

ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING

Governmental Center
Tuesday, March 11, 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 9:04 a.m.

APPROVAL OF CHECK REGISTER

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to authorize Commissioner McKay to sign the Check Register. Motion carried.

APPROVAL OF MINUTES

Commissioner Raley moved, seconded by Commissioner Dement, to approve the minutes of the Commissioners' meeting of Tuesday, March 4, 2003, as submitted. Motion carried.

PROCLAMATION: RED CROSS MONTH

Present: Jack Duchesne, Executive Director
Dr. Icenhower, Department of Health
Shane Mattingly, Chairman of the Board
Steve Zapano, Board member

The Commissioners presented a proclamation designating April as Red Cross Month. Operating out of two offices, the Red Cross has been true to its mission: improve the quality of human life, enhance self reliance and concern for others, and help people avoid and cope with emergencies. Red Cross services and governance are directed by volunteers. Volunteers are always welcome.

YOUTH ART AND DISABILITY MONTH: STUDENT PRESENTATION

Present: Lynn Morgan, Supervisor of Fine Arts, SMCP
Lisa Brown, Leonardtown High School
Cory Clark, Chopticon High School
Amber Hughes, Great Mills High Schools

The students read their essays and presented their extraordinary art works. These high school seniors are recipients of the George Hopkins Scholarship endowment of \$5,000 each.

DEPARTMENT OF RECREATION AND PARKS: BMX SITE

Present: Phil Rollins, Director Rec & Parks
George Erichsen, Director DPW&T
Lisa Russell, President, SMC BMX

Mr. Rollins presented the Commissioners with background information on the process to date to select a site for the BMX bicycle track. After consideration of several recommended track sites, in November 2002, the previous Board directed staff to find a suitable County park to locate the track. Subsequent staff, BMX, and R&P Board assessment of potential park sites led to the recommendation presented at the 2/25/03 Board meeting to place the track at Choptico Park. Questions raised by the Commissioners about this site were addressed by Mr. Rollins and Ms. Russell. The BMX group will be required to fence the track and pay for liability insurance. The group anticipates 50 events per year from March to November and two events per week in the summer. Two large events will be held each year. Parking for 75-100 cars for regular events and 300 cars per large event is anticipated. A large economic impact may not be realized since these are one-day events with no camping or overnight stays.

Commissioners Mattingly and Raley expressed support for the BMX track, but disagreed with the recommended site.

Commissioner Jarboe moved, seconded by Commissioner Dement, to locate the BMX track at Choptico Park pending Board approval of a final working agreement with the BMX group. Commissioners' Mattingly and Raley voted against this motion. Motion carried 3-2.

SOLID WASTE ADVISORY COMMITTEE ANNUAL REPORT

Present: Clare Whitbeck, Committee Chairman
Committee Members
Richard Tarr, Manager, DPW&T

The Maryland Department of the Environment approved the Comprehensive Solid Waste and Recycling Plan. There has been a 5% increase in solid waste and 7% increase in the number of visitors to the convenience centers. The convenience centers had to close early on Sunday three times in the last four months due to lack of storage. There is an immediate need for a compactor and a tractor. Although the budget situation is tight, the annual cost of repairs equals the cost of a new tractor lease. It would be preferable to replace the tractor and upgrade the aging fleet.

Mr. Taar will look into the possibility of extending weekday hours into the evenings during late spring and summer.

The Committee is pleased that recycling is increasing and curbside pick up is being contemplated. Eventually a transfer station, developed by a public private partnership, will be necessary in SMC. Host fees would offset rate increases in Calvert. Developing mutually beneficial agreements on solid waste disposal with Calvert County would be advisable. It is recommended that processes described in the Solid Waste Plan tie in with the Comprehensive Zoning Ordinance so they cross-reference each other. *It was recommended the Committee revisit the inclusion zones and advise the Board on their relevancy today.*

DISPOSITION OF PAGE PROPERTY

Present: John Norris, County Attorney
Joyce Malone, Acting Property Manager

The Commissioners who were not present during the discussions and public hearing regarding the disposition of the Page property have reviewed the relevant documents and video tape. It was agreed to proceed with the disposal of the 23 acres, but to retain the TDRs. Any monies realized from the sale will be returned to the State's Attorney's office.

[Commissioner Raley moved, seconded by Commissioner Mattingly, to advertise the Page property for auction for twenty \(20\) days prior to the sale and to retain the TDRs. Motion carried.](#)

Mr. Norris will check to see if the Zoning Ordinance restricts buying back the TDR's.

COUNTY ADMINISTRATOR

Present: Alfred A. Lacer, County Administrator

1. Draft Agendas: March 18 and 24, 2003
Commissioner Mattingly inquired about the status of the Clearbrook Farms Growth Allocation request. The County Attorney advised that since there was a modification of the property subsequent to the Planning Commission's recommendation, the request must go before the Planning Commission again before the BOCC can make a final determination. It must also be determined whether or not the entire site visit made by the previous Board was videotaped.

2. County Attorney's Office/Dept. of Public Works/Dept. of Economic and Community Development (*John Norris, George Erichsen*)
 - a. To approve and authorize Commissioner President McKay to sign both the Second Amended Lease Agreement with S.M. Hangers, Inc. and the Assignment of Rents Agreement.
 - b. To approve and authorize Comm. President McKay to sign IRS Form 8283 for donated Parcel A, Future R/W Phase 1, Aero Recplex, 1.77 acres; and to sign IRS Form 8283 for donated Lot 1, Phase I, Aero Recplex, 5.057 acres

Finance Department (*Elaine Kramer*)

zer Custom Construction for the College of Southern Maryland Humidity Remediation project and to authorize Elaine Kramer, Contracting Officer, to sign the contract

Commissioner President McKay expressed concern that so few companies are willing to bid on county projects.

Commissioner Mattingly moved, seconded by Commissioner Dement, to approve the contract award and authorize Elaine Kramer to sign the contract. Commissioners Jarboe and McKay voted against the motion. Motion carried 3-2.

5. Department of Public Works (*George Erichsen, Director*)

- a. To authorize Comm. McKay to sign the claim letter to the Frontier Insurance Company in the amount of \$80,000 for the Southern Pines Subdivision based on the Department's March 4, 2003 inspection.

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to authorize Commissioner McKay to sign the claim letter to Frontier Insurance Co. Motion carried.



ed, seconded by Commissioner Mattingly, to sign the Resolutions and authorize Commissioner McKay to sign the Public Works Agreements, items 5.b to 5.f. Motion carried.

- h. To authorize Comm. McKay to sign the Public Works Agreement Addendum for Kingston Subdivision, Phase 1, located in the 3rd Election District, with an expiration date of March 1, 2004.
- i. To authorize Comm. McKay to sign the Public Works Agreement Addendum for the Patuxent Corporate Center located in the 8th Election District, with an expiration date of March 1, 2004.
- j. To authorize Comm. McKay to sign the Public Works Agreement Addendum for the Wildewood Subdivision, Pepper Ridge Phase 3 located in the 3rd Election District, with an expiration date of October 1, 2003. This Agreement is being amended to include Wildewood Parkway, Station 120+31.50 to Station 124+48.50, originally bonded under the Public Works Agreement for Cherry Laurel Parkway.

[Commissioner Mattingly moved, seconded by Commissioner Dement, to authorize Commissioner McKay to sign the Public Works Agreement and Addenda, items 5.g to 5.j. Motion carried.](#)

- k. To approve the Urban Boundary as drafted by the SHA and authorize Comm. President to sign letter to State Office of Planning Director transmitting the Board's concurrence (*George Erichsen, Director, DPW&T*)

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve the Urban Boundary as drafted by the SHA and to request that SHA clarify why the Census area and Urban Boundary could not be further extended into the Charlotte Hall area adjacent to the Golden Beach Urban Boundary and along the Maryland Route 4 corridor. Motion carried.

loan amount as per the Project Agreement to finance the Murray Road Revetment Project and authorize Comm. President to sign the Modified Shore Erosion Control Agreement

Commissioner Raley moved, seconded by Commissioner Jarboe, to authorize Commissioner McKay to sign the Agreement. Motion carried.

6. Department of Planning and Zoning (*Jon Grimm, John Norris*)

- a. To adopt and sign the Resolution establishing the attendance zones and service areas to determine the adequacy of public schools as public facilities pursuant to Section 70.5.2(i) of the SMC Comprehensive Zoning Ordinance; and to approve the guidelines to calculate the number of students expected to be generated by a proposed residential development pursuant to Section 70.11.2(b) of the SMC Comprehensive Zoning Ordinance

Commissioner Raley moved, seconded by Commissioner Mattingly, to adopt and sign the Resolution establishing attendance zones and service areas to determine the adequacy of public schools as public facilities pursuant to Section 70.5.2(i) of the SMC Comprehensive Zoning Ordinance. Motion carried.

Commissioner Jarboe stated that builders and their affiliates have a great responsibility to build quality homes. The county must hold them accountable.

nce amending Chapters 27, 32, 44, 50, 51, 63, and 70 of the SMC Comprehensive Zoning Ordinance; and Chapter 24 of the SMC Subdivision Ordinance

[Commissioner Raley moved, seconded by Commissioner Dement, to adopt and sign the Ordinance amending Chapters 27, 32, 44, 50, 51, 63, and 70 of the SMC Comprehensive Zoning Ordinance and Chapter 24 of the SMC Subdivision Ordinance. Motion carried.](#)

7.

Legislative Proposal: Office of the Sheriff

President Thomas F. McKay - No support
Kenneth R. Dement - No support
Lawrence D. Jarboe - No support
Daniel H. Raley - No support
Thomas A. Mattingly, Sr. - Support

Commissioner Jarboe moved, seconded by Commissioner Raley, to approve the appointment. Motion carried.

[Commissioner Jarboe moved, seconded by Commissioner Raley, to approve the appointment. Motion carried.](#)

[Commissioner Jarboe moved, seconded by Commissioner Raley, to approve the appointment. Motion carried.](#)

DEPARTMENT OF PLANNING AND ZONING: ELMS MANAGEMENT PLAN

Present: Jon Grimm, Director, DPZ
Phil Rollins, Director Rec & Parks
Marianne Chapman, SMCPS
Sandy Patty, DNR
Gail Moreland, DNR
Larry Greenwell
Dr. Richardson, Superintendent, SMCPS
Cathy Allen, Board of Education
Brad Clements, SMCPS

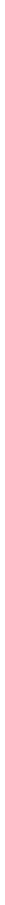
Mr. Grimm presented the Elms Management Plan prepared by the Maryland Power Plant Research Program and the Elms Advisory Committee. The St. Mary's County Recreation and Parks Board, Board of Education and Planning Commission each endorsed and recommend approval of this management plan and updated leases. The Plan has been prepared to set out the organizational framework and assignment of responsibilities for managing the Elms property over the next 10-25 years that will accommodate both the state's interest in the site for future power plant use and the interests of other users of the site. One of the county's lease agreements with the State of Maryland ends July 1, 2003. The objective is to have the management plan in place to guide a long-term lease for fiscal year 2004 and beyond.

Day-to-day management of the lease will be conducted by SMC. The DNR, Elms Advisory Committee, and other agencies will oversee environmental and land management issues. SMCPS students have the opportunity to participate in a sequentially developed environmental education program each year at this property.

[Commissioner Mattingly moved, seconded by Commissioner Dement, to adopt the Management Plan. Motion carried.](#)

COMMISSIONERS' TIME

Commissioner Mattingly



r Raley

EXECUTIVE SESSIONS

ement moved, seconded by Commissioner Jarboe, to adjourn at 3:30 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.

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

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

Time Held: 3:40 p.m. – 5:10 p.m.

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

Time Held: 5:29 p.m. – 5:37 p.m.

Action Taken: The Commissioners discussed litigation issues and gave direction to staff.



ng reconvened at 6:39 p.m. As a result of the executive sessions, the following motion was made.

Commissioner Jarboe moved, seconded by Commissioner Raley, to direct staff to proceed as discussed in Executive Session on issues relating to Personnel, Property Acquisition, and Litigation. Motion carried.

PUBLIC FORUM

Sueanne Burroughs, 45075 Lois Marie Lane, Piney Point, MD – Deep ruts exist in front of her property. DPW&T refused to assist since the County does not maintain that road. There is a chainlink and privacy fence which is 7 feet into the County right of way and prevents access to the creek. The County Attorney misunderstood where the no parking sign should go. He also wrote a letter to the Sheriff's department to ticket the cars parked on county ROWs.

Christie McDonald, 45577 Knokeyon Lane, California, MD – Some progress has been made by Guy Curley and minor repairs inside the house. Still needs waterproofing and the hole inside the wall to be fixed. Mr. Curley treats her and other homeowners as if they are stupid. The only excavation she has done to the yard is for planting Forsythia. She wants the house bought – she wants out.

Minnie Russell – There is a homeowner near her who claims he can't do anything because she won't let him. That's ignorant – she doesn't report violators. Violations against her have been turned into DPZ. MDE suggested filing a harassment complaint against this neighbor. What's the latest on charter boats? Comm. Jarboe responded text amendments have been approved and will continue to be addressed. It won't happen fast. SMC has more shoreline than any other county in MD. Somebody should be appointed to the Critical Areas Commission from SMC. Thanks to DPW&T for a fine job on snow removal.

Keith Harless, Lexington Park – The county income tax rate is 57% for SMC and state legislation says it cannot exceed 60%. The true charged amount is 62% charged rate. County tricks being done to make the rate appear 57%. METCOM is not doing fluoridation of the water. The budget has increased 5% each year, the schools get 8% annually and other departments get 2% or less. There are too many administrators at SMCPS. They have 10% more administrative staff per student than other counties. SMCPS is over funded and they still ask for more computers, teachers, etc. What is the actual budget of SMCPS? What about the principals fund? How is it accounted for?

Pam Corber, Hollywood – How do you take advantage of getting a tax break in the Enterprise Zone? Comm. McKay referred her to Robin Finnacom, Director, Lexington Park Plan.

CALL IN:

Ms. Maguire asked that the convenience centers be opened later in the evenings during the week during day light savings.

Frank Walters, California, MD – A number a county vehicles are being driven for personal use especially with gas prices so high.

ADJOURN

Commissioner Mattingly moved, seconded by Commissioner Dement, to adjourn the Public Forum at 7:21 p.m. Motion carried.

**Minutes Approved by the
Board of County Commissioners on _____**

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