

**ST. MARY'S COUNTY  
BOARD OF COUNTY COMMISSIONERS' MEETING  
Governmental Center  
Tuesday, May 22, 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

*(Commissioner Randall was not present at beginning of the meeting, and Commissioner Guazzo presided over the meeting until her arrival.)*

**CALL TO ORDER**

The meeting was called to order at 10:07 a.m.

**ADDITIONS/DELETIONS TO AGENDA**

**Commissioner Mattingly moved, seconded by Commissioner Anderson, to accept the agenda as amended (to add executive session on litigation). Motion carried.**

**APPROVAL OF CHECK REGISTER**

*(Commissioner Raley advised that he received answers to the questions he raised last week on the \$4500 bill for the St. Mary's County Task Force and he was in agreement that it be processed for payment.)*

**Commissioner Mattingly moved, seconded by Commissioner Anderson, to release the \$4500 check for the Task Force and further to authorize Commissioner President Randall to sign the Check Register for this week. Motion carried.**

**APPROVAL OF MINUTES**

**Commissioner Mattingly moved, seconded by Commissioner Anderson, to approve the minutes of the Commissioners' meeting of Tuesday, May 15, 2001, as corrected. Motion carried.**

**PROCLAMATION  
NATIONAL PUBLIC WORKS' WEEK**

The Commissioners presented a Proclamation designating the week of May 20 – 26, 2001, as National Engineers' Week.

**COUNTY ADMINISTRATOR**

**Present:** Alfred A. Lacer, County Administrator

1. Draft Agendas for May 29 and June 5, 2001

*(Commissioner Randall entered meeting at 10:17 a.m.)*

2. **Department of Recreation and Parks**

**Present:** Phil Rollins, Director

- a. Gymnastic Center Lease Agreement
- b. Nicolet Park Access Lease Agreement

*The Commissioners agreed to defer action on these agreements until next week in order to get additional information.*

3. **Office of Community Services**

Present: Walt Biscoe, Community Services Coordinator

- a. Grant Agreement/HotSpot Youth Prevention Initiative  
(State: \$30,748; County: \$20,390)

Also present: Mark Smith, Public Schools

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

- b. Grant Agreement/HotSpot Community Support for Addiction Recovery  
(Federal: \$34,309)

Also present: Kathleen O'Brien, Director, Walden/Sierra

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

4. Conveyance of Property to Leonardtown Rescue Squad  
Lease Addendum, Deed and Resolution  
(Public Hearing Held March 4, 2001)

Present: Joan Lolcama, Real property Manager

**Commissioner Guazzo moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner Randall to sign Lease Addendum. Motion carried.**

**Commissioner Guazzo moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner Randall to sign the Deed, and to approve and sign Resolution No. 01-28. Motion carried.**

5. **Resolution No. 01- 29**  
Animal Control Regulations  
(follow-up to public hearing of April 3, 2001)

Present: Tony Malaspina, EMA

**Commissioner Mattingly moved, seconded by Commissioner Anderson, to approve and sign Resolution No. 01- 29, adopting the revised Animal Control Regulations. Motion carried.**

6. **Legal Department**

Cable Franchise Update and Name Change

Present: Patrick Murphy, County Attorney

Mr. Murphy appeared before the Board to provide an update on the franchise renewal process and provided the following information: needs assessment has been completed; INET has been completed; technical audit has been completed; the financial audit is underway; staff is awaiting all financial information from cable company; negotiations will begin when financial information is received; and negotiations are anticipated to be completed by first of 2002.

Mr. Murphy reported that approximately six months ago, Western Shore Cable submitted an application to transfer the company to one of its subsidiaries; however, Western Shore no longer wishes to continue with the transfer. He further advised that Western Shore would like to change its name to GMP Cable TV, and pointed out that this will not change any of the cable franchise documents.

7. **Boards, Committees and Commissions**

Letters of Appointment

**Commissioner Mattingly moved, seconded by Commissioner Guazzo, and motion carried, to approve and sign letters appointing the following individuals:**

**Citizen Review Panel for Child Welfare**

Bryan Dugan

**Terms To Expire****Economic Development Commission**

Ed "Guy" Curley

6/30/2004

8. **St. Mary's Hospital**

\$5M MHHEFA Loan

Present: Christine Wray, Director, St. Mary's Hospital  
Paul Barber, Comptroller, "

County Administrator Lacer explained that the Hospital is planning to apply for a loan through MHHEFA for approximately \$5M for the purchase various items of equipment. In order to go forward with the loan MHHEFA requires a parity interest in the receipts and all assets pledged under the outstanding mortgage between the County and the Hospital.

After discussion regarding the list of equipment and supplies purchases, the Commissioners indicated support of the concept for the loan and agreed to take formal action next week.

*Kate Mauck recorded the following meeting minutes:*

**TAX CREDIT COMMITTEE STATUS REPORT**

Present: Jeannett Cudmore, Deputy Finance Director  
Ed Bergin, President, St. Mary's Chapter 969, NARFE  
John Savich, Director of Economic and Community Development

Mr. Bergin provided a presentation and report to the Board of County Commissioners from the Citizen's Advisory Committee on Tax Credits. The Committee was appointed by the Commissioners on January 16, 2001 to research and provide information regarding tax credits for senior citizens in St. Mary's County. The following main topics were presented:

- Demographic information;
- Tax credits now available to County residents;
- Tax credits offered by various states;
- What our region is doing to attract seniors/retirees;
- SMC tax rates and fifteen-year projected revenue;
- Costs of age 65 across the board property tax cap;
- Cost of across the board cap if trigger age is 70;
- Property tax cap eligibility criteria;
- Property tax cap and economic development;
- Tax credit decision options;
- Committee views and recommendations.

Mr. Bergin was commended for his excellent presentation of the Committee's research and recommendations. The information presented suggests overwhelmingly that retaining seniors in the community and in their own homes is an asset and not a drain for the community as a whole. This issue is not simply one of finance, but is closely connected with economic development issues in the County. Commissioners asked several questions and then made the following determinations and/or agreed to set the following goals:

- *It will be necessary to look at ways to best serve "special needs" individuals and relief for caregivers;*
- *Immediately request PIO to help develop a program to do a better job at marketing the existing tax credits that we have. PIO to work closely with Treasurer's Office, Office on Aging and the Tax Credit Committee to market the programs that are already out there to increase the number of citizens using the programs we already have;*
- *Place this item on BOCC Agenda in one month so that Commissioners will have had time to digest information and develop questions and recommendations;*
- *Within the next six months, have Economic and Community Development Director present to BOCC his thoughts and suggestions on the subject and how it would fit into the County's overall Economic Development Plan.*
- *Finalize a Senior Tax Credit proposal and have Board of County Commissioners' decision in time for the FY 03 Budget.*
- *Mr. Bergin to keep the Committee intact, and to work with Economic Development Staff in order to coordinate and parcel out work.*

## **PUBLIC HEARINGS**

### **AGRICULTURAL LAND PRESERVATION DISTRICTS**

Present: Donna Sasscer, Agriculture Seafood Specialist  
John Norris III, Assistant County Attorney

The Commissioners conducted a public hearing on the following ALPD Application:

#01-150-010 – Leonard T. Bowles, Jr. – 236 Maddox Road

The following ALPD Applications had been advertised for public hearing; however, not all requirements had been satisfied by today's meeting date, therefore, the Board of County Commissioners pulled them from today's hearing:

#01-150-008 – Kirk House LLC – 12525 Point Lookout Road

#01-150-009 – J. Frank Raley – 12171 Fairview Lane

#01-150-011 – Richard Hayden – 20445 Piney Point Road

#01-150-012 – William Cryer – 44550 Montana Way

Commissioner President Randall opened the floor for public testimony on ALPD Application #01-150-010, and the following individual spoke:

Donny Tennyson – Expressed concern that the Kirk House, LLC and J. Frank Raley ALPD Applications did not have postings on their properties prior the public hearing. He was, however, in support of the Application.

Ms. Sasscer outlined the legal requirements for ALPD Applications to go to public hearing. Additionally, she explained that postings had been requested; however, due to an accident by the individual at Planning and Zoning that would fulfill this request, the postings never occurred. Mr. Norris outlined State statues, and the requirements state that adjacent landowners must be notified directly. There is no special requirement for posting on the property. Commissioner Guazzo stated that upon later discussion regarding the Zoning Ordinance, she would be asking for posting requirements to be added.

The public hearing was closed for public comment.

**Commissioner Guazzo moved, seconded by Commissioner Mattingly to approve submission to the State the Agricultural Land Preservation District Application #01-150-010 of Leonard T. Bowles, Jr. – 236 Maddox Road. Motion carried.**

**PATUXENT RIVER AIR EXPO 2001**

Present: Captain Pat Hovatter, Commanding Officer, NAS Patuxent River

Captain Hovatter extended an invitation to the Board of County Commissioners, as well as the general public to the Naval Air Station Patuxent River Air Expo 2001. The Air Expo will occur on Saturday, May 26<sup>th</sup> and Sunday, May 27<sup>th</sup>, and the admission is free. Details of the air show, gates that will be open, and parking arrangements were outlined by Captain Hovatter.

*The Board of County Commissioners directed that information regarding the Air Expo be placed on Channel 12.*

**SUSTAINABLE DEVELOPMENT**

Present: Jon Grimm, Director, Director of Planning and Zoning

Mr. Grimm appeared before the Board of County Commissioners to provide an outline of a memo written to Mr. Lacer, County Administrator, regarding the subject of Sustainable Development Study – AKA Strategic Planning or Integrated, Systems Planning of March 5, 2001. Additionally, Mr. Lacer had forwarded the memo to the Board of County Commissioners by attachment to his memo of March 19, 2001.

The Board of County Commissioners indicated their pleasure of the results of this study and report, and the fact that it would assist in developing an integrated approach to strategic planning. Additionally, Mr. Grimm provided information regarding the 2003 deadline for the Comprehensive Plan.

*Commissioner Mattingly requested that Mr. Grimm provide a larger font document for Commissioner copies of the accompanying charts to his memo.*

**Commissioner Raley moved, seconded by Commissioner Anderson, for the Board of County Commissioners to formally notify the Sustainable Development Institute (SDI) and the Global Environmental Options (GEO) that the Board, at this time, declines to move onto the next phase as they requested in their initial proposal; that the Board of County Commissioners have decided to embark on an integrated strategic planning approach; that they are going to do that in house; and that they would notify those two organizations that as the Commissioners go down that path that they certainly would entertain, as the need arises, their participation within the County's Procurement system. Motion carried.**

*Peggy Childs recorded the following meeting minutes:*

**NOTES OF COUNTY COMMISSIONERS ULDC WORK SESSION**

(All Commissioners were present. Also present were Chris Drummond, ULDC Facilitator; Jon Grimm, DPZ Director; Planners Jeffrey Jackman and Sue Veith; and Peggy Childs, DPZ Recording Secretary.)

The Commissioners discussed this week's ULDC topics and directed as follows:

**PUD's**

*Retain PUDs as a planning tool as recommended, including the provision to limit impervious surface in PUDs to 15% of the development envelope. Staff to come back with recommendations on Commissioner Guazzo's proposal for 90-acre minimum in the RPD. Schedule 46.2 – Commissioner Guazzo says maximum height should be 45 feet. Staff will return with recommendations.*

**Lexington Park Revitalization**

Present: Robin Finnacom, Lexington Park Revitalization Coordinator

*Okay as is. Commissioner Anderson suggests using \$60,000 reserved in budget for small area planning for Lexington Park Development district.. This will be placed on the County Commissioners' Agenda for discussion next week.*

**Adequate Public Facilities**

Present: Brad Clements and SMCo Public Schools staff

*Mr. Clements will come back next week with:*

- 1) An answer to Commissioner Mattingly's question about how Leonardtown figures into Service Area 2.*
- 2) A column reflecting local-rated capacity at 100% added to pages 1, 2, 3, and 4 of memo.*
- 3) Mr. Clements was asked by Commissioner Guazzo to provide DPZ with current high school attendance zones.*

**Land Use Classifications**

Present: Chris Drummond and DPZ

Staff to provide a summary of uses that have been condensed in each zone, as was done for the RCL in Attachment 5. Commissioner Randall will bring up her individual concerns separately, after she has had a chance to review in more detail.

**PDR Program**

Present: John B. Norris, III, Deputy County Attorney  
Elaine Kramer, Director of Finance

Installment sale of PDRs is more attractive to seller, rather than one-time payment for development easement. Staff to provide outline of the following funding sources discussed, and provide brief outline from a financial and legal standpoint:

- 1) Use \$250,000 of CIP earmarked for Critical Farms or reallocate other CIP funds.
- 2) Use portion of Transfer Tax and replenish it from increases to EIF.
- 3) Increase recording fees.
- 4) Consider fee for new homes sales in the RPD – Tom Mattingly says should be county-wide.
- 5) Consider fee in lieu of buying TDRs for increased FAR in development district.

The work session concluded at 5:33 p.m.

*Judith Spalding recorded the remaining meeting minutes:*

**IMPACT FEE REVIEW**

Present: Elaine Kramer, Director of Finance  
Jeannett Cudmore, Deputy Director of Finance

As required by Ordinance No. 2000-18 the Commissioners conducted the annual review of the Impact Fee to determine whether the fee should be adjusted or remain as is. Ms. Cudmore explained the calculation process and noted the following allocation results: Schools \$4,485; Roads - \$1,131; and Parks - \$1,225, for a total of \$6,841.

Discussion ensued as to the methodology used in doing the calculations, which Ms. Cudmore explained was the same used in 2000, inconsistencies in the calculations; whether businesses should be charged for the road portion of the fee (and whether to do it on a sliding scale, whether to impose the fee on new business structures and/or expansion of existing businesses.

After discussion the Commissioners agreed to revisit the impact fee issue at next week's meeting with additional information relative to the number of new homes projected for impact on schools and parks.

During discussion Commissioner Mattingly requested information on transfer tax revenues.

#### **EXECUTIVE SESSION**

**Commissioner Mattingly moved, seconded by Commissioner Raley, to meet in Executive Session to discuss matters of Litigation, as provided for in Article 24, Section 4-210(a)8. 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:** 6:30 p.m. - 7:35 p.m.

**Action Taken:** The Commissioners discussed two matters of litigation including settlement issues on one of the cases and gave direction to staff.

#### **ADJOURNMENT**

The meeting adjourned at 7:35 p.m.

**Minutes Approved by the  
Board of County Commissioners on 5/29/01**

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