

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Governmental Center
Tuesday, July 31, 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, Administrative Assistant (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 Guazzo, to accept the agenda as presented. Motion carried.

APPROVAL OF CHECK REGISTER

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

APPROVAL OF MINUTES

Commissioner Guazzo moved, seconded by Commissioner Mattingly, to approve the minutes of the Commissioners' meeting of Tuesday, July 24, 2001, as corrected. Motion carried.

COUNTY ADMINISTRATOR

Present: Alfred A. Lacer, County Administrator

1. Draft Agenda for August 7, 2001
2. Department of Public Works and Transportation (*John Groeger*)
 - a. Traffic Resolution establishing a Stop Sign at the intersection of Sotterley Lane and Sotterley Road, County Route 30184, located in the 6th Election District.

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

- b. Traffic Resolution establishing a Multi-Way Stop at the intersection of Old Village Road, County Route 30044, and Mechanicsville Road, County Route 30029, located in the 5th Election District.

(deferred until a later meeting)

- c. Public Works Agreement Addendum for Clearfields of Breton Bay Subdivision, Section 1, 3rd Election District, extending the completion date to June 1, 2002. The bond provided by the Developers Surety and Indemnity Company in the amount of \$97,500 has been reduced to \$34,800.
 - d. Public Works Agreement Addendum for Hickory Hills North Subdivision, Section 1, 8th Election District, extending the completion date to July 1, 2002. The bond provided by the United Pacific Insurance Company in the amount of

\$34,000 has been replaced with a Travelers Casualty and Surety Company of America bond for \$34,000.

- e. Public Works Agreement Addendum for Hickory Hills PUD Subdivision, Sections 3A & 3B, 8th Election District, extending the completion date to July 1, 2002. The letter of credit provided by the Bank of America in the amount of \$35,000 remains as posted.
- f. Public Works Agreement Addendum for Hickory Hills PUD Subdivision, Section 3C, 8th Election District, extending the completion date to July 1, 2002. The letter of credit provided by the Bank of America in the amount of \$52,000 remains as posted.
- g. Public Works Agreement Addendum for Victoria's Grant Subdivision, Phase 3, 8th Election District, extending the completion date to July 1, 2002. The letter of credit provided by the Maryland Bank & Trust Company in the amount of \$150,000 has been reduced to \$37,000.
- h. Public Works Agreement Addendum for Avonlea Subdivision, Section 1, 5th Election District, extending the completion date to July 1, 2002. The letter of credit provided by The First National Bank of St. Mary's in the amount of \$28,900 remains as posted.
- i. Public Works Agreement Addendum for Forrest Farm Subdivision, Section 2, 3rd Election District, extending the completion date to May 1, 2002. The bond provided by the First National Insurance Company of America in the amount of \$100,900 remains as posted.

Commissioner Mattingly moved, seconded by Commissioner Anderson , to approve and authorize Commissioner Randall to sign Public Works documents c. through i. Motion carried.

- 3. Office on Aging Area Plan for FY 2002 Grant Application
(Older American Act Funds: \$195,286; County Match: \$19,529
included in FY 02 Budget)

Present: Gene Carter , Director
Jennie Page, Deputy Director

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

During discussion Commissioner Randall requested that Assisted Living requirements be addressed by the Affordable Housing Task Force. In addition, Commissioner Anderson confirmed Mr. Carter's comment that OOA will be serving 7,000 fewer meals than were served last year.

- 4. Grant Application
Maryland Emergency Management Agency Mitigation Assistance
Great Mills Apartments property (under FEMA program)

Present: Patrick Murphy, County Attorney

(the apartment, consisting of two buildings and approximately 13 rental units is located on north side of Route 5 and has been the subject of flooding conditions.

Areas of discussion included concerns that the property is overvalued and that it would be taking commercial property off the tax rolls; that the grant application was initiated by Senator Dyson and the need for a relocation plan (\$150,000 of the grant application is for the relocation plan).

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

5. Department of Recreation and Parks

Present: Phil Rollins, Director

a. **Update on Lancaster Park and Budget Amendment (\$40,000)**

Mr. Rollins briefed the Commissioners on the status of Lancaster Park (construction nearing completion; dedication and ribbon cutting scheduled for September 29) and requested approval of a budget amendment transferring \$40,000 from Park ADA Improvement project to cover shortfall of the boundless playground at Lancaster Park.. He anticipates receiving a \$35,000 grant from Pratt & Whitney for the boundless playground.

Areas of discussion included the number of projects that are coming in over estimate; whether to eliminate walkway at this time; importance of walkway to handicapped and senior citizens; possible scaling back of project)

After discussion Commissioner Mattingly moved, seconded by Commissioner Guazzo, to direct Mr. Rollins to proceed with the contract for the boundless playground at the John G. Lancaster park and defer the walkway until such time as additional funds become available. Motion carried.

b. **Maryland Historical Trust Modification to Deed of Easement for Piney Point Lighthouse Property**

Commissioner Guazzo moved, seconded by Commissioner Anderson, to approve and authorize Commissioner Randall to sign Deed of Easement Modification. Motion carried.

6. Department of Economic and Community Development
Calvert County Commissioners' Request
Reassignment of So. Md. as a GSA National Capital Region

Present: John Savich, Director

Areas of discussion included the possibility of changing Southern Maryland to National Capital Regions with other federal agencies and that this change would have no negative impact on insurance.

Commissioner Anderson moved, seconded by Commissioner Raley, to respond to Calvert County Commissioners that St. Mary's County Commissioners agree to participate with Calvert County in the Reassignment of Southern Maryland as a GSA National Capital Region.

7. Nursing Center Board of Trustees Appointment
Letter Appointing Commissioner Thomas A Mattingly, Sr.

Commissioner Anderson moved, seconded by Commissioner Raley, to approve and sign letter appointing Commissioner Thomas A. Mattingly as an ex-officio member of the Nursing Center Board. Motion carried.

8. Development Services – Plans Reviewer
(Information/Discussion)

Present: Jon Grimm, Director, DPZ

Mr. Lacer advised that one of the Commissioners had raised a question relative to the referenced Plans Reviewer position in the Department of Planning and Zoning as to whether the position had been converted from contract to a permanent full time position in the FY 2002 budget. He reported that as a result of budget deliberations the position was left as a contract service.

Commissioner Mattingly requested that Mr. Lacer and Mr. Grimm meet to develop pros and cons for the Board's consideration.

9. Sheriff's Department
Local Law Enforcement Grant for FY 2001

Present: Sheriff Voorhaar,
Lottie Bell, Fiscal Specialist
Elaine Kramer, Director of Finance

(Request for interim authorization to access the grant from the internet and that it would be submitted to staff for proper review and subsequent approval by the Board of County Commissioners.)

Commissioner Raley moved, seconded by Commissioner Mattingly, to approve signing the acceptance on line. Motion carried.

10. St. Mary's Public Schools
FY 2002 Budget

Present: Elaine Kramer, County Director of Finance
Dr. Patricia Richardson, Superintendent of Schools
Daniel Carey, Finance Officer, Public Schools

Mr. Lacer explained that the Board of County Commissioners had not received the document until yesterday, therefore, the BOE budget is being presented to the Board for information only; that in accordance with the Commissioners' action, the decision on the BOE FY 2002 budget can be done at next week's meeting.

Areas of discussion included:

- that the BOE budget reflects an increase of \$2.6M in revenue from grant sources.
- that the BOE's FY 2002 operating budget is almost 99% funded in comparison to almost 84% for the remaining county-funding departments.
- that the budget reflects the addition of 63.8 FTE positions over the Approval FY 2001 budget.
- that the original budget submitted by BOE did not include a number of anticipated grants (BOE representatives replied that these amounts were not included because they did not know the exact amount.)
- The Superintendent pointed out that the BOE budget is \$1.6M less than what was requested in the budget approved by the BOE.

After discussion the Commissioners agreed to defer action on the FY 2002 BOE budget until next week.

11. Budget Amendment No. 2002-02
Lexington Park Library (\$790,000)

Commissioner Guazzo moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner Randall to sign Budget Amendment No. 2002-02. Motion carried.

Kate Mauck recorded the following minutes:

UNIFIED LAND DEVELOPMENT CODE

The Board of County Commissioners discussed recent public hearings and written public comment regarding the draft Unified Land Development Code. Commissioner President Randall opened the discussion by reading a prepared statement, which included the following information:

- The draft ULDC taken to public hearing has significant flaws and does not implement the land use policies that were deliberated and crafted by the Commissioners;
- The current draft does not have the public support that is necessary for the setting of long lasting public policy;
- Commissioners must react to all criticisms given by citizens and respond by revising, clarifying and simplifying the document so as to gain the public support necessary to pass a zoning ordinance that will implement the goals of the County's Comprehensive Plan;
- The Board of County Commissioners has no intention of adopting the draft ULDC in its current form.

Additionally, Commissioner President Randall stated that she would be outlining a proposed course of action for the Board to consider taking in order to properly consider the input given at public hearings.

Commissioner Mattingly moved, seconded by Commissioner Raley, the following: "Therefore, having heard citizen concerns during the two public hearings held on July 18th and 19th, I move that the text known as the July Draft of the Unified Land Development Code no longer be considered for adoption. During the 60-day comment period, the Board of County Commissioners will continue to consider public comment and work to arrive at a new proposed land use document.

The Board of County Commissioners will schedule as many work sessions as necessary to address the over-regulation and policy concerns voiced during and since the public hearings. The new document will be presented at a public hearing to occur sometime after September 17th." Motion carried.

Commissioner President Randall provided a detailed outline regarding a proposed course of action for the Board of County Commissioners to follow. A draft schedule to implement the course of action was also presented and discussed. The schedule would allow work sessions to commence this Thursday, August 2nd and to meet at least twice weekly, with additional public comments to be taken until September 17.

Commissioner Anderson outlined the following information:

- He would vote to revise and rework the document so as to enact the goals and objectives of the Comprehensive Plan;
- It is essential that the final document encourages, supports and provides incentives for farming; preserves, enhances and maintains the integrity of St. Mary's County's rural character; balances, manages and directs growth while discouraging commercial and residential sprawl, etc.;
- The document must be free from undue and unnecessary regulations; it must be understandable and accessible;
- Numerous other essential ingredients to the grooming of this document were outlined.

The Board of County Commissioners determined the following:

- *Community experts would be invited to attend the appropriate work sessions, and they would be asked to provide input and recommendations to the Board of County Commissioners. These individuals will be identified as soon as possible so they might plan their schedules accordingly;*

- *The following individuals would be asked to attend the work session on Thursday, August 2nd at 6:00 p.m. regarding Vested Rights and Phasing: Ed Thomas, Herb Redmond, Bill Sturgis, Director of Economic and Community Development and Planning and Zoning staff;*
- *If additional individuals were necessary to invite this Thursday, the names will be selected from the list of individuals serving on the Development Review Forum;*
- *The meetings must be properly advertised by staff as required by law;*
- *Staff was directed to deliver the following items to the Development Review Forum: draft ULDC Chapter 29, Chapter 46 and Article 8, along with accompanying comments. The Development Review Forum is to be asked to submit written comments to Commissioners no later than the Friday prior to Tuesday meetings or the Monday prior to Thursday meetings regarding the Chapters/Article as well as the current process for PUD's in order to streamline and improve the process;*
- *Commissioners would have the following goals for the August 2nd meeting: identify any additional individuals from the community that will be needed at the upcoming work sessions, and look at the Articles/Chapters proposed on the draft schedule and determine if the schedule will adequately meet the need for discussion in those particular areas;*

Commissioner President Randall gave an official announcement that the Board of County Commissioners would be meeting this Thursday, August 2nd at 6:00 p.m. in Room #14 of the Governmental Center in order to discuss Vested Rights and Phasing and to finalize the schedule.

SMARTCO PROGRAM UPDATE

Present: Ed Foresman, Project Leader, SMARTCO
Aurelio Azpiazu, Chair, SMARTCO
Ron Ciecka, Vice Chair, SMARTCO

Individuals from SMARTCO presented information regarding the all-volunteer program of refurbishing computers and peripherals for the Tri-County area. Information presented included the following:

- More than 200 volunteers are involved in SMARTCO with a core group of about twenty individuals;
- Supported by donations, grants and State Neighborhood Partnership Program incentives;
- As of June 2, 2001 over 6,500 machines and over 2,000 peripherals have been provided to the community;
- They provide support to four public school districts, and parochial and private schools with laboratories in several schools;
- They provide equipment to more than 200 non-profit agencies;
- There has been over \$2,000,000 in cost savings to clients; and
- The Community Technology Learning Center was outlined in detail.

The Board of County Commissioners, as well as the general public, were invited to visit the SMARTCO Headquarters on Wednesday evenings after 5:30 p.m. Additionally, the contact information for SMARTCO is: Phone #: 301-737-0394 and website: SMARTCO.org. The donation of computers and peripheral equipment from individuals as well as businesses was encouraged.

SMARTCO was asked to come back before the Commissioners in six to nine months to provide information on how the County can assist in marketing the organization. They were commended for their outstanding efforts as well as their assistance in helping the County to reach one of their goals of striving for more mid-tech job positions in St. Mary's County.

Commissioners requested that that an abbreviated SMARTCO presentation be placed on an upcoming agenda of the Tri-County Council.

COUNTY COMMISSIONERS' TIME

Birthday Greetings

Commissioner Raley expressed sincere birthday wishes to Mrs. Raley, his wife, as well as to Commissioner Mattingly's wife upon the occasion of their recent birthday celebrations.

EXECUTIVE SESSIONS

Commissioner Mattingly moved, seconded by Commissioner Guazzo, to meet in Executive Session to discuss matters of Personnel, Property Acquisition, and Litigation, as provided for in Article 24, Section 4-210(a)1, 4-210(a)11 and 4-210(a)8, respectively. Motion carried.

Judith Spalding recorded the remaining meeting minutes:

Property Acquisition

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
Phil Rollins, Director, R&P
John Groeger, Deputy Director, DPW&T
Jon Grimm, Director, DPZ (*entered at 6:15 p.m.*)
Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a)11

Time Held: 6:00 p.m. – 6:40 p.m.

Action Taken: The Commissioners discussed a property acquisition issue and gave direction to staff.

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
Jon Grimm, Director, DPZ
Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a)11

Time Held: 6:40 p.m. – 7:15 p.m.

Action Taken: The Commissioners discussed a settlement offer issue and gave direction to staff.

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: 7:25 p.m. - 8:45 p.m.

Action Taken: The Commissioners discussed several employment contracts and gave direction to the County Administrator.

ADJOURNMENT

The meeting adjourned at 8:45 p.m.

**Minutes Approved by the
Board of County Commissioners on 8/7/2001**

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