

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Governmental Center
Tuesday, September 18, 2001**

Present: Commissioner President Julie B. Randall
Commissioner Shelby P. Guazzo
Commissioner Thomas A. Mattingly, Sr. (*arrived 10:55 a.m.*)
Commissioner Daniel H. Raley
Alfred A. Lacer, County Administrator
Kate Mauck, Administrative Assistant (Recorder)
Peggy Childs, Recorder, Planning and Zoning

(Commissioner Joseph F. Anderson was unable to attend the meeting due to his wife's surgery. Commissioner Thomas A. Mattingly, Sr. arrived late due to a meeting with the Board of Education.)

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 (delete/defer St. Mary's College of Maryland – Scholarship Recipients Recognition and add Proclamations for Constitution Week and Violence Week). Motion carried.

APPROVAL OF CHECK REGISTER

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

APPROVAL OF MINUTES

Approval of the minutes of August 23, 28, 30 and September 6, 2001 were deferred due to the absence of two members of the Board of County Commissioners.

PROCLAMATIONS

The Board of County Commissioners presented Proclamations for Oral Cancer Prevention Week, Constitution Week and Violence Week.

The following minutes were recorded by Peggy Childs:

**ZONING ORDINANCE WORK SESSION
CHAPTER 29 – DEVELOPMENT RIGHTS & RESPONSIBILITIES
AGREEMENT – FUTURE PHASING AND CHAPTERS 80 & 81 – SUBDIVISION
STANDARDS AND APPROVALS**

Commissioners present were Commissioner Randall, Commissioner Guazzo, and Commissioner Raley. Commissioner Mattingly joined the meeting at 10:55 a.m. Commissioner Anderson was not present. DPZ staff present were Jon Grimm, Director and Peggy Childs, Recording Secretary. Also in attendance were Deputy County Attorney John B. Norris, III; and Sonny Burch, Pat Mudd, and Guy Curley, of the Development Review Forum.

The Commissioners reviewed new Chapter 20 (previously Article 8), Subdivision Standards and Approvals, as submitted under Mr. Grimm's memorandum dated September 7, 2001. Mr. Grimm said this Chapter is intended to implement the Development Review Forum's 1999 Report. The Commissioners directed the following changes:

Chapters 80 & 81 – Subdivision Standards and Approvals

- Page 20-4, lines 12-14 – DPZ staff and the Deputy County Attorney to rewrite to provide proper protection for lot owners, should a developer decide to deplat the lots in a recorded subdivision.
- Page 20-4, lines 29-31 – Strike “minimum 40 foot” from second sentence of 20.3.2. Sentence to read: “Nonresidential subdivisions shall require a public or private right-of-way for access to lots, subject to the public road standards or other road design/construction standards.”
- Page 20-4, line 34 – Strike “approved by the Planning Director and the Health Department”
- Page 20-6, under 20.5.3, *Preliminary Plan Approval* – If a property owner is developing less than 75% of his property he shall submit a concept plan, in addition to a preliminary plan, to show how the proposal extends onto the balance of the land, and to put it in its proper context with respect to the potential impacts. This is particularly appropriate in mixed-use zoning. Under this option, less detail would be required in the concept plan. Other options for large developments are for the developer to go to a PUD or a Development Rights & Responsibilities Agreement.
- Page 20-6, under 20.5.3, add, as subparagraph c., a provision allowing the Planning Commission to defer preliminary plan approval for additional information, or to require that the final subdivision plat come back to the Planning Commission for approval, should they deem it necessary, rather than being approved administratively as set forth in 20.9.2. DPZ staff will work with the Deputy County Attorney to draft the appropriate language.
- Page 20-7, line 20 – Strike “monthly” - also need to review the once-a-month TEC submission and possibly increase it to two.
- Page 20-9, line 48 – Strike “monthly”
- Page 20-10, line 37 – Strike “Chapter 81” and replace with new section number.
- Page 20-10, lines 41-42 – After “Code” add the phrase, “and any conditions of Planning Commission preliminary approval.”
- Page 20-12, line 19 – Change “maybe” to “may be”
- Page 20-12, lines 23 and 25 – Strike “minor” in both lines. Do search to remove “minor” subdivision.
- Page 20-13 – *Lot Design*. DPZ and the Development Review Forum, Ann Rose, Tom Russell, and the Department of Law will look at writing a prohibition against “pipe stem lots” having easement over other properties to a perc'd area for sewage disposal, and for access across a right-of-way or road, or a major utility or transmission line for the same purpose.
- Page 20-14, lines 1-29 – Should this be a new section? Clarify. Commissioner Randall says cul-de-sacs should be avoided everywhere because of problems with fire and rescue and school transportation costs.
- Page 20-14, lines 37-38 – Check to see whether we need to specify numbers for fees-in-lieu.

Chapter 29 – Development Rights & Responsibilities Agreement – Future Phasing

- Add 29.1 – Purpose Statement
- Page 29-2, line 1, item (1) – Add “or reservation” after “Dedication” Add “or private” after “public”
- Page 29-2, line 12 – Add “not” after “but”; to read “including, but *NOT* limited to ...”

ZONING ORDINANCE DISCUSSION SCHEDULE

Thursday, September 20 th	-	Finish Article 6
Tuesday, September 25 th	-	Chapters 83 and 84
Thursday, September 27 th	-	* Individual Zoning Requests
Tuesday, October 2 nd	-	Chapters 10, 31 and 44
Thursday, October 4 th	-	Roads (Chapter 82 as a separate ordinance)

The following minutes were recorded by Kate Mauck:

**DEPARTMENT OF TRANSPORTATION
ANNUAL ROAD TOUR MEETING**

Present: John Porcari, Maryland Transportation Secretary
Parker Williams, State Highway Administrator
Greg Welker, District Five Engineer
Delegate John Wood, Jr.

Secretary Porcari, along with accompanying staff members, presented an overview of the State of Maryland's Transportation Plan. Major initiatives throughout the State of Maryland as well as initiatives in or affecting St. Mary's County were discussed. The major topics of discussion were:

- Completion dates of Route 235 phased projects;
- Transit ridership up by 22%;
- Smartcard initiative outlined;
- Transportation costs and programs outlined for FY2002 – 2007;
- Port of Baltimore provides 95% of international trade for the East Coast;
- Woodrow Wilson Bridge is the #1 priority of the State – the project is moving forward on time and on budget;
- Motor Vehicle Administration initiatives are being instituted in order to streamline driver's license transactions;
- Update given on difficulties presented due to the crisis in New York and Washington D.C.;
- Major State highway improvements in St. Mary's County were outlined by expected completion date; and
- Toll increases on three bridges affecting Maryland citizens as well as electronic tolls and lower commuters' rates to help reduce costs (effective November 1).

The Board of County Commissioners raised issues of concern to the County as follows:

- Point Lookout Road – narrow stretch causes severe safety hazards;
- Route 235 completion delays;
- Chancellor's Run Road;
- Route 5 in Leonardtown and right-of-ways needed;
- ADA issues on Route 235 – Mr. Williams assured the Commissioners that he would find a way to accomplish the ADA requirements as requested three years ago. Commissioner Randall requested that this item go on the Secretary's list as incomplete;
- Route 4 accident rates – MDOT agreed to get back to the Commissioners regarding this issue in three to four months; and
- Toll increase on the 301 bridge – of primary concern was the impact on the trucking industry.

Delegate John Wood, Jr. addressed Secretary Porcari in order to outline his concerns as well as to commend the Office of the Secretary and staff for their outstanding work in the State of Maryland. Delegate Wood stated that he was extremely pleased that services at the Loveville office would be expanded. His concerns included the unsafe roadway on Route 5 in Leonardtown and the Hughesville bypass.

Secretary Porcari addressed the Hughesville bypass issue, stating that it is a regional priority and that design is nearing completion. Right-of-way and money for right-of-way are the main issues at the present time. He stated that 2003 is the targeted year for the beginning of construction. Delegate Wood reminded those present that the Governor had committed himself to this project.

In addition, Delegate Wood raised concerns for the cost to the trucking industry due to the rising toll cost on the 301 bridge. He requested that the State look more carefully at how the trucking industry throughout the State will be affected due to the increase in toll fees.

(Commissioner Guazzo was absent for the following portion of the meeting:)

COUNTY ADMINISTRATOR

Present: Alfred A. Lacer, County Administrator

1. Draft Agenda September 25/27 and October 2/4, 2001
2. St. Mary's County Fair Association Invitation to County Fair

Present: Phillip Scriber, Fair Committee

Commissioners were invited to the St. Mary's County Fair and were presented with Fair t-shirts.

3. Department of Public Works

Present: George Erichsen, Director
George Jarboe, Transportation

- a) Public Works Agreement for Dean Forest Subdivision, Section 1, 3rd Election District, with a completion date of July 1, 2002. A letter of credit has been provided by The First National Bank of St. Mary's in the amount of \$170,000.
- b) Public Works Agreement Addendum for Hunting Quarter Subdivision, Section 2, Phase 2B, 2nd Election District, extending the completion date to July 1, 2002. A letter of credit provided by the Maryland Bank & Trust Company in the amount of \$39,000 remains as posted.

Commissioner Raley moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner President Randall to sign Public Works Agreement a & b. Motion carried.

- c) Inter-Governmental Grant Agreement
Job Access/Reverse Commute (State: \$20,000)

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

- d) FY2003 Public Transportation Grant Assurances Application
Statewide Specialized Transportation Assistance Program

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

(Commissioner Guazzo re-entered the meeting at this time)

- e) Supplemental Appropriation - Request to Schedule Public Hearing (State: \$255,976) Purpose: To provide a third dispatcher, 2 New Start routes, ADA service for evening and Saturday services, and an increase in the number of drivers.

Mr. Jarboe reported that the County needs to consider the marketing of its transit service. Ridership is up by 32% in the County on the same routes used last year.

Commissioner Raley moved, seconded by Commissioner Guazzo, to approve and authorize to schedule public hearing. Motion carried.

4. Department of Economic and Community Development & Department of Public Works & Transportation
Resolution Creating Airport Advisory Committee

Present: John Savich, Director DECD
George Erichsen, Director DPW&T

The approval of this resolution would create an Airport Advisory Committee, which would include seven members. Mr. Savich outlined reasons for the development of the Committee. The Board of County Commissioners requested the following be placed in the by-laws:

- Terms of office be staggered so that all members do not rotate off the Committee at once;
- Consider establishing the requirement for at least two of the seven members to hold a current pilot's license.

It was reported that the draft by-laws should be ready for the Commissioners to review within the next two weeks. The Department of Public Works and Transportation and the Department of Economic and Community Development will most likely be the two departments to work with the Committee.

Commissioner Mattingly moved, seconded by Commissioner Guazzo, to approve and sign the Resolution to establish the Airport Advisory Committee. Motion carried.

5. Sheriff's Department
Supplemental Appropriation - Request to Schedule Public Hearing
Federal Forfeited Funds - Investigative and Equipment Purchases (Federal: \$47,191)

Present: Lieutenant Horne, Sheriff's Department
M. Carlotta Bell, Sheriff's Department

Commissioner Guazzo moved, seconded by Commissioner Raley, to approve and authorize to schedule the public hearing. Motion carried.

6. Employment Contract
Director of Information Technology (Robert Kelly, effective date October 1, 2001)

Commissioner Mattingly moved, seconded by Commissioner Guazzo, to approve and authorize Commissioner President Randall to sign contract. Motion carried.

7. Employment Contract
Health Officer (William B. Icenhower, M.D., M.P.H., effective date September 20, 2001)

Mr. Lacer reported that the Health Officer is designated and hired by the State of Maryland, although the County supplies a stipend in the amount of \$10,000 toward the salary compensation package.

Commissioner Mattingly moved, seconded by Commissioner Raley, to approve and authorize Commissioner President Randall to sign the contract and to approve the County's supplemental salary compensation in the amount of \$10,000 for compensation to the Health Officer. Motion carried.

COUNTY COMMISSIONERS' TIME

BAE Systems Donation to Ridge Volunteer Fire Department

Commissioner Raley reported that several weeks ago Commissioners attended a function at the Library, where BAE Systems had completed a lot of the work. They recently did another good deed by donating a check in the amount of \$1,500 to the Chief of the Ridge Volunteer Fire Department to offset losses due to bad weather at their carnival.

Southern Maryland Agricultural Development Commission

Commissioner Raley reported that on September 20th from 6:00 p.m. to 10:00 p.m. at the Calvert County Fairground, the Infrastructure Committee would be sponsoring an Investment Fair. The Fair would be held for all citizens, but should be of particular help to the tobacco farmers. Commissioner Raley outlined reasons the Fair should help farmers receiving tobacco buy-out funds in making decisions regarding investments and/or minimizing tax consequences.

Solomon's Tri-County Council Meeting

Commissioner Raley reported that Commissioners would be attending the Tri-County Council Meeting in Solomon's tonight. Christine Bergmark of the Tobacco Buy-out Program will be giving each of the Commissioners a Market Analysis and Strategic Plan. The Infrastructure Committee gave a grant to the College of Southern Maryland to develop this market analysis. Commissioner Raley stated that the analysis is very well done and encouraged Commissioners to look carefully at this report.

Town Creek Park Improvement Project

Commissioner Raley reported that the Town Creek Park Improvement Project was recently completed and it turned out very nicely. He encouraged the public to visit the park.

John Lancaster Park at Willows Road

Commissioner Raley reported that the John Lancaster Park at Willows Road is nearing completion. He encouraged citizens to come out and see the new facility.

Patriotism in St. Mary's County

Commissioner Raley stated that last Tuesday, September 11, 2001 was a tragic day. Many people and organizations in the County have done things to help bring the County together. He reported that two little girls in Ridge made buttons and set up a table at his store, asking for donations to the American Red Cross. These girls collected donations that amounted to more than \$600.

Salt and Pepper Group

Commissioner Guazzo reported that the Salt and Pepper Group met this past Saturday for their annual picnic at Elms Beach. The group is made up of African-Americans, Caucasians, and encompasses all nationalities and races as well. One of the attendees invited Muslim individuals to the picnic, and they were very nice. The Muslim community invited everyone from the area to attend their Prayer Service in Prince Frederick on Saturday. Commissioner Guazzo encouraged all citizens to attend this service. Se also reported that in January, the Salt and Pepper Group got together for a potluck dinner and had an enjoyable time.

Appreciation to St. Mary's County Employees and Community Agencies

Commissioner Mattingly reported that he was late to this morning's meeting due to a meeting with Keith Fairfax, Delegate Bohanan and the Board of Education regarding a program to be held this Sunday evening at 6:30 p.m. at Leonardtown High School. The program is meant to bring unity to the community and will begin after the closing of the County Fair. A preliminary agenda was created and information will soon be released to the public regarding this event. Families from around the County will be invited, and community groups that wish to participate may do so. Particulars of the event will be reported in the press as well as on Cable Channel 12.

TRI-COUNTY COUNCIL FOR SOUTHERN MARYLAND

Some of the members of the Board of County Commissioners departed the meeting in order to attend the Tri-County Council for Southern Maryland's Executive Board meeting and dinner.

ADJOURNMENT

The meeting adjourned at 5:00 p.m.

**Minutes approved by the
Board of County Commissioners on 10/2/01**

Judith Spalding *for*
**Kate Mauck, Administrative Assistant
to the Board of County Commissioners**