

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Governmental Center
Tuesday, April 17, 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)

**GROUNDBREAKING
LEXINGTON PARK ELEMENTARY SCHOOL RENOVATION**

The Commissioners attended the groundbreaking for the Lexington Park Elementary School renovation groundbreaking at 9:15 a.m.

CALL TO ORDER

The meeting was called to order at 10:45 a.m.

ADDITIONS/DELETIONS TO AGENDA

Commissioner Raley moved, seconded by Commissioner Mattingly, to accept the agenda as presented. Motion carried.

APPROVAL OF CHECK REGISTER

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

APPROVAL OF MINUTES

In that the Commissioners did not have an opportunity to review the minutes, approval of the April 10 meeting was deferred until next week.

COUNTY ADMINISTRATOR

Present: Alfred A. Lacer, County Administrator

1. Draft Agendas for April 24 and May 1, 2001

2. **Office of Community Services**

Grant Documents

Present: Walter Biscoe, Community Services Coordinator
Cynthia Brown, Director

- a) AmeriCorp VISTA Summer Associate Program (Federal: \$87,664)
- b) AmeriCorp VISTA MOU (Federal \$394,218; County: \$32,500)
- c) AmeriCorp VISTA Summer Associate Training Expenses (Federal: \$10,000)
- d) St. Mary's-Lexington Park Community Mobilization HotSpot (State: \$24,750; County: \$16,500)

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

3. **Office of the Sheriff**

Maryland HotSpot Communities Initiative, Community Policing Project Phase II
(State: \$7,900; County: \$4,600)

Present: Lt. Cameron
Lottie Bell

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

4. **Southern Maryland Workforce Investment Board**

Grant Applications (totaling \$279,489 as carryover from unspent funds under JTPA)

Present: Hank Lacey, Director
George Forrest, Deputy County Administrator

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

5. Employment Contract

Director, Department of Economic and Community Development

Commissioner Anderson moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner Randall to sign the Employment Contract for Mr. John Savich, the new Director of Economic and Community Development, effective May 7, 2001. Motion carried.

PROCLAMATION

The Commissioners issued a Proclamation designating the Month of April as Fair Housing Week in St. Mary's County.

COUNTY COMMISSIONERS' TIME

Museum Volunteer Dinner

Commissioner Guazzo reported that she and Commissioner Mattingly attended the St. Clements Piney Point Museum Volunteer Recognition Dinner last Tuesday. She advised that each volunteer spoke on what they did and she was impressed with the quality of these volunteers.

SMARTCO

Commissioner Anderson advised that he attended the annual SMARTCO appreciation dinner recognizing volunteers who rehabilitated used computer equipment, and that he wanted to express appreciation to these volunteers for all their efforts in this program.

Easter Egg Hunt

Commissioner Mattingly expressed appreciation to the Department of Recreation and Parks and volunteers for the success of the Annual Easter Egg hunt Saturday at the Governmental Center.

Tri-County Council Executive Committee Meeting

Commissioner Mattingly reported that he attended the TCC Executive Committee meeting. There will be a meeting on April 18 regarding the Hughesville Bypass, and there will be a meeting with the Governor regarding transportation issues and recommendations from TCC; also planning a meeting with the Governor on the tobacco buyout transition program and commitments that were made to the farmers for the buyout program.

Agriculture Tobacco Meeting

Commissioner Raley noted that there will be an Agricultural Tobacco Committee meeting on April 23, 7 p.m. in Room 14 of the Governmental Center in Leonardtown. \$4.9M in checks have been issued.

Navy Alliance/Patuxent Partnership

Commissioner Mattingly advised that the Navy Alliance and Patuxent Partnership will be hosting people from the United Kingdom on Sunday and Monday. One of the events will be at the Holiday Inn.

2001 Legislative Session

Commissioner Randall expressed appreciation to the County's Legislative Delegation, Senator Dyson, Delegates Bohanan, O'Donnell, and Wood for a very production legislative session, which was very beneficial to St. Mary's County.

Tri-County Commissioners' Meeting

Commissioner Randall reminded the Commissioners of the May 15 Tri-County Commissioners' meeting hosted by Calvert County and requested the Commissioners to let her know of any topics for the agenda.

Lexington Park Elementary School Renovation Groundbreaking

Commissioner Randall reported that the Commissioners attended the groundbreaking ceremony for the Lexington Park Elementary School Renovations. She expressed the importance of renovating existing schools in order to provide equitable facilities for all students.

Economic Impact Fee

Commissioner Raley referred to legislation passed in the General Assembly clarifying the Commissioners' powers relative to the County's economic impact fee. He requested Mr. Lacer to have the Legal Department research to see what is required to follow through on this.

Aquifer Study Groundbreaking

Commissioner Anderson reported that he and Commissioner Mattingly attended the groundbreaking for the Southern Maryland Aquifer Study. Congressman Hoyer, Senator Dyson, and Delegates Wood and Bohanan were in attendance.

Kickoff for River Concert Series

Commissioner Anderson advised that he and Commissioner Mattingly attended the kickoff for the St. Mary's College River Concert series. He stated that the evening included entertainment by a wonderful violinist, Hillary Hahn.

**DEPARTMENT OF NATURAL RESOURCES
PLANT PROGRAM**

Present: Shannon Wolfe, Forest Technician
Other Representatives from DNR

Mr. Wolfe appeared before the Board to explain the PLANT (*People Loving and Nursing Trees*) Awards Program, which is intended to encourage communities to plant and maintain trees to improve the environment; to make presentations to PLANT Award recipients, and to plant a red maple tree adjacent to the playground at the Governmental Center.

Recipients of the awards in St. Mary's County are Camp Maria Retreat Center in Leonardtown, Golden Beach Mgt. Corp. in Charlotte Hall, Historic St. Mary's City, Town of Leonardtown, Mill Point Improvement Association, and Patuxent River Naval Air Station.

ULDC DISCUSSION

Present: Chris Drummond, ULDC Facilitator
John B. Norris, III, Deputy County Attorney
Jon Grimm, Director, DPZ;
Peggy Childs, DPZ Recording Secretary

Stormwater Management Ordinance (Chapter 77 of ULDC)

Must be revised by July 1, 2001. The Commissioners must decide whether or not to receive Planning Commission input prior to decision. A decision by the Commissioners next Tuesday would allow PC involvement in time for the July 1st adoption. Ms. Randall directed this item be placed on the Commissioners' agenda for next Tuesday.

Facilitator's Issues for Discussion and Decision

- (1) May Sewage Reserve Areas be held off-site through an easement?

Ms. Guazzo moved that SRAs for new lots in new subdivisions must be in fee simple ownership and must be located on the lot they serve. Seconded by Mr. Anderson and passed by 5-0.

- (2) Should a maintenance and repair bond be required for the first 12 months after release of the performance bond for roads?

It was moved by Ms. Guazzo and seconded and amended by Mr. Raley that a maintenance and repair bond be required for roads, for the first 12 months after release of the performance bond, not to exceed 10% of the original bond. In addition, if a road crossing for utilities is needed, the conduits provided must be used. The motion passed by a vote of 5-0.

- (3) Should multi-user water systems for 9-24 lots in the RPD be publicly owned and/or maintained by MetComm or privately maintained by a community association or the developer?

NO. The Commissioners decision of 3/13/01 was that shared water systems be required only for 25 lots or more.

Ms. Randall stated we need to look at ways to incentivize developers of less than 25 lots to provide community systems. Ms. Guazzo stated this discussion needs to go back through the Planning Commission and be included in the Water/Sewer Plan Update.

- (4) Are private community water systems permissible in the Lexington Park Development District?

NO. The Commissioners stated that no new private systems shall be allowed in the Lexington Park Development District.

- (5) Do the County Commissioners want to exercise the authority granted under Article 66B (developers rights and responsibilities agreements)?

YES. Mr. Drummond will provide standard enabling language to go in the ULDC.

- (6) VESTED RIGHTS.

Bring back when Mr. Drummond can be here. The Commissioners request that information and ordinances from across the state be provided for their review.

- (7) Conditional Uses – legislated compatible or incompatible in zoning districts?

According to Maryland case law, these are legislated to be essentially compatible uses, subject to case-by-case analysis and conditions by the Board

of Appeals. The Commissioners have directed that staff look at the zoning tables and come back with recommended changes.

Following this discussion, Ms. Randall asked that these issue papers be provided to the Commissioners by Friday of the preceding week and that Ag/Seafood Specialist Donna Sasscer's comments be reviewed by Mr. Drummond and staff to see if they have been addressed in the ULDC document.

Adequate Public Facilities Ordinance
(St. Mary's County Public Schools)

Present: Jon Grimm, Director, DPZ
Brad Clements, School Facilities, SMCo Public Schools
John K. Parlett, President, SMCo Board of Education

Under memorandum of April 12, 2001 Mr. Grimm provided 1) Comprehensive Plan Action 45, 2) Core Capacity Analysis (not yet adopted by SMCo Public Schools) and 3) School Service Area Maps provided by St. Mary's County Public Schools. The Growth Management Advisory Committee Report had previously been provided.

Mr. Grimm also referenced his memorandum dated April 16, 2001, stating the proposed ULDC provides two changes from the current ordinance. It identifies schools as "essential public facilities" and establishes school service areas as opposed to having a single school district. Ms. Guazzo noted that an "f" should be added under Chapter 70, identifying 70.12 for "Fire Suppression."

Mr. Grimm said Charles County treats school capacity the way we treat sewage capacity – seats are allocated and assigned to the project for which they're approved; if not used they revert to the available capacity. This has served as a model for staff's discussion, modified to fit St. Mary's County.

Following a review of the draft core capacity calculations with Mr. Clements and additional comments by Mr. Parlett, the Commissioners directed the following:

- (1) Provide the state-rated capacity for schools for comparison purposes and to help us understand the basis for the number of seats available.
- (2) The Capital Improvements Program should not be the single factor in determining APF.
- (3) **Change standards for determining adequacy (70.11.3.b) to read that a school or school addition/renovations must be in place "or funded for construction within the current year of the current Capital Improvements Program." Motion by Ms. Guazzo; seconded by Mr. Anderson; passed by 5-0.**

Ms. Randall asked that the Board of Education recommend final core capacity calculations (core, state and local-rated capacities) within approximately 45-days. Ms. Guazzo said she is comfortable with using service areas for high schools as a standard in determining adequacy / number of seats available, if that's what the Board of Ed decides.

Staff will apply these parameters to the test model and come back to the Commissioners and the Board of Ed with the results of the testing. Mr. Grimm stated, if the Commissioners have no objections, he would apply these standards using the same development projects the TRC used in their tests on other standards, if they apply.

Miscellaneous

- (1) 70.11.1.b – Specify 55 years old with deed restrictions prohibiting permanent residents under 18 years of age.
- (2) Page 70-11, line 3 – Delete "Applicant provides mitigation pursuant to Section 70.6.3."

Ms. Guazzo asked whether the student yield factors have been updated currently, and Mr. Clements replied that those figures have changed very little and are still being used.

In addition to bringing the Board of Education portion of Adequate Facilities back, the overall APF discussion must be brought back for information from MetComm and possibly DPW. Mr. Grimm stated staff will provide a suggested completion time in the Commissioners' package of information for next Tuesday.

Kate Mauck recorded the remaining meeting minutes:

7:00 p.m.

**PUBLIC HEARINGS
CONSTANT YIELD TAX RATE
FISCAL YEAR 2002 RECOMMENDED BUDGET
(Held at Great Mills High School Auditorium)**

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
Elaine Kramer, Director of Finance
L. Jeannett Cudmore, Deputy Director of Finance
Kate Mauck, Recorder

Mr. Lacer moderated the Public Hearing, introducing the Board of County Commissioners, Finance Director, Deputy Director of Finance, Recorder, as well as members of the Board of Education that were in the audience. Ms. Kramer provided a presentation on the FY2002 proposed budget. The date scheduled for adoption of the County's budget and the setting of the tax rate is May 29th, 2001.

Constant Yield Tax Rate

The Board of County Commissioners conducted a public hearing on the Constant Yield Property Tax Rate as required by the State if the County intends to exceed the Constant Yield Rate. Ms. Kramer provided an explanation of the Constant Yield Tax Rate, stating that the subject was properly advertised on April 6, 2001. Additionally, Ms. Kramer outlined changes made on the Constant Yield Tax Rate and the following information was presented:

"In order to make real property tax bills simpler and easier to understand, the General Assembly, under Chapter 80 of the Acts of 2000, has required that property tax rates on real property be based on a full cash value assessment. As a result, on October 1, 2000, real property tax rates were reduced to 40% of the rate effective July 1, 2000. The county real property tax rate of \$2.27 per \$100 of assessment on July 1, 2000 was reduced to \$.908 per \$100 of assessment on October 1, 2000. The change in method of assessment had no effect on actual tax liability for the taxable year beginning July 1, 2000.

The County Commissioners of St. Mary's County proposes to increase real property taxes.

1. For the tax year beginning July 1, 2001, the estimated real property assessable base will increase by 2.86%, from \$4,704,292,405 as of October 1, 2000 to \$4,838,873,117 as of July 1, 2001.
2. If St. Mary's County maintains the current real property tax rate, effective October 1, 2000, of \$.908 per \$100 of assessment, real property tax revenues will increase by 2.86% resulting in \$1,221,993 of new real property tax revenues.

3. In order to fully offset the effect of increasing assessments, the real property tax rate should be reduced to \$.883, the constant yield tax rate.
4. The County is considering not reducing its real property tax rate enough to fully offset increasing assessments. The County proposes to adopt a real property tax rate of \$.908 per \$100 of assessment. This tax rate is 2.83% higher than the constant yield tax rate and will generate \$1,221,993 in additional property tax revenues."

Mr. Lacer opened the public hearing for public testimony. The following individual spoke:

James P. Thomas – expressed disappointment with the taxes he has to pay as a senior citizen with a limited income. Suggested the County make all new businesses pay their fair share, and that the County quit building parks.

Fiscal Year 2002 Recommended Budget

The Board of County Commissioners conducted a public hearing on the Board of Education portion of the Fiscal Year 2002 Recommended Budget. Mr. Lacer opened the hearing for public testimony.

The following individuals spoke in support of full funding of the Board of Education's requested budget from the County: Mary Edwards, J. W. St. Clair, Sherri St. Clair, Rhodessa Millham, Susan Dennis, Jennifer Smith, Marilyn Crosby, Cathy Allen, Joey Watkins, Nicole Carbonaro, Jeff Koehler, Bill May, Jeffrey Bryer, Sheila Rohde, Laura Clements, Deanna Nored, Donna Gardner, Karla DeSelms, Janice Batts, Denise Eichels, Rose Brinkmann, Diana Donahue, Lori Werrell, Brad Clements, Gordon Smith, Diane Dixon, Mary Elam, Kathleen Lyon, Phyllis Welsh, Patricia Herriman, Phillip Ayers, Debbie Reese, Anne Kurtz, Carol Treglia, Sarah Lacey, Sheila Dietz, Heather Bromley, Janice Walthour, John Weiner, Pamela Herold, Mary Stark, and Valerie Collins.

The following individuals spoke in support of full funding of the Board of Education's requested budget from the County, and expressed regret that the Superintendent of Schools was not permitted to make a formal presentation: Pat Davidson, Sheriff Richard Voorhaar, Gary Childress, and Mary Washington.


The following individuals spoke in support of full funding of the Board of Education's requested budget from the County, expressed regret that the Superintendent of Schools was not permitted to make a formal presentation, and stated that 50% or more of the County's budget should be allocated to the Board of Education: Dr. Patricia Richardson and Emily Jackson.

The following individuals spoke in support of full funding of the Board of Education's requested budget from the County and also stated that 50% or more of the County's budget should be allocated to the Board of Education: John Parlett, Jr., Lorraine Fulton, Bill Caplins, Alice Caplins, Wanda Turigg, Linda Dudderar, Cynthia Cartwright, and Andres Becerra.

ADJOURNMENT

The meeting adjourned at 10:28 p.m.

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


**Judith Spalding, Administrative Assistant
To the Board of County Commissioners**