

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Governmental Center
Tuesday, November 28, 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/Kate Mauck, Records

CALL TO ORDER

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

ADDITIONS/DELETIONS TO AGENDA

Commissioner Raley moved, seconded by Commissioner Anderson, to accept the agenda as amended (to add a presentation during County Administrator time). Motion carried.

APPROVAL OF CHECK REGISTER

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

APPROVAL OF MINUTES

(Approval of the minutes of November 21, 2000 was deferred until next week.)

(Commissioner Guazzo entered the meeting 10:15 a.m.)

COUNTY ADMINISTRATOR

Present: Alfred A. Lacer, County Administrator

1. Draft Agendas for December 5 and December 12, 2000
2. **Sheriff's Department**
Supplemental Appropriation Ordinance
Local Law Enforcement Block Grant Agreement (\$59,416)

Present: Elaine Kramer, Director of Finance

Commissioner Raley moved, seconded by Commissioner Mattingly, to approve and sign Ordinance No. 00-35. Motion carried.

3. Employment Contract
(Director, Department of Public Works and Transportation)

Commissioner Raley moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner Randall to sign the Contract as presented. Motion carried.

4. **Budget Amendment**
Finance Department
(Department of Recreation and Parks for Piney Point Public Landing Shore Erosion Project (\$45,700))

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

The following portion of the meeting was recorded by Kate Mauck:

**DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT
HOUSING DIVISION
HEAD START PROGRAM AND FAMILY SERVICES CENTER UPDATE**

Present: Dennis Nicholson, Executive Director, Housing Authority
Dana Jones, Executive Director, So. Md. Tri-County Community Action
Pat Morales, Director, St. Mary's County Family Services Center

Mr. Nicholson provided historical background on the necessity for the new facility for the Head Start Program and Family Services Center that is currently in the development phase. The facility is targeted to be located on a 5.4-acre parcel of land off of Great Mills Road, and the plans include a 14,230-foot single-story structure, with outside playground accommodations for children. Floor plans and an aerial photograph of the area were displayed and discussed. Cooperative programs between the Family Services Center and the Head Start Program were outlined and discussed.

Ms. Morales outlined the various services that are provided by the Family Services Center. The Center is currently utilizing three separate buildings, which are inadequate and are increasingly unsafe to use. The new facility will have very large rooms that will be used for a vast array of community purposes.

Mr. Jones provided historical background on the Head Start Program in St. Mary's County. The program has been in the area for 35 years, and there is an urgent need for assistance for many children in the county and for the stabilization of their families. Density and how to provide services to the level of density in the county is a current targeted goal of the Head Start Program. St. Mary's County is a finalist for Columbia University's "Free to Grow" Program, which will use volunteer families to work with families in need in the areas of drug prevention and the strengthening of family units.

Mr. Nicholson outlined the potential for future expansion of the planned facility. The property is owned by the St. Mary's County Housing Authority. Commissioners expressed concerns about ensuring planning for possible future expansion, as density is expected to increase in the future. The expected \$300,000 funding shortfall was addressed, and concern was expressed, as to whether the project would require even more funds. Mr. Nicholson stated that a redesign of the building might become necessary should this occur, and Mr. Jones stated that a competitive bidding process would be necessary. The project should go out for bidding in late February or early March.

The Commissioners expressed concerns regarding the lack of a Project Manager and the fact that the project was not moving along as quickly as they would like. The Housing Authority reported that they are attempting to utilize existing resources while maintaining minimal overhead costs.

The Board of County Commissioners requested that the Housing Authority work with the County Administrator to determine how the county can further assist in the project. Should the Housing Authority need assistance from the Board of County Commissioners, the item will be placed on an upcoming agenda for further discussion and review.

The following portion of the meeting was recorded by Peggy Childs:

**ISUB #98-2844 – EAGAN SUBDIVISION, Lots 1 & 2
DISCUSSION/DECISION**

All Commissioners were present. DPZ staff present were Jon Grimm, Director; Sue Veith, Environmental Planner; and Peggy Childs, Recording Secretary. County Attorney Patrick Murphy was also present.

Requesting 6.3 acres of the county's Growth Allocation for Lots 1 & 2 of this subdivision. The property contains 6.3 acres, is zoned RPD (RCA Overlay), and is located on the west side of River Springs Road, approximately ½ mile south of MD 242 in Avenue; Tax Map 46, Block 10, Parcel 230.

Owners: Rex and Frances Eagan

The Commissioners questioned Mr. Grimm about staff's memo of November 20, 2000 and asked Mr. Murphy whether it was proper for the commissioners to consider the memo, since it was dated so long after the written comment period. The public hearing was held on October 17, 2000. Mr. Murphy responded that, as long as the memo was based on information presented at the public hearing, the Commissioners could consider it. Mr. Grimm replied to Commissioner Randall that letters were received during the 10-day written comment period, and those letters are attached to the memorandum.

Mr. Grimm said the November 20th memo is a point-by-point response to issues raised at the hearing and individual questions were posed by the Commissioners. Ms. Veith explained that she had incorporated the Planning Commission's recommendations for the Commissioners' consideration also, since they are only recommendations, and the Commissioners are the approving authority. Discussion followed, during which time the Commissioners restated their concerns and their primary issues with this request.

Following this discussion, Commissioner Guazzo moved to accept the Planning Commission's recommendations and grant the 6.3 acres of the county's growth allocation for Lots 1 & 2, subject to the following conditions and the Chesapeake Bay Critical Area Commission's approval:

- (1) The applicant shall prepare and submit for review by the TEC an environmental report as requested in Note 5 of the September 21, 1999 TEC comments prepared by Christine Holmberg. (This report has been submitted, reviewed and approved.)**
- (2) The applicant shall note on all plats that, as a condition of building permit issuance, an appropriate Best Management Practice for stormwater runoff as recommended in the Critical Area Commission's "10% Rule Guidance Document" shall be installed to improve stormwater management and water quality on the site. A note to this effect shall be added to plats prior to recording.**
- (3) Applicant acknowledges that the limits of disturbance shall not encroach into the 100-foot Critical Area Buffer and that the location of the house, pool and other structures on Lot 1 may be required to be revised at building permit stage, to provide sufficient area for construction activity between the house and the edge of the 100-foot Critical Area Buffer, to ensure that the root systems of trees in the Critical Area 100-foot Buffer are protected and that clearing and grading material storage does not occur in the 100-foot Critical Area Buffer. A note to this effect shall be added to plats prior to recording.**
- (4) The applicant shall establish an easement to maintain a 30-foot bufferyard along the common boundary with the Hughes and Blackistone properties, excepting the area of the septic easement, where the buffer will be reduced to 12 feet.**
- (5) The limits of disturbance, as indicated on the developer's plat dated 12/10/98 (revised 8/20/00) shall be adhered to in the development of this property.**

The motion was seconded by Commissioner Anderson and passed by 5-0.

The application will be forwarded for the State's approval after the Commissioners have signed the approving document.

The following portion of the meeting was recorded by Kate Mauck:

PRESIDENT, COLLEGE OF SOUTHERN MARYLAND ANNUAL REPORT

Present: Dr. Elaine Ryan, President, College of Southern Maryland

Dr. Ryan appeared before the Board of County Commissioners in order to present the first annual report of the College of Southern Maryland. The College is currently ranked with a rating of 1 or 2 for student success, and is listed as one of the top community colleges in the State of Maryland. Dr. Ryan outlined several details, which included:

- ◆ significant trends;
- ◆ graduate characteristics;
- ◆ enrollment by county;
- ◆ student demographics;
- ◆ popular degree programs;
- ◆ public school partnerships;
- ◆ economic development initiatives;
- ◆ workforce shortage issues and initiatives;
- ◆ new instructional programs;
- ◆ industrial training;
- ◆ areas of exploration;
- ◆ technology initiatives;
- ◆ student successes; and
- ◆ strategic initiatives for calendar years 1999 through 2004.

The Capital Program has a project included for a third building, which has been stalled, and final drawings have not as yet been submitted by the architect.

The Board of County Commissioners commended Dr. Ryan and staff for being so responsive and in-tune to the needs of St. Mary's County.

The Commissioners suggested that the College of Southern Maryland work with the Chamber of Commerce to begin tracking employer-paid credits. Further, the College was asked to look closely at the issues of hospitality and tourism.

**STATE PLANNING OFFICE
SMART GROWTH PRESENTATION**

Present: Tom Bass, Maryland Department of Planning
Ron Young, Deputy Secretary, Maryland Department of Planning
Mike Paone, Regional Planner, Maryland Department of Planning
Jim Noonan, Senior Planning, Maryland Department of Planning

Mr. Bass and staff provided a presentation on Smart Growth and also provided input and/or suggestions on St. Mary's County's Comprehensive Plan, Priority Funding area and Unified Land Use Development Code. Mr. Young provided historical background on the Governor's Smart Growth program, which was initiated due to concerns in the areas of the following trends in the State of Maryland:

- ◆ population growth in Maryland to increase about 20 % in the next 20 years;
- ◆ ½ million people are leaving cities and older suburbs;
- ◆ lot sizes are increasing; and
- ◆ household sizes are increasing.

In addition, the population in St. Mary's County is projected to grow by 24% in the next 20 years. As a result of the trends outlined, a devastating effect has occurred on older neighborhoods across the State. These effects include economic, social and environmental deterrents and all of these combined create added costs and impacts to the

State. Effectively planning for the management of growth is the purpose of the Smart Growth Program. Rural Legacy and Priority Funding were discussed and historical background was provided on each of these issues. There are currently 24 rural legacy areas around the State.

An issue for concern in each county is the development of a Capital Improvement Program Budget that has a 20 year plan, detailing how much a Comprehensive Plan would cost over the long run. Also addressed were transportation needs, access issues, and the funding going toward reworking existing schools. A Smart Codes Bill was passed during the last legislation session to try to assist in the rehabilitation of existing buildings. The necessity for building communities and not just houses or businesses was addressed and discussed. The goal has become to create communities where people feel comfortable and safe and can walk to many places within their communities.

Maintaining open spaces was a key topic of discussion. Mr. Noonan outlined information concerning the Priority Funding Area Program as it relates to the Comprehensive Plan for St. Mary's County. The program prohibits the spending of State funding for growth related projects outside of areas certified or predefined as priority funding areas. Mr. Noonan stated that according to the model developed by the State, they take the county's zoning, multiply it out by the number of vacant acres, and see what they come up with as an indicator of a mismatch between a growing county's Comprehensive Plan and a development pattern that people may be dissatisfied with. This model showed for St. Mary's County a development potential in the areas outside of the growth area that could accommodate a little over 2 ½ times the projected growth over the 25-year period (1995-2020). Another two times projected growth was shown to be inside the growth area. State infrastructure dollars were targeted to be spent on the highest priority places; therefore, Priority Funding Areas. The St. Mary's County Planning Department has worked with Mr. Noonan on this issue. Individual counties determine where the Priority Funding Areas are to be located; however, the State determines whether an area is consistent or inconsistent with planning criteria guidelines, and determines the highest priority funding areas to target. Since 1995, the situation for the County has been reevaluated to be at just over 1 ½ times projected growth.

The Board of County Commissioners voiced concerns that school renovations in the County are not within priority funding areas as most of our schools are located in rural areas, so therefore, they do not receive adequate funding. The Maryland Department of Planning stated that a case could be made for St. Mary's to build new schools in funding priority areas vice renovation of old schools, and that they believe supporting funds could be acquired for the County.

Mr. Paone indicated that the County's Unified Land Development Code meshes well with the Smart Growth Philosophy. He spoke concerning TDR's and incentives to use them. It was stated that House Bill 8-88 for the Rural Legacy Program should prove to be beneficial to St. Mary's County. Streamlining development in the ULDC was also discussed.

Commissioner Guazzo expressed concern for assistance to the tobacco farmers to help save their land and not only to sell the land for development.

The last meeting on the Smart Codes Program will be next week and the latest information on this subject can be obtained on the web page for the Maryland Department of Planning. The Governor has not as yet announced his program on Urban Legacy, so questions by the Commissioners were unable to be addressed on this topic.

LEXINGTON PARK LIBRARY PROJECT UPDATE

Present: Richard Rohrbaugh, Director, Facilities Management

Mr. Rohrbaugh appeared before the Board of County Commissioners in order to present a Schedule and Timeline for the New Lexington Park Library facility. The schedule did not reflect the one-week extension due to mirror imaging the Library. Mr. Rohrbaugh, the Architect and the rest of the design advisory board for the Library are

scheduled to meet on November 29th to seek final approval for the revised plan. Construction should take approximately 14 months and is scheduled to conclude by June 2002.

The Commissioners directed Mr. Rohrbaugh to have Planning and Zoning put the review and permitting process on their TEC agenda two weeks prior to the actual delivery of the construction documents to their department.

Commissioners Mattingly and Raley expressed appreciation to Mr. Rohrbaugh for the earlier tour of the Courthouse facilities in Leonardtown.

COUNTY COMMISSIONERS' TIME

Leonardtown Rescue Squad 25th Anniversary Celebration

Commissioner Guazzo reported that she and Commissioner Mattingly attended the 25th Anniversary Celebration of the Leonardtown Rescue Squad. The County owns the land the building sits on and Commissioner Guazzo asked that staff develop recommendations to see if it was feasible for the County to release the land in some fashion to the Rescue Squad be placed on a future agenda. Consensus was expressed by all.

Tri-County Counsel for Southern Maryland

Commissioner Anderson reported that the Tri-County Counsel for Southern Maryland was given funding from the Maryland Department of Transportation to do a Southern Maryland Regional Trail and Bikeway Systems Study. Specifics of the study were outlined. Ultimately, an interconnected regional system will be recommended. A regional planning workshop will be conducted at SMECO on Tuesday, December 5th from 4:30 to 7:00 p.m. in the conference room. All citizens are invited to attend to give input and to receive information. Each county has a group of citizens working with the study and providing recommendations.

Birthday Party for Ruby Slade

Commissioner Anderson reported that he had the honor of attending a great 50th birthday party in Valley Lee for Ruby Slade on Saturday evening. Ms. Slade has overcome many challenges and is one of the County's premier volunteers.

Employees' Auction

Commissioner Mattingly expressed thanks to Commissioner Raley for the outstanding job he did as auctioneer for the recent Employees' Auction, which raised money for the Employees' Association.

Maryland Municipal League

Commissioner Mattingly participated in a dinner for the Maryland Municipal League and several legislative items were discussed at that time. He has passed those items onto Commissioner President Randall, who will take them to the MACo meetings for discussion. Discussion occurred concerning a State mandate for volunteer Fire Service personnel to establish health and safety standards for firefighters – it is currently in the draft stages, but it may become an unfunded item that may have to be faced in the future. It would have a \$16 million statewide impact annually for adoption of the standard if it passes. It would also significantly affect volunteer manpower in the communities.

Fire Department Substation Land in Chaptico

Commissioner Mattingly reported that he previously asked the County Administrator to follow up on a long-range plan for the Mechanicsville Fire Department to have approximately three acres of land to be set aside for the future location of a fire department substation in the Chaptico area. The three-acre site would hopefully come out of a 250-acre area the county is currently looking at. Commissioner Mattingly asked them to write a formal letter of request. They are looking at a substation perhaps four or five years from now. Commissioner Mattingly stated that something should be coming from them more formally in the near future, and it is hoped that Recreation and Parks will review this issue.

EXECUTIVE SESSION

Commissioner Mattingly 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.

The following portion of the meeting was recorded by Judith Spalding:

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
Patrick Murphy, County Attorney
Jon Grimm, Director, DPZ
Judith A. Spalding, Recorder

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

Time Held: 4:20 p.m. – 5:30 p.m.

Action Taken: Staff brought the Commissioners up to date regarding a matter of litigation and received direction from the Board.

Personnel

Present: Commissioner President Julie B. Randall
Commissioner Joseph F. Anderson
Commissioner Shelby P. Guazzo
Commissioner Thomas A. Mattingly, Sr. (*left at 5:50 p.m.*)
Commissioner Daniel H. Raley
Alfred A. Lacer, County Administrator
Judith A. Spalding, Recorder

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

Time Held: 5:30 p.m. – 6:35 p.m.

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

Follow Up to Executive Session

Commissioner Guazzo moved, seconded by Commissioner Anderson, to approve the appointment of Alonzo Gaskin to the ULDC Technical Advisory Committee. Motion carried.

ADJOURNMENT

The meeting adjourned at 6:45 p.m.

Minutes Approved by the
Board of County Commissioners on 12/5/00

Judith A. Spalding
Judith A. Spalding, Recorder