

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Governmental Center
Tuesday, November 19, 2002**

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
Donna Gebicke, Administrative Assistant to BOCC (Recorder)

CALL TO ORDER

The meeting was called to order at 9:14 a.m.

ADDITIONS/DELETIONS TO AGENDA

Commissioner Mattingly moved, seconded by Commissioner Guazzo, to accept the agenda as amended. Motion carried.

APPROVAL OF CHECK REGISTER

Commissioner Raley requested that the Finance Director provide the Board with a report on the annex building renovation expenditures (budget vs expenditures) via voice or email by December 3, 2002.

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

APPROVAL OF MINUTES

Commissioner Mattingly moved, seconded by Commissioner Guazzo, to approve the minutes of the Commissioners' meeting of Tuesday, November 12, 2002, as submitted. Motion carried.

PROCLAMATION: ADOPTION MONTH

Present: Jeanne Schmitt, Assistant Director for Services
Ella Mae Russell, Director Social Services

November is proclaimed *Adoption Month*. The adoptive family of the year, Mr. and Mrs. Woods (unable to be present), have four children of their own and have adopted two young siblings. They are an extraordinary family. "Forever families" are always being sought to adopt special needs children.

**DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT:
TOURISM MINI-CONFERENCE**

Present: Carolyn Laray, DECD, Tourism Manager
Gary Nelson, Chairman, Chamber of Commerce Tourism Committee
Committee Members: Eric Evans, Best Western
Wayne Grissom, BPS Printing
Linda Shepherd, Town of Leonardtown

The conference will be held Monday, December 2, 9:00 a.m. to 12:00 p.m., at the J. T. Daugherty Conference Center in Lexington Park. The conference is a joint effort of the County's Tourism Division of the Department of Economic and Community Development and the St. Mary's County Chamber of Commerce Tourism Advisory

Committee. The two groups are working together to consolidate and strengthen the tourism industry and move forward in a more effective way to market St. Mary's County. A variety of speakers will cover pertinent topics. The Buck Briscoe, "Mr. St. Mary's County," award will be presented to an individual or group whose activities further tourism's economic impact in the community and illustrate the link between tourism and economic development.

COUNTY ADMINISTRATOR

Present: Alfred A. Lacer, County Administrator

1. Draft Agenda – (no meeting 11/26) The next meeting will be December 3, 2002.
2. Grant Agreements
 - a. Department of Economic and Community Development (*John Savich, Carolyn Laray, Elaine Kramer*)
Approve and sign Budget Amendment and FY 03 County Marketing Grant Agreement for Tourism (\$44,509)

Commissioner Mattingly moved, seconded by Commissioner Anderson, to authorize Commissioner Randall to sign the budget amendment and agreement. Motion carried.

- b. Lexington Park Plan (*Robin Finnacom*)
Approve and sign Grant Agreement with Steve and Jill Mote for Streetscape Opportunities Grant to improve property (\$6,000)

Commissioner Anderson moved, seconded by Commissioner Guazzo, to authorize Commissioner Randall to sign the grant agreement. Motion carried.

- c. Office of Community Services (*Kelsey Bush, Wendy Povitsky*)
Approve and sign 4 MOU's with partnering agencies for Teen Court (SMCPS, Dept. of Juvenile Justice, Walden, Sheriff's Dept.)

Commissioner Anderson moved, seconded by Commissioner Mattingly, to authorize Commissioner Randall to sign the MOUs. Motion carried.

3. Budget Amendments
 - a. Register of Wills (*Norma Dawson*)
Approve and sign budget amendment for increase in salaries for judges due to bill passed by Legislature (\$6,704)

Commissioner Mattingly moved, seconded by Commissioner Raley, to authorize Commissioner Randall to sign the budget amendment. Motion carried.

4. Facilities Management
 - a. Approve and sign extension of Patuxent River Naval Air Museum and Visitors Center for one additional year (*Richard Rohrbaugh, Gus Eggert, RADM (Ret.), Keith Fairfax, Gary Hodge, John Norris*)

Commissioner Raley moved, seconded by Commissioner Guazzo, to authorize Commissioner Randall to sign the MOU extension. Motion carried.

- b. Approve and sign budget amendment to transfer funds from completed projects into the Lexington Park Library Project (*Richard Rohrbaugh, Elaine Kramer*)

Commissioner Guazzo suggested that the Library Board submit a written request outlining their specific needs regarding the coffee bar in the new library.

Commissioner President Randall asked that an individual budget for the coffee bar and any other additional library construction expenses be presented to the board before any contracts are let. The Commissioners agreed that the total amount of the budget amendment was an excessive amount and that only a minimal amount of this amount should be used to complete the coffee bar.

Commissioner Anderson moved, seconded by Commissioner Guazzo, to authorize Commissioner Randall to sign the budget amendment. Motion carried.

- c. Update on connecting road linking Nursing Center, Health Dept., and future Marcey House to the Hospital (*Richard Rohrbaugh and George Erichsen*)

Commissioner Randall stated the original request was about the connector road between the hospital and nursing home – not to include the future Marcey House site. Address the original request for the 830 foot long connector road or driveway between the hospital and the nursing home and reintroduce the project to the Board for final determination.

- d. Approve and sign lease with St. Mary's County Fair Association (*Janet Parks*)

Commissioner Mattingly moved, seconded by Commissioner Anderson, to authorize Commissioner Randall to sign the lease. Motion carried.

- e. Approve and sign two temporary construction easements for the construction of the water line connection at the Gov. Center (*Janet Parks*)

Commissioner Mattingly moved, seconded by Commissioner Raley, to authorize Commissioner Randall to sign the easements agreements. Motion carried.

- 5. Public Works and Transportation (*George Erichsen, George Jarboe*)
 - a. Approve and sign Job Access II Intergovernmental Agreement with the Department of Social Services for transit service – Leonardtown, Loveville and Charlotte Hall (\$20,000)

Commissioner Anderson moved, seconded by Commissioner Guazzo, to authorize Commissioner Randall to sign the intergovernmental agreement. Motion carried.

- b. Public Works Agreement Addendum for Greens Rest Farm Subdivision, Phase 2, located in the 2nd Election District, extending the expiration date to August 1, 2003. The letter of credit in the amount of \$51,600 provided by The First National Bank of St. Mary's is replaced with a letter of credit from County First Bank and has been reduced to \$20,000. The original Public Works Agreement in the amount of \$154,400 was issued on October 21, 1998.
- c. Public Works Agreement Addendum for Wilderness Subdivision, Section 3, located in the 3rd Election District, extending the expiration date to January 1, 2003. The letter of credit in the amount of \$37,000 provided by Key Bank and Trust remains as posted. The original Public Works Agreement in the amount of \$138,600 was issued on May 16, 1991.
- d. Public Works Agreement Addendum for Emerald Hills Subdivision, Section 1, located in the 8th Election District, extending the expiration date to October 1, 2003. The letter of credit in the amount of \$53,000 provided by the Maryland Bank & Trust Company Key Bank and Trust remains as posted. The original Public Works Agreement in the amount of \$468,800 was issued on December 10, 1998.

- e. Public Works Agreement Addendum for Hunting Quarter Subdivision, Phase 2, Section 2D, located in the 2nd Election District, extending the expiration date to November 1, 2003. The letter of credit in the amount of \$55,200 provided by the Maryland Bank & Trust Company remains as posted. The original Public Works Agreement in the amount of \$155,250 was issued on July 21, 2000.
- f. Public Works Agreement Addendum for Southern Pine Subdivision, Section 1, located in the 8th Election District, which was deferred at the September 17, 2002 meeting. The expiration date has been changed from September 1, 2003 to March 1, 2003 and the bond in the amount of \$80,000 provided by the Frontier Insurance Company remains as posted. As indicated in our memorandum dated October 8, 2002 (copy attached), no additional extension will be recommended for approval. The original Public Works Agreement in the amount of \$213,700 was issued on September 19, 1996.

Commissioner Mattingly moved, seconded by Commissioner Anderson, to authorize Commissioner Randall to sign all public works agreement addendums (5.b. through 5.f.). Motion carried.

- 6. Department of Planning and Zoning (*Jon Grimm*)
Growth Allocation Zoning Ordinances – Mossey Lea, Bohanan, Prospect Hill properties

Commissioner Mattingly moved, seconded by Commissioner Guazzo, to sign the ordinances. Motion carried.

- 7. Proposed \$1500 re Unified Committee for Afro-American Contributions to provide transportation to exhibit

Commissioner Anderson moved, seconded by Commissioner Raley, to authorize Commissioner Randall to sign the budget amendment. Motion carried.

- 8. Economic Development Grant Offer Letter (*Tudor Hall Resort & Golf Project*)

Commissioner Mattingly moved, seconded by Commissioner Guazzo, to sign the offer letter. Motion carried.

- 9. *County Attorney's Office (*John Norris, Phil Rollins, George Erichsen*)
To authorize the Office of County Attorney to proceed with the filing of the Complaint for Declaratory Relief in order to enforce public's access to public boat ramp at Cape St. Mary's Marina (Cat Creek)

Commissioner Guazzo moved, seconded by Commissioner Anderson, to authorize the County Attorney to proceed with filing of the Complaint for Declaratory Relief. Motion carried.

- 10. Management (*Paul Wible, John Norris*)
 - a. Approve and sign the Resolution providing for SMC's participation in the MEMA Assistance Compact

Commissioner Mattingly moved, seconded by Commissioner Raley, to sign the resolution. Motion carried.

- b. Emergency Operations Plan (white binder)

Commissioner Mattingly moved, seconded by Commissioner Raley, to accept the revised EOP. Motion carried.

- c. Collaborative response to meeting requirements for physicals and fit test for Hazmat program

Commissioner Randall recommended that all government agencies be reviewed to ensure compliance with Hazmat laws. Recommendations could then be made as to collaboration among government and volunteer agencies to ensure cost efficiencies in meeting these requirements.

11. Human Resources (*Randy Schultz*)
 - a. Approve and sign intra-department budget amendment to reallocate funds for salary and insurance costs

Commissioner Mattingly moved, seconded by Commissioner Anderson, to authorize Commissioner Randall to sign the budget amendment.

- b. Report on progress of expanding County employment opportunities for persons with disabilities

The Director of Human Resources has established a working relationship with the State of Maryland's Division of Rehabilitation Services, The Center for Life Enrichment, and the Commission for People with Disabilities to expand County employment opportunities for persons with disabilities. Providers are kept aware of types of jobs available in County government and are advised of current vacancies so that they may refer candidates for employment. Feedback has also been provided on the candidates' performance in the selection process so those candidates who are selected may improve their chances of obtaining employment in the future.

Commissioner President Randall recommended that HR go the extra mile to hire persons with disabilities. Use the agency programs available to augment training and job coaching. The County must be resolved to do more.

- c. Discuss release of employees to respond to Fire/Rescue emergencies

The Human Resources Director and County Administrator have encouraged and reminded Department Directors that, to the extent the County has employees who want to respond to fire and rescue emergencies, the County will do as much as possible to accommodate them through the use of compensatory and annual leave.

12. Permits and Inspections (*Robin Guyther, Adam Knight*)
Livability Code Update (repairs)

With the exception of one roof leak reported over the weekend, all roof repairs have been accomplished and there are no open livability code issues at Lexington Manor. Discussions are ongoing with property management regarding the barricading of East Rinnell Drive.

13. Finance Department (*Elaine Kramer, Carol Gallagher*)
Approve and sign a resolution authorizing the establishment of a Procurement Policy Review Committee and authorize the initiation of solicitation for community representatives

Commissioner Randall recommended that the following statement be added to the Membership section "at least one (1) shall have been recommended by the Minority Business Alliance." This statement will follow: "two (2) shall have been recommended by the Chamber of Commerce."

Commissioner Mattingly moved, seconded by Commissioner Raley, to sign the resolution to include the sentence regarding Minority Business Alliance. Commissioner Guazzo voted against the motion. Motion carried 4-1.

TECHNOLOGY BUSINESS INCUBATOR FEASIBILITY CONSULTANT PRESENTATION

Present: Dr. Mel Powell, Executive Director, SMHEC
Dr. Robert Meeder, President, Pittsburgh Gateways
Mr. Peter Luxton, Pittsburgh Gateways Consultant

This research study was funded by a grant, funds from the county, and the Southern Maryland Higher Ed Center (SMHEC).

It is recommended to proceed with the development of an incubator program based on the service-based aspect with a strong emphasis on technology development. The companies in SMC, working with Pax River, already recognize many commercial opportunities exist and need to be developed. There is fertile ground in SMC for an incubator program.

Development steps in the demonstration project would include: Identifying 20 projects, narrowing them down to seven, and launching three new commercial activities within a two-year period. The next step would include developing a budget of approximately \$300,000 (seeded by TEDCO, federal/foundation funds, etc.) to invest in facilities, staff, etc.

A final report will be completed in Steering Committee within two weeks and submitted to Dr. Powell.

BOARD OF COUNTY COMMISSIONER SITTING AS BOARD OF HEALTH: UPDATE ON PUBLIC HEALTH ISSUES

Commissioner Mattingly moved, seconded by Commissioner Guazzo, to adjourn as the Board of County Commissioners and reconvene as the Board of Health. Motion carried.

Present: Dr. Icenhower, Health Officer
Mary Novotny, Department of Health
Mary Lugenbill, Department of Health

Bio Terrorism is the number one topic today, particularly the preparation for a smallpox/anthrax epidemic. There would be pre-immunizations for the frontline first responders to the emergency and then compulsory immunization of the community at large. While bio terrorism issues and important, we must not lose sight of cardiovascular and cancer dangers which are of great concern within SMC.

With today's medicines, West Nile Virus is not always a fatal disease, but it is still a major health concern. SMC may have to spray county-wide next year.

Motor vehicle deaths are preventable and stricter traffic monitoring can prevent the death of our young people.

School Nurses should be in every school – parochial/private/public. Nurses in the schools can do the most good for our children. There are problems with asthma, weight gain, and diabetes. We need to treat the entire community.

Environmental issues have been addressed adequately. SMC *may* be able to begin perc tests in February 2003. The Health Department is working on expediting the application process for septic systems with a new computer system.

Staffing requirements will grow. Ann Rose has voluntarily resigned as Director of Environmental Health and is now serving as the Environmental Sanitary Supervisor. Recruitment is under way for the Director position. Funding for 2-3 additional staff members will be needed. A resident and interns will be assigned to the Department of Health, requiring additional space, desks, and computers.

Commissioner Mattingly moved, seconded by Commissioner Anderson, to adjourn as the Department of Health and reconvene as the Board of County Commissioners. Motion carried.

CLUB PROPERTIES

Present: John B. Norris, County Attorney

A. REFERRAL TO PLANNING COMMISSION

The Board of Commissioners and Club Properties, Inc., owner of Lexington Manor, have negotiated an Agreement to settle pending litigation. The proposal addresses the Board's concerns regarding high-density residential uses within the Air Installation Compatibility Use Zone (AICUZ) and protects the residents of Lexington Manor from untimely displacement by the property owners. The terms of the Agreement provide for the redevelopment of the property by removing existing duplexes. Existing occupied and habitable residences will be protected from demolition until replacement housing units are identified.

Commissioner Guazzo moved that the Development Rights and Responsibilities Agreement proposed by Club Properties, Inc. be referred to the St. Mary's County Planning Commission for consideration and recommendation in accordance with Chapter 29 of the St. Mary's County Comprehensive Zoning Ordinance. The motion was seconded by Commissioner Anderson. Motion carried.

B. OPTION CONTRACT

The Development Rights and Responsibilities Agreement provides the County an option to purchase all or part of the 84-acre parcel that makes up the Lexington Manor community within 18 months of the execution of the Agreement should funds become available.

Commissioner Mattingly moved to approve and execute an 18-month Option Agreement to purchase all or part of that land located in the Eighth District and owned by Club Properties, Inc., and known as the "Flattops," in the form proposed by the County Attorney as negotiated with the property owner's representatives. The motion was seconded by Commissioner Anderson. Motion carried.

COUNTY COMMISSIONERS' TIME

Commissioner President Randall thanked government staff, and fellow commissioners for the honor and privilege of working with them over the last four years.

Commissioner Guazzo said that although this was a diverse group, a good working relationship existed over the past four years. The best interests of the County were always at heart.

Commissioner Anderson felt the board had accomplished eight years of work in only four short years. He thanked the County staff for their support and wished the incoming board good luck.

Commissioner Mattingly enjoyed the last four years and felt the Commissioners had represented the County in a professional manner.

Commissioner Raley said Commissioner Anderson was the hardest working elected official in SMC. Commissioner Randall was an amazing contributor and a deeply caring individual. Commissioner Guazzo was always prepared, listened well, and was willing to compromise.

PUBLIC HEARING: DISPOSITION OF PAGE PROPERTY

Present: Janet Parks, Property Manager

The public hearing was advertised in *The Enterprise* on November 8, and 15, 2002. The purpose of the hearing is to make the public aware of the County's intention to auction approximately 23 acres of real property. The property abuts Hunting Quarter and is south of St. Mary's State Park in Callaway. It has a private gravel road and development potential.

The hearing was opened for public testimony at 2:16 p.m.

George Barone, Agriculture Land Preservation Board

Please retain four of the TDRs on this property as a supplement to the Ag program.

Clare Whitbeck, Leonardtown, MD

This is a rare opportunity to acquire development rights without having to find money in the budget. Urge preservation of this land which is so near to St. Mary's River.

The public hearing closed at 2:26 p.m. The record will remain open for ten (10) days to accept written comment. Following that date, the subject will return to a future Board agenda.

ZONING ORDINANCE AMENDMENTS

Present: Jon Grimm, Director DPZ
John Norris, County Attorney
Peggy Childs, Recording Secretary

ZO TEXT, MAPPING, AND SUBDIVISION ORDINANCE AMENDMENTS

The Commissioners reviewed in detail the proposed text changes recommended by the Planning Commission and approved the amendments as contained in the Draft summary provided by DPZ, with the following changes or additions, which are in *italics*:

<u>Page</u>	<u>Line</u>	<u>Section</u>	<u>Amendment</u>
21-2	48	21.3.3.c	Delete 2 nd sentence. Insert "If the sign is removed before the hearing such removal <i>may</i> be considered a defect in notice and shall prevent the Board of Appeals from hearing the case. The entity responsible for posting the sign shall be responsible, <i>within 24 hours of notification that the sign has been removed</i> , for ensuring that it stays posted until the hearing date. In the case of an appeal, the County department that is the subject of the appeal shall be required to maintain the public notice sign and replace it, should one be removed.

42-6	48	42.13.7	New #7. Demolition. "In the event that any historic structure (50 years or older) is scheduled for demolition, the Historic Preservation Commission may require that the demolition be delayed for a reasonable time, <i>not to exceed 90 days</i> , so that the structure may be documented.
51-25	8	51.3.79	After 1 st sentence insert: "The Board of Appeals may require the applicant to submit a professionally prepared traffic study analyzing the impact of the proposed extractive industry on the surrounding road network." (<i>"Department of Planning and Zoning" has been deleted.</i>)
51-25	21-23	51.3.79	Delete "is" and substitute " <i>may be</i> "
51-43	33	51.3.111.a.(9)	Insert "(except animal grooming <i>conducted within the home</i>)" after "services."

In addition, the Commissioners gave the following direction to staff:

- (1) Make sure the Planning Commission considers a change of zoning from RCL to TMX for Joseph Guy property at Hopton Park Plaza in Leonardtown, as requested by the landowner.
- (2) Respond to Mr. Burch, in writing, as to the zoning on his property at Abell's Wharf.

Mr. Anderson moved to approve the Amendments to the Zoning Ordinance, maps and Subdivision Ordinance as recommended by the Planning Commission, with the additions and changes made by the Commissioners today. The motion was seconded by Mr. Raley and passed by unanimous vote.

Commissioner Randall asked Commissioners Mattingly and Raley, since they will remain in their commissioner seats for the next four years, whether they would like to discuss the remaining amendments today or wait for the incoming Board of Commissioners to make those decisions after receiving the Planning Commission's recommendation. The amendments include Adequate Public Facilities, the square foot footprint for commercial buildings in the TMX, and gravel pits. Commissioners Raley and Mattingly elected to allow the new Board of Commissioners to make those decisions, after receiving the Planning Commission's recommendations.

Commissioner Randall said she was prepared to provide a bridge between this Board and the new Board by directing staff to draft a task force, to include all stakeholders, to look at adequate facilities for schools, for both the Board and the Planning Commission. Secondly, Ms. Randall said, in order to continue residential development in the growth districts, we should raise school capacity in those districts only until the task force report. However, Ms. Randall said she would honor Mr. Mattingly and Mr. Raley's decision to defer, even though she thinks it will slow down the development approval process.

Commissioner Anderson said he thought the Commissioners should take advantage of their ability to amend text amendments and provide the development districts with the capability for new residential development as soon as possible, instead of slowing the process down. Mr. Anderson said he would also support changing the commercial footprint in the TMX because that has reduced the competitiveness of people we rely on to move our Economic Development program forward.

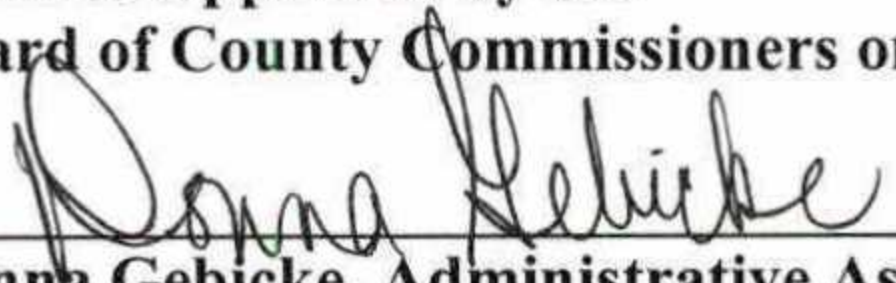
Commissioner Guazzo asked the County Attorney to look into whether it is legal to differentiate between a set of rules for growth areas and the rural area and let the Planning Commission know that, to help in their deliberations on Adequate Facilities. Ms. Guazzo said maybe we should take more of Charles County's method of looking at adequate seats for schools. She said she would rather we tinker with the Ordinance as little as possible and try and resolve it by setting policies to direct how the planning staff should implement the Ordinance, but she thinks we are doing the right thing by waiting for the Planning Commission's recommendation.

Commissioner Raley said he thinks it is unique that this Board started dealing with land use documents as one of its first jobs and it is also its very last item. He said he also thinks it's unique that the two commissioners who have been labeled "pro-development" took the action they did today to defer these decisions, but he thinks it's the right one.

ADJOURNMENT

The meeting adjourned at 4:51 p.m.

**Minutes Approved by the
Board of County Commissioners on 12/3/02**



**Donna Gebicke, Administrative Assistant
to the Board of County Commissioners**