

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Governmental Center
April 4, 2000**

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, Recorder

CALL TO ORDER

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

ADDITIONS/DELETIONS TO AGENDA

Commissioner Mattingly moved, seconded by Commissioner Raley, to accept the agenda as amended (to add an executive session on Litigation and discussion on Laurel Grove Park during the Recreation and Parks presentation). Motion carried.

APPROVAL OF CHECK REGISTER

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

PROCLAMATION

The Commissioners presented a Proclamation designating the week of April 2 – 8, 2000 as International Building Safety Week.

**DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT
TOURISM UPDATE**

Present: Martin Fairclough, Director, DECD
Jean Goodman, Tourism Specialist

The referenced representatives from DECD appeared before the Board to provide an update on the Tourism Division. Mr. Fairclough introduced the topic of tourism and referred to the need for diversification, the dependency on the Navy, and the need for an integrated marketing plan.

Ms. Goodman reviewed the *Tourism Industry in a Strategic Plan of Action for St. Mary's County*. The presentation included a review of Visitors (attractions, type of visitors, and types of trips); how visitors are reached (advertising, tradeshow, and publications); Success Measures (visitor expenditures, tourism employment, admission/amusement tax, advertising inquiries, site visitation, and ABC Channel 7 Campaign); Past Tourism Initiatives (including newsletter, cooperative programs, recognized heritage status, state grants, TV Campaign, advertising initiatives); Current Initiatives (including selection of ad agency for production of ads, interactive web site, creation of packaged tours, targeting new markets, creation of visitor survey, plans for a Fishing Tournament in August, and regional efforts); Future Tourism Initiatives (including products (Navy Museum, Tudor Hall Complex, Leonardtown Museum and Park) Programs (visitor center, tour packages, meetings/conventions and video production).

Areas of discussion included availability of hotel/motel rooms, markets to reach throughout the country through Navair; follow up to inquiries for information; whether the Tourism Division has adequate resources to develop tour packages and other programs, the need to change the County's logo; and use of the Saltwater Fishermen's Association in assisting with the Fishing Tournament.

AUDIT REPORT FOR FISCAL YEAR 1999

Present: Jeannett Cudmore, Acting Director of Finance
Finance Staff
Tim Murphy, Murphy and Murphy
Dave Frazier, “

The referenced individuals appeared before the Board to present the Fiscal Year 1999 Audit Report for St. Mary's County. The audit was conducted in accordance with generally accepted auditing standards.

Ms. Cudmore reviewed the general fund balance status as of June 30, 1998 and June 30, 1999; funds available for FY 2001 is \$6,492,096 (less \$250,000 for the Rainy Day Fund). In addition she reviewed the General Fund Revenue Analysis for FY 99 (final budget, actual, and variances).

Mr. Murphy reported that St. Mary's County received an unqualified opinion, and therefore, he did not have to qualify it for exceptions. He reported that he had submitted a Management Letter containing comments based on the audit.

In conclusion the Commissioners thanked the representatives of Murphy and Murphy for the presentation.

WHITE NECK CREEK (Follow Up to Public Hearing)

Present: Phil Rollins, Director, Recreation and Parks

As a follow up to the March public hearing, Mr. Rollins briefed the Board on the issues regarding whether to dispose of the pier, a portion of Route 520, and the County's riparian rights. Mr. Rollins referred to the comments at the public hearing and stated that a majority requested that this property be preserved as a public access. After review of the issues, Mr. Rollins gave the Commissioners three options:

- Status Quo
- That the County determine that this property does not serve a useful public purpose; and therefore, close the pier and road and to sell the county's interest in the road, pier, and riparian rights.
- That the County purchase Mr. Bailey's property (1/2 acre); get appraisals, and make improvements to provide a public access to the water.

Areas of discussion included whether the County could afford this project because of other county requirements; use of waterway improvement funds; other county wharf projects (Chaptico, Bushwood and Wicomico Shores); the need for improvements at Abell's Wharf for public access; the need for a plan for Myrtle Point; that if the County does sell the property to Mr. Bailey, that the contract include a "right of first refusal" clause; and the need for more public access to the water with adequate parking area and other amenities.

After discussion Commissioner Guazzo moved, seconded by Commissioner Mattingly, to close the portion of White Neck Creek Road (Route 520) as it goes through Mr. Edward Bailey's property as identified in exhibits by Recreation and Parks; to offer to Mr. Bailey the sale of the road bed as identified in the referenced exhibit; and to offer Mr. Bailey the sale of the county pier and the County's riparian rights. Motion carried four to one with Commissioner Anderson voting against stating he was in favor of the County purchasing Mr. Bailey's property to provide water access to the public.

**PUBLIC HEARING
ZONING TEXT AMENDMENT
COMMUNICATIONS TOWERS**

Present: Jon Grimm, Director, DPZ
Patrick Murphy, Acting County Attorney
Jim Stirling, Director, Office of Capital Projects

The Commissioners conducted a public hearing to consider a text amendment establishing new provisions relating to construction of communication towers in St. Mary's County; to amend Table 2.4 of the Zoning Ordinance to make all communication tower uses subject to conditional use approval; and to apply the amendment retroactively to all proposed towers not currently vested pursuant to the St. Mary's County Zoning Ordinance.

Areas of discussion by the Commissioners included

- The need to include NAS in the FAA notice provision (Mr. Stirling noted that this was already done by the FAA); that the FAA submission should be a conditional use submitted to DPZ;
- Exemption of the public towers from several provisions of the draft because of the need for the four towers to work together as a system (Item 3(b)(5) and 3(c) and (d));
- Questions regarding Item 2(b) 14 relative to the one-mile radius as it applies to visual impact study (suggestions were made that this should vary with the topography and the height of the tower);
- Questions regarding site size of 7500 square feet (this was carried over from the current ordinance);
- The 70-foot fall radius (also carried over from the current ordinance);
- Questions about whether a study would be done on health impact.

The hearing was opened for public comment:

Ed Dowgiallo, President, Tall Timbers Association – Submitted letter offering recommendations to strengthen the Amendment; expressed concerns regarding towers being placed in critical area.

Parne Wheeler – Reviewed the suggested amendments by the Tall Timbers Citizens Association (copy of the recommendations is on file in the Commissioners' Office).

Norman Ray, President, CC Communications – Offered recommendations including the need for proper location of towers to avoid dead spots; that the towers should be constructed without delay.

Robbie Springer – Inquired about soil testings and that all preliminary work should be done and in place before construction begins.

Jack Hormell, Representative of St. George Island Improvement Association - Suggested that previous approvals for towers should fall under the old ordinance; questioned the one-mile radius requirement; stated that towers should be kept out of bird and waterfowl flyways.

Clare Whitbeck – Expressed support for the Ordinance and stated that it should be adopted as soon as possible.

John Szarefo – Stated he was in support of the Ordinance with some of the suggested amendments including the issue regarding critical areas.

The public hearing was closed; the record will remain open for ten days for written comment.

DEPARTMENT OF RECREATION AND PARKS

Present: Phil Rollins, Director, R&P
Jim Stirling, Director, Office of Capital Projects
Joan Lolcama, Property Manager

Northern County Park

Mr. Rollins appeared before the Board to provide a briefing on the 250-acre parcel off of Route 234 in Chaptico for a possible location of a northern county park. Recreation and Parks has been investigating properties for a park in this area for about three years. Mr. Rollins displayed a map of the subject property and pointed out areas for development, suggested location of various fields, and the slope areas. He stated that he has been having ongoing discussions with the property owner including timbering rights being retained by the owner.

In closing Mr. Rollins indicated that the Recreation and Parks Board will be considering the proposal at its next meeting, and he would be bringing a recommendation from the R&P Board back to the Commissioners.

Laurel Grove Park

Mr. Rollins advised that the Commissioners had authorized staff to request the consultants to prepare a site analysis and concept plan for the possible expansion of Laurel Grove Park. The draft concept plan was completed, and the Recreation and Parks Board voted to accept the draft at its meeting of March 17. Mr. Rollins explained the proposed improvements; including additional ball fields; conversion of a 60 foot field to a 90-foot field, additional access road; additional parking; relocation of tennis courts; and realignment of basketball court.

Mr. Rollins stated that preliminary estimates for the improvement project is \$800,000; \$350,000 is in the current budget to start the project.

Areas of discussion included accessibility for the disabled; source of funding; affordability; source of water for the fields (it will not be irrigated); construction time line (it could be ready by Spring 2002); design concerns (proximity of ball fields near roads and houses).

After discussion the Commissioners gave consensus for Mr. Rollins to go forward with the design work with the consultant, and further for Mr. Rollins to return with a list of what funds are available, what the County can afford to do, and a report on a phasing plan.

APPROVAL OF MINUTES

Approval of the minutes was deferred until material on the Classification Study and FY 2001 Recommended were reviewed and any necessary corrections made.

**SEVENTH DISTRICT OPTIMIST
BLESSING OF THE FLEET**

Present: Robert Kopel, Seventh District Optimist
Jim Bannagan, “
Kevin Hall, “
Stanley Williams, “
Glen Buckler, “
Barry Endy, “

The referenced representatives of the Seventh District Optimist Club appeared before the Board to request financial assistance for the Blessing of the Fleet. Mr. Kopel referenced the increased costs for advertising and transportation and requested the Commissioners to help offset these costs.

During discussion the Commissioners acknowledged the fact that the Blessing of the Fleet was a big tourist attraction for the County and expressed willingness to assist the Seventh District Optimist in this endeavor.

Areas of discussion included getting the watermen to help with the Blessing of the Fleet; work needed on the parking lot, and the amount of funding to provide.

After discussion the Commissioners agreed to appropriate \$8,000, to be taken from this year's Accommodations Tax, to assist the Seventh District Optimist Club with the Blessing of the Fleet.

In addition the Commissioners suggested that the Department of Economic and Community Development assist the Optimist with advertising and marketing.

COUNTY ADMINISTRATOR

Present: Alfred A. Lacer, County Administrator

1. Draft Agendas for April 11 and April 18, 2000
2. **Budget Amendments**
 - a. No. 2000-33 – Planning and Zoning (\$10,000)
(to finish clean up of Spangler property)

Commissioner Guazzo moved, seconded by Commissioner Anderson, to approve and authorize Commissioner Randall to sign Budget Amendment No. 2000-33. Motion carried.

- b. No. 2000-34 – Planning and Zoning (\$2,000)
(Advertisement for new director of Building Permit Services)

Commissioner Mattingly moved, seconded by Commissioner Guazzo, to approve and authorize Commissioner Randall to sign Budget Amendment No. 2000-34. Motion carried.

3. **Grant Documents**
 - a. **Department of Social Services**
Service Linked Housing Program (Letter of Intent to Participate and Grant Application (State Funding - \$73,280)

Also present: Mike Luginbill, DSS

Commissioner Mattingly moved, seconded by Commissioner Anderson, to approve and authorize Commissioner Randall to sign the DSS grant documents. Motion carried.

- b. **Marcey Halfway House**
Annual Grant Renewal – FY 2001
(Federal Funding - \$167,265)

Also present: Larry Harvey, Director, Marcey House

Commissioner Guazzo moved, seconded by Commissioner Anderson, to approve and authorize Commissioner Randall to sign the Marcey House Annual Grant Renewal. Motion carried.

After approval of the Grant Renewal, Mr. Harvey invited the Commissioners to the Annual Marcey House Golf Tournament (playing or speaking) to be held Friday, May 26 at the Wicomico Shores Municipal Golf Course.

4. **Resolutions/Ordinances**

- a. Resolution No. 00-14
Establishing the Callaway Citizens Advisory Committee

Commissioner Raley moved, seconded by Commissioner Mattingly, to approve and sign Resolution No. 00-14. Motion carried.

- b. Resolution No. 00-13
Consenting to Construction of Telecommunications Tower at Tri-County Animal Shelter Property and Easement Agreement with SMECO

Also present: Patrick Murphy, Acting County Attorney

Commissioner Mattingly moved, seconded by Commissioner Anderson, to approve and authorize to approve and sign the Resolution and to authorize Commissioner Randall to sign the Easement Agreement. Motion carried.

- c. Ordinance No. 2000-13
Consolidating Plumbing and Natural Gas Codes

Also present: Jon Grimm, Director, DPZ
Harry Knight, “

Commissioner Guazzo moved, seconded by Commissioner Anderson, to approve and authorize Commissioner Randall to sign Ordinance No. 2000-13. Motion carried.

- d. Ordinance No. 2000-12
Rescinding Ordinance No. 98-01
and adopting 1999 National Electric Code

Also present: Jon Grimm, Director, DPZ
Harry Knight “

Commissioner Guazzo moved, seconded by Commissioner Anderson, to approve and sign Ordinance No. 2000-12. Motion carried.

5. **Education Maintenance of Effort Calculation – FY 2001**
(Nonrecurring Cost Exclusions)

Commissioner Guazzo moved, seconded by Commissioner Mattingly, to approve and sign the letter to State Department of Education submitting the request for nonrecurring cost exclusions. Motion carried.

6. **Workforce Development Program Grant**
(\$500,000 from U. S. Department of Labor Employment and Training Administrator)

Commissioner Anderson moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner Randall to sign the referenced Grant Application. Motion carried.

7. **Letter to H. C. Wainwright
Request for Projections**

As a follow up to last week's discussion, Mr. Lacer presented a draft letter to Mr. Ketterman of H.C. Wainwright requesting a study on the county's revenue adequacy and requirements for capital and operating budgets for a projected five-year period.

Commissioner Guazzo moved, seconded by Commissioner Mattingly, to approve and authorize County Administrator Lacer to work with Procurement Office to obtain the services of H. C. Wainwright to perform the required scope of work. Motion carried.

COUNTY COMMISSIONERS' TIME

Summer Youth Employment Program

Commissioner Anderson reported that the Workforce Development Team had indicated that the Summer Youth Employment Program funds were barely adequate to make the program worthwhile (worst case scenario - \$149,860; best case scenario - \$245,000). He pointed out that this is a serious situation and needs to be addressed.

Senate Bill 202

Commissioner Guazzo expressed concern regarding Senate Bill 202 – Prevailing Wage – School Construction and requested staff to research the status of the bill. She stated that if the bill is passed and signed by the Governor, public school staff should be asked how this would impact its capital projects and subsequently the County's funding.

Septic System Bill

Commissioner Guazzo advised that the Septic System will be put on hold for this year.

Airport Master Plan

Commissioner Raley thanked staff for work on setting up the Lexington Park Master Plan meeting on March 30 and thanked the public for attending.

Lexington Park Post Office

Commissioner Guazzo stated that the roof on the new Lexington Park Post Office is "electric blue," indicated a post office will be built in Chaptico, and that she would be campaigning for it not to be "electric blue."

EXECUTIVE SESSION

Commissioner Raley moved, seconded by Commissioner Anderson, to meet in Executive Session to discuss matters of Personnel and Litigation, as provided for in Article 24, Section 4-210(a)1 and 8, respectively. Motion carried.

Personnel

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

Authority: Article 24, Section 4-210(a)1
Time Held: 4:50 p.m. – 5:15 p.m.

Action Taken: The Commissioners discussed items of personnel and gave direction to staff.

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 Lacer, County Administrator
Patrick Murphy, Acting County Attorney
Judith A. Spalding, Recorder

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

Time Held: 5:15 p.m. – 5:45 p.m.

Action Taken: The Commissioners discussed a matter of litigation and gave direction to staff.

ADJOURNMENT

The meeting adjourned at 5:45 p.m.

**Minutes Approved by the
Board of County Commissioners on 4/18/00**

Judith A. Spalding
Judith A. Spalding, Recorder