

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Governmental Center
January 11, 2000**

Present: Commissioner President Julie B. Randall
Commissioner Joseph F. Anderson
Commissioner Shelby P. Guazzo
Commissioner Thomas A. Mattingly, Sr.
Commissioner Daniel H. Raley
George Forrest, Acting County Administrator
Judith A. Spalding, Recorder

CALL TO ORDER

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

ADDITIONS/DELETIONS TO AGENDA

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

APPROVAL OF CHECK REGISTER

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

(Kate Mauck took the minutes from this point.)

**ST. MARY'S COUNTY PUBLIC SCHOOLS
CAPITAL IMPROVEMENT PROJECTS – FY2001 – FY2005**

Present: Patricia Richardson, Superintendent of Schools
Brad Clements, School Construction/Facilities
(Board of Education Members: John Parlett, Jr., Joanie Ferrar, Steve Kracinovich, and Mary Washington)
Steve Welkos, Director of Finance

Dr. Richardson presented the Commissioners with a revised plan for the local Capital Improvements Program for St. Mary's County Public Schools. The original request to the County was for \$56,652,000. A new state formula has worked in favor for St. Mary's County and has caused a reduction of \$5,288,000. After learning of the county's debt/affordability situation, this department completed a full reevaluation of their projects planned and also developed a plan for deferring several projects. The deferment of projects would reduce the requested amount by another \$11,604,000, bringing the total scenario under consideration down to \$39,790,000. A chart was presented illustrating which projects could remain within the FY 2001-2005 plan, with several other projects being deferred until the FY 2006-2009 time period.

Discussion included student capacity, review of the new state formula, and the reasons why certain projects took priority over others. Dr. Richardson pointed out that they were meeting with the School Board the following day and were intending to ask them to adopt the \$39.8M plan. Dr. Richardson also requested that should the county's revenue picture improve, they would hope there would be reconsideration for moving the deferred projects forward.

Mr. Clements presented the County Commissioners with commitments made by the State in the amount of \$11,000,000, as well as some relocatables to be utilized at Banneker-Loveville Elementary School. The State has proven to be extremely supportive of St. Mary's County Schools. Funding is also anticipated from Lexington Park, and out of the Tri-County area, \$15M has been given to St. Mary's alone, out of a total package of \$18M from the State.

On January 26, St. Mary's will be going to the Board of Public Works to appeal the Technical Center and the Carver Elementary School replacement, and invited that the Board of County Commissioners attend as well.

The Commissioners expressed words of appreciation for the hard work and obvious team spirit exemplified by the St. Mary's County Public School Staff and School Board, in conjunction with the Finance Department in presenting a plan that helps the county's financial status. The Commissioners also expressed once again their absolute commitment to education as a priority for St. Mary's County. Dr. Richardson and her staff were commended for their excellent rapport with the State.

Commissioner Raley moved, seconded by Commissioner Mattingly, that the St. Mary's Board of County Commissioners endorse the Board of Education when they go before the Board of Public Works in their appeal for planning approval for the Tech Center and Carver Elementary School replacement. Motion carried.

**DEPARTMENT OF RECREATION AND PARKS
AND RECREATION AND PARKS ADVISORY BOARD**

Present: Phil Rollins, Director, Department of Recreation and Parks
Wayne Taylor, Chairman, Recreation and Parks Advisory Board

Also Present: Members, Recreation and Parks Advisory Board

1) Outdoor Swimming Pool Recommendations

Mr. Rollins provided the Board of County Commissioners with background information on the history of the endeavor to build a county owned and operated swimming pool. The pool had been included in the county's Master Plan and in FY98, \$200,000 had been provided toward planning purposes. Since that time, a Steering Committee was appointed, site visits have been made to other outdoor pools, and recommendations have been made to the Recreation and Parks Advisory Board by the Steering Committee. After all possibilities have been evaluated, the recommendation is to build a pool which is 25 meters by 25 yards in size, with a bathhouse, a wading pool for toddlers, and a spray area, which is in interactive play site for young children. The pool would be used for recreational swimming and competition, as well as for lessons. After evaluating all possible sites, the one determined to meet the current needs of the county would be at Chancellor's Run Regional Park.

Mr. Taylor gave a review of the Advisory Board's memo to the County Commissioners dated December 1, 1999. This memo addressed the issues of 1) a waterpark versus a lap pool 2) the best site location and 3) a possible bubble cover for the pool so that it may be utilized year-round.

After much research and evaluation, Mr. Taylor reported that the Advisory Board recommended separating a community waterpark project from a lap pool and doing an economic feasibility study. Twenty thousand dollars for that study is being requested in the FY2001 Capital Budget. After a careful analysis, the R&P Board voted 5-3 to recommend to the Commissioners Chancellor's Run Regional Park as the best site for the pool. The Board voted unanimously to recommend putting in only the necessary infrastructure and storage space for possibly adding a bubble at a later time. The cost for this infrastructure would be \$50,000. Projected costs to the county in the form of subsidies were discussed. Should the Commissioners give immediate approval of this project, the earliest possible date for having a pool in place would be sometime in 2001.

Site plans were reviewed detailing the placing of the pool in relation to the Activity Center and the soccer fields. Parking and buffer zones were discussed. The dates the pool would be targeted to open and close would possibly be Memorial Day to Labor Day, with the potential for weekends or nights before or after each of those holidays.

After discussing the expense of the bubble, size of the pool, and transportation issues to the pool, the Board of County Commissioners determined that the decision for moving forward with this program at this time would have to be made during the upcoming budget process.

2) **Recommended Revisions to Land Preservation and Recreation Plan**

Mr. Rollins presented the Commissioners with recommendations for revisions to the Land Preservation and Recreation Plan as set forth in his memorandum of December 29, 1999. The memorandum responded to major areas of concern previously addressed by the Board of County Commissioners: 1) the method the State uses to classify recreational land; 2) the desire to include private marinas and private water access points in the plan; 3) lack of focus on recreational programming and services for seniors; and, 4) overemphasis on active recreation in the overall plan.

In regard to the first concern, the Maryland Office of Planning (MOP) would be willing to reconsider any classifications the County felt were misrepresented. The Commissioners suggested requests should be submitted to the MOP, through a letter from the Commissioners as well as inclusion of the item in the Plan.

Discussion ensued concerning the desire to include private marinas, etc., and Mr. Rollins stated that a document was currently in the works on this subject and he would have it to the Commissioners within a matter of days.

With regard to the third concern, Recreation and Parks has met with Gene Carter, Director of the Office on Aging. Recreation and Parks will be taking a more active role in developing more senior programs for the general public and will also be participating more in the senior centers as well. Action items have been placed in the Master Plan about senior programming and recreation and parks, as a whole, will be focusing their attention more on programs for our senior citizens.

The final area of concern had to do with an overemphasis on active recreation in the overall Plan. Mr. Rollins outlined several areas other than those that are sports-related. He stated that the Board recommended including several goals and objectives in the Plan that are non-sports or non-competitive in nature. Commissioner Randall suggested adding a goal to provide more individual versus organized and team sports-related recreational opportunities.

After discussion Commissioner Guazzo moved, seconded by Commissioner Anderson, to adopt the April 1999 Land Preservation and Recreation Plan with amendments as proposed and discussed in today's meeting. Motion carried.

(Judith Spalding resumed taking the minutes from this point forward.)

ST. MARY'S HOMELESS BOARD HOMELESS SITUATION IN ST. MARY'S COUNTY (STATUS REPORT)

Present: Dennis Nicholson, Director, Housing Authority
Ella May Russell, Director, DSS
Homeless Board Members

As a follow up to the Commissioners' meeting of November 2, 1999, Mr. Nicholson and members of the Homeless Board appeared before the Board to provide an update on the homeless situation in the County.

The presentation included: definition of homeless; the issue of the supply of suitable affordable housing; continuum of care system (emergency shelter, transitional housing, permanent housing); income levels and inability to afford housing; survey done by providers 1996 for identifying and quantifying homeless in the County; and challenges being addressed by the Homeless Board (achieve affordable housing, prevent homelessness via stronger ties/partnerships with private sector, expand and unify housing and service resources, reduce significantly the number of housing crisis situations; develop and foster tangible incentives); housing voucher system; the housing crisis for individuals with disabilities; and whether there was a record of employment of those individuals with housing problems, and how many are in the Navy; that there are two components to be addressed relative to homeless—housing and services.

Another area of discussion was Angel's Watch Regional Shelter (the damage it sustained during a rain storm; the process for accepting clients from the tri-county area—based on bed availability; that the shelter has been at capacity for the last year; the need for a plan of attack on how to address the homeless issue on a short term and long term basis (not only a local initiative, but a tri-county effort); that the assistance of the Tri-County Council be used to make this initiative happen;

In conclusion a gentleman who has a large family, described problems he has experienced in an effort to adequately provide for his family (finding affordable housing, transportation issues, etc.)

PROPOSED SOLID WASTE MANAGEMENT PLAN AMENDMENT MILL RUN PLAZA & COMMERCIAL PARK WASTE FACILITIES

Present: Al Lacer, County Attorney
Jon Grimm, Director, DPZ
George Erichsen, Director, DPW
Patrick Murphy, Assistant County Attorney

As a follow up to the November 9, 1999 public hearing on a proposed amendment to the solid waste management plan for Mill Run Plaza and Commercial Park Waste Facilities, the Commissioners commenced discussion. County Attorney Lacer advised that the Commissioners need to determine whether to amend the solid waste plan and whether the actual amendment is necessary. The Commissioners need to look at the proposed amendment presentation by the applicant, staff reports, and public input from the hearing in making this determination.

During the presentation Mr. Erichsen referred to his November 19 memorandum regarding the process for solid waste permit applications and procedures for amending the Solid Waste Management Plan. Mr. Erichsen reported that after following the appropriate processes, the Department of Public Works cannot give support to the Commissioners that a finding making the amendment necessary has been made. Findings supporting this position included: that the operation may be larger than anticipated; traffic issues which the applicant has not yet addressed; determination of need in the Charlotte Hall area has not been determined; recycling issues; the fact that regional solid waste cooperative ventures are in place; the facility is proposed to be located within the Exclusion Zone; no comparison of multiple sites have been submitted; and whether the facility is considered a landfill or solid waste facility or transfer station.

Mr. Grimm referred to his November 19, 1999 memorandum in which he advised that an August 5 staff memorandum and a September 7 Planning Commission report concluded that the proposed amendment is inconsistent with the comprehensive plan, and therefore, he could not certify that the amendment is consistent with the April 1999 comprehensive plan as called in Section D.2.1. of the Solid Waste Management Plan. He stated that a residential town center zone does not allow solid waste facilities under the current code.

Other areas of discussion included the issue of rezoning, which will come before the commissioners at a later time, and whether approval of the amendment requires the Board's approval of the PUD zoning (Mr. Grimm indicated it would not); and that the

amendment should not be based on zoning considerations, but whether it is consistent with the Comprehensive Plan and Solid Waste Plan.

Further discussion and decision has been scheduled for Tuesday, January 25.

COUNTY ADMINISTRATOR

Present: George Forrest, Acting County Administrator

❖ Draft Agendas for January 18 and 25, 2000

1. **Walden/Sierra, Inc. Proposed Intermediate Care Facility/Clinic**

(Zoning Text Amendment Request

Request: To permit the proposed use of Intermediate Care Facility within the C zoning district; Staff Recommendation: Approval of declaration in favor on an Intermediate Care Facility/Clinic as a permitted use in the CVC and C zone based upon detailed analysis)

Also present: Jon Grimm, Director, DPZ
Kathy O'Brien, Director, Walden
John Parlett, Jr.

Areas of discussion included: the rationale for requesting that an intermediate care facility be included in the CVC zoning as well as the C zoning (in order for consistency and to take a broader view); Planning Commission's recommendation to the Commissioners to grant approval; whether conditions could be imposed (set backs/ buffering requirements); (Mr. Grimm noted that buffers are designated by zoning boundaries and noise); COMAR definition for intermediate care facilities and that the definition be included in the list of allowable uses as a footnote; that this site (on Route 5 across from Shanti) is a temporary location with a permanent site planned to be located in Charlotte Hall.

After lengthy discussion the Commissioners agreed to defer a decision on this request until next week (to allow for the submission of the definition and the business plan and to give the Commissioners an opportunity to look at all the material.

2. **Mechanicsville Volunteer Fire Department Substation at Golden Beach**

Also present: Jon Grimm, Director, DPZ

Mr. Grimm referred to his memorandum of December 20, 1999 in which he noted that Golden Beach is an RNC zone, and the zoning ordinance does not allow public safety uses in the RNC zone. Because of the urgent nature of the request for rezoning, Mr. Grimm set out options for the Commissioners' consideration; (1) text amendment to allow volunteer fire department in the RNC as a permitted use or a conditional use; (2) rezoning to CL, CVC, or C) allowing public safety uses; (3) having the applicant petition for immediate review by filing a rezoning application; (4) allowing the comprehensive rezoning process to conclude after which the VFD could apply for conditional use approval. Mr. Grimm stated it was his recommendation to amend the text of Table 2.6 to designate "Fire and Rescue Squads" as a CU5 in the RNC zone.

Areas of discussion included that DPZ has been processing the application pending a decision by the Commissioners; if it is allowed to be a conditional use it would have to go through the Planning Commission hearing process (of the Commissioners vote on January 28 to allow the Commissioners to make decisions on text amendments without going through the Planning Commission (Section 70 of the Zoning Ordinance), the project could be considered by the Board without going through Planning Commission; whether a decision on this request would jeopardize the Commissioners decision on the Section 70 text amendment (Mr. Grimm noted that it would not).

After discussion Commissioner Guazzo moved, seconded by Commissioner Mattingly, to request the Planning Commission to evaluate having fire/rescue squad uses designated as a conditional use in the RNC zone and to proceed with the scheduling of a joint public hearing with the Commissioners and Planning Commission hold a joint hearing. Motion carried.

The Commissioners indicated that they took this action to keep the process going ahead for the Fire Department which could change depending on the disposition of the text amendment discussion scheduled for next week.

**3. Director of Finance
Announcement of Resignation**

Also present: Steve Welkos, Director of Finance

Mr. Welkos referred to his letter of resignation that he had submitted to the Board stating that it was personal life situation and not a career decision. He expressed appreciation to the Commissioners and to his staff in the Finance Department. Mr. Welkos noted that the Commissioners have taken important steps in ensuring the financial security of the County.

The Commissioners thanked Mr. Welkos for his service to the County for the past five years and wished him well with his future plans.

4. Department of Public Works

- a. Resolution No. 00-01 accepting Pleasant Valley Court, County Route 31293, located in the Pleasant Valley Subdivision, 6th Election District, into the County's Highway Maintenance System.

Commissioner Raley moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner Randall to sign Resolution No. 00-01 as presented. Motion carried.

- b. Traffic Resolution Nos. 00-02 and 00-03 establishing a 25 mph speed limit and stop sign for Pleasant Valley Court.

Commissioner Mattingly moved, seconded by Commissioner Raley, to approve and authorize Commissioner Randall to sign Resolution Nos. 00-02 and 00-03 as presented. Motion carried

**5. Housing Authority
Appointment**

Commissioner Anderson moved, seconded by Commissioner Mattingly to sign the letter appointing Douglas Samuel to the Housing Authority Board for a term to expire June 30, 2004. Motion carried.

APPROVAL OF MINUTES

Commissioner Guazzo moved, seconded by Commissioner Mattingly, to approve the minutes of the Commissioners' meeting of Tuesday, January 4, 2000, as corrected. Motion carried.

PUBLIC FORUM

The Commissioners conducted the regular monthly public forum and received comments from the audience (as well as via telephone call-ins):

Christopher Cosner (Hunting Quarter)— expressed support for a study of the Callaway area; expressed concerns regarding development in Callaway (stormwater facilities and its proximity to the residential area and the fact that Hunting Quarter was not designed to handle that amount of water; no fence around the swm; concerns about

safety for foot traffic (Mr. Grimm will be requested to review the situation (buffering between commercial and residential properties to determine why there are dikes and swm which should be in the buffer area and how the buffer requirements were satisfied).

Paul Tolson (Hunting Quarter) – expressed concern about the creation of traffic problems with the two proposed shopping centers in Callaway and expressed support for the study.

Clare Whitbeck – Advised the Commissioners and audience of the League of Women Voters web page expressing support for a county-wide moratorium on commercial and residential developments (50 people have submitted their names in favor of this moratorium); stated that a moratorium is necessary in order to protect roads, schools, and aquifers.

David Triantos – Because of the Commissioners' expression of support for Board of Education's capital projects, suggested that the developers pay for portions of FDR Boulevard which would serve their business and that FDR not be continued all the way.

Minnie Russell – (1) expressed appreciation for the open public forum instead of special interest groups; (2) expressed appreciation for the signs on Route 584 in St. Mary's City, but questioned who would be maintaining that road, which is in need of repair (staff will research this); (3) expressed concern regarding the State building a pier over her oyster bed stating that she was not given notice (staff will research this); (4) inquired about the status of the widening of the road toward Point Lookout (the Commissioners responded that the State will be revisiting that project).

Telephone calls were received regarding the need for a study of the Callaway area; that the County should be working toward smart growth plan and not denying people who live here the ability to use their property.

ADJOURNMENT

The meeting adjourned at 7:35 p.m.

Minutes Approved by the
Board of County Commissioners on 1/18/00

Judith A. Spalding
Judith A. Spalding, Recorder