

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Governmental Center
Tuesday, February 18, 2003**

Present: Commissioner President Thomas F. McKay
Commissioner Kenneth R. Dement
Commissioner Lawrence D. Jarboe
Commissioner Daniel H. Raley
Alfred A. Lacer, County Administrator
Donna Gebicke, Administrative Assistant to BOCC (Recorder)

Commissioner Thomas A. Mattingly, Sr. joined the meeting at 1:57 pm.

CALL TO ORDER

The meeting was called to order at 10:04 a.m.

APPROVAL OF CHECK REGISTER

Commissioner Jarboe moved, seconded by Commissioner Dement, to authorize Commissioner McKay to sign the Check Register. Commissioner McKay abstained from the vote. Motion carried.

APPROVAL OF MINUTES

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve the minutes of the Commissioners' meeting of Tuesday, February 11, 2003, as submitted. Motion carried.

ST. MARY'S COUNTY AMBULANCE AND RESCUE ASSOCIATION

Present: Dr. Roache, MD., Chairman, SMC ARA
Harry Koehler, Co-Chairman, SMC ARA

On behalf of the St. Mary's County Ambulance and Rescue Association, Dr. Roache requested a change in the Resolution by the Board of County Commissioners specifying the funding formula for St. Mary's County Rescue Squads. Specifically, the SMC Rescue Squads unanimously request an increase in the per-call allowance from \$30 to \$45 for ambulance response beginning in the FY 2004 budget. The demand for services by Emergency Medical Services has increased dramatically. From 1986 to 2001 the total number of calls per year has increased from 4,753 to 10,370 for all rescue squads. In 2002, the squads answered 10,970 calls, an increase of 118%. There has only been a 57% increase in funding over the last sixteen years. The recommended adjustment will allow rescue squads to continue to provide the level of service that citizens expect and will allow squads to make preparations needed in this time of threat to homeland security.

The Commissioners directed the Director of Finance to provide the Board with an estimate of the financial impact of this request.

PROPOSED CABLE ORDINANCE/FRANCHISE AGREEMENT

Present: John Norris, County Attorney
George Forrest, Deputy County Administrator
Bob Kelly, Director of IT

The Board reviewed public and staff comments and cable company responses regarding the proposed Cable Franchise Agreement and Cable Ordinance. Highlights of the discussion follow:

- The agreement has been modified to include INET service to private schools.
- The term of twenty years was a concern. A compromise of 15 years was achieved with a mid-term review that begins at the end of year eight.

- There is language in the agreement addressing cable support to public access channels in Section 7(c)(2). However, GMP has asked that this language be removed and a separate letter of agreement be developed.
- Complaints about weak service and improperly laid cable were significant, and other customer service issues were addressed. Guarantees and enforcement tools were inserted in the Ordinance to better protect customers.
- Cable modems will be the subject of a separate agreement due to an FCC ruling currently being appealed.
- Section 4(c) requires landowners to allow tenants to have cable installed. However, a provision drafted in the agreement will require GMP to consult with the landowner prior to installation so that the ways and means of installation can be determined.
- Why a new ordinance/agreement?
 - To keep up with the changes in the law
 - to address modem service as a separate agreement,
 - to require upgrades to existing system
 - better customer service to increased clientele
 - to allow those beyond the density of 20 homes per mile to acquire cable service

It was recommended that a portion of the franchise fee be set aside to pay the salary of a county staff person to act as a cable franchise monitor.

Commissioner Raley moved, seconded by Commissioner Dement, to approve the Cable Franchise Ordinance as presented. Motion carried.

Commissioner Raley moved, seconded by Commissioner Dement, to direct staff to insert recommended changes into the proposed cable franchise agreement, and if changes are acceptable to the franchisee and their signatures are obtained, to return the agreement to the Board for approval. Motion carried.

COUNTY ADMINISTRATOR

Present: Alfred A. Lacer, County Administrator

1. Draft Agendas: February 25 and March 4, 2003
2. Finance Department (*Elaine Kramer, Director*)
To sign the FY03 Emergency Management Agency Supplemental Appropriation Ordinance authorizing an increase in the FY03 Budget in the amount of \$22,192.00 and to authorize Comm. President to sign the related budget amendment.

Commissioner Raley moved, seconded by Commissioner Jarboe, to authorize Commissioner McKay to sign the Emergency Management Agency Supplemental Appropriation Ordinance and related Budget Amendment. Motion carried.

3. Housing Authority (*Tonja Fraser-Jenkins, Program Manager; John Savich, Director, DECD*)
 - a. To authorize Comm. President to sign DHCD Agreement for Level II Administration of Special Loan Programs (\$43,858), Amendment to the Agreement, Exhibit A and Exhibit B, and respective Subcontractor Agreements.

Commissioner Jarboe moved, seconded by Commissioner Dement, to authorize Commissioner McKay to sign the DHCD agreement and subcontractor agreements. Motion carried.

- b. To authorize Comm. President to sign DHCD Agreement for Administration of Home Funds (STAR Program), Amendment to the Agreement, and Subcontractor Agreement for Administration of Home Funds (\$60,000)

Commissioner Jarboe moved, seconded by Commissioner Dement, to authorize Commissioner McKay to sign the DHCD agreement and subcontractor agreement. Motion carried.

- c. To authorize Comm. President to sign CDBG Grant Agreement for "Homeownership Down Payment and Assistance" and "Voluntary Relocation Assistance" for 30 Households from Lexington Manor (\$200,000)

Commissioner Jarboe moved, seconded by Commissioner Dement, to authorize Commissioner McKay to sign the CDBG grant agreement. Commissioner Raley voted against the agreement. Motion carried 3-1.

Commissioner Raley expressed his concern regarding the need for a written agreement from the property owners that backfilling of vacated units will not take place.

4. Department of Planning and Zoning (*John Norris, County Atty., Jon Grimm, Dir. DPZ, and J. Howard Thompson, Chairperson of SMC Board of Zoning Appeals*)
To approve the amendments to the Board of Appeals Rules of Procedure and authorize Comm. President to sign the Rules of Procedure (\$200,000)

Commissioner Raley moved, seconded by Commissioner Dement, to approve amendments to the Board of Appeals Rules and Procedures and authorize Commissioner McKay to sign the Rules of Procedure. Motion carried.

5. Recreation and Parks (*Phil Rollins, Director*)

- a. To authorize Comm. President to sign the SMECO Easement and staking sheets for the electrical service at Nicolet Park

Commissioner Raley moved, seconded by Commissioner Dement, to authorize Commissioner McKay to sign the SMECO easement and staking sheets for Nicolet Park. Motion carried.

- b. To authorize Comm. President to sign the alcohol beverage license renewal application for the Wicomico Shores Golf Course

Commissioner Raley moved, seconded by Commissioner Dement, to authorize Commissioner McKay to sign the alcohol beverage license renewal application for Wicomico Shores Golf Course. Commissioner Jarboe voted against the motion. Motion carried 3-1.

6. Appointment Letters (Boards and Committees)

Commissioner Jarboe moved, seconded by Commissioner Dement, to make the following appointments. Motion carried.

	<u>Terms Expire</u>
<u>Cable Advisory Committee</u> Thomas R. Tudor	12/31/07
<u>Commission on Aging</u> Ardith Young	6/30/06
<u>Historic Preservation Commission</u> Richard Williamson	6/30/06
<u>Human Relations Commission</u> Christy Holt Chesser	6/30/07
<u>Teen Center Advisory Board</u> Stuart J. Albaugh	12/31/06
Lorenzo L. Fletcher	12/31/06
Kathleen M. Werner	12/31/06
James O. Farrell	12/31/06

Commissioner Jarboe moved, seconded by Commissioner Raley, to make the following appointments. Motion carried.

Commission for People with Disabilities

Bridgette Diedrich-Soule 12/31/06
Wendy Sutter 12/31/06

Ethics Commission

George R. Baroniak 6/30/06

Mental Health and Addictions Advisory Council

Iva Berg 6/30/05

Procurement Policy Review Committee

Lois M. Cooksey
Carl Franzen
Carol Gallagher
Elaine Kramer
Charles E. Newkirk
Sean Powell
William E. Scarafia
Charles H. Wade

Wicomico River Commission

James Horstkamp 12/31/06

7. Exceptions to Hiring Suspension

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve the exception of three (3) Station Clerk positions and one (1) Court Security non-sworn deputy position from the hiring suspension. Motion carried.

COMMISSIONERS' TIME

Commissioner Raley

- All the Commissioners are grateful to the state, county employees, Recreation and Parks staff, and private contractors for outstanding snow removal.

Commissioner Dement

- Representing the Board, and with Mrs. Dement, enjoyed the wedding reception for county employee Jackie Oliver's marriage to Ricky Lathroum on February 14.

Commissioner Jarboe

- The snow removal fund is out of money. Over the course of the next few months, the Commissioners must make every effort to save money.

Commissioner McKay

- Commend all those involved in snow removal. This is a tough budget year and all department heads are encouraged to make every effort to reserve as much funds as possible.
- *Recommend the Board tour Lexington Manor the first weekend in April.*

COMMENDATIONS: SHERIFF'S DEPARTMENT AWARDS TO CORRECTIONAL OFFICERS OF THE QUARTER

Sheriff Zylak presented commendations and plaques to Correctional Officer 1st Class Louis K. Mileto for the 2nd Quarter of 2002, CO 1st Class Elvis S. Carter, for the 3rd quarter, and CO Bonnie J. Payne for the 4th Quarter of 2002. Congratulations to these officers for their professionalism and dedication.

SHERIFF'S DEPARTMENT LEGISLATIVE PROPOSAL: DISCUSSION/DECISION

This item was postponed at the Sheriff's request.

Commissioner Mattingly entered the meeting at 1:57 p.m.

PROPOSED COMPREHENSIVE ZONING ORDINANCE AMENDMENTS DISCUSSION

Present: Jon Grimm, Director, DPZ
John Norris, County Attorney

The Board discussed public comments received during the Board's open record period following the Public Hearing on January 28, 2003 and the closure of the Planning Commissions record.

Chapter 26 (Transferable Development Rights)

No comments

Chapters 24 and 27 (Variances and Vested Rights)

The Zoning Ordinance legislates specific procedures for grandfathering. The requirements can differ for a subdivision, building, or perc test application. Applicants who made requests before the effective date of the Ordinance (May 13, 2002) are requesting grandfathering consideration.

Commissioner Raley recommended that staff insert language in Chapters 24 and 27 that would give grandfathering status to those whose development applications had gone through the Technical Evaluation Committee process prior to the adoption of the Zoning Ordinance (May 13, 2002). Commissioner Mattingly suggested that grandfathering also be provided for those who filed for perc tests prior to May 13, 2002, but could not carry out due to moratorium.

The Director of Planning and Zoning suggested that language be drafted to allow applications filed with permits and inspections before May 13, 2003, six months from the effective date of any amendment to receive final approvals.

It was further agreed that should there be additional requirements necessary to meet other objectives (such as Mr. Heinz and Mr. Blackwell's circumstances), staff will draft language to accomplish this as well, using TEC review as a threshold for subdivisions.

Chapter 32 (Property Development Regulations)

Commissioner President asked BOCC to prepare written recommendations regarding this chapter for consideration at the February 25 BOCC meeting.

Chapters 50, 51 and 63 (Use Classifications, Use Regulations, Landscaping and Buffer Yards)

It was agreed to discuss these chapters at the February 25 BOCC meeting.

Chapter 70 (Adequate Public Facilities)

Staff was directed to draft amending language that would include the following recommendations:

- *Allow 105% of state rated capacity for all schools.*
- *Maintain 3 school districts for APF purposes.*
- *Allows capacity from new projects to be counted if the projects have been State approved for design, and total county funding for design has been approved in the current County budget.*
- *Allow development districts to borrow up to 10% per year of available capacity from adjoining districts. This will assist in directing growth to the development districts.*
- *Establish an 8-12 member on-going task force made up of stakeholders from all interested groups to monitor the School APF program to make recommendations for adjustments to the school APF policies and associated implementation regulations. Stakeholders on this task force should include representatives from the Board of Education (2), Chamber of Commerce (1), Leonardtown Government (1), County (1), the development community (1), Pax River, and private citizens.*

CABLE FRANCHISE AGREEMENT

John Norris, County Attorney, returned to the meeting with the Cable Franchise Agreement. The recommended changes were accepted by the Franchisee and the Agreement was signed.

Commissioner Raley moved, seconded by Commissioner Dement, to approve the Cable Franchise Agreement with the recommended changes as presented. Motion carried.

PROPOSED DRAFT ORDINANCE TO AMEND CHAPTER 267 OF SMC CODE OF PUBLIC LAWS OF SMC TO ALLOW PROPERTY TAX CREDITS TO SURVIVING SPOUSE OF FALLEN RESCUE WORKERS

Commissioner Mattingly requested that the Board authorize staff to schedule a public hearing regarding the proposed Ordinance to Amend Chapter 267 of the Code of Public Laws of St. Mary's County to allow a property tax credit to the surviving spouses of fallen rescue workers.
Commissioner Mattingly moved, seconded by Commissioner Dement, to authorize staff to proceed with the public hearing. Motion carried.

BUDGET WORK SESSION

Present: Elaine Kramer, Director of Finance
Jeannett Cudmore, Deputy Director Finance
Al Lacer, County Administrator
CIP Group

Capital Improvements

The total CIP recommended budget is \$15,836,090 and final direction is requested. The reductions in the overall budget came from public schools and county projects specifically. Capital programs were shifted over one year. Unencumbered balances in selected capital improvement projects from FY03 amounting to \$2,781,486 were carried forward into FY04 and considered in developing the budget.

In 04, projects will be limited to:	\$ 50,000	Leonardtown Library upper level
	\$100,000	Building Mainte/repair/ADA upgrades
	\$224,984	CSM furniture & equipment
	\$605,000	Facilities: Lex Park Library and Plan
	\$335,000	Land Record Tax/Land Preservation
	\$ 45,400	StreetScape
	\$200,000	Slurry Seal
	\$ 50,000	Transportation plan update
	\$3,900,000	Solid Waste
	\$200,000	Nicolet Park Expansion/Chaptico Phase 1
	\$ 50,000	3 Notch Trail
Public Schools	\$9,250,000	Includes ADA transition, Tech Center, etc

The county is currently within debt capacity guidelines for all years. Commissioner McKay complimented the CIP group on all their hard work.

Action Items:

- *Mr. Rohrbaugh is to meet with Catholic Charities who are interested in a small space within the renovated Lexington Park Library.*
- *Return \$375,000 to surface treatment for roads in anticipation that a modification will be made reducing the public schools CIP to \$9 million.*


Operating Budget Overview

County Departments have requested an additional 19% in funding over FY03. There is significant grant activity ready to review soon. All budget submissions should be received by the end of the week.

ADJOURNMENT

Commissioner Jarboe moved, seconded by Commissioner Dement, to adjourn the meeting at 5:20 p.m. Motion carried.

Minutes Approved by the
Board of County Commissioners on 2/25/03



Donna Gebicke, Administrative Assistant
to the Board of County Commissioners