

**. MARY'S COUNTY  
BOARD OF COUNTY COMMISSIONERS' MEETING  
Governmental Center  
Tuesday, February 25, 2003**

**Present:** Commissioner President Thomas F. McKay  
Commissioner Kenneth R. Dement  
Commissioner Lawrence D. Jarboe  
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 9:08 a.m.

**ADDITIONS/DELETIONS TO AGENDA**

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

**APPROVAL OF MINUTES**

**Commissioner Jarboe moved, seconded by Commissioner Dement, to approve the minutes of the Commissioners' meeting of Tuesday, February 18, 2003, as submitted. Motion carried.**

**AFRICAN-AMERICAN HISTORY MONTH: STUDENT PRESENTATION BY HOLLYWOOD ELEMENTARY SCHOOL**

**Present:** Lynn Morgan, Supervisor of Instruction Fine Arts  
Hollywood Singers  
Ms. Shannon Henry, Instructor

The Hollywood Singers presented "Follow the Drinkin' Gourd" in song and recitation. This coded song gave the route for a slave escape from Alabama to Mississippi. The Commissioners presented each student with a commendation for their presentation and knowledge of African-American history.

**COUNTY ADMINISTRATOR**

***Present: Alfred A. Lacer, County Administrator***

1. Draft Agendas: March 4 and 11, 2003
2. Board of Education (*Dr. Patricia Richardson, Daniel Carney, CFO*)  
To approve request for categorical transfers and revenue adjustment in the General and Revolving Funds for FY 2003 as was presented to and approved by the Board of Education on 1/29/03

**Commissioner Mattingly moved, seconded by Commissioner Raley, to approve the transfers and revenue adjustments as presented. Motion carried.**

3. Grant Agreements/MOUs
  - a. Office of Community Services (*Cynthia Brown, Director; Walt Biscoe, AmeriCorps\*VISTA Supervisor*) and Southern Maryland Resources and Technology Consortium, Inc. (SMARTCO) (*Ed Forsman, Treasurer/Sec*) and  
  
(i) To approve and authorize Comm. President to sign the Memorandum of Agreement with SMARTCO to place an AmeriCorps\*VISTA position assigned to OCS into SMARTCO

**Commissioner Jarboe moved, seconded by Commissioner Dement to authorize Commissioner McKay to sign the MOA with SMARTCO. Motion carried.**

- (ii) To approve and authorize Comm. President to sign the Budget Amendment and two copies of the Highway Safety Project Agreement to provide for the establishment of a new project for SMC Occupant Protection Initiative Program 2003 budget of \$10,000

**Commissioner Mattingly moved, seconded by Commissioner Dement, to authorize Commissioner McKay to sign the Budget Amendment and Agreement. Motion carried.**

*There was discussion regarding the vehicles and personnel involved in pulling the trailer and the need to fully address liability issues.*

- b. Recreation and Parks (*Phil Rollins; Arthur Shephard, Rec. Div. Mgr.; Tyrone Harris, Special Facilities Coordinator; and Bennett Connelly, Exec. Dir. of the LMB*)
  - (i) To authorize Comm. President to sign Local Management Board Contract for Services and related Budget Amendment (\$7,500 increase) for Teen Center After School Program and Twilight Camp at Chancellor's Run Regional Park.

**Commissioner Mattingly moved, seconded by Commissioner Dement, to authorize Commissioner McKay to sign the LMB contract and Budget Amendments. Motion carried.**

- (ii) To authorize Comm. President to sign the Maryland State Highway Administration Memorandum of Understanding which will enable the County to receive \$50,000 in National Recreational Trails Program funding for the Three Notch Trail Project. (Funds will be used to supplement county and other state funds to contract for labor and equipment, to purchase gravel and crushed stone, signage, supplies and plantings for buffering.)

**Commissioner Mattingly moved, seconded by Commissioner Jarboe, to authorize Commissioner McKay to sign the MSHA MOU following an amendment to “Amendment to Exhibit A” which would provide for the project to proceed north to the new Northern County Senior Center in Charlotte Hall. Motion carried.**

Staff provided an overview of TEA-21 reauthorization for funding efforts.

*Mr. Rollins asked for the Board’s concurrence to forward a request to Congressman Hoyer to consider including a request for funding for the Pegg Road to Wildewood Boulevard section of the Three Notch Trail.*

**Commissioner Mattingly moved, seconded by Dement, to authorize Mr. Rollins to send preliminary information to Congressman Hoyer’s office on the TEA-21 funding for the Three Notch Trail section Pegg Road to Wildewood Boulevard. Commissioner Raley voted against this motion. Motion carried 4-1.**

- c. Office on Aging (*Gene Carter, Director; Jennie Page, Deputy Director; Peggy Maio, Fiscal Supervisor*)

To approve and authorize Comm. President to sign Notification of Grant Award and related Budget Amendments (\$7,740, Group Senior Assisted Housing) (\$4,518, Senior Nutrition Grant)

**Commissioner Mattingly moved, seconded by Commission Dement, to authorize Commissioner McKay to sign the NGA and Budget Amendments. Motion carried.**

- d. Lexington Park Plan (*Robin Finnacom*)  
To approve and authorize Comm. President to sign Community Legacy Grant Agreement with MDHCD (\$161,500) and Subrecipient Agreement with SMC Community Development Corporation to administer the Community Legacy Project

**Commissioner Mattingly moved, seconded by Commissioner Raley, to authorize Commissioner McKay to sign the Grant Agreement and Subrecipient Agreement. Motion carried.**

4. Budget Amendments (Elaine Kramer, George Erichsen, Phil Rollins)
  - a. Compensation realignment
  - b. Snow removal (DPW&T)
  - c. Snow Removal (Rec & Parks )

**Commissioner Raley moved, seconded by Commissioner Jarboe, to authorize Commissioner McKay to sign Budget Amendment numbers 85, 86, and 87. Motion carried.**

*Commissioner President McKay recommended that staff begin to look at the bidding process for workmen's compensation.*

## **INTRODUCTION OF AMERICORP\*VISTA VOLUNTEERS**

Present: Cynthia Brown, Director OCS  
Walt Biscoe, AmeriCorps\*VISTA Supervisor

The Board thanked the new volunteers Viet Nguyen and Paul Lloyd for contributing their talents to St. Mary's County.

## **APPROVAL OF CHECK REGISTER**

**Commissioner Jarboe moved, seconded by Commissioner Raley, to authorize Commissioner McKay to sign the Check Register, with the exception of the consultant fee on Page 22, until further information is received. Motion carried.**

## **BRIEFING: PAX RIVER 2<sup>ND</sup> INTERNATIONAL UNMANNED AERIAL VEHICLES DEMONSTRATION**

Present: LCDR Dave Seagle, PAX River  
Sandy Schroeder, Public Affairs Office  
Karen Everett, DECD

The 2<sup>nd</sup> annual International Unmanned Aerial Vehicles demonstration will take place on July 14, 2003, at Webster Field. Five thousand participants are expected for this major technology event, including media, congressional VIPs, Pentagon staff, Embassy attachés, and others. Flying demonstrations begin at 10:30 a.m. end at 3:00 p .m. Secretary of Defense, Donald Rumsfeld, and Senator John Warner, Chairman of the Armed Services Committee, have been invited as speakers. Security and safety issues have been addressed and coordination with county agencies is on-going.

Jim Curry, VP of the local Seafarer Chapter, provided information on the student UAV competition.

## **RECREATION AND PARKS DEPARTMENT: UPDATE AND RECOMMENDATION ON SITE FOR BMX TRACK**

Present: Phil Rollins, Director Recreation and Parks

The Director of Recreation and Parks briefed the Board on the status of the search for an appropriate county-owned site to locate a BMX bicycle track. The recommendation which has the support of the BMX group and the Rec and Parks Board is to locate the BMX track at Chaptico Park. There will be no cost to the county to build or maintain the track.

**Commissioner Jarboe moved, seconded by Dement, that the BMX site be located at Chaptico Park and to direct staff to prepare the appropriate legal agreement. Commissioners Mattingly and Raley voted against the motion. Commissioner Dement abstained. Motion did not pass.**

*Commissioner Mattingly indicated that he could not support locating the track at Chaptico Park since the goals of generating revenue and increasing tourism will not be realized at this location. Concerns regarding liability were also discussed.*

*Staff was directed to gather more information regarding the parking impact involved with the bicycle track (number of potential major events and vehicles), to revisit the possibility of locating the track at the landfill, and to return to the Board with a recommendation.*

## **SOUTHERN MARYLAND TRAVEL AND TOURISM COMMITTEE FY02 REPORT**

Present: Kim Cullins, Chairman, SoMD Travel and Tourism Committee  
Carolyn Laray, Tourism Manager, DECD  
Herman Schieke, Tourism Specialist, Calvert County  
Joanne Roland, Tourism Director, Calvert County  
Jim Gresholt, St. Mary's County  
Maggie Schwartz, Charles County

Ms. Cullins presented the FY02 Report of the Southern Maryland Travel and Tourism Committee. The Committee's mission is to: increase tourism revenues for the region, increase awareness of tourism, create advocates for tourism, to market and promote the region and to unify the regional tourism industry. The Committee's goals include increasing revenues in the region by 5% and marketing and promoting Southern Maryland to the mid-Atlantic region and beyond. Maps, materials, and the website are being upgraded continuously. Visitors spent \$162.41 million in the tri-county area in 2001, generating \$9.38 million in tax revenue. The tourism website is: [www.southernmdisfun.com](http://www.southernmdisfun.com).

*It was recommended that tourism be promoted in hotel rooms via closed circuit TV and computer kiosks be located at visitor centers. Staff was encouraged to continue working on mass transit and private bus service to bring tourists into the county.*

## **PROPOSED COMPREHENSIVE ZONING ORDINANCE AMENDMENTS: DECISION**

*This portion of the minutes was recorded by Peggy Childs, Department of Planning and Zoning.*

Present: Jon Grimm, Director, Planning and Zoning  
Peggy Childs, Planning and Zoning  
John B. Norris, III, County Attorney

At their meeting of February 18<sup>th</sup>, the Commissioners directed staff to prepare language to amend the Ordinance per their discussion. Having reviewed the language provided under Mr. Grimm's memorandum dated February 20, 2003, the Commissioners voted to approve the following:

Page 27-1, Lines 20-30, Sections 27.3.1, 1.a and 1.b, Grandfathering provisions for subdivisions

Approved as submitted except under 1.b, lines 29 and 30, change "six months" to "twelve months" and delete "from receipt of TEC comments;" delete "or" and change "and" to "or."

Page 27-2, Line 2, Section 27.3.7, Building Permits

Change "six months" to "twelve months"

*Mr. Grimm committed to making a good faith effort to notify projects filed before May 13, 2002 of the 12-month extension.*

Schedule 32.1, Development Standards

*Commissioner McKay recused himself from participation in the development standards amendments.*

- Non-Residential Density, Base Floor Area Ratio and Maximum Floor Area Ratio - add "(per acre)"
- Maximum footprint of a commercial structure by right:  
15,000 sf in RCL; 15,000 sf in VMX; 30,000 in TMX
- Maximum footprint of a commercial with TDRs  
25,000 sf in RCL; 25,000 in VMX; 50,000 in TMX. Delete reference to footnotes 5 and 6 in first column.

### **Article 5, Regulation of Uses**

- Page 50-4, Use 10, Dwelling unit, attached – Allow as Permitted Uses in RCL and CM, rather than Accessory Uses. Page 51-4, Accessory Standards – Delete Section 10.b.



- Page 50-9, Use 33, Public safety facility – Allow as Limited in CM with Limiting Standards existing in Chapter 51, Page 51-11.
- Page 50-11, Use #44, - Staff will provide language to allow the docking of pile-driving boats in CM.
- Page 50-12, Use 55, Minor Maintenance and Repair Service – Allow as Permitted Use in RMX and I.
- Page 50-15, Uses 66 and 67 – Recreational facilities, minor, indoor and outdoor – Allow swimming pools and miniature golf as Permitted Uses in RMX in indoor facilities. Allow skating rinks and swimming pools as Permitted Uses in RMX and TMX in outdoor facilities.
- Page 51-25, Use 79, Extractive Industry, Section 79.c(4), Lines 10-13 – Delete first sentence entirely and add to end of paragraph “, and may require specific access and/or road improvements on a case-by-case basis.”

#### **Article 6, Development Standards and Approvals**

- Page 63-1, Section 63.4.3 Buffer Yard Standards – Exempt the DMX zones from “B” and “C” Bufferyards.
- Page 63-6, Section 63.4.5 – Staff will craft language referencing approval of a concept plan that designates specific uses, so neighboring lots will not be treated as vacant but as designated on the concept plan. If a plan was to change and a residential was to be proposed, the concept plan and buffers would have to be revised.

Article 70 – Adequate Public Facilities – Defer decision to next week.

Chapter 24, Subdivision Regulations, Vested Rights, Lines 20-30, Sections 24.3.1, 1.a and 1.b - Approved as submitted except change “six months” to “twelve months.”

#### **COMMISSIONERS’ TIME**

##### **Commissioner Dement**

- Presented a proclamation at Evans’ Seafood Restaurant to Will Brooms, retiring State’s Attorney.
- Attended the 50<sup>th</sup> anniversary of the Lexington Park Rescue Squad.
- Condolences to the Simpson family and to the Shade family on the loss of their loved ones.

##### **Commissioner Mattingly**

- Happy Birthday to my granddaughter, Kaylee, and Happy Anniversary to Kit and Lawrence Pilkerton who just celebrated 40 years of marriage.

### **Commissioner Jarboe**

- Was contacted by Herb Redmond about a growth allocation for a subdivision. All paperwork on this project disappeared within Planning and Zoning as the process was moving forward. Need to adopt a resolution at the March 11 meeting to move this project moving ahead. *The Director of Planning and Zoning agreed to return to the Board with more information on this issue.*

### **Commissioner Raley**

- Attended the Lexington Park Rescue Squad's anniversary celebration. This squad had fourteen people to respond to 300+ calls, which is remarkable.
- Attended the State Highway informational meeting referencing Chancellor's Run Road. Disagree with those who wanted the road to stay two lanes. It must be a four-lane highway because of the volume of traffic.
- The St. Mary's District Engineer did comment that the intersection of Chancellor's Run Road and Hwy 235 would be finished in May 2003.
- Wrote the State's Attorney on behalf of the merchants in St. Mary's County regarding bad checks. As a last resort, the State's Attorney's office will attempt to retrieve these monies. A request to modify the program was made so that not only the amount of the check would be recovered but the merchant would incur no bank charges.
- *Request Mr. Lacer provide the Board with a recommendation within the next two weeks with regard to the formation of a staff committee to monitor the cable company's compliance with the Cable Franchise Agreement. Suggest committee members include staff representatives from PIO, IT, and County Attorney's office, and chaired by the Deputy County Administrator. The Committee should be required by the BOCC to submit an annual report citing the cable company's compliance with the Agreement.*
- The UAV demonstration is an excellent tourism opportunity.

**Commissioner Jarboe moved, seconded by Commissioner Mattingly, to pay the consultant fee that appears on page 22 of the check register. Motion carried.**

### **EXECUTIVE SESSIONS**

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

### **Property Acquisition**

**Present:** Commissioner President Thomas F. McKay  
Commissioner Kenneth R. Dement  
Commissioner Lawrence D. Jarboe  
Commissioner Thomas A. Mattingly  
Commissioner Daniel H. Raley

Alfred A. Lacer, County Administrator  
John B. Norris, III, County Attorney  
Phil Rollins, Director Recreation and Parks  
Joyce Malone, Paralegal and Acting Property Manager  
Donna Gebicke, Recorder

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

**Time Held:** 4:53 p.m. – 5:12 p.m.

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

### **Litigation**

**Present:** Commissioner President Thomas F. McKay  
Commissioner Kenneth R. Dement  
Commissioner Lawrence D. Jarboe  
Commissioner Thomas A. Mattingly  
Commissioner Daniel H. Raley  
Alfred A. Lacer, County Administrator  
John B. Norris, III, County Attorney  
Donna Gebicke, Recorder

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

**Time Held:** 5:13 p.m. – 5:57 p.m.

**Action Taken:** Commissioners discussed pending litigation and gave direction to staff.

### **Personnel**

**Present:** Commissioner President Thomas F. McKay  
Commissioner Kenneth R. Dement  
Commissioner Lawrence D. Jarboe  
Commissioner Daniel H. Raley  
Alfred A. Lacer, County Administrator  
John B. Norris, County Attorney  
Donna Gebicke, Recorder

**Authority:** Article 24, Section 4-210(a)1

**Time Held:** 5:58 p.m. – 6:03 p.m.

**Action Taken:** The Commissioners discussed a personnel issue.

### **RETURN TO OPEN SESSION**

**Commissioner Jarboe moved, seconded by Commissioner Raley, to direct staff to proceed as directed in Executive Session.**

**ADJOURN**

**Commissioner Jarboe moved, seconded by Commissioner Raley to adjourn the meeting at 6:10 p.m.**

**Minutes Approved by the  
Board of County Commissioners on \_\_\_\_\_**

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