

**ST. MARY'S COUNTY  
BOARD OF COUNTY COMMISSIONERS' MEETING  
Governmental Center  
Tuesday, September 25, 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  
Kate Mauck, Administrative Assistant (Recorder)

**CALL TO ORDER**

The meeting was called to order at 10:05 a.m.

**ADDITIONS/DELETIONS TO AGENDA**

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

**APPROVAL OF CHECK REGISTER**

Commissioner Raley 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 Thursday, August 23, 2001, as presented. Motion carried.

Commissioner Raley moved, seconded by Commissioner Mattingly, to approve the minutes of the Commissioners' meeting of Tuesday, August 28, 2001, as corrected. Motion carried.

Commissioner Mattingly moved, seconded by Commissioner Anderson, to approve the minutes of the Commissioners' meeting of Thursday, August 30, 2001, as corrected. Motion carried.

Commissioner Mattingly moved, seconded by Commissioner Anderson, to approve the minutes of the Commissioners' meeting of Thursday, September 6, 2001, as presented. Motion carried.

Commissioner Raley moved, seconded by Commissioner Mattingly, to approve the minutes of the Commissioners' meeting of Thursday, September 13, 2001, as corrected. Motion carried.

*The following minutes were recorded by Peggy Childs:*

## **ZONING ORDINANCE WORK SESSION**

Present: Jon Grimm, Director, Planning and Zoning  
John B. Norris III, Deputy County Attorney  
Phil Rollins, Director, Recreation and Parks  
Steve King, Director, Metropolitan Commission  
Peggy Childs, Planning and Zoning, Recording Secretary.

The Commissioners directed the following changes as reflected in Mr. Grimm's September 21<sup>st</sup> memo.

### **Chapter 83 – Infrastructure Standards**

- Section 83-1 – Delete.
- Delete 83.2 except for 83.2.2, which will be moved to the stormwater management regulations on Page 77-12, section 77.9.1(d).
- Delete 83.3 and 83.4 because they are covered in the stormwater management regulations on pages 77-7, 77-8, and 77-10.
- Section 83.5 – Move to Section 21 of the new subdivision regulations and rewrite as follows: "All individual, on-site sewage reserve areas (SRA) *for new lots* intended to or designed to serve single-family dwellings shall be located within the boundaries of the lot the dwelling is located on." For *existing* lots, the lot containing the sewage reserve area and the building lot must be in common ownership. A boundary line adjustment plat (BLAP) or a resubdivision to include the sewage reserve area with the building lot may be approved and recorded to accommodate this situation.
- Section 83-6 – Move to the new subdivision regulations as Section 21.

### **Chapter 84 - Open Space Reservation, Dedication and Fees in Lieu**

- Recodify this chapter into the new subdivision regulations.
- Correct typos on Page 84-1, lines 30 and 31; Page 84-2, line 3; and sentence structure at lines 35 and 36.
- Reinstate provisions for the allowance, at the landowner's option, of payment of a fee-in-lieu of land dedication for public use as new Section 84.7, line 42. Renumber the following section as 84.8.
- Correct the language at line 43 to read "If aggrieved by a decision of the Planning Commission, an appeal of that decision shall be filed with the Board of Appeals within thirty (30) days of the decision."

### **Zoning Ordinance Work Session Schedule**

#### **Thursday, September 27<sup>th</sup>**

Individual Zoning Requests. The Deputy County Attorney will advise whether Planning Commission input is required.

#### **Tuesday, October 2<sup>nd</sup>**

Chapter 10 – Title, Purpose and Organization  
Chapter 31 – Zoning Districts  
Chapter 44 – AICUZ and Airport Environs Overlay  
Chapter 82 – Roads (Private Roads)

#### **Thursday, October 4<sup>th</sup>**

Chapter 62 – Design Standards  
Chapter 65 - Signs  
\* (Development Review Form members to be present)

**Tuesday, October 9<sup>th</sup>**

Article 3 and Chapter 51 - Home Occupations  
Communications Towers Ordinance and Amateur Radio Operations  
Private Piers for up to 9 boats  
\* (Communications Tower consultant to be present)

**Miscellaneous List**

Revisit Affordable Housing – To come back after review of Dennis Nicholson report and Affordable Housing provisions by John Savich.

*The remaining minutes were recorded by Kate Mauck:*

**SIGNING OF A MEMORANDUM OF UNDERSTANDING WITH UNIVERSITY OF BALTIMORE**

The Board of County Commissioners departed the building for the Leonardtown Campus of the College of Southern Maryland in order to execute the official signing of a Memorandum of Understanding with the University of Baltimore.

**CHRISTMAS IN APRIL – INVITATION TO 4<sup>TH</sup> ANNUAL SOUTHERN MARYLAND FARM LIFE FESTIVAL**

Present: Mary Ann Chasen

Ms. Chasen extended an invitation to the Board of County Commissioners as well as the viewing audience to attend the 4<sup>th</sup> Annual Southern Maryland Farm Life Festival. The Festival will be held at the Parlett family farm on October 13 and 14, 2001 from 9:00 a.m. to 4:00 p.m. each day. Particulars of the event were outlined in detail. Ms. Chasen announced that volunteers are needed to help with the event.

Ms. Chasen also announced that the deadline for assistance from the Christmas in April program has been extended until the weekend of the Farm Life Festival. Assistance in completing the applications and acceptance of applications will occur at the Lexington Park Library on October 2<sup>nd</sup> from 10:00 a.m. to 12:00 p.m., and at the Leonardtown Library from 1:00 p.m. to 3:00 p.m.

**1:40 p.m.**

**PUBLIC HEARINGS - SUPPLEMENTAL APPROPRIATIONS**

- 1) Department of Public Works & Transportation (State: \$255,976)
- 2) Marcey House (State: \$35,206)
- 3) Office on Aging (State and Federal: \$16,632)
- 4) Sheriff's Department (State: \$18,887)
- 5) Sheriff's Department (Federal Forfeited Funds: \$47,191)

Ms. Elaine Kramer announced that items 1 – 5 had been properly advertised, and were ready for public hearing. Commissioner President Randall opened the public hearing for input by citizens on grant items 1 – 5. The following citizen spoke:

Clare Whitbeck – Asked if the Justice Grant was the same thing as the Weed and Seed Grant. The response was no, they are not the same grant.

As there were no other citizens present to speak regarding the supplemental appropriations, Commissioner President Randall closed the public hearing. The record will remain open for written public comment for a period of ten days, after which time, the items will be placed on a future agenda for discussion/decision.

## **COUNTY COMMISSIONERS' TIME**

### **Nursing Home**

Commissioner Mattingly reported that the Board of Directors from the Nursing Home and County have been meeting and will soon have documentation ready for the St. Mary's Nursing Home transition. He's very pleased with the people selected to be a part of the Board and he expects this to be a very positive change.

### **Health Connections Ribbon Cutting**

Commissioner Mattingly reported that he recently represented the Board of County Commissioners at the Health Connections Ribbon Cutting ceremony at the Hospital recently. He was able to present them with a plaque, and reported that the hospital is very excited about the future of that program.

### **St. Mary's County Fair**

Commissioner Mattingly commended the Fair Board for another very successful fair. He expressed his congratulations to all the people involved.

Commissioner Guazzo stated that she was able to attend the Fair Friday and Saturday. She had an excellent time and reported that the Fair gets better every year. It's a good family day and the Fair Board is to be commended.

Commissioner Raley stated that it was wonderful that there was no rain on Fair weekend this year.

### **St. Mary's County Remembers and Unites**

Commissioner Mattingly stated that the memorial program speaks for itself.

Commissioner Raley stated that Sunday's event was fantastic.

Commissioner President Randall stated that she is in the process of having letters drafted for Commissioners to sign to send to individuals that helped pull this last minute event together. It went off flawlessly and it helped to pull the community together.

### **Congratulations to Planning and Zoning Department**

Commissioner Anderson expressed his congratulations to the Planning and Zoning Department for their successful application to the Department of Natural Resources for the Watershed Restoration Action Strategy Grant, which will help in Breton Bay. The work paid off, and staff is to be thanked for all their efforts involved in applying for this grant.

*Commissioner Anderson stated that it was determined several months ago the determination was made to create Watershed Commission. Once things settle down for the Board of County Commissioners and staff, Commissioner Anderson would like staff to bring this item back to the table.*

### **Sludge Inspector**

*Commissioner Anderson asked Mr. Lacer to check into the status of funding a sludge inspector. He stated that he is unsure what the difficulty is in moving forward with this request and he would like an update to see where the County is at in the process.*

### **Commission on Education Finance, Equity and Excellence (Thornton Commission)**

Commissioner Anderson reported that public hearings were conducted a couple of weeks ago for the Thornton Commission. Public comment will be utilized to assist in compiling the final draft document to the State, which is being assembled by the Commission. Commissioner Anderson attended a public hearing in Prince George's County and reported that public comment was excellent. Dan Carney, Board of Education and Elaine Kramer, Finance Director, attended and their comments paralleled very closely with the views of the Thornton Commission. Commissioner Anderson stated that he would be surprised if testimony across the State was any different than that heard in Prince George's County. They are urging augmentation and adjustment of the formulas so that special education and transportation needs can be addressed sooner. Commissioner Anderson stated that raising property taxes in order to fund education has very nearly reached its limit, and the need to identify a funding source has become a requirement. One more public hearing will occur in October and several more work sessions will occur until that time.

### **Southern Maryland Workforce Investment Board**

Commissioner Anderson reported that over the summer, the Southern Maryland Workforce Investment Board has become private 501C3 corporation, with much help from County government. The Board's name has officially changed to Southern Maryland Works and they have hired a new Executive Director, Ellen Flowers Fields. She has really hit the ground running and has done a tremendous amount of excellent work in the short time she has been with Southern Maryland Works. They have successfully transitioned from County government and are now a stand-alone corporation. Commissioner Anderson reported that a significant amount of funds has been received in order to fund a metrotech program. This is a training program that works with private, educational and governmental agencies in order to train technology positions. The program will be available to various agencies and businesses to upgrade and train workers in the technology area. The business organization that takes advantage of this program provides a job for the individual who is trained.

### **Park Hall Elementary School**

Commissioner Anderson stated that Alfred Jordan, who has been responsible for several years for the upkeep on Park Hall Elementary School, noticed that the flags at the school were becoming frayed. He contacted Commissioner Anderson, Senator Dyson and Delegate Bohanan, asking them to bring flags in order to conduct a special flag ceremony. It was a wonderfully patriotic event, and the children were very excited. Alfred did a great job putting together an excellent event. In particular, the Peace Committee at Park Hall Elementary is to be commended.

### **"The Capitol Steps" for the Three Oaks Center**

Commissioner Raley reported that he would be attending "The Capitol Steps" event for the Three Oaks Center at Great Mills High School on Saturday, September 29<sup>th</sup>. This should be a very fun event.

### **Lancaster Park Grand Opening**

Commissioner Raley reported that the Grand Opening of Lancaster Park is to occur this Saturday, September 29<sup>th</sup>.

**Risk Manager Recognized**

Commissioner Raley expressed public recognition and appreciation to the St. Mary's County Risk Manager, Mary O'Brien, for the great job she has done for the County. Her job is to ensure the safety of the County workforce and the efforts she has given have helped to significantly bring down the cost of workers compensation. The County's modification factor went down and as a result, premiums have dropped from \$592,000 to \$513,000 in one year.

Commissioner Guazzo stated that Ms. O'Brien has done a lot of training to help the County's workforce learn to work and act more safely.

**Federal Employees Women's Luncheon**

Commissioner Randall reported that she recently attended a Federal Employee Women's Luncheon, where she gave out proclamations for Women's Equality Day.

**State School Construction Advisory Board**

Commissioner Randall reported that she has been appointed to the State School Construction Advisory Board that looks at class size as it relates to the State's School Construction Funding Formula. She reported that she would be traveling to Annapolis to attend these meetings. It is hoped that the Board can get class sizes lowered across the State. This would help our County to save money in the future for the costs of construction.

**COUNTY ADMINISTRATOR**

Present: Alfred A. Lacer, County Administrator

1. Draft Agenda - October 2/4 and October 9/11, 2001
2. Department of Public Works and Transportation

Present: George Erichsen, Director, DPW&T

- a) Easement Agreement between Board of County Commissioners and Richard and Linda McKee to allow County to correct soil erosion occurring as a result of stormwater runoff from Reed Court, located in the Norris Acres Subdivision, Section 2, 6<sup>th</sup> Election District.
- b) Public Works Agreement Addendum for St. James Subdivision, Section 2, 1<sup>st</sup> Election District, extending the completion date to August 1, 2002. The letter of credit provided by the Wachovia Bank in the amount of \$260,000 has been reduced to \$109,000.
- c) Public Works Agreement Addendum for Hickory Hills North Subdivision, Section 1, 8<sup>th</sup> Election District, extending the completion date to October 1, 2002. The bond provided by the Travelers Casualty and Surety Company in the amount of \$105,000 remains as posted.

**Commissioner Guazzo moved, seconded by Commissioner Raley, to approve and authorize Commissioner President Randall to sign agreements a, b and c. Motion carried.**

- d) Mattapan Road Culvert Easement Agreement

Present: George Erichsen, Director, DPW&T  
Janet Parks, Property Management

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

3. Department of Public Works & Transportation/Department of Planning & Zoning  
Discussion on Tri-County Council Infrastructure Projects for Southern Maryland

Present: George Erichsen, Director DPW&T  
Jon Grimm, Director P&Z  
Howard Chang, Director of Transportation, Tri-County Council

Mr. Lacer stated that the purpose of the discussion regarding this issue was to seek direction from the Board of County Commissioners in adding items and/or prioritizing items that will be sent to the State as part of the Tri-County Council Infrastructure Projects listing.

It was pointed out by Mr. Chang that the list currently is not in order of priority, however, the list that the Council sends to the State will be prioritized. He strongly suggested that items be added to the list. Additionally, Mr. Chang stated that the Council would be meeting on October 2<sup>nd</sup> in order to prepare a cover letter to the State, which would include the revised list per direction given today. The Board of County Commissioners gave the following direction:

*Add to the List:*

- *Route 5 from Maryland Route 243 to 245 (through Leonardtown)*
- *Maryland Route 4 from Route 5 to 235*
- *Regional Airport*
- *Construction funding for Route 237 and Point Lookout Road*
- *Route 5 from Leonardtown to Great Mills Road*

*In addition, Commissioners directed the following:*

- *Mr. Erichsen to draft another letter from the Board of County Commissioners to Secretary Porcari. The letter should request that the State's participation in the TEC project for road easements and curb cuts should be emphasized in their request of the need in the master plan even though the project may not be in the State's Capital Projects;*
- *Staff directed to bring these issues up as part of the TEC process;*
- *Mr. Grimm to check and see if the other two counties have similar problems on their TEC;*
- *Mr. Grimm to check and see if Maryland Route 4 and Pegg Road are on the Highway Needs Inventory for future needs; and*
- *Letter to be drafted from the Board of County Commissioners to the Tri-County Council outlining requirements.*

Mr. Chang was thanked for the tremendous efforts he has given on behalf of St. Mary's County.

4. Department of Economic & Community Development/Housing Request for  
Authorization for Three New Full-Time Positions

Present: John Savich, Director, DECD  
Dennis Nicholson, Director, Housing

**Commissioner Mattingly moved, seconded by Commissioner Raley, to approve the positions. Motion carried.**

5. County Attorney  
Resolution Designating Resident Agent/Maryland Department of Assessments and Taxation

Present: Patrick Murphy, County Attorney

Should the Board of County Commissioners approve and sign the Resolution, Mr. Patrick Murphy, County Attorney, would then become the Resident Agent for St. Mary's County.

**Commissioner Mattingly moved, seconded by Commissioner Anderson, to approve and sign the Resolution and authorize Commissioner President Randall to sign the form. Motion carried.**

6. Execution of St. Mary's Nursing Center, Inc. Documents

Present: Patrick Murphy, County Attorney  
Evelyn Holland, Nursing Center Board of Trustees  
Don Lewis, Acting Director, Nursing Center

The following documents were presented for approval in order to establish a 501C3 corporation entitled the St. Mary's Nursing Center, Inc.:

- Tax, Remediation and Section 148 Certificate and Agreement
- Lease between Building Authority Commission and Nursing Center
- Assignment and Assumption Agreement
- Resolution of the Building Authority Commission approving the execution and delivery of a Lease Agreement
- Resolution to Approve Bylaws of the Building Authority Commission
- Resolution of the Board of County Commissioners approving the passage and adoption of a Resolution by the St. Mary's County Building Authority Commission authorizing the execution and delivery of a lease agreement between the St. Mary's Nursing Center, etc.

Mr. Lacer outlined information regarding the Building Authority and its function.

*Staff was asked to look at page 1 of 3 under "notice of meetings" and determine whether meetings of the Building Authority should be published.*

**Commissioner Raley moved, seconded by Commissioner Guazzo, to approve and execute the documents for the St. Mary's Nursing Center. Commissioner Mattingly abstained from the vote, as he is an ex-officio for the Nursing Center. Motion carried.**

7. Office on Aging  
Alzheimer's Demonstration Grant Agreement for FY2002  
(Federal: \$19,333, State: \$48,902)

Present: Gene Carter, Office on Aging

**Commissioner Mattingly moved, seconded by Commissioner Anderson, to approve for Public Hearing on October 9, 2001 and authorize Commissioner President Randall to sign the form. Motion carried.**



8. Introduction of New Health Officer

Present: Dr. William B. Icenhower

Mr. Lacer formally introduced Dr. Icenhower, new Health Officer for St. Mary's County to the Board of County Commissioners and the citizens of the County. Dr. Icenhower was warmly welcomed by all.

**ST. MARY'S COUNTY PUBLIC SCHOOLS**

Present: Dr. Patricia Richardson, Superintendent of Schools  
Bradley Clements, Director, Facilities, Buildings and Maintenance  
Elaine Kramer, County Director of Finance

a) FY2003-2008 State Capital Improvements Program

St. Mary's County Public Schools' FY2003-2008 State Capital Improvements Program was outlined for the Board of County Commissioners. It was reported that the Planning Commission approved the recommended report at their last meeting. A letter from the Planning Commission giving documentation of their approval is forthcoming. Mr. Clements stated that a letter approving the CIP from the Commissioners to the State needs to be submitted no later than October 16<sup>th</sup>.

*Ms. Kramer was requested to draft a letter from the Board of County Commissioners to be approved and placed on Consent Agenda for next Tuesday's meeting.*

**Commissioner Anderson moved, seconded by Commissioner Mattingly, to approve and endorse the FY2003-2008 State Capital Improvements Program and to direct staff to bring back the letter as discussed for next week's Consent Agenda. Motion carried.**

b) Budget Transfer Request (\$31,062) – To replace exhausted funds in the contingency account for the Lexington Park Elementary School.

**Commissioner Anderson moved, seconded by Commissioner Raley, to approve and authorize the transfer of funds. Motion carried.**

**PROCLAMATION**

The Board of County Commissioners presented a proclamation in honor of the League of Women Voters' 25<sup>th</sup> Anniversary in St. Mary's County.

**METROPOLITAN COMMISSION  
BRIEFING ON UPCOMING LOAN**

Present: Steve King, Director, Metropolitan Commission  
Elaine Kramer, Director of Finance

Mr. King outlined background information regarding the Chesapeake Bay Agreement, stating that its purpose is to eliminate problems plaguing the Chesapeake Bay, especially excessive nutrient levels. He stated that reduction goals have been set, which are 60% of what the goal was in 1985. Due to the need to reduce nutrients in the Bay, the Leonardtown Wastewater Treatment Plant needs a loan in order to satisfy the costs of upgrading the plant.

The County's cost of the project is \$630,756, which is based on the percentage use by the County of the Wastewater Treatment Plant. The plan is to borrow the funds from the State at a rate of interest of 1.2%, for a 20-year loan payment schedule. Specific fees were outlined in detail.

The estimated completion date of the project is March of 2003 and the total cost of the upgrades will be \$3,825,874. This would allow the plant to achieve a limit of 8 milligrams per liter. It is anticipated that in the future, the plant will once again have to be upgraded in order to meet future allowable nutrient limitations.

Mr. King reported that he would return to the Board of County Commissioners in the near future for approval of the final documentation. *Mr. King was requested to bring back to the Commissioners MetCom's loan limit against their assessed value.*

**DEPARTMENT OF FACILITIES MANAGEMENT - DISCUSSION OF  
PATUXENT RIVER NAVAL AIR MUSEUM GRANT FOR 2001**

Present: Richard Rohrbaugh, Director, Facilities Management  
John Norris, III, Deputy County Attorney  
Gary Hodge, Advisory to the PRNAM Project

Mr. Rohrbaugh appeared before the Board of County Commissioners in order to request approval of grant documents that would release funds in the amount of \$250,000. The County originally committed to \$500,000 total funding, and had previously released the first installment of \$250,000 for the Patuxent River Naval Air Museum. Mr. Rohrbaugh was requesting the release of the second installment of \$250,000 for construction money for the design and construction of the museum. Mr. Hodges reported that he would be going back in January to the State in order to request a third installment.

Mr. Norris outlined concerns with the grant document as listed in his September 4, 2001 memorandum to Mr. Rohrbaugh. Paragraph 12 in the grant agreement (Disposition of Property) appears to be inconsistent with the Letter of Intent executed between the County and the State Highway Administration dated July 20, 2000. He provided details regarding options available to the Board of County Commissioners.

**Commissioner Anderson moved to vote in support of the grant document.** A lengthy discussion took place concerning options available. As there was no second to the motion, Commissioner Anderson withdrew his motion.

Commissioner Raley suggested the item be deferred in order to allow staff time to discuss the situation with the State and bring the matter back to the table.

*Staff was directed to contact Secretary Porcari and his office to request that they contact the Board of Public Works about making the grant document consistent with the previous document.*

#### **EXECUTIVE SESSIONS**

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

#### **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  
Phil Rollins, Director, Recreation and Parks  
Joan Lolcama, Real Property Manager  
Kate Mauck, Administrative Assistant, (Recorder)

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

**Time Held:** 4:30 p.m. – 4:45 p.m.

**Action Taken:** Staff was directed to carry out a matter of property acquisition as instructed by the Board of County Commissioners.

#### **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  
Kate Mauck, Administrative Assistant (Recorder)

**Authority:** Article 24, Section 4-210(a)8

**Time Held:** 4:45 p.m. – 5:50 p.m.

**Action Taken:** Discussed a matter of litigation and gave direction to staff.

#### **ADJOURNMENT**

The meeting adjourned at 5:50 p.m.

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

Julie B. Randall for  
**Kate Mauck, Administrative Assistant**