations of the Recreation and Parks Board and was not in favor of tying together the operation and construction of the park.

4. **Ordinance No. Z200-05  
Zoning Text Ordinance – Single Family Detached Dwellings**

As a follow up to the September 12 public hearing, Commissioner Raley moved, seconded by Commissioner Anderson, to approve and sign the Zoning Text Ordinance. Motion carried 4-0-1 with Mattingly abstaining.

5. **Compensation for Planning Commission and Board of Appeals**

As a follow up to previous discussion Mr. Lacer presented recommendations regarding compensation for the Planning Commission and Board of Appeals members. He reminded the Commissioners of the action they took to increase MetComm's salaries (\$2,500 for Chair; \$2,000) and that Mr. Grimm recommended that the Planning Commission and Board of Appeals be given the same compensation as MetComm.

Mr. Lacer noted that St. Mary's Planning Commission and Board of Appeals members are compensated less than their counterparts in Charles and Calvert; therefore Mr. Lacer recommended that the Chairs of the Planning Commission and Board of Appeals be compensated at \$2,800 and members \$2,500.

After discussion Commissioner Guazzo moved, seconded by Commissioner Raley, that the Planning Commission Chair receive compensation in the amount of \$3300 and the members \$3,000; and to accept the recommendation of the County Administrator for the compensation of the Board of Appeals--\$2,800 for Chair and \$2,500 for members.

After further discussion Commissioners Guazzo and Raley agreed to amend the motion that the Planning Commission chair be compensated at \$3,000 and the members \$2,700, the Board of Appeals chair at \$2,800 and members at \$2,500; and alternates at \$100 per meeting; and that this action take effect July 1, 2001. Motion carried.

**COUNTY COMMISSIONERS' TIME**

**ULDC/Stormwater Management/Sedimentation Control**

Commissioner Guazzo expressed concerns regarding poor crab and oyster harvesting and concerns for the local watermen who are dependent on having clean water and no sedimentation. She further pointed out that the Planning Commission had not met the Commissioners' deadline of September 25 and did not pass the ULDC at its September 25 meeting. Commissioner Guazzo pointed out that the Commissioners had approved the Comprehensive Plan approximately 18 months ago, and it was critical that the County have developers follow best management practices.

Therefore Commissioner Guazzo moved, seconded by Commissioner Anderson, for purposes of discussion, to bring forward certain articles of the zoning ordinance related to site development and resource protection standards, and subdivision standard approvals. She stated that although the Commissioners technically had a public hearing, she recommended that her recommended changes to Article 7 and 8 be taken to hearing for the intent and purpose of adjusting these chapters in the current zoning ordinance.

The Commissioners expressed support of the intent of the motion, but felt that it should be an item of discussion by the Board as an agenda item before going to public hearing.

**Commissioner Mattingly moved, seconded by Commissioner Raley, to table the motion until October 3. Motion carried four to one with Commissioner Guazzo voting against.**

**Payment of Tax Bills**

Commissioner Raley advised that the County Treasurer requested that he announce that taxes are due the last day of September; however, because September 30 is a Saturday, in order to avoid interest taxes must be paid on Friday, September 29.

**Tri County Southern Maryland Agricultural Commission**

Commissioner Raley advised that the referenced Commission conducted several informational meetings on the tobacco settlement, and that the meeting in St. Mary's County was held at Chopticon High School on Thursday, September 21, 2000. He pointed out that the timeline for farmers to file applications to participate in the buyout/transition program for the initial year is coming up and urged them to have all their questions answered prior to proceeding with the applications.

**Dedication of Campus Center – St. Mary's College**

Commissioner Mattingly stated he and the other Commissioners attended the dedication of the new Campus Center and pointed out that the students and faculty are very pleased with the outcome.

**Historic Chapel Reconstruction**

Commissioner Anderson reported that St. Mary's City celebrated the raising of \$1M in the campaign to raise funds to rebuild the chapel.

**Homeowners Tax Credit**

Commissioner Anderson referred to correspondence received from the President of NARF requesting the Commissioners' consideration for implementing a tax credit. Commissioner Anderson pointed out that this could potentially be an economic benefit to the County and suggested that the Director of Economic and Community Development, Martin Fairclough, be included in the group being established to review this proposal. Mr. Fairclough could prepare an economic analysis on the impact this would have on the budget.

**Callaway Study Group**

Commissioner Anderson reported that the Callaway Study Group will be meeting this afternoon and suggested that the group be placed on a future agenda to present a status report on its progress.

**Great Mills High School Smart Growth Award**

Commissioner Randall noted that the Governor is going to be presenting an award to Great Mills High School for a Smart Growth and Revitalization. Commissioner Mattingly will be representing the Board of County Commissioners at the award presentation ceremony with Dr. Richardson, public school staff, and BOE representatives.

**PUBLIC HEARING  
PROPOSED RESOLUTION  
DESIGNATION OF AN ENTERPRISE ZONE**

Present: Robin Finnacom, Director, Lexington Park Plan

The Board of County Commissioners conducted a public hearing on a proposed Resolution to apply to the Maryland Department of Business and Economic Development

for designation of an enterprise zone to overlay the Lexington Park Redevelopment District.

Ms. Finnacom explained that the Lexington Park Revitalization District has been identified in the Comprehensive Plan as the "Wedge" and is bounded by Pegg Road on the north, Hermanville Road on the south, and at the westernmost edge of Great Mills High School on the west. She advised that DBED designated areas within the State as Enterprise Zones for the purpose of creating unique tax advantages for property and business owners to promote the revitalization of economically depressed areas within the State.

Hearing no comments from the audience the public hearing was closed. The record will remain open for ten days, after which it will be placed back on the agenda for action by the Board.

### **MARYLAND DEPARTMENT OF TRANSPORTATION ANNUAL HIGHWAY MEETING**

Present: John D. Porcari, Secretary, Maryland Department of Transportation  
Parker Williams, Administrator, SHA  
Paul Armstrong, District Engineer, SHA  
Henry Kay, DOT

The Maryland Department of Transportation came before the Board of County Commissioners in order to conduct their Annual Highway Meeting. An overview of the six-year capital program was provided, State of Maryland issues were outlined, and information specific to St. Mary's County was presented and discussed. Specific information presented by Secretary Porcari included:

- \$8.6 Billion to be spent by the State on transportation over a 6-year period;
- Woodrow Wilson Bridge is the most important statewide transportation priority project;
- Baltimore-Washington Airport and Port of Baltimore are the largest enterprise functions that will receive heavy investment;
- A major goal for the Motor Vehicle Administration is to reduce the walk-in rate from 82% to 25%. Efficiency initiatives for MVA were outlined;
- Major goals for St. Mary's County include the completion of the widening of Route 235, Smart Growth projects, and commuter bus transit service to and from Washington D.C.

Mr. Williams outlined detailed information concerning the following portions of the \$72 million Route 235 construction and upgrade project:

- Route 4 to Chancellor's Run Road – 75% complete, expected to be completed later this year;
- Chancellor's Run Road to Pegg Road – 15% complete, expected to be completed toward the late fall of next year;
- Pegg Road to Great Mills – scheduled to be advertised for construction, hopeful completion by the summer of 2002.

Mr. Williams also stated that remaining issues to be worked out include utility service locations, a service road for the base, and access to the Navy Museum.

The Board of County Commissioners expressed concerns about the Point Lookout Road project. Commissioner Raley presented Secretary Porcari with graphic photographs of vehicles that had been run off the road in that vicinity. Safety and economic issues relating to Point Lookout Road were outlined, and MDOT was asked to determine whether an update on the amount of projected vehicles on the road should be considered.

The Board of County Commissioners also outlined concerns on the Chancellors Run Road project, which is about 15% complete in the engineering/design phase.

Strategic planning and land use planning issues were discussed. Another project discussed was the Route 5/Flat Iron Road intersection. Commissioners stated that sidewalk setbacks were a safety concern during the winter months when snow is plowed, and pedestrians are unable to utilize the sidewalks.

Upcoming projects in St. Mary's County were outlined, and Commissioner President Randall asked that Mr. Armstrong contact her when the ADA issues have been completed on Great Mills Road by the contractor by the contractor. Commissioner Guazzo expressed thanks for the upcoming second look that MDOT will perform on the intersection of Route 5 and Route 235.

Projects outside of St. Mary's County were discussed, and Mr. Kay detailed upcoming statewide transit initiatives. Ridership from California was discussed, and it was pointed out that the time has arrived to begin looking into extending the service to Lexington Park. A survey of the present customer base will be implemented. There are currently 20 round trips per day from/to Washington D.C., and no daytime trips are planned.

The Board of County Commissioners outlined other areas of concern:

- Stormwater management, especially on the Patuxent River side of the county;
- Future planning on the Maryland Route 4/Solomons Island Bridge to Route 235;
- Light at Route 243 past Leonardtown Center & safety issues at that location;
- Commissioner Matting presented a request for placement of Route 5 from Route 243 to Route 245 on MDOT's Capital Projects list and that a letter from the County to that effect would be forthcoming. He requested a study of accident patterns.

The Board of County Commissioners stated that they would send a letter which would provide an updated list of their priority concerns to MDOT in the near future.

#### **SINGER GROUP COMPENSATION/CLASSIFICATION STUDY REPORT DISCUSSION/DECISION**

Present: Melvin McClintock, Director, Human Resources  
Elaine Kramer, Finance Director

Mr. McClintock and Ms. Kramer appeared before the Board of County Commissioners in order to provide information requested at last week's meeting on the same subject, and to ask for permission to proceed with the proposed salary schedules as presented. The following information was presented and/or discussed:

- Compensation/Classification Methodology;
- Position Classification Schedules;
- Position Classification Process;
- Salary Schedules for County (three separate – one for IT, one for engineers and one for regular County employees), Office of the Sheriff and Library;
- Proposed salary schedule structure;
- Comparison of schedule characteristics;
- An outline of step increases;
- Cost Estimates;
- Implementation Costs;
- Transition Issues, which included a sample conversion;
- Employee Package information; and
- Next Steps for the County to take.

Commissioner President Randall expressed concerns with the IT and engineering schedules, and stated that she would e-mail an East Cost IT Position and Salary Report to the Director of Human Resources. Commissioner Randall asked that further research be completed on this topic to ensure that salaries were market-driven. In addition, it was requested that "frozen" salaried employees be given assistance from the county in order to be eligible and/or trained for other jobs that might be on a higher pay schedule. Mr.

McClintock stated that he would have Human Resources sit down individually with each of these "frozen" employees and offer assistance in outlining career progression potentials. Commissioner Mattingly requested information be provided on how many employees are currently at the maximum and receive only cost of living increases.

Ms. Kramer outlined a possible phased-in approach to the step increases, since there would be a budget shortfall if the project moved forward in its entirety on October 1<sup>st</sup>. This approach would bring all employees to the minimum by October 1<sup>st</sup>, and then would follow a phased-in approach, which would be implemented at the time of each employee's next scheduled merit increase. Full conversion for the Office of the Sheriff was recommended in anticipation of the January 1, 2001 revaluation. The next steps to take were outlined in detail, which covered communication to employees and the October 20<sup>th</sup> paycheck to reflect adjustments to the minimum. Also discussed was the final appeal process, which will be available to every employee. Assistance is ensured to individuals who desire help in the appeal process.

It was determined that a presentation on the basis of the schedules for IT and engineers would occur during the month of November.

**Commissioner Anderson moved, seconded by Commissioner Mattingly, to approve the salary schedules as presented. Motion carried.**

**DEPARTMENT OF PLANNING AND ZONING  
BENN OAKS/PERSIMMON HILLS SECTION III  
REQUEST FOR WATER CATEGORY CHANGE UPDATE**

Present: Jon Grimm, Director, DPZ  
Mary Hayden, Planner II  
Peggy Childs, Recording Secretary  
Randy Barrett, of Barrett & Associates, Agent

The Commissioners conducted a public hearing on a water service category change from NPS (No Planned Service) to RW (Rural Community Water) for Persimmon Hills, Section III on January 12, 1999. On July 13, 1999, a decision was deferred by the Commissioners because of concerns regarding a State Permit for a wetlands crossing. Mr. Grimm said Mr. Barrett had requested this meeting to inform the Commissioners of their revised plan for a subdivision to be known as Ben Oaks.

Mr. Barrett stated the developer, J. D. Murray, has purchased property previously approved as Sections II and III of Valley Wood Estates, and the subdivision will no longer be tied to Persimmon Hills. The new plan for Ben Oaks Subdivision was filed with DPZ about six weeks ago and has been routed through the TEC, but no comments are available as yet.

Under the new plan, 5 lots previously platted as Section I of Persimmon Hills will be platted as part of Ben Oaks Subdivision. The individual entrance onto 235 will be abandoned and platted as a density parcel. Two accesses are proposed – one to serve 76 lots and a second to serve 116 lots. A wetlands crossing will still be required, but the crossing will be located farther into the drainage area. There will be a significantly less volume of water and the beaver pond will not be impacted, but there will be more wetlands disturbance at the new location. Another public information meeting on the revised wetland crossing will be held by MDE probably in late October or early November. A second elevated water tank to serve Ben Oaks will be tied to the existing 75,000 gallon tank in Persimmon Hills. MetComm has asked them to tie into the existing water line and to run it down 235 and then into the south portion of the subdivision, rather than through the interior of the property as previously proposed. Fire hydrants can easily be added on the highway, if requested. Mr. Barrett said they hope to be back with a revised application for the water category change for Ben Oaks in December, hopefully with all the non-tidal wetland issues resolved. The former "dump" previously identified south of this site is not part of this property.

Commissioner Anderson raised serious concerns with soil erosion issues in the sensitive areas. He stated, if ever there was a piece of property that should not be developed to this extent, it is this piece of property. He read into the record the



September 13, 2000 TEC comments from the Soil Conservation Service stating no sediment and erosion control plan has been submitted and that an extremely detailed plan will be required. SCS states further that their previous comments on Persimmon Hills, Section III still apply to this project. Mr. Barrett replied that sediment and erosion control is never part of a subdivision plan but is part of the road plans, which they submitted to SCS 120 days ago. He asked if the Commissioners could help him secure a response on their road plans from SCS?

Commissioner Guazzo was equally concerned regarding stormwater management. Because the developer has increased all the lots to 2+ acres, he is exempt from design and construction of peak stormwater management facilities. Ms. Guazzo stated she thought those facilities would certainly help with erodible soils and stormwater management on this property. Mr. Barrett replied that peak management is a double-edged sword because the points of focus for large amounts of water are usually in non-tidal wetlands, and nobody wants to dig up the stream beds to create ponds. He said what they have done is make their lots larger so the volume that runs off of each lot is reduced and there is more land to infiltrate on the top areas of the subdivision.

Mr. Grimm stated stormwater management design on a subdivision with 2+-acre lots only applies to roads and utility construction, not to every single lot. He said he thinks what SCS is doing, because of their experience in the Patuxent Watershed, is asking DPW to require something beyond the minimum standards in this case because of the environmental concerns, but he will check with SCS and advise the Commissioners when he sends the TEC comments, which have not yet been received by DPZ.

Commissioner Guazzo thanked Mr. Barrett for coming to the commissioners but said she understands the State is going to raise the minimum exemption to 5-acre lots. She stated she thinks we need to emphasize that the regulations are *minimum* requirements only and that SCS is asking to go beyond the minimum and require something more substantial in this development.

#### EXECUTIVE SESSION

**Commissioner Mattingly moved, seconded by Commissioner Anderson, to meet in Executive Session to discuss matters of 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  
George Forrest, Deputy County Adm. (*attended from 6:12 p.m. – 6:46 p.m.*)  
Patrick Murphy, Acting County Attorney (*attended from 6:46 p.m. – 7:55 p.m.*)  
Judith A. Spalding, Recorder (*attended from 6:12 p.m. – 6:46 p.m.*)

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


**Time Held:** 6:12 p.m. – 7:55 p.m.

**Action Taken:** The Commissioners discussed several personnel issues and gave direction to staff.

#### ADJOURNMENT

The meeting adjourned at 7:55 p.m.

**Minutes Approved by the  
Board of County Commissioners on 10/3/00**

  
**Judith A. Spalding, Recorder**