

**ST. MARY'S COUNTY**  
**BOARD OF COUNTY COMMISSIONERS' MEETING**  
**Governmental Center**  
**Tuesday, November 13, 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)

**CALL TO ORDER**

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

**CHOPTICON HIGH SCHOOL CHORUS**

The Chopticon High School Chorus opened the meeting with "*God Bless America.*"

**ADDITIONS/DELETIONS TO AGENDA**

Commissioner Raley moved, seconded by Commissioner Mattingly, to accept the agenda as amended (to add Proclamation for *Recycling Week*) and to add Item 11b on the County Administrator's agenda for a Sheriff's Department grant application). Motion carried.

**APPROVAL OF CHECK REGISTER**

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

Commissioner Mattingly moved, seconded by Commissioner Raley, to approve payment of the bill from October 16 in the amount of \$58 on page 65, which had been held for clarification. Motion carried.

**APPROVAL OF MINUTES**

Commissioner Guazzo moved, seconded by Commissioner Raley, to approve the minutes of the Commissioners' meeting of Tuesday, November 6, 2001, as corrected. Motion carried.

**PROCLAMATIONS**

The Commissioners presented the following Proclamations:

*National Acts of Kindness Week* to the officers of the St. Mary's County Employees' Association.

*National Recycling Week* (Later in the meeting representatives of Hollywood Elementary School appeared before the Board to receive a commendation on behalf of the school's recycling efforts.)

## COUNTY ADMINISTRATOR

Present: Alfred A. Lacer, County Administrator

1. Draft Agendas – November 27 and December 4, 2001  
*(to add Communications Towers discussion on the December 4 agenda)*

2. Budget Amendments

Present: Elaine Kramer, Director of Finance

- (a) To provide funding for La Familia - \$1500

**Commissioner Anderson moved, seconded by Commissioner Guazzo, to approve and authorize Commissioner Randall to sign the Budget Amendment as presented. Motion carried**

- (b) To provide funding for copy center coverage for two months (\$3,450)

**Commissioner Guazzo moved, seconded by Commissioner Mattingly to approve and authorize Commissioner Randall to sign the Budget Amendment as presented. Motion carried.**

3. Employment Contract  
Director, Department of Public Works and Transportation

**Commissioner Mattingly moved, seconded by Commissioner Guazzo, to approve and authorize Commissioner Randall to sign the Employment Contract as presented. Motion carried.**

During discussion Commissioner Raley stated that the Director has had his scope of responsibility expanded in the past year, and he supported the contract for the Director of DPW. Commissioner Raley pointed out that although he has heard only positive comments about his dealing with the public, but this was not true about some individuals under his scope of responsibility. He stated that he hopes there will be improvements in attitudes by some of the DPW staff during the year of this contract before he would consider approving another one.

4. Department of Public Works Items

Present: George Erichsen

- a) Public Works Agreement for Wildewood Subdivision, Pepper Ridge, Phase 3, 8<sup>th</sup> Election District, with a completion date of October 1, 2002. A letter of credit in the amount of \$108,000 has been posted by The First National Bank of St. Mary's.
- b) Public Works Agreement for Arrowhead Subdivision, Section 1, 8<sup>th</sup> Election District, with a completion date of October 1, 2002. A letter of credit in the amount of \$413,100 has been posted by The First National Bank of St. Mary's.
- c) Public Works Agreement Addendum for Southern Pines Subdivision, 8<sup>th</sup> Election District, extending the completion date to September 1, 2002. The bond provided by the Frontier Insurance Company in the amount of \$80,000 remains as posted.
- d) Claim Letter in the amount of \$9,700 to Selective Insurance Company of America for Grading Permit # 99-01 issued to The Winston Corporation for stormwater management work located in the Forest Run Subdivision, 8<sup>th</sup> Election District.
- e) Murray Road Revetment Project Agreement

**Commissioner Guazzo moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner Randall to sign the DPW documents as presented. Motion carried.**

5. Boards and Committees  
Letters of Appointment

**Commissioner Mattingly moved, seconded by Commissioner Guazzo, to approve and sign letters of appointments. Motion carried. The following individuals were appointed:**

<u>Lexington Manor Task Force</u>	<u>Terms To Expire</u>
Lorenzo Fletcher	12/31/2004
<u>Housing Authority Board</u>	
Jane Loughran	6/30/2002
<u>St. Mary's Interagency Children's Council</u>	
Sheila Draper	6/30/2004
Paul Fancella	6/30/2004
Janet L. Kellam	6/30/2004
Moira Koppelberger	6/30/2004
Mark Smith	6/30/2004
Patricia Wince	6/30/2004

6. Department of Recreation and Parks  
Possible Acquisition of Property adjacent to Piney Point Lighthouse  
Museum and Park

Present: Phil Rollins, Director

Mr. Rollins appeared before the Board to publicly present information on the possible acquisition of approximately two acres of land, with commercial buildings, adjacent to the Piney Point Lighthouse. He explained that the Board cannot take action today in that property acquisitions must have a 15-day waiting period.

Highlights of the presentation included:

- The plan is to relocate the Piney Point Museum to the two-story building and eventually move some of the exhibits the St. Clements Potomac River Museum to this site as well.
- Total cost of the project is \$615,000 with an additional \$25,000 for the County to do its due diligence—boundary survey, title search, environmental assessment, etc. \$300,000 will come from the State Program Open Space and \$315,000 from the County's POS allocation. No county funds will be required.
- The Museum Board and Recreation and Parks Board support the acquisition of this property.

Mr. Rollins will return to the Board after the 15-day waiting period in order for the Board to take action on the acquisition.

7. Office of Community Services  
"Hotspot: Hope Communities Grant Application

Present: Walt Biscoe, Community Services Coordinator

**After review of the grant, Commissioner Mattingly moved, seconded by Commissioner Anderson, to approve and authorize Commissioner Randall to sign the grant application and for the Board to sign a Letter of Support to be included with the grant application. Motion carried.**

8. Local Management Board  
Designation of next "HotSpot" Area

Present: Julia Bates, Director, LMB  
Kathleen O'Brien, Chair, LMB

The referenced individuals appeared before the Board to request the Commissioners to designate the next HotSpots area for St. Mary's County, as required by the State prior to submission of the planning grant. Ms. Bates pointed out that the LMB, after considering the crime data for each patrol area, recommended the selection of Patrol Area 8, which is an expansion of the current HotSpots area, Patrol Area 13.

**After discussion Commissioner Mattingly moved, seconded by Commissioner Raley, to accept LMB's recommendation and designate Patrol Area 8 (which surrounds Patrol Area 13) as the next HotSpots area for St. Mary's County. Motion carried four to one, with Commissioner Guazzo voting against, stating that she believed that the planning should come before the designation; that the businesses should be informed before being designated; and that she felt there were contradictions from the document in front of her and what was being said today.**

9. Department of Planning and Zoning

Present: Jon Grimm, Director

- a. Chesapeake Bay Critical Growth Allocation Consent Decree Ordinance  
(Eppard Subdivision; Loes Landing, St. Clements Woods)

Mr. Grimm explained that the Ordinance implements action taken by the Board in September to approve the Consent Decree for the referenced applications for Critical Area growth allocations.

The next steps involved in this process after adoption of the Ordinance, will be to have it recorded in Land Records, forward it to the Critical Area Commission, amend the text of the Zoning Ordinance, and have the applicants provide a subdivision plat that creates the lots that this Ordinance allows, after which the applicants could convey the lots.

**Commissioner Mattingly moved, seconded by Commissioner Guazzo, to approve and sign the Chesapeake Bay Critical Growth Allocation Consent Decree Ordinance as presented. Motion carried.**

- b. CWSP Resolution for Ben Oaks Subdivision

Mr. Grimm advised that the referenced Resolution implements action taken by the Board in June for the Ben Oaks Subdivision (formerly Persimmon Hills), for a water and sewer amendment to allow for the expansion of the community water system to serve this subdivision.

In response to an inquiry from Commissioner Guazzo, Mr. Grimm advised that the subdivision will be required to meet the new stormwater management and grading requirements before getting final subdivision approval.

**Commissioner Mattingly moved, seconded by Commissioner Guazzo, to approved and sign CWSP Resolution for Ben Oaks Subdivision. Motion carried.**

10. Lexington Park Plan  
Resolution for Delegating of Authority for submission of letters in support of  
Business Development Program Project Applicants.

Present: Robin Finnacom, Director, Lexington Park Plan

Ms. Finnacom appeared before the Board to request approval of the referenced Resolution granting her authority to submit letters in support of Business Development Program Project applicants to the Maryland Department of Housing and Community

Development. The Program provides gap financing to projects within revitalization areas, such as Lexington Park.

Mr. Lacer stated that this does not create a legal liability on the part of the County, and that he recommended that the Commissioners approve the Resolution.

**Commissioner Anderson moved, seconded by Commissioner Raley, to approve and sign the referenced Resolution as presented. Motion carried.**

In closing the Commissioners requested that they receive copies of the letters that she sends to Maryland Department of Housing and Community Development.

11. Sheriff's Department

Present: Sgt. Louis Burris  
Lottie Bell, Fiscal Supervisor

- a. Lease Agreement  
Relocation of South End Station House to St. Mary's Square

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

- b. Governor's Office of Crime Control Prevention  
Senior Classification Specialist Position  
(Request for Waiver of grant application approval process)

Because of the deadline for submission of the grant, the Sheriff's Office requested a waiver of the grant approval process.

Mr. Lacer recommended concurrence with this request pending legal and finance review and approval by the County Administrator.

**Commissioner Anderson moved, seconded by Commissioner Raley, to authorize Commissioner Randall to sign the Grant Application pending Legal and Finance review and approval by the County Administrator. Motion carried.**

12. Patuxent River Naval Air Museum and Visitors Center  
Grant for planning, design, construction, (\$250,000)

Present: John Norris, Deputy County Administrator  
Richard Rohrbaugh, Director, Facilities Management

As a follow up to the September 25 meeting regarding proposed modification Paragraph 12--recapture language) to the grant document, Mr. Norris and Mr. Rohrbaugh appeared before the Board to explain the results of that request. Mr. Norris advised that he was informed by GSA that the bonds that are issued by the State to finance this grant will not permit a modification to Paragraph 12. He stated that it was staff's recommendation to accept the grant as presented and to hold expenditure of funds until the status of the state funding.

**Commissioner Raley moved, seconded by Commissioner Mattingly, to accept the state grant for the Patuxent River Museum and Visitors' Center for the planning, design, and construction, and that authorization of expenditure of the grant funds be deferred until after the upcoming legislative session, subject to Board of County Commissioners' approval. Motion carried.**

*Commissioners Guazzo and Randall recommended that staff and the Commissioners attend any hearings that may be held on the state grant funding.*

**ST. MARY'S PUBLIC SCHOOLS  
SMART GROWTH AWARDS**

Present: Patricia Richardson, Superintendent of Schools  
Lorraine Fulton, Deputy Superintendent  
Brad Clements, Director Capital Planning, SMCPS

The referenced individuals appeared before the Board to share information regarding the Smart Growth Awards received by St. Mary's Public Schools on October 9, 2001 from the Maryland Economic Growth, Resource Protection, and Planning Commission.

In turn the Commissioners presented the following commendations in recognition of these awards:

For receiving the School Construction and Renovation Award for the addition/renovation project at Esperanza Middle School;

For receiving the Public Education and Awareness Award for The Educational Facilities Master Plan and The Smart Growth Summit: "Understanding Our Future."

**COUNTY COMMISSIONERS' TIME**

**League of Women Voters**

Commissioner Guazzo reported that the League of Women Voters had its 25<sup>th</sup> Anniversary Celebration on Sunday, and stated that she is a member of the League. She indicated that the League has put out a new "Know Your County" booklet that has updated information on County Government. Commissioner Guazzo expressed congratulations to the League on the occasion of its 25<sup>th</sup> Anniversary.

**Dessert Auction**

Commissioner Raley followed up on his previous report on the success of the Dessert Auction and announced that after a final tally, the amount received was \$7500.

**Veterans' Day Parade**

Commissioner Raley expressed appreciation to the Town of Leonardtown and Clancy Lyle for a successful parade and event on Sunday. He also commended those who worked on the dedication of the new memorial in Town Square and encouraged the citizens to visit it.

**Great Mills/Leonardtown Football Game**

Commissioner Raley stated that he will be having dinner on Commissioner Mattingly in the near future. (Great Mills won the game.)

**Commissioner Anderson's attendance at events**

Commissioner Anderson echoed Commissioner Guazzo's and Commissioner Raley's comments about the League of Women Voters celebration and about the Veterans' Day Parade.

He also attended the Ridge Lions Club's First Annual Bull Roast and Oyster Scald; attended the Trinity Church dinner; and he stated that Immaculate Heart of Mary also had its dinner this past weekend.

**Commissioner Anderson's Public Forum**

Commissioner Anderson reminded the citizens that he will be conducting another public forum on November 29 in Valley Lee.

**Veterans Memorial/Veterans Day Parade**

Commissioner Mattingly expressed congratulations to the Leonardtown Lions Club for its work on getting the Veterans Memorial at the Town Square. He further pointed out there were over 4,000 participants in the parade. He referred to the complaints that the Commissioners received about the parade being on a Sunday, Commissioner Mattingly stated that it followed protocol (11<sup>th</sup> month, 11<sup>th</sup>, day, 11<sup>th</sup> hour, and 11<sup>th</sup> minute), and that this was followed all over the country.

**Condolences to the Godwin Family**

Commissioner Mattingly reported that George Godwin passed away and he expressed condolences to the Godwin Family.

**Maryland You Are Beautiful Event**

Commissioner Mattingly expressed regrets that he will not be able to attend the "Maryland You Are Beautiful" celebration in Annapolis, because he has a Tri-County Council meeting the same evening. He requested that one of the other Commissioners attend in his place.

**Upcoming Meetings**

Commissioner Mattingly advised that the Patuxent River Association will be holding a meeting on Thursday evening regarding the "Clean Up of Breton Bay

He also advised that there will be a senior summit on Friday at Chancellors Run.

**Veterans Day Parade**

Commissioner Randall offered congratulations on the wonderful Veterans Day Celebration and Parade. She advised that according to Clancy Lyle, this was the largest Veterans Day Parade in Maryland.

**Southern Maryland Higher Education Center**

Commissioner Randall stated she was remiss last week in not congratulating the Southern Maryland Higher Education Center on its groundbreaking for a second building. She advised that she was at a MACo conference and could not attend.

**ZONING ORDINANCE DISCUSSION – ARTICLE 3**

All Commissioners were present. DPZ staff present were Jon Grimm, Director; and Peggy Childs, Recording Secretary. Deputy County Attorney John B. Norris, III was also in attendance.

The Commissioners discussed the changes contained in Mr. Grimm's memorandum dated November 9, 2001, directing as follows:

**Chapters 30, 31 and 32**

Strike references to protection of sensitive areas from purpose statements: Page 30-3, lines 5-9 and 36-40; Page 30-4, lines 22-24 and 40-43. These state-mandated protections are already contained in Article 7.

Page 30-2, line 17, Overlay Districts – add "s" to "Zone" in "Air Installations Compatible Use Zone" and spell out "Airport Environs"

Page 30-3, line 2 – add comma between “mining” and “fisheries”

Page 32-1, line 24 – change “in perpetuity” to “for a minimum of 15 years”

Page 32-1, line 41 – add “in rural areas” after “buildable”

Page 32-1 – add new paragraph duplicating lines 38-43 except apply to lots on water and sewer, where application leaves less than 5,000 sq. ft. of the lot buildable.

Page 32-3, line 2, footnote 6 – clarify that one *additional* TDR is required per 1,000 sq. ft. over 80,000 S.F.

Page 32-5, under Methods for achieving Floor Area Ratio increase, Added square feet per TDR – change 2,500 figure in RPD, RSC and RCL to 2,000.

Page 32-3, line 17, footnote 8 – explain where defined; i.e., Article 10 or TBD.

**Fiscal Impact Analysis on Density Proposal**

Also present: John Savich, Director, DECD

Commissioner Randall stated that the information provided in Mr. Grimm’s 11/9/01 memorandum is not what she wanted. Ms. Randall said the point was to determine how many students would come from the RPD at 1:3 and 1:5 density, because local jurisdictions will no longer receive state funding to build schools out of the designated growth areas. Staff was asked to segment out this information for the Rural Preservation District and bring it back in a form similar to the Calvert Study, so the Commissioners will know what they are “signing up to” 20-30 years down the road in terms of schools and infrastructure.

Mr. Grimm stated it will be no problem for staff to do this and have in the Commissioners’ boxes tomorrow.

The discussion was ended at 3:40 p.m.

**CONSTELLATION ENERGY GROUP (CALVERT CLIFFS)  
EMERGENCY AND CRISIS MANAGEMENT**

Present: Mary Krug, Public Affairs Officer

Ms. Krug appeared before the Board to provide information on emergency and crisis management at Calvert Cliffs. She stated that the particulars with regard to this issue are basically confidential; however, she pointed out that the facility was designed for safe operations and security, and that security has been increased. She further pointed out that Calvert Cliffs is in regular communications with the Nuclear Regulatory Commission and all state and federal agencies involved with security issues. The security staff is well trained. Ms. Krug advised that Calvert Cliffs has been working in cooperation with Patuxent River, State Police and the local Sheriff’s Department.



**2002 LEGISLATIVE ITEMS**  
**COUNTY COMMISSIONERS' POSITIONS**

Code System to Identify Positions  
Randall 1; Anderson 2; Guazzo 3; Mattingly 4; Raley 5

Item	Support	No Support	No Position	Comments
1. Elected Officials' Compensation	1,2,4	3, 5		
2. State's Attorney's Office Arrest Powers	1,2,4	3, 5		
3. DPW&T Solid Waste Vehicle Parking		1,2,3,4,5		
4. DPW&T Sidewalk Maintenance		1,2,3,4,5		
5. Tax Assessment Appeals Public Utilities	1,2,3,4,5			
6. Executive Sessions (public safety/security provisions)	1,2,4,5	3		To change the requested language to include all emergency personnel rather than just "police forces"
7. Right to Farm	1,2,3,4,5			
8. Filing an Appeal to the Board of Appeals	5	3	1,2,4	

**EXECUTIVE SESSIONS**

**Commissioner Anderson moved, seconded by Commissioner Raley, to meet in Executive Session to discuss matters of Litigation and Property Acquisition, as provided for in Article 24, Section 4-210(a)8 and 4-210(a)11, respectively. 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  
John Norris, Deputy County Administrator  
Richard Rohrbaugh, Director, Facilities Management  
Judith A. Spalding, Recorder

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

**Time Held:** 4:07 p.m. – 4:30 p.m. and 4:45 p.m. – 5:10 p.m.

**Action Taken:** The Commissioners discussed two matters of litigation and gave Direction to staff.

**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  
John Norris, Deputy County Administrator  
Judith A. Spalding, Recorder

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

**Time Held:** 4:30 p.m. – 4:45 p.m.

**Action Taken:** The Commissioners discussed the status of a property acquisition and gave direction to staff.

**ADJOURNMENT**

The meeting adjourned at 5:10 p.m.

Minutes Approved by the  
Board of County Commissioners on 11/27/01

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