

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Governmental Center
Tuesday, April 10, 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

CALL TO ORDER

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

ADDITIONS/DELETIONS TO AGENDA

Commissioner Raley moved, seconded by Commissioner Guazzo, to accept the agenda as amended (add Proclamation for National Crime Victims' Rights Week; move Day of Hope Proclamation to public forum; delete Tourism Coordinator; and add an executive session on litigation). Motion carried.

APPROVAL OF CHECK REGISTER

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

APPROVAL OF MINUTES

Commissioner Raley moved, seconded by Commissioner Anderson, to approve the minutes of the Commissioners' meeting of Tuesday, April 3, 2001, as corrected. Motion carried.

PROCLAMATIONS

The Commissioners presented the following Proclamations:

- International Building Safety Week
- National Crime Victims Rights Day

**UNIFIED LAND DEVELOPMENT CODE
LEGAL REVIEW**

Present: Patrick Murphy, County Attorney
John B. Norris, III, Deputy County Attorney
Jon Grimm, Director, DPZ

Following the outline provided by the County Attorney, the Commissioners directed as follows:

- **Split Zoning – BRING BACK FOR FURTHER DISCUSSION.**
- **Text Amendments** – make consistent with February 2000 decision.
- **Takings** – Delete item c of 20.3.4 (20.3.4.c) and Chapter 92.
- **Administrative Adjustments**
 - Tweak language to comply with 66B.
 - Establish detailed guidelines.

- **Variances**
 - Can the RNC be added onto under this document? (Shelby)
 - County Attorney's office to clean up language regarding "...for profit or caprice"
- **Conditional Uses**
 - Language needs to be tweaked but generally okay
 - Commissioners need to be aware of Schedule 51.2 in connect with Drummond analysis
- **Vested Rights – BRING BACK FOR FURTHER DISCUSSION.**
- **Right to Farm**
 - Delete 54.4.1.a and 54.5
 - Need to further define statement of acknowledgment; make as strong as possible.
- **Notice**
 - Keep all three forms of notification
 - Does "across-the-street" qualify as contiguous property owner, requiring notice?

ADDITIONAL

- **AG Overlay. BRING BACK FOR FURTHER DISCUSSION.**
 - What is the intention?
 - What does it do?
- **"How to Proceed" not spelled out under BOA as it is for Planning Commission.**

UNIFIED LAND DEVELOPMENT CODE STAFF COMMITTEE ISSUES AND DECISIONS

Mr. Norris advised that his office has already begun meeting with county and state departments to address ULDC concerns, and the issues will be brought to the Board by Mr. Drummond in the weeks that follow as they are framed for discussion and decision, and they are moving rather quickly through the document. Because Mr. Drummond could not be here this week the Board will take up his issues next week. The schedule of remaining topics is as follows:

April 17th – APF, with MetComm and Board of Ed. Also Mr. Drummond.

April 24th – TDRs. Mr. Grimm will check with Mr. Nicholson to see when the report on Affordable Housing will be ready.

May 1st – Various Issues. Staff will group issues and additional work session will be scheduled.

The County Attorney's office will summarize issues from their meetings and that Mr. Drummond has identified for next week's meeting.

PUDs will be added to list for further discussion, including whether what is contained in current draft is an improvement over previous draft. Include whether traffic analysis should go to next intersection.

COUNTY ADMINISTRATOR

Present: Alfred A. Lacer, County Administrator

1. Draft Agendas for April 17 and 24, 2001
2. **Office on Aging**
Retired Senior Volunteer Program
(Federal: \$43,873; County: \$29,292)

Present: Gene Carter, Director

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

3. **Department of Public Works and Transportation**
Mass Transit Administration Grant Agreements

Present: George Erichsen; Director
George Jarboe, Transportation Supervisor

- a. Capital Grant Program, Section 5311 – Purchase of small diesel bus with left
(Federal: \$44,000; State: \$5,500; County: \$5,500 (budgeted in FY 2001))

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

- b. Capital Grant Program, Section 5309 – Radios and base station for STS
busses; bill and coin sorter
(Federal: \$49,300; State: \$4,930; County: \$4,930
(supplemental appropriation required))

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

4. **Department of Facilities Management**
Option Contract with Maryland State Highway Administration
for widening of Route 235 at Lexington Park Library

Present: Richard Rohrbaugh, Director
Janet Parks, Property Manager

Areas of discussion included proximity of road to the African American Monument; doing landscaping in conjunction with the monument; condemnation proceedings by the State; and memorandum from Robin Finnacom regarding use of grant funds (to be discussed at a future Commissioners' meeting)

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

5. **Legal Department**

St. Mary's County Redistricting Board – Resolution and Appointments

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

(Presentation of Resolution for the re-establishment and appointment of members to the Redistricting Board, who will establish Commissioner Election District boundaries that will ensure the geographic representation of the County Commissioners, considering the changes in population in St. Mary's County.)

Commissioner Anderson moved, seconded by Commissioner Mattingly, to approve appointments to the Redistricting Board (Grace Horton, Merv Hampton, Donald Brown, Abell Longmore, and Joseph Densford); and to approve and sign Resolution No. 2001-24, establishing the Redistricting Board. Motion carried.

6. **Finance Department**
Grant Application Process

Present: Elaine Kramer, Director of Finance

Ms. Kramer referred to her March 28 memorandum proposed changes to the current grant application process, which will streamline the process without

compromising the integrity or quality of the submissions. One of the recommended changes is:

The President of the Board would be authorized to sign the formal application, only when the following conditions are present:

- The grant is for an award of more than \$25,000; or
- There is a county match required (or assumed) that is not within the approved budget; or
- The grant, if received, would commit the county to future financial commitments; or
- The grant is based on a performance period of more than one year and/or contains a renewal provision; or
- The grant would require additional benefited/FTE staff.

If none of these conditions is present, the County Administrator can sign the grant application.

After discussion Commissioner Anderson moved, seconded by Commissioner Raley, to approve the recommended grant application process as presented. Motion carried.

7. **County Administrator**

a. **Extension of Contract with Walden Sierra**

Commissioner Guazzo moved, seconded by Commissioner Anderson, to approve and authorize Commissioner Randall to sign the Extension Contract for provision of certain mental health services in St. Mary's County. Motion carried.

b. **Metropolitan Commission
Hollywood Town Center – Public Water and Sewer Extension**

Mr. Lacer requested direction from the Board relative to a draft letter prepared by the Metropolitan Commission to be sent to property owners in the Hollywood area inquiring into whether there was interest in receiving public sewer and/or water service. A similar letter had been sent to the property owners several years ago; however, MetComm is suggesting that a new survey letter be distributed in order to update the information.

After discussion it was the consensus of the Commissioners to direct MetComm to proceed with distribution of the letter to the property owners in the Hollywood area.

8. **Department of Recreation and Parks**

a. **Location of Skate Park**

Present: Phil Rollins, Director

Mr. Rollins referred to his memorandum of March 29 in which he recommended that the Board consider changing the location of the skatepark from Chancellor's Run to Nicolet Park. He pointed out that the Recreation and Parks Board supported the relocation of the skatepark to Nicolet.

Areas of discussion included: getting the right-of-way for access to the park; the Commissioners' earlier motion to go forward with the skatepark at Chancellor's Run site; safety concerns because of lack of sidewalks at Chancellor's Run; concerns that there was not adequate staffing to complete all of the R&P projects in a timely manner; and phasing in of all capital projects to Facilities Management.

Commissioner Mattingly moved, seconded by Commissioner Raley, to direct staff to follow the original instruction and move forward with the skatepark at Chancellor's Run. Motion failed two to three with Commissioners Randall, Anderson, and Guazzo voting against.

Commissioner Guazzo moved, seconded by Commissioner Anderson, to accept the new recommendation of the Recreation and Parks Board to locate the skatepark at Nicolet Park. Motion carried.

b. Local Management Board Grant Application

Mr. Lacer referred to an April 10 memorandum from Mr. Rollins regarding a Resource Development Grant application through the Local Management Board from the Office of Children and Youth.

Commissioner Guazzo recommended, and the Board concurred that Mr. Lacer work with Mr. Rollins regarding this grant application.

(Kate Mauck recorded the following meeting minutes.)

COUNTY COMMISSIONERS' TIME

Ridge Volunteer Rescue Squad Fire

Commissioner Anderson reported that a recent fire had occurred at the Ridge Volunteer Rescue Squad. He expressed reassurances to the Squad as well as to citizens that the County would do whatever is necessary to help get the building back together. They are currently fully operational, as other fire departments and rescue squads have stepped in to help them out with equipment.

15th Annual Human Relations Awareness Day

Commissioners Anderson and Mattingly attended the 15th Annual Human Relations Awareness Day Breakfast and Awards Presentation on Saturday, April 7th. The attendance was excellent, and the following individuals received awards: Bobby Gant, Dirk Griffith, Debbie Andrew Holton, and Reverend Raymond Moore. The Corporate Award was given to McKay's Food and Drug. Also, a new award for youth was given to Ms. Nicole Willy from St. Mary's Ryken High School. Commissioner Anderson stated that these individuals have been doing outstanding work in the community.

Commemoration of the Month of the Young Child

The Commissioners attended an event on Saturday, April 7th at the Immaculate Heart of Mary Church in honor of the Month of the Child. Commissioner Anderson reported that it was a great evening with about 300 people in attendance, along with students from the Ladies and Gentlemen's Club. The founder of the clubs, Mr. Steven Peters was in attendance, as well as a number of dedicated people from St. Mary's County Public Schools. This will undoubtedly become an annual event.

Public Health Week Reception – Cancer Prevention Initiative Partnerships

Commissioner Anderson recently attended a reception at the Health Department in recognition of Cancer Prevention Initiative Partnerships. Dr. Israel has done an excellent job in pulling together a coalition of community groups to assist in the education of the important items that pertain to cancer prevention. This event was particularly directed toward a smoking intervention program, which will be directed toward the young people in our community. The Health Department and community groups working on this important issue deserve a great deal of credit for their efforts.

MDE Grant Application for the Hiring of Sludge Inspector

Commissioner Anderson stated that he would like staff to provide an update regarding the request he made a couple of months ago on the investigation of the possibility of taking advantage of an MDE grant to hire a sludge inspector.

DNR Grant Program for Watershed Management

Commissioner Anderson noticed in the mail that the County has an opportunity to apply for a grant program from DNR on watershed management. This could specifically be directed toward Breton Bay and he would like the County to take advantage of this program.

Naval Test and Evaluation Museum

Commissioner Raley reported that the T&E Museum has vacated their old site and relocated to the new site across from Gate 1 at the Naval Base. Aircraft displays are estimated to be moved by mid-June. The Navy will cover the cost of moving the displays, and a contract is out for pad protection.

Commissioner Randall reported that last night, the Legislature approved the \$250,000 in bond money for the T&E Museum.

Commissioner Randall requested that Mr. Rohrbaugh be asked if state funding for the design of the new T&E Museum were to be released today, would we be in a position to award a design contract tomorrow? If not, why not? Also, what is the timeline for getting this done?

Route 235 Construction Project – Phase 3

Commissioner Raley stated that he has been led to believe that the State Highways will issue a notice to proceed on Phase 3 of the Route 235 construction project on April 16th. Phase 3 of the project will entail work between the new gate and the old gate of the base. Gate 2 of the base, across from Great Mills will no longer be the 24-hour gate, and it will be open from 5:30 a.m. to 6:00 p.m. The 24-hour gate will now be Gate 1, and this will probably last for about one year, while construction is going on.

Easter Holiday Events

Commissioner Guazzo stated that she was unable to attend the numerous events in the County the previous weekend, as springtime has brought much farm work that must be completed. In addition, this Sunday is a high Christian holy day, in observance of Easter. As well as being a religious holiday, it also spawns many musical programs in the County, and citizens were urged to attend one of these enjoyable events. Also, Recreation and Parks will be hosting an Easter Egg Hunt this Saturday at the Governmental Center at 10:00 a.m.

Recognition of Deputies of the Year

Commissioner Randall stated that Commissioners would like to formally recognize the two Deputies of the Year. Staff was directed to make the appropriate calls to the Sheriff's Department and to have them placed on the Commissioners' agenda. They are wonderful gentlemen and must be appropriately commended.

(Judith Spalding recorded the following meeting minutes.)

EXECUTIVE SESSION

Commissioner Guazzo moved, seconded by Commissioner Mattingly, to meet in Executive Session to discuss matters of Personnel and Litigation, as provided for in Article 24, Section 4-210(a)1 and 4-210(a)8, respectively. Motion carried.

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
Judith A. Spalding, Recorder

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

Time Held: 3:42 p.m. – 4:58 p.m.

Action Taken: The Commissioners received an update on two matters of litigation including discussion of settlement issues.

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
Judith A. Spalding, Recorder

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

Time Held: 4:58 p.m. – 5:20 p.m.

Action Taken: The Commissioners discussed appointments to the Nursing Home Search Committee and Health Officer Search Committee.

Kate Mauck recorded the remaining meeting minutes:

**PUBLIC FORUM
MONTH OF THE YOUNG CHILD
6:30 P.M.**

Commissioner Guazzo and Commissioner Mattingly were unable to attend the evening public forum, as they represented the Board of County Commissioners at the Board of Directors of the Foundation of the Friends of the St. Clement's Island Potomac River Museum for their 11th Annual Volunteer Appreciation Night.

Present: Deborah Cole, Teacher Advisor, Spring Ridge Middle School
Lori Pellock, Teacher Advisor, Spring Ridge Middle School
NUM Drum Troupe, Spring Ridge Middle School
Crystal Castro, Student, Spring Ridge Middle School
Randy Yates, Student, Spring Ridge Middle School
Joe Raley, Student, Spring Ridge Middle School
Meagan Raley, Student, Spring Ridge Middle School
Deborah Cole, Teacher Advisor, Spring Ridge Middle School
Kaitlin Hunter, Student, Spring Ridge Middle School
Yelitza Hernandez, Student, Spring Ridge Middle School
Daniel Delgado, Student, Spring Ridge Middle School
Eugene Johnson, Alternatives for Youth
Sarah Winter-Kilbe, Resource Developer
Patty Duncan, Foster Parent of the Year 1999
Lisa Luke-Ballew, Southern Maryland Childcare Resource Center
Jeff Koehler, Student Member, Board of Education
Gwen Bankins, Chancellor's Run Program Coordinator
Erma Donato, Staff, Teen Center
Members, Girl Power

Gloria Young, Parent Advisor, Girl Power
Darnell Corbin, Staff, Teen Center
David Conrad, Prudential Spirit of Community Award Recipient
Clare Whitbeck, Citizen Review Committee for Children

Numerous individuals appeared before the Board of County Commissioners in order to provide presentations and information in celebration of the Month of the Young Child. Commendations and a Proclamation were presented to the following clubs and/or organizations:

Prodigy Club at Spring Ridge Middle School

Lori Pellock, Teacher Advisor at Spring Ridge Middle School, led students in the NUM Drum Troupe while they performed two renditions of African drum music. Deborah Cole introduced the following individuals, who are also students at Spring Ridge Middle School and are members of the Prodigy Club:

Crystal Casto – provided a speech on what the Prodigy Club meant to her.
Randy Yates – expressed concern for funding for the Science Department in his school.
Joe and Megan Raley – each stated their concern for saving the Prodigy Club and outlined how it has helped them in completion of their homework and the raising of grades.
Kaitlin Hunter and Yelitza Hernandez – outlined the sports activities and discipline program involved in the Prodigy Club.
Daniel Delgado – outlined information on the Destination Imagination after-school program, stating that it helps youth explore and expand their imagination.

Alternatives for Youth and Families

Eugene Johnson and Sarah Winter-Kolbe outlined information on the Alternatives for Youth and Families program in the County. The program serves individuals in the tri-county area, but most are from St. Mary's County. Ms. Winter-Kolbe stated that there are currently 32 foster parent homes in the area, but more are needed. Citizens can call 301-884-0312 if they are at all interested in participating.

Patty Duncan, Foster Parent of the Year 1999, spoke on behalf of foster parenting, and outlined the variety of activities now available to foster children in the area.

Southern Maryland Childcare Resource Center

Lisa Luke-Ballew, Referral Service Director of the Southern Maryland Childcare Resource Center, outlined information on the Center, stating that it is a private, non-profit agency and it is now into its third year in serving the tri-county area.

St. Mary's County Board of Education

Jeff Koehler, Student Member of the Board of Education outlined his experiences while serving on the Board. He also provided an overview of the newly established Superintendent's Advisory Council.

Chancellor's Run Girl Power and Teen Center

Gwen Bankins, Program Coordination for Girl Power, outlined the importance of the organization in helping to provide a future and giving hope to girls in the County. Several members of Girl Power were present to accept a Proclamation recognizing the second Wednesday of the month of April as the Day of Hope in St. Mary's County. Ms. Gloria Young, Parent Advisor, spoke against child abuse. Members presented the Commissioners with a three-wick candle in recognition of the three children who die each day due to neglect and/or abuse. Ribbons were also distributed in honor of the Day of Hope, April 11, 2001.

Erma Donato and Darnell Corbin spoke regarding the Teen Center at Chancellor's Run and the impact it has on students in the community. Fifty youth are currently enrolled, and there is also a waiting list.

Prudential Spirit of Community Award Recipient

David Conrad, Student at Leonardtown Middle School, was recognized as the Prudential Spirit of Community Award Recipient. Mr. Conrad outlined the work he has performed at SMARTCO since the fourth grade, repairing computers for return to the community.

Commissioner Anderson stated that he attended the SMARTCO Recognition Service last week and that nearly 6,500 computers have been put back into the community. This non-profit, private organization deserves support and recognition for the efforts they have expended in St. Mary's County.

Citizen Review Committee for Children

Clare Whitbeck represented the Citizen Review Committee for Children, outlining information regarding the Committee. Additionally, Ms. Whitbeck stated that they meet only once per month, ten months out of the year, for a four-year term, and any interested citizens may contact the State at 410-767-7794 if they would like to serve.

Commissioners directed that staff contact Ella Mae Russell to check on the appointment status of this Board.

REGULAR MONTHLY PUBLIC FORUM

After the conclusion of the public forum honoring the Month of the Young Child, the Board of County Commissioners conducted their regular monthly evening public forum. The following individuals spoke:

David Triantos – Mr. Triantos reported that he videotaped the Tomorrow's Child, Inc. dinner event. The tape will be played on Channel 10 on the upcoming two Friday nights for public viewing.

Clare Whitbeck – The Council - Ms. Whitbeck encouraged Commissioners to reconsider ULDC issues that they have recently discussed. She stated that it appears the Commissioners have ignored some of the recommendations of the Advisory Team Study Group regarding the ULDC. She asked them to reconsider their decisions and to do what the community wants for the County.

Dave Kwitowski - Outlined problems he has had with the MDIA and the Department of Planning and Zoning. Mr. Kwitowski purchased his home in September 1998, paid for an inspection, and MDIA provided the inspection. Approximately one year later, structural defects were noticed. He outlined numerous difficulties he has experienced in trying to get the County and MDIA to respond to his problems.

Commissioners directed that Mr. Guyther provide an update to them on the status of the situation of Mr. Kwitowski. This may also involve checking with MDIA.

Pam Coerber – Stated that the St. Mary's County Public Ethics Ordinance is an excellent document and inspires trust in citizens of the County, as long as it is upheld. However, she raised the following questions concerning the proposed changes to the Ordinance in Section 6.A.2:

- Need a definition of the term "relationship"; and
- Regarding the statement, "shall be disclosed by only those interests as described in the paragraph" – Does this mean that the person who is on the board or committee is the person who determines whether or not they have a relationship that may or may not have a conflict?

Commissioners directed that the County Attorney's office assist with these questions so that the public might have a response by the time the public hearing is conducted regarding the St. Mary's County Public Ethics Ordinance.

Patricia Lawrence – Expressed concerns regarding damage caused behind the airport on Huckleberry Way due to clear cutting. She encouraged Commissioners to drive by and take a look at the damage done to the wetlands, with trees in the water, etc. Ms. Lawrence requested that someone clean up the damage that has already occurred.

Commissioners directed that Planning and Zoning review this situation and contact MDE if necessary.

Pam Coerber – She stated that the State had issued a permit to allow the clear cutting to take place on Huckleberry Way, but that there needs to be better communication between the County and the State. The Governor has expressed interest in preserving our forests and wetlands; however, destruction was allowed to occur with no signs of preservation of the forest or wetlands in this case. She stated that pictures would soon be available on her website of the damage that has occurred.

ADJOURNMENT

After all individuals had been given an opportunity to speak, the public forum was closed. The meeting adjourned at 8:15 p.m.

**Minutes Approved by the
Board of County Commissioners on 4/24/01**



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