

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Governmental Center
Tuesday, April 3, 2001**

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)
Kate Mauck, Recorder

(Commissioners Randall and Guazzo were not present at the beginning of the meeting.)

(Commissioner Mattingly presided over the meeting until the arrival of Commissioner Randall.)

CALL TO ORDER

The meeting was called to order at 10:02 a.m.

ADDITIONS/DELETIONS TO AGENDA

Commissioner Raley moved, seconded by Commissioner Anderson, to accept the agenda as amended (to add a Proclamation for National Library Week and to delete Item No. 8 (Redistricting Board) from the County Administrator's List. Motion carried.

APPROVAL OF CHECK REGISTER

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

APPROVAL OF MINUTES

Commissioner Anderson moved, seconded by Commissioner Raley, to approve the minutes of the Commissioners' meeting of Tuesday, March 27, 2001, and the Special Meeting of Thursday, March 29, 2001, as presented. Motion carried.

COUNTY ADMINISTRATOR

Present: Alfred A. Lacer, County Administrator

1. Draft Agendas for April 10 and 17, 2001

(The April 17 agenda will be revised to add the Lexington Park Elementary School groundbreaking ceremony at 9:15 a.m.)

2. **Budget Amendment #2001-46
Recreation and Parks - \$274,500
(Funds to be transferred to complete the Willows Road Park project)**

Commissioner Anderson moved, seconded by Commissioner Raley, to approve and authorize Commissioner Randall to sign Budget Amendment No. 2001-46. Motion carried.

3. **State's Attorney's Office, Child Support Division**
Cooperative Reimbursement Agreement with Maryland Department of Human Resources Child Support Enforcement
(Federal: \$198,274; County \$117,233)

Present: Michael Stamm, State's Attorney's Office

Commissioner Raley moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner Randall to sign Agreement

(Commissioners Randall and Guazzo entered the meeting – 10:20 a.m.)

4. **Department of Recreation and Parks**
National Park Service Chesapeake Bay Gateways Network Program
Memorandum of Understanding

Present: Phil Rollins, Director

Commissioner Raley moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner Randall to sign the Memorandum of Understanding. Motion carried.

5. **Department of Public Works**

Present: George Erichsen, Director

- a) Public Works Agreement Addendum for Westbury Subdivision, Section 1, Phase 2, 8th Election District, with a completion date of March 1, 2002. The original letter of credit in the amount of \$176,000 that was provided by The First National Bank of St. Mary's is being replaced with a bond in the amount of \$176,000 from the Gulf Insurance Company.
- b) Easement Agreement by and between the BOCC and Walter B. Dorsey, Mary D. Dorsey, Dixie L. Dorsey, and the Trustees of John R. Dorsey for the purpose of constructing and maintaining a permanent drainage easement off Philip Lane located in the Mulberry South Subdivision, 3rd Election District

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

6. **Marcey House 8th Annual Golf Tournament**

Present: Larry Harvey, Director, Marcey House

Mr. Harvey appeared before the Board to extend a formal invitation to the Board of County Commissioners to the Eighth Annual Golf Tournament. The Tournament, which will be held Friday May 25 (rain date is Wednesday, May 30) at the Wicomico Shores Golf Course, is being sponsored by Eagan, McAllister, Verizon, Constellation Energy Group, and Washington Gas. The keynote speaker will be Congressman Steny Hoyer, Delegate John Bohanan will be present for opening remarks; and the featured guest will be Tubby Smith, Head Basketball Coach of the University of Kentucky Wildcats.

7. **Department of Facilities Management**

- a. SMECO Easement Agreement for Hollywood Elementary School

Commissioner Raley moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner Randall to sign the SMECO Easement Agreement. Motion carried.

- b. Patuxent River Naval Air Museum Loan of 2000
(State Funding - \$250,000)

Present: Richard Rohrbaugh, Director
John B. Norris, III, Deputy County Attorney

Discussion ensued regarding the County Attorney's concerns relative to Paragraph 12 – *Disposition of Property* of the State's Grant Agreement; however, Mr. Norris pointed out that the State has clarified the matter and that this clause only pertains to construction documents which will be using only state funds. Mr. Norris indicated that he does have some concerns regarding language that may be the actual grant application, which he will review when prepared and advise the Commissioners if there are any issues that need to be addressed.

Commissioner Raley moved, seconded by Commissioner Anderson, to approve and authorize Commissioner Randall to sign the SMECO Easement Agreement. Motion carried.

PROCLAMATIONS

The Commissioners presented the following Proclamations

- Designating the week of as Public Health Week in St. Mary's County
- Designating the week of as National Library Week in St. Mary's County.

COUNTY COMMISSIONERS' TIME

Democrat of the Year

Commissioner Mattingly reported that the *Democrat of the Year* celebration Saturday evening honoring former County Commissioner John G. Lancaster. It was a well-attended event and Mr. Lancaster and his family appreciated the many recognitions given to him.

Recognition of Judge Joseph Weiner

Commissioner Mattingly referred to the Recognition Dinner honoring Judge Joseph Weiner for his many years of service to the community as well as leadership in "break throughs" he fostered in the County.

Fiscal Year 2002 Recommended Budget Preparation

Commissioner Guazzo expressed appreciation to the County Administrator and Director of Finance for all the work and efficiency that went into preparing the FY 2002 Recommendation Budget, which will be taken to public hearing later this month.

Southern Maryland Agricultural Commission

Commissioner Raley announced that the full Commission will be meeting on Monday, April 23, 7 p.m. in the St. Mary's County Commissioners' meeting room, and the Infrastructure Committee will be meeting on the 23rd at 8 a.m. in Hughesville.

Commissioner Raley reported that the checks paid out to farmers in the Southern Maryland Region for the tobacco buy out totaled \$4.6M

Commissioner Mattingly advised that he requested Donna Sasscer, Agricultural/Seafood Specialist, to prepare a letter to the Governor for the Commissioners' signatures urging that funds be made available for the next round of grants. The Tri-County Council will also be preparing a letter on this issue.

Callaway Market Place

Commissioner Raley made note of a memorandum from Director of Planning and Zoning Jon Grimm advising that the land for the right-of-way has been dedicated to the SHA, and that this had been one of the Commissioners' concerns with regard to maintaining that transportation corridor.

Great Mills High School Spelling Bee

Commissioner Raley announced that he was the Master of Ceremonies for the Great Mills High School Parents/Teachers/Students Spelling Bee on Friday March 30. The event, which had 13 teams, raised approximately \$1200. The Century 21 Team was the winner of the Bee.

Maryland Association of Counties

Commissioner Randall reported on the recent Maryland Association of Counties meeting:

- MACo supports the statewide election system bill, which establishes a uniform system throughout the State. The cost will be on a shared basis (50% State; 50% local);
- House Bill 1 regarding additional funding for education will not be passed this year; that this year's priorities are issues related to the elderly; however, additional local funding for education will be a priority next year.
- That she is on the planning committee for the summer conference. The theme of the conference is *Taking Pride in People*.

Disabilities Awareness Month – Family Day

Commissioner Randall commended staff for doing such an excellent job Saturday for the Disabilities Awareness Month Family Day held at the Leonard Hall Drill Hall. She stated that there was good community partnership and many great displays. She wanted to personally thank Cynthia Brown, the Commission for Disabled, Phil Rollins and all those who made the day such a success.

Partnership Dinner

Commissioner Anderson reported that he and Commissioner Mattingly attended a dinner meeting Monday evening, which emphasized the partnership among economic development entities, Patuxent Partnership, the Alliance, Tri-County Council, and other groups. These groups hosted a group of Canadian business people in order to help expand the arena of economic opportunities in St. Mary's County. There will be another meeting at the end of April with visitors from the United Kingdom.

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

TOMORROW'S CHILD

Present: Bonnie Elward, Executive Director
John Dickerson, Member, Young Gentlemen's Club
Charles Barnes, Member, Young Gentlemen's Club
Tahesha Parker, Member, Young Ladies' Club
Randy Yates, Member, Young Gentlemen's Club

Ms. Elward appeared before the Board of County Commissioners to provide a presentation on the Tomorrow's Child program and stated that April 2001 is the "Month of the Young Child". Tomorrow's Child, Incorporated currently provides several after school programs in five St. Mary's County public schools, and intends to provide services to several more schools in the near future. Ms. Elward outlined the intent of the program and provided information concerning the following programs:

- Theatre Arts
- Young Marines
- Mediation and Communication Counseling
- Male Outreach Component and Goals
- The Ladies' and Gentlemen's Club

Mr. Dickerson, Mr. Barnes and Mr. Yates each spoke regarding the Young Gentlemen's Club and how it has helped them individually. Ms. Parker read a poem she had written regarding the Young Ladies' Club and what it meant to her.

Fundraising efforts were outlined, and it was announced that a fundraising event would occur this Saturday, April 7th entitled "All That Jazz". It will be a black-tie dance, with a reception from 6:00 to 7:00 p.m., dinner following at 7:00, and dancing to go until 8:30 p.m. Congressman Hoyer will be the Master of Ceremonies of the event, which will be held at the Immaculate Heart of Mary Church. The cost will be \$50 per person, and if anyone would like to sponsor a student, the cost is \$120, which will help offset the cost of tuxedo rental, etc. The annual budget for Tomorrow's Child is \$155,000 per year, which is raised through fundraising and grant funding.

DEPARTMENT OF PERMITS AND INSPECTIONS INSPECTIONS OF GRADING PROJECTS IN LEONARDTOWN

Present: Robin Guyther, Director, Department of Permits and Inspections

Mr. Guyther provided information to the Board of County Commissioners regarding a proposed agreement with the Town of Leonardtown concerning inspections of certain grading projects within the Town limits. Since mid 1995, the County has provided engineering services to the Town, and this would take the process one step further by providing stormwater management inspections. The County would not provide any of the improvements, and fees for services rendered would pass through the Town to the County.

After discussion, the Commissioners directed Mr. Guyther to draft a modification to the current Memorandum of Understanding and have it reviewed by the County Attorney's Office and the Town of Leonardtown's Attorney. The matter would then be placed on an upcoming Commissioners' agenda for a final decision.

The following minutes were recorded by Peggy Childs:

UNIFIED LAND DEVELOPMENT CODE CONTINUATION OF ZONING MAPS (Held At the Carter State Office Building)

(The session began at 1:30 p.m. until 3:00 p.m., and then continued at 3:45 p.m. until 6:05 p.m.)

The Commissioners met in this second of two meetings at the Carter Building to review the zoning maps of the proposed ULDC. The following decisions were made and direction given:

Village Centers

- Accept as listed in the Comprehensive Plan and as currently mapped (includes Valley Lee).
- Develop a transition policy for Village & Town Centers until area plans are adopted.
- Limit size of commercial structures in Village and Town Centers.
- In Village & Town Centers, incorporate "Town & Village Planning consideration" into ULDC.
- Provide recommendations to help define Village and Town Centers.

Town Centers

- Accept Town Centers as currently constituted and mapped.
- Great Mills, St. Mary's City, Pax River, Webster Field – Provide recommendations for defining these areas in the context of the Comprehensive Plan and ULDC.
- Question for staff: How big is Hollywood Town Center?

Development Districts

- Maintain current mapping boundaries of Lexington Park Development District.
- NO SUPPORT for Overlay recommendation at Route 5 east of Great Mills.
- What is in document and what is needed to strengthen buffers along scenic corridors (MD4, MD5, MD6, MD234 and Mattapany Road – Section 63.7)?
- Retain RPD zoning on isolated parcels north of Hollywood, on 6th District map as it went to public hearing in June 2000; delete RMX along 235.
- Staff to continue to look at strip between Lexington Park and Hollywood and make recommendations to define these districts; this is our last opportunity.
- Look at providing as much depth as possible to commercial zoning along 235 below Maple Road.
- Look at area around Esperanza Middle School – why not RNC rather than RMX?
- Staff to look and see if there is a way to provide some sense of community for areas along 235 as well as depth away from the road. Ms. Guazzo asks what was there before Planning Commission painted with mixed corridor “brown brush?”
- Staff to recommend ways to provide “teeth” for requiring such things as inter-parcel connectors and to limit waivers.
- Leonardtown
 - Transition zones between AG Overlay and Development District are not possible.
 - Ask property owners along Cedar Lane Road whether RDP zoning is appropriate?
- Cedar Cove – leave as is.
- Lexington Park revitalization zone
 - Use “Enterprise Zone” boundary for revitalization zoning.
 - Staff to look at lighter requirements that would provide some improvement but not prevent projects from going forward. ULDC needs to encourage revitalization goals and infill in this area.
 - What is in the ULDC document that encourages reuse?
 - NO SUPPORT for comprehensive growth allocation in RCA areas of growth centers.

RECAP OF DIRECTIONS TO STAFF – PROVIDE RECOMMENDATIONS FOR

- 1) **Defining Village and Town Centers**
- 2) **Defining Great Mills, SMCity, PaxRiver & Webster Field**
- 3) **Ways to strengthen buffers and provide protection for scenic corridors.**
- 4) **Ways to provide sense of community for areas along 235.**
- 5) **Allow extraction of gravel as conditional use in any district but not processing facilities everywhere.**
- 6) **Provide Lexington Park Revitalization Zoning recommendations.**

APRIL 10: Legal Review.

APRIL 17: Adequate Public Facilities

The following minutes were recorded by Kate Mauck:

**PUBLIC HEARING – ANIMAL CONTROL REGULATIONS
HELD AT THE GOVERNMENTAL CENTER**

Present: Paul Wible, Director, Emergency Management

Mr. Wible appeared before the Board of County Commissioners to conduct a public hearing regarding the updated draft Animal Control Regulations. The notice of the public hearing was placed in The Enterprise newspaper on February 28, March 7, March 14 and March 21 as required.

The Animal Control Regulations were last reviewed and changed in 1993, and fees for licensing were not changed at that time. The raising of licensing fees was now being recommended in order to better cover the processing costs and also to keep in line with what other jurisdictions are currently charging.

Commissioners provided the following direction:

- Regarding commercial establishments – implement an inspection process that is not dependent on citizen complaints to initiate – inspections of these establishments should occur at least once every two years. Develop rules and guidelines to follow during the inspection process;
- Page 3 – Animal /Veterinary Hospital – or should be changed to and;
- Page 9 - #11 – look further into whether an Owner will or could be fined \$25.00;
- Page 17 – Rabies prevention is a very important concern in the community – failure to vaccinate – fine should be increased, perhaps with a range from \$100 to \$500 depending on the situation, i.e. repeat offender- raise the fine as high as the State will allow.

Commissioner President Randall opened the hearing for public testimony. There were no individuals present to speak regarding the Animal Control Regulations. The hearing was closed, and Commissioner Randall announced that the record would remain open for written public comment for a period of ten days. After the ten-day period, the matter will be placed on the Commissioners' agenda for discussion and a final decision.

ADJOURNMENT

The meeting adjourned at 6:05 p.m.

Minutes Approved by the
Board of County Commissioners on 4/10/01

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