

**ST. MARY'S COUNTY  
BOARD OF COUNTY COMMISSIONERS' MEETING  
Governmental Center  
Tuesday, December 19, 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

*Judith Spalding recorded the following portion of the meeting:*

**CALL TO ORDER**

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

**ADDITIONS/DELETIONS TO AGENDA**

Commissioner Raley moved, seconded by Commissioner Mattingly, to accept the agenda as amended (to continue the executive session that is scheduled at 2 p.m. at the end of the meeting, if needed). Motion carried.

**APPROVAL OF CHECK REGISTER**

**Check Register for week of December 19, 2000**

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

**Check Registers for Weeks of December 26, 2000 and January 2, 2001**

In that the Commissioners will not be meeting on Tuesday, December 26, 2000 and Tuesday, January 2, 2001, Commissioner Guazzo moved, seconded by Commissioner Mattingly, to authorize Commissioner Randall to sign the Check Registers for those weeks. Motion carried.

**APPROVAL OF MINUTES**

Commissioner Anderson moved, seconded by Commissioner Guazzo, to approve the minutes of the Commissioners' meeting of Tuesday, December 12, 2000, as corrected. Motion carried.

**DEPARTMENT OF RECREATION AND PARKS**

Present: Phil Rollins, Director  
Arthur Shepherd, RP

**Special Olympics Program**

Mr. Rollins and Mr. Shepherd announced that the Department of Recreation and Parks received a *2000 Training for Life* Award for its outstanding training program for Special Olympics in St. Mary's County.

Mr. Shepherd thanked the Recreation and Parks Staff and the many volunteers who helped make the program such a success.

The Commissioners presented a Commendation to the Department of Recreation and Parks recognizing the staff's and volunteers' efforts in organizing this program.

**Boundless Playground Grant**

Mr. Shepherd announced that the County has received a \$75,000 award for its *Boundless Playground* project to be located at Willows Road Park and displayed a Proclamation from the Governor in recognition of this program.

**COMMENDATION**

The Commissioners presented a Commendation to Lt. Robert Hall, who recently retired from County Government, recognizing his outstanding years of service in the Sheriff's Department from 1972 to October 1, 2000.

**COUNTY ADMINISTRATOR**

Present: Alfred A. Lacer, County Administrator

1. Draft Agenda for January 9, 2000
2. Office of Community Services

Present: Cynthia Brown, Director, Office of Community Services  
Walt Biscoe, Community Services Coordinator

St. Mary's County/Lexington Park Community Mobilization GAP Grant Agreement (Federal: Community Grant - \$4,300; Youth Grant - \$7,820)

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

**3. Department of Public Works**

Present: John Groeger, Deputy Director

- a) Public Works Agreement for John Wayne Estates Subdivision, Section 3, 4<sup>th</sup> Election District, with a completion date of October 1, 2001. The letter of credit has been provided by The First National Bank of St. Mary's in the amount of \$88,300.
- b) Public Works Agreement Addendum for Emerald Hills Estates Subdivision, Phases 1, 2, 3 & 4, 8<sup>th</sup> Election District, extending the completion date to November 1, 2001. The letter of credit provided by the Maryland Bank & Trust Company in the amount of \$468,800 has been reduced to \$53,000.
- c) Public Works Agreement Addendum for Horse Range Farm Subdivision, Section 1, 5<sup>th</sup> Election District, extending the completion date to December 1, 2001. The letter of credit provided by The First National Bank of St. Mary's in the amount of \$60,000 has been reduced to \$35,100.
- d) Public Works Agreement Addendum for Tall Pines Subdivision, Section 1, 2<sup>nd</sup> Election District, extending the completion date to October 1, 2001. The letter of credit provided by Maryland Bank & Trust Company in the amount of \$111,000 remains as posted.
- e) Public Works Agreement Addendum for Greens Rest Farm Subdivision, Section 1, 8<sup>th</sup> Election District, extending the completion date to October 1, 2001. The letter of credit provided by The First National Bank of St. Mary's in the amount of \$51,600 remains as posted.

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

4. **Christmas in April  
Presentation to County Commissioners**

Present: Mary Ann Chasen  
Christmas in April Representatives

Ms. Chasen appeared before the Board to express appreciation to the County Commissioners, employees and volunteers for their support in the *Christmas in April* project. She presented a plaque in recognition of the Board's support.

In conclusion Ms. Chasen noted that the houses for the next Christmas in April projects have been selected, and noted that there were some homes that were beyond repair. CIA is working with the Housing Authority and Tri-County Communication Committee to assist these families.

5. **Legal Department  
Resolution No. 2000-35 – Disposition of Property  
Sale/Transfer of Documents – St. Mary's County Airport**

Present: John B. Norris, III, Assistant County Attorney

**Commissioner Raley moved, seconded by Commissioner Mattingly, to approve and sign Resolution No. 2000-35 authorizing Commissioner Randall to sign documents related to the sale/transfer of property at the St. Mary's County Airport. Motion carried.**

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

**COUNTY COMMISSIONERS' TIME**

**Tri-County Council of Southern Maryland**

Commissioner Mattingly reported that he recently attended a Tri-County Council meeting, and a request on two draft pieces of legislation will soon be submitted. A letter concerning the two initiatives will be placed on the Commissioners' Consent Agenda and will outline support for the initiatives on agricultural preservation to lower acreage and also on benefits for the Tri-County Council employees. Commissioner Mattingly reported that Mr. Raley has submitted reports and updates on agricultural preservation to the Council, and the Council is also looking at ideas from Commissioner Anderson on workforce investment. A letter will soon be forwarded on transportation issues. Commissioner Mattingly was congratulated by his fellow Commissioners upon his recent election as Chair of the Tri-County Council.

**Patuxent River Naval Air Museum**

Commissioner Anderson reported that the start date for the construction of the Patuxent River Naval Air Museum would be later than anticipated. The Committee will send the Board of County Commissioners a letter describing how the date change may impact the existing funding agreement. The Committee is still in negotiations pertaining to land acquisition issues that will help decide access issues. It is expected that airplanes will be in place on March 18<sup>th</sup>. Commissioner Anderson stated that he requested the architect to communicate more closely with the Navy on construction. The design process is proceeding and several conceptual approaches will be presented by the architect. In regard to the final appearance, there is much to do on the access issue. Commissioner Anderson reported also on fund raising issues and foundation work that has been accomplished to date. An update on the fundraising effort will be provided in January 2001.

**Domestic Violence Awareness**

Commissioner Guazzo thanked the Commission on Women and members of the Coordinating Council for their presentation on Domestic Violence given last Tuesday. The tape of that presentation and the October Summit are available for public use and

Commissioner Guazzo pointed out that they are very informative. **Commissioner Guazzo stated that the contact information outlined in the pamphlet entitled "When Love Hurts – Get Help" should be advertised on cable Channel 12 and on the County's website as well.**

#### **Christmas Food Baskets**

Commissioner Raley expressed gratefulness for the many organizations within the community that are sponsoring gifts and food baskets for families during the holiday season.

#### **St. Mary's Agricultural Development Commission**

Commissioner Raley reported that the St. Mary's Agricultural Development Commission would be holding a meeting on Thursday, January 4<sup>th</sup> at 7:00 p.m. at the College of Southern Maryland. This meeting would be important for farmers that may be interested in the Tobacco Buy-out Program. The Governor has added new provisions to the program, and the December 22<sup>nd</sup> deadline for submission of applications has been changed to February. Commissioner Raley stated that Donna Sasscer and Christine Bergmark are the appropriate individuals for farmers to call for answers and information on the Tobacco Buy-out Program.

Commissioner Guazzo reported that she has been working with some farmers regarding the Tobacco Buy-out Program. The top portion of the contract indicates that there are 30 days to return the form. Delegate John Wood had spoken with Ms. Guazzo and had stated that he believed there would be a provision made for the 30-day limit on return of the contract in upcoming legislation. Ms. Guazzo stated that interested farmers should contact Ms. Bergmark or Ms. Sasscer for clarification.

Commissioner Raley stated that he had met with owners of the tobacco warehouses in the Southern Maryland area and that they expressed concern with the Buy-out Program. They feel that buyers will not come to market because of the lessened amount of tobacco raised and sold.

Commissioner Raley thanked Mr. Lacer for providing a tape of yesterday's meeting for him. He also wished a very Merry Christmas and Happy New Year to staff and County employees.

#### **Women's Center**

Commissioner President Randall reported that she recently visited the new location of the Women's Center on Great Mills Road. She stated that the accommodations and office spaces are very nice. Commissioner Randall thanked the Director of the Women's Center, Lynn Fittrell, and the Board of Directors for a lovely holiday open house, which was well attended.

#### **PUBLIC HEARING**

#### **SUPPLEMENTAL APPROPRIATION – GRANT APPLICATION OFFICE OF THE SHERIFF**

Present: Elaine Kramer, Director of Finance  
Sheriff Richard Voorhaar

Ms. Kramer stated that the public hearing was being conducted for the Office of the Sheriff in order to consider a supplemental appropriation of federal funds in the amount of \$5,200 for overtime to Hotspot Officers. The funding would enable them to continue their proactive crime prevention programs such as Operation Spotlight, Gentlemen's Club, Young Marines, Prodigy Club, and Community Action Teams. Sheriff Voorhaar stated that the money would be used to pay overtime for officers in order to increase the reduction of crime in Lexington Park.

Commissioner President Randall opened the hearing for public testimony. There were no speakers present and the floor was closed. Commissioner Randall stated that the record would remain open for written public comment for a period of 10 days and the item would then be placed on an upcoming agenda for discussion and decision.

Sheriff Voorhaar encouraged citizens of St. Mary's County to slow down and use extra precaution while driving during the holidays. He also wished a happy holiday season to everyone.

**PUBLIC HEARING  
SUPPLEMENTAL APPROPRIATION – GRANT APPLICATION  
OFFICE OF COMMUNITY SERVICES**

Present: Elaine Kramer, Director of Finance  
Cynthia Brown, Director, Office of Community Services

Ms. Kramer stated that the public hearing was being conducted in order to consider a supplemental appropriation of federal funds in the amount of \$4300 for a community grant which would provide rental space, telephone/fax services and miscellaneous expenditures for the Office of Community Services. A second supplemental appropriation was also presented that included federal funding in the amount of \$7,820 for a youth grant which would provide four tutors/mentors, travel, and other expenditures.

Commissioner President Randall opened the hearing for public testimony. There were no speakers present and the floor was closed. Commissioner Randall stated that the record would remain open for written public comment for a period of 10 days and the item would then be placed on an upcoming agenda for discussion and decision.

**EXECUTIVE SESSION**

**Commissioner Raley moved, seconded by Commissioner Guazzo, to meet after a lunch break in Executive Session to discuss a matter of Personnel, as provided for in Article 24, Section 4-210(a)1, respectively. Motion carried.**

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

**Personnel**

**Present:** Commissioner President Julie B. Randall  
Commissioner Joseph F. Anderson  
Commissioner Shelby P. Guazzo  
Commissioner Thomas A. Mattingly, Sr.  
Commissioner Daniel H. Raley  
Delores Lacey, Assistant Public Information Officer  
Judith A. Spalding, Recorder

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

**Time Held:** 2:05 p.m. – 3:00 p.m.

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

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

**PEACE PIPERS FROM CHOPTICON HIGH SCHOOL**

The Peace Pipers from Chopticon High School provided an entertaining Christmas Choral Concert.

## **SHERIFF'S DEPARTMENT PAY PLAN**

Present: Elaine Kramer, Director of Finance  
Melvin McClintock, Director of Human Resources  
Sheriff Richard Voorhaar  
Captain Doolan, Sheriff's Department

Mr. McClintock stated that the presentation given would outline a salary comparability study for sworn officers within the Sheriff's Department. The goals of the study were outlined as follows:

- Review Sheriff's proposed placement on the "new" salary schedule; cost calculation;
- Achieve transition within budgeted dollars;
- Address appeals;
- Confirm placement on the "new" schedule;
- Prepare communications to sworn personnel; and
- Obtain Board of County Commissioners adoption of recommendations.

Captain Doolan outlined details of the pay plan and the calculation process for step increases. A total of three appeals were filed. The implementation costs were previously calculated and contained within the FY2001 budget. The implementation costs are:

- Half Year - \$223,000 for salary only and \$250,000 including fringe benefits;
- Full Year - \$446,000 for salary only and \$552,000 including fringe benefits;
- Estimated cost of step increase, excluding fringe benefits would be \$190,000 prior to the October 1<sup>st</sup> change and \$150,000 with the current change.

The implementation date would occur on January 1, 2001, and officers would see only one week's raise in their first paycheck after the implementation, as half of the pay period occurs on or around January 1<sup>st</sup>.

**The Commissioners requested to see the cumulative effect of the Sheriff's Department Pay Plan Upgrade. They would prefer one sheet that shows the average increase of what it took to bring the deputies up to the current level.**

**Commissioner Anderson moved, seconded by Commissioner Guazzo, to approve the Sheriff's Department Pay Plan with the effective date of January 1, 2001. All members voted in favor.**

The Commissioners stated that education and public safety have repeatedly been the issues voiced by citizens of the County as having the highest priority. They agreed that proper compensation for the officers of St. Mary's County is of the utmost importance. It was pointed out that in addition to this pay increase for sworn officers, a new retirement plan and new position classifications had recently been enacted to assist in the improvement of the retention and recruitment of officers for the County.

A copy of the Sheriff's Department's Annual Report was presented to the Board of County Commissioners. Sheriff Voorhaar announced that the report had been dedicated this year in honor of Harry Lancaster.

## **UNIFIED LAND DEVELOPMENT CODE PRESENTATION OF STAFF RECOMMENDATIONS**

Present: Sue Veith, Environmental Planner, Planning and Zoning  
Jeff Jackman, Senior Planner, Planning and Zoning

Staff outlined and discussed the following recommendations that were documented in their memorandum dated December 19, 2000:

- *Preservation of Rural Character* – The Rural Preservation District density should not be 1:3. The adopted plan, in many of its provisions provides a reasoned basis to set

the RPD density at either 15 acres per dwelling unit, using the farmstead model of the current Ordinance, or 20 acres per dwelling unit using the critical areas resource protection model. Several alternatives to across the board "downsizing" options were outlined.

- *Rural Residential Subdivisions* – Eliminate the RR floating zone in favor of sliding scale or downzoning in the RPD.
- *Grandfathering (nonconforming use) Provisions* – Comp Plan Action 18 should be fully implemented by establishing a firm sunset on such lots by requiring lot consolidation for contiguous lots in single ownership and a program of TDRs instead of variances for unbuildable lots.
- *Vested Rights Provisions* – Discontinue vested rights provisions that are more lenient than provided in state case law. Delete Chapter 27 in its entirety and investigate rescinding phasing plan approvals granted under current section 48.7 of the Zoning Ordinance, if it is legal to do so.
- *Buildout Analysis in Growth Areas (Priority Funding Areas)* – Reduce the size of growth areas available for immediate development with a public facilities staging schedule and adequate public facilities analysis that provides for infill development of priority areas. Retain the balance of the growth areas in a "holding zone" for future expansion of growth areas outward as market demands increase. Do not provide for public facilities extension to these holding zones until at least 50% of the capacity of development has occurred in the first priority centers. As a corollary do not approve any developments that are not served by public facilities in or out of the growth boundaries (i.e. don't allow septic in growth areas).
- *Incentives for Concentrating Development in Designated Areas* – Maintain "true" mixed use-zoning districts and consider expanding their use in targeted (priority) areas to spur investment and focus growth to designated areas. Establish performance standards that will maintain quality while allowing quick review and approval.
- *Limiting Sprawl* – The RC zone should be eliminated in the text and the district maps changed as outlined. Developed parcels in the locations outlined should receive either Rural Commercial Limited designation instead of the RC zone if developed for retail uses or RMX if developed with non-retail use; maintain distinct areas for the towns and communities outlined. The details of this recommendation are contained in the December 19<sup>th</sup> memo.
- *Use Classification System and Schedule of Uses* – Eliminate Rural Medicine Use Classification entirely. Rework Schedule 51.2 to return distinctions between zoning districts. Review and remove insignificant distinctions between specific use groups.
- *Regarding Transferable Development Rights (TDRs)* – Downzone the RPD in conjunction with maintenance of the current density of development rights at one TDR per three acres across all of the RPD. This will provide for an interest in selling TDRs from rural lands, establish value to the TDR commodity, address landowner equity and preserve land from development. In the growth areas, allow density bonuses through TDR use to attain very high densities of up to 10-15 units in targeted areas. Implement the TDR review process called out in Section 20.2, page 20-2 as a responsibility of the Planning Commission. Require use of TDRs at lower densities for any development outside the area designed for immediate development.

**The Commissioners made the following requests of staff:**

- **Provide maps on lots that are not buildable. Also, present figures on how many lots have approval to build;**
- **Memo listing all PUD properties where the PUD's were rescinded;**
- **List of all parcels with non-conforming RCL in the rural areas;**
- **Need transitioning from rural to development districts regarding the agricultural overlay;**
- **Look at planning for growth concerning the town of Leonardtown. Work with the town of Leonardtown on this subject;**
- **Simplify the TDR program;**
- **Set up squares of jigsaw puzzle on map 32 and invite Commissioners to come and review – illustrate the sensitive areas;**
- **Explore, but do not spend undue time on: Possibility of putting limit on size of retail buildings to be built in the County – to include a possible Ordinance; and,**

- possibility of how to restrict public sewers to the designated growth areas and an outline of how to do this;
- Regarding a water and sewer plan and how water and sewer belong only in the growth areas – any new subdivision in rural areas should have set standards for when they can access community water;
  - Need a strong, adequate Public Facilities Ordinance, especially regarding schools; and
  - Schedule work sessions after the first of the year regarding the ULDC issue.

#### EXECUTIVE SESSION

Commissioner Raley 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.

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

#### Personnel

**Present:** Commissioner President Julie B. Randall  
Commissioner Joseph F. Anderson  
Commissioner Shelby P. Guazzo  
Commissioner Thomas A. Mattingly, Sr.  
Commissioner Daniel H. Raley

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

**Time Held:** 5:30 p.m. - 7:30 p.m.

**Action Taken:** The Commissioners continued discussion of Boards and Committees and agreed to take action in open session.

#### Follow Up to Executive Session

Commissioner Mattingly moved, seconded by Commissioner Raley, and motion carried, to make the following appointments:

#### Planning Commission

Alvin Chase

Thomas Larry Greenwell

Julia A. King

#### Terms To Expire

12/31/2005

12/31/2005

12/31/2005

#### Zoning Board of Appeals

Michael L. Hewitt

Sandra L. Mriscin

12/31/2002

12/31/2004

#### ADJOURNMENT

The meeting adjourned at 7:35 p.m.

Minutes Approved by the  
Board of County Commissioners on 1/9/2001

Judith A. Spalding  
Judith A. Spalding, Recorder

Kate Mauck  
Kate Mauck, Recorder