

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Governmental Center
Tuesday, May 29, 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 Mattingly moved, seconded by Commissioner Anderson, to accept the agenda as presented. Motion carried.

APPROVAL OF CHECK REGISTER

Commissioner Anderson 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 Mattingly, to approve the minutes of the Commissioners' meeting of Tuesday, May 22, 2001, as corrected. Motion carried.

COUNTY ADMINISTRATOR

Present: Alfred A. Lacer, County Administrator

1. Draft Agendas for June 5 and 12, 2001
2. Budget Amendments

Present: Elaine Kramer, Director of Finance

* No. 01-53 - Office of Community Services
(to provide funding for fireworks for Freedom Fest - \$9,500)

Commissioner Mattingly moved, seconded by Commissioner Guazzo, to approve and authorize Commissioner Randall to sign Budget Amendment No. 01-53. Motion carried.

* No. 01-54 -- Lexington Park Lions Club
(Soap Box Derby Event - \$1,500)

Commissioner Mattingly moved, seconded by Commissioner Guazzo, to approve and authorize Commissioner Randall to sign Budget Amendment No. 01-54. Motion carried.

* No. 01-55 -- Department of Social Services
(to cover burial expenses - \$5,012)

Commissioner Mattingly moved, seconded by Commissioner Raley, to approve and authorize Commissioner Randall to sign Budget Amendment No. 01-55, subject to verification by the Finance Office that the individuals identified in the Department of Social Services memorandum were residents of St. Mary's County. Motion carried.

Commissioner Guazzo also requested confirmation that the amount of funding requested by the County is supplemental funding to other funding provided by family or friends of the deceased.

3. Board of County Commissioners' Meeting Schedule for Remainder of 2001

Commissioner Anderson moved, seconded by Commissioner Raley, to approve Meeting Schedule for Remainder of 2001, as amended (clarifying that the meeting of June 28 was for the courthouse dedication at 3:30 p.m., and for items requiring the Board's attention and any emergency items to be scheduled at 2:30 p.m. Motion carried.

4. Department of Public Works Items (*George Erichsen*)

a) Public Works Agreement Addendum for Hunting Quarter Subdivision, Phase 2, Section 2C, 2nd Election District, extending the completion date to April 1, 2002. The letter of credit provided by the Maryland Bank & Trust in the amount of \$156,300 remains as posted.

b) Public Works Agreement Addendum for Richneck Subdivision, Section 2, 6th Election District, extending the completion date to May 1, 2002. The letter of credit provided by The First National Bank of St. Mary's in the amount of \$55,600 remains as posted.

c) Public Works Agreement for Heart's Desire Subdivision, Section 2, 5th Election District, with a completion date of April 1, 2003. A letter of credit in the amount of \$36,500 has been provided by the Maryland Bank & Trust Company.

Commissioner Guazzo moved, seconded by Commissioner Anderson, to approve and authorize Commissioner Randall to sign Addenda and Agreement. Motion carried.

(During discussion of the Addenda and Agreement, the Commissioners questioned the repeated extensions for some of the same subdivisions and whether the developer should be charged after three or four extensions. Mr. Erichsen was requested to develop recommendations for the Board's consideration.)

5. Housing Authority

Lexington Park Family Support and Head Start Center Loan of Fiscal Year 2000

Present: Dennis Nicholson, Executive Director, Housing Authority

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

(The Commissioners requested Mr. Nicholson to come before the Board in a month to provide an update on the Family Support Center and Head Start Center construction project.)

6. Marcey House

Fiscal Year 2001 Supplemental Funding
Federal Funding - \$12,147

Present: Larry Harvey, Director

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

7. Department of Recreation and Parks

Present: Phil Rollins, Director

- a. Memorandum of Understanding – Town Creek Homeowners Association

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

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

(The Commissioners agreed to defer action on these two items in order to give County Administrator Lacer an opportunity to look into the Commissioners' concerns relative to terms in the Agreements and report back with recommendations.)

8. St. Mary's Hospital

\$5M MHHEFA Loan (follow up to 5/22/01 discussion)

Present: Christine Wray, Administrator, St. Mary's Hospital
Paul Barber, Finance Officer, “

Areas of discussion included explanation of parity with regard to hospital loans; the hospital's cash flow; hospital's ability to meet its financial obligations; proposed medical facilities and doctors' offices in northern end of the county and adjacent to the hospital and how the profits will play into the loan payments.

Commissioner Mattingly moved, seconded by Commissioner Anderson, to authorize Commissioner Randall to execute the parity agreement pending approval of the county's bond counsel and the County Administrator. Motion carried.

9. Public Facilities Bonds Resolutions

Present: Elaine Kramer, Director of Finance

- Resolution No. 01-31
Public Facilities Bonds of 1997 – Leonardtown High School Addition
- Resolution No. 01-32
Public Facilities Bonds of 1999 – St. Andrews Maintenance Facility;
Leonardtown High Addition; Margaret Brent Elementary Addition

Commissioner Guazzo moved, seconded by Commissioner Raley, to approve and sign the referenced Resolutions. Motion carried.

10. Supplemental Appropriation Ordinances (follow up to 5/15/01 public hearing)

Present: Elaine Kramer, Director of Finance

Ordinance No. 01-09
Advanced Life Support - \$9,200

Commissioner Mattingly moved, seconded by Commissioner Raley, to approve and sign Ordinance No. 01-09. Motion carried.

Office of the Sheriff - \$12,511
(part of the State's tobacco use prevention and cessation initiative)

Also present: Sheriff Richard Voorhaar
Dr. Ebenezer Israel, Health Officer

Areas of discussion included whether this was an appropriate function of the Sheriff's Office and enforcement issues.

Because of the issues and concerns and the fact that discussion would take longer than the allotted time on today's agenda, the Commissioners agreed to defer a decision on this supplemental appropriation and place it on a future agenda as a stand-alone item.

Ordinance No. 01-07

Department of Recreation and Parks - \$75,000

Commissioner Mattingly moved, seconded by Commissioner Anderson, to approve and sign Ordinance No. 01-07. Motion carried.

Ordinance No. 01-08

Office on Aging - \$17,500

Commissioner Mattingly moved, seconded by Commissioner Anderson, to approve and sign Ordinance No. 01-08. Motion carried.

11. Ridge Transfer Station Contract

Present: Joan Lolcama, Property Manager

The County Administrator explained that the law requires that when the County acquires property, there must be a 15-day notice, and, therefore, the contract for the Ridge Transfer Station cannot be acted upon until June 19. The current lease for the transfer station does not expire until June 30.

Kate Mauck recorded the following minutes:

**ST. MARY'S COUNTY REVISED PUBLIC ETHICS ORDINANCE
FOLLOW UP TO PUBLIC HEARING OF 5/1/2001**

Present: John Roberts, Member, Ethics Commission
Patrick Murphy, County Attorney

Mr. Roberts appeared before the Board of County Commissioners to present a revised St. Mary's County Public Ethics Ordinance for consideration and decision. The matter had been properly advertised and a public hearing was conducted on May 8, 2001. The Maryland State Ethics Commission had previously reviewed and approved the proposed revisions to the Ordinance. Mr. Murphy had previously answered questions that were raised by the Board of County Commissioners regarding changes to the Ordinance.

The Ethics Commission was directed to revise the ad hoc statement in Section 6A2 of the Ordinance regarding the filing of Financial Disclosure Statements to become a less broad and more focused statement as discussed.

Commissioner Mattingly moved, seconded by Commissioner Raley, to approve the revised St. Mary's County Public Ethics Ordinance as amended and proposed by the Ethics Commission with the following changes for volunteer Boards, Committees and Commissions: Board of Education, Alcoholic Beverage Board, Housing Authority, Metropolitan Commission, Planning Commission, Zoning Board of Appeals and Ethics Commission to be moved from List 2 to List 1 in Section 6A2 of the Ordinance.

Commissioner Anderson stated that he had changed his mind regarding the appropriateness of two separate Financial Disclosure Statements, and that he would be voting against the motion.

Commissioner President Randall called for a vote on the motion, and the vote was as follows: Ayes: Commissioner Guazzo, Commissioner Mattingly, Commissioner Raley and Commissioner Randall. Nay: Commissioner Anderson. Motion carried 4:1.

**DEPARTMENT OF EMERGENCY COMMUNICATION
911 WIRELESS ORDINANCE
FOLLOW UP TO PUBLIC HEARING OF 5/1/2001**

Present: Phil Cooper, Director of Emergency Communication

Mr. Cooper appeared before the Board of County Commissioners in order to present a revised 911 System Enhancement and Maintenance Fee for Wireless Telephone Use in St. Mary's County for consideration and decision. The matter had been properly advertised and a public hearing was conducted on May 1, 2001,

Commissioner Guazzo moved, seconded by Commissioner Anderson, to approve the revised Ordinance regarding 911 System Enhancement and Maintenance Fee for Wireless Telephone Use in St. Mary's County. Motion carried.

COMMENDATIONS – DEPUTIES OF THE YEAR

The Board of County Commissioners presented Commendations to Deputy Sommerville and Deputy Holton in honor of their having been selected as St. Mary's County Deputies of the Year for 2000.

COUNTY COMMISSIONERS' TIME

College of Southern Maryland Graduation

Commissioner Mattingly reported that Commissioners had the opportunity to attend the recent graduation ceremony at the College of Southern Maryland, and that letters of congratulation from the Board of County Commissioners would be sent to each graduate from the College. The graduates were commended for their hard work to reach this important milestone in their lives.

Commissioner Randall stated that there are three college level institutions in the County, and that letters of congratulation should be sent to the other two institutions as well.

8th Annual Marcey House Golf Tournament

Commissioner Mattingly stated that the Marcey House Golf Tournament was a great success.

Tri-County Council Executive Committee Meeting

Commissioner Mattingly reported that the Tri-County Council Executive Committee Meeting would be held Wednesday evening in Hughesville. A couple of the Committee members will be out of town, so they are hoping to have a quorum. One of the major issues that will be discussed will be additional space needed in the office building they are occupy for some expanded services that will be provided. Some agreements on the square footage have been worked out with SMECO. The Tri-County Council is hoping to provide space for the Tobacco Buy-Out Program, and to have an individual from the Attorney General's office to spend some time there and have a location to work from in Southern Maryland.

Chamber of Commerce Annual Trade Fair

Commissioner Anderson reported that the Annual Trade Fair held by the Chamber of Commerce was recently held, and although the weather did not hold out, a very nice job was done by the Chamber in putting the event together. Commissioner Anderson expressed his thanks to Frank Goldbach, President of the Chamber of Commerce and Janet Cook, Executive Director of the Chamber. In addition, he thanked George Allan Hayden, Chair of the Trade Fair Committee. Commissioner Anderson stated that Mr. Hayden and his committee did an excellent job, and hopefully next year the weather will be more cooperative. Commissioner Anderson expressed his thanks to the Chamber of Commerce, as they have taken a very proactive role in the past couple of years, while this

Board of County Commissioners has been in office, in terms of the major issues and initiatives that are important to St. Mary's County.

Relay for Life – American Cancer Society

Commissioner Anderson reported that the Relay for Life fundraising event for the American Cancer Society would be held this Friday and Saturday, June 1st and 2nd, at Chopticon High School, beginning at 6:00 p.m. on Friday evening. Commissioner Anderson, being a cancer survivor himself, has the pleasure this year of being the Honorary Chair for the event. He encouraged the public to support people they know who are walking for the event, as the money will go toward a tremendously important cause.

Sludge Inspector Update

Commissioner Anderson pointed out that he had previously requested an update on the status of State grant funds that are available for the hiring of a sludge inspector. He asked that information regarding this issue be provided.

American Legion Memorial Day Parade

Commissioner Anderson reported that several of the Commissioners attended yesterday's American Legion Memorial Day Parade in Ridge. They were joined by Delegate Bohanan, Congressman Hoyer and Senator Dyson, as well as many individuals from the community. It was a very important event held to commemorate an important day in American history.

North County Senior Center

Commissioner Guazzo reported that she attended last Wednesday the Mother's Day and Father's Day Celebration at the North County Senior Center. She provided information regarding the Center to the citizens in attendance, and informed them that the Board of County Commissioners were in agreement to go full steam ahead with the Center. The individuals that meet there are a very active, enjoyable and dynamic group, and they currently meet twice a week. They continue to add people to their group, and the Office on Aging is to be commended. They have provided a wide variety of activities for the seniors and it's always fun to join them.

Survey in the North End of the County

Commissioner Guazzo brought up a previously mentioned topic by Commissioner Anderson regarding \$60,000 in funding that was not yet put into motion. Commissioners discussed this topic and the following decision was made:

Commissioner Randall will review next week's agenda and will add Planning and Zoning to the agenda so that they might appear before the Commissioners. Commissioners will give direction regarding an estimate on how to use a portion of the \$60,000 not yet utilized to carry out a survey having to do with planning for the three town centers: Charlotte Hall, New Market and Mechanicsville. Commissioners Guazzo suggested, based on meetings with business leaders in the North end of the County, that at least some of the money be used to carry out a survey in the tri-town area, and that the remaining funds be used toward the update of the Tulagi Place Master Plan. It was suggested that the Development Review Forum work closely with the Planning Department to make up a suitable questionnaire to mail out to the citizens and landowners. The citizens Ms. Guazzo talked with are willing to then take the rest of the funds and look at the revised Lexington Park Plan. Planning and Zoning is to consult with the leadership of the Development Review Forum prior to next week's meeting.

St. Mary's County Bills Signed by Governor Glendenning

Commissioner Raley reported that it was his understanding from the Legal Department that the Governor had signed all local bills that had gone through the Legislature. One of the bills signed pertained to family exemptions for the economic impact fee. Mr. Lacer had written a memo to Mr. John Norris asking him to give attention to this so that housekeeping measures could be completed to finalize this issue. Commissioner Raley stated that he hoped this item would soon be coming to the table. An expression of thanks was made to Senator Dyson regarding this bill, and Commissioner Raley indicated that the bill would not have been signed by the Governor had Senator Dyson not given his support. Additionally, expressions of thanks were made to the entire Legislative Delegation for supporting this particular bill.

Commissioner Randall stated that she had requested Ms. Charlene Newkirk to provide a letter for the Commissioners to sign to the entire Legislative Delegation for the work they have done and continue to do in Annapolis on behalf of St. Mary's County. Commissioner Mattingly stated that the letters were in today's Consent Agenda folder for signature.

Impact Fee

Commissioner Randall stated that the impact fee issue would be placed on an upcoming Commissioners' agenda prior to June 30th.

Judith Spalding recorded the following minutes:

Appointment to U. S. Naval Academy

Commissioner Randall reported that she attended an appointment ceremony for Mr. Michael Roach from Chopticon High School, who has been appointed to the U. S. Naval Academy. She noted that as of now all four high schools in St. Mary's county are represented at the Academy.

Patuxent River Naval Air Museum/Courthouse Move

Commissioner Randall advised that she and Commissioner Anderson attended the ribbon cutting for the temporary quarters for the Patuxent River Naval Air Museum. She stated that she would like to recognize county staff that worked so hard in renovating the warehouse for the museum. She also stated that staff should also be recognized for the move from the temporary courthouse to the newly renovated courthouse.

St. Mary's County Health Share

Commissioner Randall stated that she attended the annual St. Mary's County Health Share event and expressed appreciation to Eleanor Tydings Reynolds and Annmarie Tydings for opening their home for this event because of the rain.

Angel's Watch

Commissioner Randall referred to a request mentioned at the last Tri-County Commissioners' meeting which was to participate in funding for a new well. She stated that the cost per County may be \$4,000 and requested the Commissioners' concurrence to direct staff to ascertain the exact amount and bring a budget amendment before the board for consideration. the commissioners gave their concurrence.

National Association of Local Boards of Health

Commissioner Raley indicated that he had met with representatives of the National Association of Local Boards of Health regarding prevention of tobacco use and that subsequently he had been invited to attend the national conference in Cleveland. The Association would provide him with expense money; however, he reported that he will be unable to attend.

2001 Air Expo

Commissioner Anderson reported that he and Commissioner Mattingly attended the air show this past weekend and that although the weather did not cooperate on Saturday, there was a very large crowd on Sunday.

Commissioner Anderson's Town Meeting

Commissioner Anderson advised that he will be hosting another Town Meeting on Wednesday, May 30 at the Valley Lee Fire House and Rescue Squad.

Kate Mauck recorded the following minutes:

CONSIDERATION OF APPOINTMENT OF FAIR AND AFFORDABLE HOUSING COMMITTEE AND LEXINGTON MANOR TASK FORCE

Present: Alfred A. Lacer, County Administrator
Patrick Murphy, County Attorney

Mr. Lacer appeared before the Board of County Commissioners in order to present an overview of the need for a planned course of action to be taken regarding affordable housing in St. Mary's County. A press release dated May 24, 2001 was provided which outlined the following main topics regarding county staff recommendations on affordable housing:

- The County is committed to ensuring the availability of fair and affordable housing;
- Recommend appointment of committee to study affordable housing issues both County-wide and at Lexington Manor;
- Recommend a task force to specifically study Lexington Manor and relocation of affected residents;
- Request to take AICUZ Permit Ordinance to public hearing.

Mr. Lacer provided detailed information outlining the recommendations of staff to the Board of County Commissioners. In addition, Mr. Lacer stated that the University of Maryland Institute on Affordable Housing was commissioned earlier in the year to provide a report regarding this subject and it should be forthcoming by the end of the summer. This report will provide the County with much-needed information to assist in the necessary planning efforts.

The Commissioners were asked to consider adopting a Resolution entitled "Appointment of Commission and Task Force to Study and Make Recommendations on Affordable Housing County-Wide and to Investigate the Appropriate Steps for Provision of Low Cost Housing to Replace Occupiable Dwellings Proposed for Elimination in the AICUZ Zone". Commissioners thanked staff for the hard work they have given to this effort, and they each outlined the need for safe and affordable housing in the County. Mr. Lacer stated that, should the Resolution be adopted, he would come back before the Commissioners at a future date with recommendations of individuals that Commissioners may wish to appoint to the Commission and Task Force.

Commissioner Anderson moved, seconded by Commissioner Raley, to approve and sign the recommended Resolution. Motion carried.

PROPOSED AICUZ BUILDING PERMIT ORDINANCE

Present: Alfred A. Lacer, County Administrator
Patrick Murphy, County Attorney

As stated earlier, staff appeared before Commissioners in order to request permission to take a proposed AICUZ Building Permit Ordinance to public hearing. A notice of public hearing was provided that would be conducted on June 12, 2001 at 3:00 p.m. entitled "Proposed Temporary and Limited Moratorium of Issuance of Zoning or Building Permits for all Residential Two-Family and Multi-Family Dwellings in the Air Installations Compatible Use Zone (AICUZ).

It was determined that the public hearing on AICUZ should be moved from the Governmental Center meeting room to a much larger space.

Commissioner Mattingly moved, seconded by Commissioner Raley, to authorize staff to take the proposed Moratorium regarding AICUZ to public hearing. Motion carried.

FISCAL YEAR 2002 BUDGET SIGNING

Present: Elaine Kramer, Director of Finance
Jeannett Cudmore, Assistant Finance Director
Marty Jones, Budget & Fiscal Analyst

After review of the Fiscal Year 2002 Budget documents, the Commissioners took action regarding the following items:

- Property Tax Ordinance 2001-12
- Revenue Tax Ordinance 2001-10
- Appropriation Ordinance 2001-11
- Fiscal Year 2002 Operating and Capital Budget
- Request to Take Recordation Tax and Rate Ordinance to Public Hearing on June 12th

Commissioner Anderson moved, seconded by Commissioner Guazzo to approve and sign the Property Tax Ordinance, the Revenue Tax Ordinance, the Appropriation Ordinance and the Fiscal Year 2002 Budget; and to also approve the request to take the Recordation Tax and Rate Ordinance to public hearing. Motion carried.

During discussion of the motion Commissioners outlined several of their concerns regarding the FY 2002 budget. Commissioner Mattingly stated that he would not be in support of the proposed changes to the Recordation Fee that will be forthcoming.

Peggy Childs recorded the following minutes:

NOTES OF COUNTY COMMISSIONERS WORK SESSION

ULDC DISCUSSION – 3:20 p.m.

Present: Chris Drummond, Facilitator
Jon Grimm, Jeffrey Jackman, Sue Veith, and Peggy Childs, of DPZ
John B. Norris III, Assistant County Attorney
Brad Clements and Public Schools Staff

The Commissioners discussed the topics in staff's memorandum of May 29, 2001, directing as follows:

Land Use Classifications

- Duplex units are allowed in the RPD; *townhouses are not*. These need to be separated from “dwelling unit, attached” and reflected in Chapter 51.
- Attachment 2 – Ps, Ls, Cs, etc. in this schedule don’t match up with draft. Has this schedule been “shifted?”
- Item 34, Medical Facilities, Rural Practice – how is this addressed in categories other than the RC zone?
- Chapter 50 and Chapter 51 don’t match up; e.g., the boxes on Page 50-6, Line 34, for Animal Boarding, where there are Ls, do not match Chapter 51, where it says certain Animal Boarding facilities are *permitted*. Has this schedule been “*shifted?*”
- The commissioners will go through the attachments and e-mail their individual comments both to the other commissioners and to staff and Mr. Drummond for Monday’s work session; e.g. Commissioner Mattingly’s question: Where are minor and major auto repair facility requirement changes in the text of the document (Chapter 52)?
- Limitations on “big box” stores need to be provided for various zoning districts.

Adequate Public Facilities

- Use state-rated capacity for determining adequate capacity for schools.
- Mr. Drummond will respond by Monday to Commissioner Mattingly’s question regarding how Leonardtown figures into Service Area 2.
- Make sure we use the pieces of the Charles County model that we do like; e.g., 6 month review of where school capacity is versus people waiting for allocations, because this is a new process and it is going to take some “tweaking.”

PDRs / TDRs

- The PDR funding issue has been resolved; i.e., 40% of newly adopted recordation fee.
- There shall be no “buy-back” provision for TDRs. Eliminate Section 26.7 of draft document.
- Should TDRs be calculated at 1:3 or 1:6 density?
- How do TDRs affect density rights?
- Density rights / noncontiguous development discussion. Create some examples and e-mail to commissioners.

Development Envelope Definition

- Concur with definition contained in the May 29th memorandum.


NEXT MEETING: Monday, June 4th, 3:30 p.m.

Bring back Land Use Classification and TDR issues.

ADJOURNMENT

The meeting adjourned at 5:39 p.m.

**Minutes Approved by the
Board of County Commissioners on 6/5/01**


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