

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Governmental Center
Tuesday, March 20, 2001**

Present: Commissioner President Julie B. Randall
Commissioner Joseph F. Anderson
Commissioner Shelby P. Guazzo (10:07 to 12:30, 3:15 to end of meeting)
Commissioner Thomas A. Mattingly, Sr.
Commissioner Daniel H. Raley (10:07 to 12:30, 1:50 to end of meeting)
Alfred A. Lacer, County Administrator
Judith A. Spalding, Administrative Assistant to BOCC (Recorder)
Kate Mauck, Recorder

CALL TO ORDER

The meeting was called to order at 10:07 a.m.

ADDITIONS/DELETIONS TO AGENDA

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

APPROVAL OF CHECK REGISTER

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

APPROVAL OF MINUTES

Commissioner Raley moved, seconded by Commissioner Mattingly, to approve the minutes of the Commissioners' meeting of Tuesday, March 13, 2001, as presented. Motion carried.

Peggy Childs recorded the following meeting minutes:

**UNIFIED LAND DEVELOPMENT CODE
USES/CLASSIFICATIONS**

Present: Jon Grimm, Director, Planning and Zoning
Jeffrey Jackman
Sue Veith
Peggy Childs

Article 5 – Uses/Classifications

The Board directed the following:

- 1) Policy Issues
 - Consolidate the 133 use classifications into smaller, more manageable and user-friendly classifications;
 - Restore distinctions between zoning districts rather than too many similar zones;
 - Use mixed-use zoning districts to address flexibility in use groupings rather than blurring the differences between zones.
- 2) RC / RCL
 - Eliminate the Rural Commercial District (RC) or consolidate with RCL;

- Keep Rural Commercial Limited (RCL). Eliminate some of the "Ls" and add more Permitted Uses to provide flexibility. Existing commercial businesses need not remain nonconforming uses, but with appropriate conditions and limitations such as size, hours of operation, lighting, buffering, etc., may be permissible or conditional. Take a look at the neighborhoods of the four areas discussed and add appropriate conditions. Any change or intensification of uses would require conditional use approval with standards that would have to be met.

Staff to provide proposals regarding the amount of expansions these uses could have. Also consider second floors of buildings when reviewing site design issues and impacts from adjoining properties, such as buffering, lighting, noise, etc.

Check with Law Department – Can we allow downzonings (without a lot of expense to property owner; BCC may waive filing fees? But, once a commercial zoning is gone it can't be gotten back.

3) Waterfront / Water Dependent Uses

- Charter Fishing – Eliminate PDs and make Conditional Uses;
- Lines 124-133 – rework and come back;
- Sailing Schools – 2500 sq. ft. limitation; auto service 4000 sq. ft. – are we making these limitations so restrictive we will tie people's hands?

Limitations must be appropriate to their context. Staff to bring all these types of limitations together on one piece of paper for the Commissioners' review, separating limitations that correspond to Comprehensive Plan from others so we don't carry forward any standards that have no rationale or are not in the proper context.

4) Medical Facilities – Rural Practice

- Add "C" at line 78 – medical offices in the RPD;
- Combine classifications and recommend as Conditional Uses in RPD and RCL; regulate through site standards such as parking, hours of operation, buffering, etc.;
- Review home occupations and the way numbers of clients are determined;
- Residential Long Term Care Limited and Outpatient Care should stay at least Conditional Uses;
- Group Assisted Living Homes should be allowed in residential areas and each compared to ensure consistent application.

5) Banking Facilities – okay as accessory uses in RSC.

6) Eating & Drinking Establishments

- Allow as "Limited" use with standards as to size, etc.

7) Visitor Accommodations

- Make these "Limited" with size restrictions.

8) Corporate Campus Offices & Conference Centers

- Allow as "Limited" in RSC with size limitation; add as Permitted in Commercial.

Kate Mauck recorded the following meeting minutes:

**AMERICANS WITH DISABILITIES AWARENESS
SPECIAL OLYMPICS RECOGNITION**

Present: Arthur Shepherd, Recreation and Parks
Mary Lou Bucci, Director, Special Olympics, St. Mary's County

Mr. Shepherd introduced Ms. Bucci, stating that she has been involved with Special Olympics in St. Mary's County since 1988. The program itself is currently in its thirtieth year in the County. At the time Ms. Bucci became involved in the County, 78 athletes were participating, and today 250 athletes participate. There are approximately nine different sports represented in Special Olympics in the County, and more than 500 individuals volunteer to help with the program. The program is run solely on donations from the community, the County, and fundraising events. There are no fees charged to athletes who participate.

(Commissioner Raley entered the meeting at 1:50 p.m.)

Ms. Bucci outlined the various sports events available to athletes involved in the Special Olympics Program. She invited the Board of County Commissioners to attend and present awards to athletes on Wednesday, May 2nd at their spring event at Leonardtown High School. The Special Olympics Annual Swim Meet will occur on May 6th at St. Mary's College. A golf tournament will occur this year for the first time and will be held at Wicomico Shores.

Ms. Bucci outlined several items that are needed and asked that citizens in the County provide ideas on ways to help raise the necessary funding. Commissioners thanked Ms. Bucci for her outstanding effort in heading up the Special Olympics Program in St. Mary's County.

CABLE FRANCHISE NEEDS ASSESSMENT AND NEGOTIATIONS BRIEFING

Present: Frederick Ellrod, Consultant
Patrick Murphy, County Attorney

Mr. Ellrod appeared before the Board of County Commissioners in order to provide an update on the Cable Franchise Needs Assessments and upcoming negotiations. The following information was presented:

- Technical review is largely complete;
- Needs assessment – interviews are largely complete and the report is in preparation;
- Necessary information is being obtained from operators in order to complete the financial review;
- The County will develop its negotiating position within the upcoming two month period; and
- Issues to be addressed are: customer service, subscriber network, public, educational, and governmental access, institutional network, term, scope of grant and treatment of internet access services.

Commissioners requested that the following information be placed in the renewal agreement:

- *Customer service to be the #1 priority;*
- *Repair to be added to prompt installation;*
- *Ensure quality assurance initiatives are in place;*
- *Include follow up efforts/enforcement – may be necessary to have a part-time County staff individual monitor or audit on-site in the cable offices to ensure enforcement of contract standards occurs. If this is deemed necessary, then this individual's salary should be paid by the cable company;*
- *Desire for varied programming and additional channels if possible; and*
- *Cable lines to be buried underground wherever possible.*

MARYLAND DAY ACTIVITIES ANNOUNCEMENT

Present: Kim Cullins, Recreation and Parks Marketing & Planning Specialist
Phil Rollins, Director, Recreation and Parks

Staff announced that Maryland Day 2001 would occur on Sunday, March 25th at St. Clements Island Museum. This year, Historic St. Mary's City will also be participating in the sponsoring of the event. Opening ceremonies begin at 1:00 p.m. and a variety of exciting events as well as speakers were outlined.

COUNTY ADMINISTRATOR

Present: Alfred A. Lacer, County Administrator

1. Draft Agendas for March 27 and April 3, 2001
2. Department of Public Works and Transportation

Present: George Erichsen, Director, DPW&T

- a) Street Lighting System Easement Agreement and Exhibit Plat by and between the BOCC and First Colony Master Association, Inc. granting the use of a 10 ft. wide easement on First Colony Boulevard and FDR Boulevard for the purpose of installing and maintaining a street lighting system within the First Colony Development.
- b) Landscaping Easement Agreement and Exhibit Plat by and between the BOCC and First Colony Master Association, Inc. granting the use of a 10 ft. wide easement on First Colony Boulevard and FDR Boulevard for the purpose of installing, maintaining and replacing landscaping within the First Colony Development.

Commissioner Raley moved, seconded by Commissioner Anderson, to approve and authorize Commissioner Randall to sign the DPW documents, items a) and b). Motion carried.

- c) Public Works Agreement Addendum for Kingston Subdivision, Phase 1, 3rd Election District, extending the completion date to March 1, 2002. The letter of credit provided by the Maryland Bank & Trust in the amount of \$369,500 has been reduced to \$48,500.

Commissioner Anderson moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner Randall to sign the DPW document, item c). Motion carried.

- d) Resolution waiving landfill fees for trash disposal associated with Christmas in April scheduled for Saturday, April 28, 2001.

Commissioner Anderson moved, seconded by Commissioner Mattingly, to approve and sign Resolution No. 2001-22. Motion carried.

3. Office of Community Services
Conversion of Part Time Position

Present: Elaine Kramer, Director of Finance

Ms. Kramer stated that the Fiscal Support Specialist II position is currently a vacant, part time position. The need is for a full time position, and it would be wise to hire in a full time position to fill the vacancy. No additional funding would be necessary.

Commissioner Mattingly moved, seconded by Commissioner Anderson, to approve the request for conversion of the Fiscal Support Specialist II position from part time to full time. Motion carried.

4. Department of Finance
Supplemental Appropriation Ordinance – Office of Sheriff
(follow up to 3/6/01 public hearing)

Commissioner Mattingly moved, seconded by Commissioner Raley, to approve and sign Ordinance No. 2001-06. Motion carried.

COUNTY COMMISSIONERS' TIME

Naming of Willows Road Park

Commissioner Randall asked that the Board of County Commissioners consider naming the Park on Willows Road for former Commissioner John Lancaster, who has been a dedicated citizen of St. Mary's County and has accomplished a great deal for the County. *The naming of the park will be placed on the Commissioners' March 27th agenda.*

St. Mary's County Public Schools Young Artists Reception

Commissioner Mattingly reported that he recently attended the St. Mary's County Public Schools Art Reception. The children and parents were very proud of the art that was displayed, and he wished them all his sincere congratulations.

Volunteer Appreciation Night

Commissioners reported that the Volunteer Appreciation Night held last week at St. Mary's College was one of the best recognition events to occur in the community. Board, Committee, and Commission members deserve a lot of thanks for the efforts they expend on behalf of the citizens of the County. Mr. Lacer and staff were thanked for their efforts in putting together this outstanding event. Thanks were also expressed to Maggie O'Brien and St. Mary's College for allowing the event to be held at the College.

Commissioner Mattingly's Grandchildren

Commissioner Mattingly wished a happy birthday to his grandson, Cameron, who turned five last week. Also, his youngest granddaughter is doing well, and is now weighing in at nearly five pounds. The hope is that she will soon come home from the hospital.

Commissioner Anderson's Public Meeting

Commissioner Anderson stated that he would be holding another public meeting for citizens at the Lexington Park Library on Monday, March 26th from 7:00 to 8:30 p.m. All citizens were invited to attend.

Commissioner Meeting Information Packages

Commissioner Raley directed that packages be made for media that contain meeting information handouts. Staff should have copies available of handouts in case there are other interested citizens desiring copies. Mr. Lacer was asked to have the Public Information office facilitate this request.

Effective Meetings Workshop

Commissioner Randall reported that the Effective Meetings Workshop recently held at the Carter Building was very informative. She agreed with Commissioner Raley's request concerning the providing of meeting information handouts to the public.

(Commissioner Guazzo entered the meeting at 3:15 p.m.)

Tobacco Buy-out Program

Commissioner Mattingly stated that he spoke this morning with Dave Jenkins and in excess of 300 checks have been distributed as of this week. Over \$2 million in money has been given out in Tobacco Buy-out funds thus far.

DEPARTMENT OF FACILITIES MANAGEMENT SPACE NEEDS DECISION

Present: Richard Rohrbaugh, Director

Mr. Rohrbaugh presented Commissioners with a draft alternative plan to the County Office Space Needs Study. The original draft plan was outlined for the Commissioners in recent weeks. The alternate plan indicates no renovations to Building 1 except for relocation of the IT Department. A recommended plan of action, complete with cost estimates, was presented in written documentation to the Board of County Commissioners. Commissioners made the following requests:

- *Switch items in Phase 3 and Phase 4 regarding the renovations to the Lexington Park Library and the moving in of tenants to the renovated Library;*
- *Consider modular units in large open spaces for flexibility and cost savings;*
- *Look into exploring options of cost savings in other areas in order to place a possible second floor on the addition to the Governmental Center.*

Commissioners agreed that the best way to meet the County's needs was to go with the original proposal. However, due to financial restraints, the second best choice would be this alternative plan. **Commissioner Raley moved, seconded by Commissioner Anderson, to accept, endorse and approve the County Office Space Needs Plan dated March 16, 2001 entitled "Alternate indicating no renovations to Building 1 except for relocation of IT". The motion was amended to include the fact that adjustments may be made to the plan in the future based on construction costs, etc. Motion carried.**

LEONARDTOWN WHARF PROJECT

Present: Joan Lolcama, Real Property Manager

Commissioner Mattingly reported that St. Mary's County Government had been working extensively with the Town of Leonardtown, its citizens, and the Godwin family regarding the purchase option agreement for the Leonardtown Wharf property. After completing a full investigation on the matter, it appears that the Town of Leonardtown objects to the County's involvement, and it would seem prudent at this time to withdraw the project from consideration. All Commissioners were in agreement of withdrawal of the project. The County will begin looking for an alternative water access site in the Leonardtown area.

JOINT MEETING WITH BOARD OF EDUCATION

Present: Dr. Patricia Richardson, Superintendent of Schools
Daniel L. Carney, Director, Budget and Finance
Rhodessa Millham, Director of Instruction
Bradley Clements, Facilities, Building and Maintenance
Kathleen Lyon, Director of Student Services
John K. Parlett, Jr., President, BOE
Cathy Allen, BOE Member
Joanie Farrar, BOE Member
Jeff Koehler, Student BOE Member

Individuals from the Board of Education and St. Mary's County Public Schools met with the Board of County Commissioners in order to provide an in-depth review of the St. Mary's County Public Schools' proposed FY 2002 budget. Approved FY 2001 Revenues and Expenditures totaled \$93,333,618 in the General Fund, and anticipated FY

2002 Revenues and Expenditures total \$101,780,474 in the General Fund. A history of their budget was provided, and details regarding individual costs for FY 2002 were outlined and discussed. Capital Improvements and the status of funding on the improvements were outlined. Discussion also took place concerning an upcoming health insurance increase.

The Board of County Commissioners requested that Dr. Roper respond to them in writing regarding space needs, equipment, etc. for physical education – not as they relate to competitive sports, but for health and wellness programs. Commissioners want to ensure that there is equity across the board for all three high schools in this area.

EXECUTIVE SESSION

Commissioner Anderson moved, seconded by Commissioner Mattingly, to meet in Executive Session to discuss matters of Property Acquisition, as provided for in Article 24, Section 4-210(a)11. 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, R&P
 Joan Lolcama, Property Manager
 Judith A. Spalding, Recorder

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

Time Held: 6:16 p.m. – 6:40 p.m.

Action Taken: The Commissioners discussed a matter of property acquisition related to Chaptico Park and gave direction to staff.

ADJOURNMENT

The meeting adjourned at 6:40 p.m.

**Minutes Approved by the
 Board of County Commissioners on 3/27/01**

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