

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Governmental Center
Tuesday, May 15, 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)
Kate Mauck, Recorder

**BANNEKER/LOVEVILLE ELEMENTARY SCHOOL
GROUNDBREAKING CEREMONY SCHEDULE**

The Commissioners attended the referenced groundbreaking to celebrate the start of the addition/renovation project at Banneker-Loveville Elementary School

CALL TO ORDER

The meeting was called to order at 10:40 a.m.

ADDITIONS/DELETIONS TO AGENDA

Commissioner Raley moved, seconded by Commissioner Anderson, to accept the agenda as amended (to add a Proclamation for National Girl Power Week and an Executive Session on litigation). Motion carried.

Peggy Childs recorded the following meeting minutes:

**DEPARTMENT OF PLANNING AND ZONING
UNIFIED LAND DEVELOPMENT CODE**

Present: Chris Drummond, ULDC Facilitator
Jon Grimm, Director
Jeffrey Jackman, Planner
Sue Veith, Environmental Planner
Peggy Childs, Recorder

Ag Overlay

Commissioner Raley moved that, based on the recommendation of Mr. Grimm, Mr. Drummond, and Ms. Sasscer, based on the fact that 3-acre zoning in the RPD has been replaced by the Commissioners' sliding scale density formula of February 20, 2001, the Ag Overlay be eliminated from the text and maps of the ULDC. Seconded by Mr. Anderson and passed by 5-0.

The policy noted on Page 34 of the Comp Plan regarding farmstead subdivisions will be changed to reflect the Commissioners' decision by eliminating the word "expanded." Commissioner Randall asked that staff use Ms. Sasscer's recommendation regarding criteria for determining acquisition priority in our PDR Program.

Nonconforming Uses

The Commissioners directed staff to incorporate within the ULDC a more distinct separation between nonconforming uses and noncomplying structures, without encouraging the "enhancement" of NCUs. Language allowing a 25% expansion of a nonconforming use will continue to be used. Staff advised that it believes the current standards for nonconforming / conditional use approval outside of the AICUZ are adequate.

The Board agreed that staff include in the ULDC provisions which will require the removal of off-premise signs at the end of their current lease as a condition of site plan and subdivision approvals, except for historic and tourism-related signs.

Commissioner Guazzo asked that the provisions encourage the use of both faces of a sign. Mr. Grimm suggested bringing forward existing parameters of the Zoning Ordinance that define what types of traveling services are eligible for off-site advertising, including use of both sides of a sign and the use of "community poster signs" to promote local businesses without blighting the roadside.

Rural-Residential Floating Zone Design Criteria

Last week the Commissioners agreed to take to public hearing the Design Criteria of Article 45.4 of the Zoning Ordinance, for possible inclusion in the ULDC. Mr. Raley advised that he has problems with items 1, 2, 4 and 10 of the criteria.

Additional Work Sessions

Commissioner Randall announced that the afternoons of both the May 22nd and May 29th County Commissioner meetings will be devoted to additional work sessions on the remaining issues of the ULDC. An additional work session will be scheduled for Monday, June 4th, at 3:30 p.m., *if needed*.

Public Hearings

Commissioner Anderson moved to direct the distribution of the draft Comprehensive Plan, as amended, pursuant to staff comments contained in the list dated today, 5/15/01, not later than Thursday, May 17, 2001, and to schedule a Joint Hearing with the Planning Commission on the amended Plan for July 17, 2001 for the purpose of receiving the Commission's recommendation as required by Article 66B, Section 3.07. This motion includes a County Commissioners' public hearing on the proposed ULDC also on July 17th, following the Comp Plan amendments. If for some reason the Planning Commission cannot jointly hear the proposed amendments with the Commissioners on July 17th, the Planning Commission shall hold its own hearing on July 16, 2001, for the purpose of forwarding a recommendation to the Commissioners in as timely a manner as possible. A second County Commissioners' public hearing on the proposed ULDC shall be scheduled for the southern portion of the county on Wednesday, July 18, 2001. Seconded by Mr. Raley and passed by 5-0. Staff will schedule the hearings and advise the Commissioners as to time and place.

Inclusionary Zoning / Affordable Housing

Commissioner Anderson stated that, following the Commissioners discussion on Affordable Housing he had received a series of e-mails citing areas where inclusionary zoning has worked in Maryland and throughout the country. He asked that staff provide another recommendation on inclusionary zoning considering this information. Commissioner Randall asked that Mr. Grimm and Mr. Drummond be provided with the e-mail information, however Commissioner Guazzo asked that any further discussion be postponed until after receipt of the University of Maryland Report in August of this year. The Commissioners agreed not to hold up adoption of the ULDC but to revisit this issue after the report is received.

OFFICE ON AGING TRIAD SALT COUNCIL (LAW ENFORCEMENT APPRECIATION DAY)

The Commissioners participated in the Law Enforcement Appreciation Day held in front of the Governmental Center.

Kate Mauck recorded the following meeting minutes:

SUPPLEMENTAL APPROPRIATION PUBLIC HEARINGS

Present: Elaine Kramer, Director of Finance
Cynthia Brown, Director of Community Services

Public hearings were conducted by the Board of County Commissioners regarding the following four supplemental appropriations:

- Advanced Life Support Unit - \$9,200
- Office of the Sheriff - \$12,511
- Office on Aging - \$17,500; 41,820; 28,915
- Recreation and Parks - \$75,000

The public hearings on these grants documents had previously been properly advertised as required by law on May 4th and May 11th. Commissioner President Randall opened the public hearings for public comment, however, as no one was present to speak, the hearings were closed. *The record will remain open for written public comment for a ten day period, after which time, the items will be placed on a future Commissioners' agenda for decision.*

A fifth document, Freedom Fest, at a cost of \$13,900, was listed as having been advertised for public hearing; however, Commissioners removed this item from the agenda. Ms. Brown stated that this document was actually a request for funding, and not a supplemental appropriation. *Commissioner President Randall directed that this item be placed on a future agenda, as it must be handled separately.*

PROCLAMATIONS

The Board of County Commissioners presented proclamations for the following:

- National Nursing Home Week (May 13-19, 2001)
- Emergency Medical Services Week (May 20-26, 2001)

COMMENDATION

The Board of County Commissioners presented a commendation to Viki Volk for 16 years of dedicated service reporting the St. Mary's County Government news in *The Enterprise* newspaper.

APPROVAL OF CHECK REGISTER

Commissioner Guazzo moved, seconded by Commissioner Raley, to authorize Commissioner President Randall to sign the Check Register. Per Commissioner Raley's request, payment is to be held on the check listed on page 51 of the bills, \$4,500 to MSC Task Force Funds. A full explanation of this item should be forthcoming from the Finance Department prior to approval and release of funds. Motion carried.

Additionally, Commissioners made the following requests:

- *Mr. Lacer to provide a verbal update as to how the cable franchise negotiations are going. Additionally, regarding the change of names by the cable company, provide information and an update regarding any impact this might have.*
- *Due to the high costs of providing electricity to the new terminal at the airport, Commissioners request input on how to better use the building and/or find some way to minimize the electric bills. Staff is to provide recommendations to the Board of County Commissioners regarding this item.*

APPROVAL OF MINUTES

Commissioner Mattingly moved, seconded by Commissioner Anderson, to approve the minutes of the Commissioners' meeting of Tuesday, May 8, as corrected. Motion carried.

COUNTY ADMINISTRATOR

Present: Alfred A. Lacer, County Administrator

1. Draft Agendas for May 22 and May 29, 2001

2. **Budget Amendments**

Present: Elaine Kramer, Director of Finance
Richard Rohrbaugh, Director, Department of Facilities Mgt

- a. #2001-48 - Personal Services Accounts
- b. #2001-49 - Telephone
- c. #2001-50 - Asset Forfeiture Accounts
- d. #2001-51 - Fuel
- e. #2001-52 - Building Services

Commissioner Randall expressed some difficulty with a 50% increase in the FY02 recommended budget regarding a Building Services/Facilities Management line item (janitorial services). This item will need to be discussed at the next budget work session.

Commissioner Anderson moved, seconded by Commissioner Guazzo, to approve and authorize Commissioner Randall to sign budget amendments #2001-48 through #2001-52. Motion carried.

2. **Department of Recreation and Parks**

Present: Phil Rollins, Director, Recreation and Parks
Tyrone Harris, Director, Chancellor's Run Teen Center

- a. Gymnastic Center Lease Agreement
- b. Nicolet Park Access Lease Agreement

Mr. Lacer stated that more information would be forthcoming regarding the Gymnastic Center Lease Agreement and the Nicolet Park Access Lease Agreement. *Commissioners directed that this item be removed from today's discussion and placed on next week's County Administrator List for discussion/decision.*

- c. Inter-Governmental Grant Agreement for the Teen Center Twilight Camp Summer Program - (State: \$49,951.90)

Commissioner Mattingly moved, seconded by Commissioner Guazzo, to approve and authorize Commissioner Randall to sign Agreement. Motion carried.

4. **St. Mary's County Health Department – Infants and Toddlers Program**
Grant Document and Resolution – Consolidated Local Interagency Grant from the State of Maryland Department of Education (Federal: \$104,635, State: \$30,233)

Present: Barbara Bechtel, RN, Interim Director
Patricia and Sarah Switzer

Ms. Bechtel provided information regarding the Infant and Toddler Program and presented documentation outlining a snapshot count of children participating in the program. She left pamphlets and a newspaper article for Commissioners to read and disseminate.

Additionally, Patricia and Sarah Switzer were present on behalf of the Infant and Toddler Program. Sarah was born in 1999 with spina bifida, had surgery while still in utero at 23 weeks, and was born at 31 weeks. She is now a happy, 20-month old girl, and is enrolled in the program, receiving physical therapy and home instruction.

Commissioner Anderson moved, seconded by Commissioner Mattingly, to approve the grant and sign the Resolution. Motion carried.

5. **Christmas in April**
Accomplishments for the Year 2001 Program

Present: Mary Ann Chasen

Ms. Chasen presented information to Commissioners regarding the success of this year's Christmas in April program. She thanked Commissioners for allowing the free use of the County's Landfill, as over 50 tons of non-recyclables were taken to the landfill, and this saved the program a great deal of money. Ms. Chasen stated that there were a number of sponsors this year in addition to businesses, such as schools, religious organizations and community groups. Commissioners were presented with Christmas in April t-shirts, and applications for Christmas in April 2002 were left for dissemination to the public upon request.

MARCEY HOUSE GRANT APPLICATION

Present: Larry Harvey, Director, Marcey House

Mr. Harvey stated that the grant application was for Federal funding in the amount of \$156,875 and for State funding in the amount of \$17,081. The funding would provide for a third house manager, as the two that are currently on staff are each working 12-hour shifts to provide coverage. Mr. Harvey stated that a letter of support was being drafted by Ms. Newkirk for the Board of County Commissioners to sign, should they choose to approve the grant application request.

Commissioner Mattingly moved, seconded by Commissioner Anderson, to approve the grant application and authorize Commissioner President Randall to sign and to approve and sign the letter. Motion carried.

The Commissioners directed that Ms. Newkirk provide the letter of support for their signature (which was drafted and signed later in the meeting).

COUNTY COMMISSIONERS' TIME

Three Oaks Center Run/Walk Benefit

Commissioner Anderson reported that he and Commissioner Guazzo attended the Three Oaks Center Run/Walk Benefit this past Saturday. It was a great event, with a significant increase in the number of people participating over last year. Montgomery County Executive Doug Duncan and his wife were participants at the event as well.

Commissioner Guazzo stated that she had the pleasure of being the Master of Ceremonies for the Three Oaks Center event. It was a lot of fun, and she thanked the Chesapeake Bay Running Club for their efforts in putting the run/walk event together. There was almost of 50% increase in participation over last year's event. This is the third year this fundraising event has been held, and the times that runners must beat are growing smaller. The winner of the Men's Overall was from Suitland, which shows that out-of-town people are being attracted to come to this race. Additionally, our own Ernie Bell beat County Executive Doug Duncan.

Piney Point Lighthouse Museum "Lighthouse Days"

Commissioner Anderson reported that Saturday's "Lighthouse Day" at the Piney Point Lighthouse was an excellent community event. One of the highlights was the unveiling of a plaque to honor Mary Janssen, who was involved in many important causes and issues in St. Mary's County. Ms. Janssen was the individual who convinced the County in 1978 to purchase the Piney Point Lighthouse.

Commissioner Guazzo commended the Parks staff for the very fine event held at Piney Point. It was hot and fun, and one of the featured speakers was the weatherman, Doug Hill, who lives in Piney Point on Lighthouse Road.

Town Meeting with Commissioner Anderson

Commissioner Anderson stated that his next Town Meeting would be held for the public on Wednesday, May 16th at 7:00 p.m. at the Ridge American Legion facility. He invited everyone to attend the meeting.

Maryland Transportation Association (MTA) Meeting

Commissioner Mattingly reported that Commissioners recently participated in a meeting with MTA regarding five additional bus routes into Washington D.C. on a daily basis. Schedules for these routes are on the St. Mary's County Website.

Southern Maryland Firemen's Association

Commissioner Mattingly reported that Commissioners recently attended the Southern Maryland Fireman's Association Ladies Auxiliary Annual Meeting. He congratulated Ms. Jeanie Copsey, as she will be the new president, and Ms. Ceilia Holley, who is the outgoing president.

Commissioner Guazzo stated that the Ladies Auxiliary is an impressive group of women. The men are most fortunate to have these ladies supporting them in all that they do.

Tri-County Council Meeting

Commissioner Mattingly stated that on May 11th, the Tri-County Council and the Navy conducted an overview concerning the future of the Navy and Southern Maryland. There were approximately 35-40 people in attendance and there was good dialogue with good information shared. Discussions should continue in the future.

Additionally, Commissioner Mattingly reported that James Douglas, CPA for the Tri-County Council, announced that he would be leaving on May 22nd to return to a previously held position. Commissioner Mattingly suggested that should Mr. Douglas be present at tonight's Tri-County Commissioners' Meeting, everyone might want to wish him well.

Trade Fair 2001

Commissioner Mattingly announced that the Chamber of Commerce Trade Fair 2001 would be held at the Fairgrounds this Saturday and Sunday. The public is invited to attend this popular and hospitable event.

Expression of Support for County Administrator

Commissioner Raley stated that there have been recent allegations in several publications regarding a former employee and the County Administrator. Although he cannot comment specifically on these allegations, he wished to express his complete and 100% support for the County Administrator, Mr. Al Lacer. Mr. Raley stated that many decisions had been made by the Commissioners since taking office; however, one of the best decisions made was to hire Mr. Lacer.

St. Mary's Ryken High School Ceremony

Commissioner Randall reported that she recently attended a ceremony at St. Mary's Ryken High School. At the ceremony, the Student Government Association presented \$8,000 to Dana McGarity and the St. Mary's Song soup kitchen. Sahita Shaw, president of the Association, stated that the students worked extremely hard to raise this money for the soup kitchen. Commissioner Randall stated that it was wonderful to see the obvious care in the faces of the students that were present. She expressed her sincere congratulations to them.

EXECUTIVE SESSIONS

Commissioner Anderson 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.

Judith Spalding recorded the remaining meeting minutes:

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
 Michael Humphries, Museum Manager
 Joan Lolcama, Property Manager
 Patrick Murphy, County Attorney
 Judith A. Spalding, Recorder

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

Time Held: 3:20 p.m. – 4:00 p.m.

Action Taken: Staff discussed the possible acquisition of property with the Commissioners and received direction from the Board

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
 Phil Rollins, Director, R&P
 Patrick Murphy, County Attorney
 Judith A. Spalding, Recorder

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

Time Held: 4:00 p.m. – 5:40 p.m.

Action Taken: The Commissioners discussed a matter of Litigation and various settlement options.

ADJOURNMENT

The meeting adjourned at 5:40 p.m.

TRI-COUNTY COMMISSIONERS' MEETING

The Commissioners attended the Tri-County Commissioners' meeting hosted by Calvert County at the Solomon's Island Yacht Club.

**Minutes Approved by the
 Board of County Commissioners on 5/22/01**

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