

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
April 6, 1999**

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

CALL TO ORDER

The meeting was called to order at 10:00 a.m.

ADDITIONS/DELETIONS TO AGENDA

Commissioner Raley moved, seconded by Commissioner Mattingly, to accept the agenda as amended (to switch the County Administrator with the County Attorney). Motion carried.

APPROVAL OF CHECK REGISTER

Commissioner Anderson moved, seconded by Commissioner Mattingly, to authorize Commissioner Randall to sign the check register, as presented. Motion carried.

APPROVAL OF MINUTES

Commissioner Guazzo moved, seconded by Commissioner Anderson, to approve the minutes of the Commissioners' meeting of Tuesday, March 30, 1999 as presented. Motion carried.

EXECUTIVE SESSION

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

Personnel (Vacant Position)

Present: Commissioner President Julie B. Randall
Commissioner Joseph F. Anderson
Commissioner Shelby P. Guazzo
Commissioner Thomas A. Mattingly, Sr.
Commissioner Daniel H. Raley
Mortimer Smedley, County Administrator
Martha Beavers, PIO, St. Mary's Hospital
Melvin "Mac" McClintock, Director, DHR
Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a)1
Time Held: 10:20 a.m. – 10:51 a.m.

Action Taken: The Commissioners discussed a vacant position and gave direction to staff.

**ST. MARY'S COUNTY HOUSING AUTHORITY
MULTI-FAMILY HOUSING**

Present: Dennis Nicholson, Director, Housing Authority

(Also Present: NAS - Capt. Chris Schanz, Public Works Officer; Shirley Zelienski, Housing Director; Property Managers – Hazel Starr, Cherry Cove; Teresa Burke, John Montgomery, Mayfaire Apts.; Marsha Reynolds, Harbor Financial Mortgage Co.; HUD Representatives – Ina B. Singer, Dir., Multifamily Housing; Melissa Peters, Multi-Family Housing)

The referenced individuals appeared before the Board to discuss the supply of rental housing properties and what the County's vision was for multifamily housing in St. Mary's County.

The presentation included median income levels (families of four) for the County; household incomes for 1998; county wide household incomes; renters and home-owners in St. Mary's County and Lexington Park, specifically; apartments built in 1980's and in the 1990's and population increases for those periods; rental rates; household incomes for Lexington Park area; distribution of family income by statistical areas and non metropolitan counties; county wide growth trends; population project; navy housing availability and needs; availability of rental units throughout the community, particularly in the Lexington Park area; HUD subsidized rental housing, non-subsidized rental units and proposed projects.

During the presentation, Commissioner Randall requested Mr. Nicholson to provide rental rates for Lexington Park and for comparison of family incomes for neighboring Charles and Calvert Counties.

Areas of discussion included whether there was a need for any more multifamily rental units in the Lexington Park area (that HUD will be doing a market analysis to determine if there is a need for the proposed projects prior to determining whether HUD loan funding could be offered); that developers of the proposed projects should consider traditional funding methods; impact of proposed projects on existing vacant rentals; the trend of renters going into homeownership; and AICUZ issues.

COMMENDATIONS/TOUR OF TEMPORARY COURTHOUSE

The Commissioners presented Commendations to individuals who assisted with the move from the Courthouse to the Temporary Courthouse the weekend of February 13, 1999.

**DEPARTMENT OF PLANNING AND ZONING
PUBLIC HEARING
ZPUD #98-2151 – ESPERANZA COMMERCIAL PARK PUD**

All Commissioners were present; DPZ staff present were Jon Grimm, Director; and Peggy Childs, Recording Secretary.

Requesting rezoning of 16.1 acres from RL to PUD-CP to allow expansion of self-storage facility. The property is located off of MD 235 in the Lexington Park Development District, northeast of the MD 235/Millstone Landing Road Intersection; Tax Map 43, Block 1, Parcel 528.

Owner/Present: Mark Dillow
Also Present: Bill Higgs, of Little Silences Rest, Inc., Agent

Legal Ad published in The Enterprise
#A-1 Certified Receipts of notification to property owners within 200 ft. of the property
#S-1 Photo of Posting of Property by staff
#S-2 April 6, 1999 Staff Report

This 16+ acre property is located behind the Esperanza Shopping Center on MD 235, extending from the shopping center to the Esperanza Middle School and Green Holly School to the north and east, and to Millstone Landing Road to the south. Two deep ravines separate the property from the schools, leaving a limited development area in the middle. Access will be via the existing shopping center or the existing storage facility.

The Planning Commission held a pre-application conference on January 11, 1999 and a public hearing on February 22nd, recommending approval as contained in its March 8, 1999 Resolution.

Two clusters are proposed for development. The first – a 1.1 acre portion – will attach to Mr. Dillow's 6.3 acre commercial parcel in the shopping center and be developed as part of that site. The second – a 5.6 acre portion – will be used to expand the existing Storage USA facility. The remaining portion – 9.4 acres of open space – has been requested by the Board of Education, to be used for environmental studies. 8.5 of the 9.4 acres will be donated to the Board as requested. The remaining .9 acre will be retained by the applicant and used to provide a 40 ft. buffer between the commercial use and Green Holly School; a fence will be also be provided between the two uses.

The self-storage facility will be fully sprinklered. Water/sewer exists to serve the site and applicant will extend the water line to provide a fire hydrant. The existing stormwater management facility will also handle runoff from the expansion. All required utilities will be provided; parking and interior landscaping will be provided in accordance with Ordinance requirements.

The Commissioners questioned adequacy of the stormwater management facility, the stability of the ravine property, and the fact that the 8.5 acres will be taken off the tax rolls. Mr. Higgs said they believe the stormwater management facility will handle the expanded facility but, if not, it can easily be expanded. He agreed to provide a Soil Conservation report on the "gully," a property appraisal, a boundary survey and detailed information on the 8.5 acres as requested by the Board of Ed. Brad Clements, of the School Facilities Office, said the state has recommended an environmental study area and the property will be used for that purpose. Mr. Dillow stated he does not believe losing the 8.5 acres will have an impact on the tax assessment, as it will be based on income derived from the commercial pods.

Ms. Randall opened the hearing to public comment. There were no comments. The hearing was closed with the record to remain open for 10 days for written comment and for the requested information to be provided to the Commissioners.

PROCLAMATIONS

The Board of County Commissioners presented the following Proclamations:

- ❖ International Building Safety Week
- ❖ National Public Health Week

ST. MARY'S COUNTY AIRPORT OVERVIEW

Present: Jim Haley, Airport Manager
Jim Stirling, Director, Office of Capital Projects
(Also Present: MAA - Bruce Mundie and Sam Keiter; Delta Airport- Charles Lamb)

The referenced individuals appeared before the Board to provide a briefing on the operations, facilities, and projects at the St. Mary's County Airport. The report included an Airport Fact Sheet; Economic Impact of Airport; Aviation Activity; State Role in Assisting Maryland Airports (approvals and funding); Status of Weather Observation System (AWOS) (will be up and running by 2000 and will be data connected with the National Data System); air service study; capital projects in work and planned projects

(Update of Airport Master Plan (currently in Phase 1), Removal of Obstructions, Extension/Relocation of Taxiway, Installation of Airfield Signs)

In addition Mr. Haley offered suggested names for the Airport (St. Mary's County Airport; St. Mary's County Regional Airport; St. Mary's Regional Airport; Southern Maryland Regional Airport; and Southern Maryland Regional Airport at St. Mary's), and requested the Commissioners to select one of these names or one of their choosing. The Commissioners will give consideration to naming the airport and will announce it at a later meeting.

In closing, for informational purposes, Mr. Haley presented a Recommended Staffing Plan/Organizational Chart.

In conclusion the Commissioners requested information as to staffing and operations at other airports in Maryland.

EASEMENT AGREEMENTS ROUTE 235 CONSTRUCTION PROJECT

Present: Douglas S. Durkin, County Attorney
Linda Opdyke, Legal Assistant

Mr. Durkin appeared before the Board to present and review two easement agreements granting SHA use of portions of the railroad right-of-way in connection with the Route 235 widening project—one pertains only to the portions of the railroad right-of-way which abut Route 4; the second pertains to various sections of the railroad right-of-way south of Route 4 to north of Chancellors Run Road. He stated that there were two issues that have not yet been resolved, the most problematic of which is the property owned by Dr. Kaplan on Route 235 and Rolling Road (the construction plans and plat are inconsistent). SHA has filed condemnation proceedings because construction was to begin March 29, and had SHA not done so, it would not have had the right of entry; the other issue is the distribution of the proceeds. The State has offered to pay approximately \$60,000 (fair market value of the 14 easements), and SMECO has questioned how it was to be divided. SMECO believes it should be divided 50/50 between the County and SMECO.

In conclusion County Attorney Durkin recommended that the Commissioners authorize Commissioner Randall to execute the easement agreements, to monitor the Dr. Kaplan condemnation proceedings, and to have the County Administrator resolve the division of proceeds issue.

After discussion Commissioner Anderson moved, seconded by Commissioner Raley, to authorize Commissioner Randall to sign the Easement Agreements as presented. Motion carried.

COUNTY COMMISSIONERS' TIME

Regional Community College Legislative Proposal

Commissioner Randall stated she was still very optimistic that there will be a regional community college this legislative session.

COMPREHENSIVE LAND USE PLAN DISCUSSION

Present: Jon Grimm, Director, DPZ

Ordinance No. Z99-02

As a follow up to previous discussions and input from the County Attorney, Mr. Grimm reviewed the changes to the referenced Ordinance adopting the Comprehensive Land Use Plan (including changing it from a Resolution to an Ordinance, adding vote of the Planning Commission, inclusion of the adoption of the Lexington Park Master Plan, addition of code reference 3.06(b)).

After discussion Commissioner Guazzo moved, seconded by Commissioner Anderson, to approve and adopt Ordinance No. Z99-02 adopting the January 1998 Comprehensive Land Use Plan. Motion carried.

Letter to Planning Commission

The Commissioners discussed the referenced letter to the Planning Commission setting forth areas to be addressed by the Commission:

Action Boxes

To remove action boxes from text of Comprehensive Plan and place them in an appendix to the plan to be used as a guide in the development of the Unified Development Code.

Discussion included whether this was a change to the Plan that would require public input (Commissioners Guazzo and Anderson were of the opinion that the action boxes should remain as is in the Plan.)

It was the consensus of the majority of the Board to request that the *Action Items* be removed from the text of the Plan and place it in an appendix to the Plan to be used as a guide in the development of the Unified Code.

Fees in Lieu of TDR's and establishment of a PDR Program

To request recommendations for incentive programs beyond the TDR program for ways to protect agricultural and open space (e.g., open space fees)

Commissioner Guazzo expressed concern about increased density in rural areas which is opposite of provisions in the CLUP and the number of approved lots and the number of new lots that could be developed.

It was the consensus of the Board to request an economic analysis in concert with the Department of Planning and Zoning to determine if there is a market, how big a market, and how to create a market for the purchase of development rights.

Agricultural Overlay District

To include St. Jerome's Neck and the Dameron area within the Agricultural Overlay District in the Master Plan concept map.

The Commissioners concurred with this recommendation.

County-wide Transportation Plan

To add the requirement to develop a county-wide comprehensive transportation planning program that is integrated with State and regional planning programs; prepare and regularly update a long-range transportation system plan including a non-arterial street and highway maintenance and improvement element.

The Commissioners concurred with this recommendation.

Law Enforcement

Delete the Paragraph in Chapter IV dealing with law enforcement. Replace with:

E. Policy: Meet the increasing Law Enforcement, Health and Public Safety needs of a growing population.

Law Enforcement

- a. Maintain a high level of service by providing essential equipment, personnel and professional training for public safety personnel.

- b. Ensure the coordination of efforts and services between state and local governments in developing effective public safety program and strategies.
- c. Plan the expansion of public safety services and facilities It coincide with projected population growth and identified needs.
- d. Promote public participation and awareness of public safety plans and programs.

The Commissioners concurred with this recommendation.

Museums

To Add to Chapter IV, Paragraph 5.1.5 support of the Navy's Test and Evaluation Museum.

The Commissioners concurred with this recommendation.

Completion Date for Unified Development Code

To set the target date for completion of the Unified Development Code for October 31, 1999.

Discussion included clustering alternatives and that there be a requirement in PUD's for the developer to include a dedication for a public road. These items will be addressed during development of the Unified Development Code.

In conclusion Mr. Grimm reviewed the schedule for the development/adoption of the Unified Development Code and recommended that the Planning Commission and Board of County Commissioners conduct a joint public hearing on the Code.

COUNTY ADMINISTRATOR

Present: Mortimer L. Smedley, County Administrator

- Draft Agendas for April 13, 1999 and April 20, 1999

1. Department of Public Works Items

Also Present: John Groeger, Deputy Director, DPW

- a) Traffic Resolution Nos. 99-07 and 99-08 establishing stop signs and 25 mph speed limit on Greenview Parkway, Longfields Boulevard and Mariann Court located in the Greenview West Subdivision.

Commissioner Mattingly moved, seconded by Commissioner Raley, to approve and authorize Commissioner Randall to sign the Traffic Resolution as presented. Motion carried.

- b) Public Works Agreement Addendum for Westbury PUD Subdivision located in the Eighth (8th) Election District extending the completion date to March 1, 2000. The letter of credit provided by the First National Bank of St. Mary's is being reduced from \$652,300 to \$176,000.
- c) Public Works Agreement Addendum for Greenbrier Subdivision located in the Eighth (8th) Election District extending the completion date to April 1, 2000. The letter of credit provided by the First National Bank of St. Mary's is being reduced from \$214,000 to \$152,000.
- d) Public Works Agreement for Greenbrier Subdivision located in the Eighth (8th) Election District. A letter of credit has been provided by the Maryland Bank & Trust Company in the amount of \$444,000.

Commissioner Guazzo moved, seconded by Commissioner Anderson, to approve and authorize Commissioner Randall to sign the referenced public works documents as presented. Motion carried.

2. Department of Social Services Grant Documents

Also Present: Mike Luginbill, Grants Manager, DSS

- a) Service Linked Housing Project Grant Application (\$80,260)
- b) ETHS/HPP Grant Application (emergency rent; moving expenses) (\$75,600)

(During review of the grants, the Commissioners requested that the documents be corrected to show contributions from the State and not the County, and further that they be signed by Mr. Nicholson, Director, Housing Authority.)

After discussion Commissioner Guazzo moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner Randall to sign the grant documents on Friday, April 9, 1999, when they are corrected and signed by Mr. Nicholson. Motion carried.

EXECUTIVE SESSIONS

Commissioner Anderson moved, seconded by Commissioner Guazzo, to meet in Executive Session to discuss matters of Personnel and Property Acquisition, as provided for in Article 24, Section 4-210(a)1, and Article 24, Section 4-210(a)11, respectively. Motion carried.

Personnel

Present: Commissioner President Julie B. Randall
 Commissioner Joseph F. Anderson
 Commissioner Shelby P. Guazzo
 Commissioner Daniel H. Raley
 Mortimer Smedley, County Administrator
 Melvin McClintock, Director, DHR
 Mary O'Brien, Risk Manager
 Susan Wilkinson, DECD
 Judith A. Spalding, Recorder

(Commissioner Thomas A. Mattingly, Sr. did not participate in this discussion because of possible conflict of interest.)

Authority: Article 24, Section 4-210(a)1
 Time Held: 7:01 p.m. – 7:25 p.m.

Action Taken: Staff brought the Commissioners up to date relative to a personnel issue.

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
 Mortimer Smedley, County Administrator
 Phil Rollins, Director, R&P (left session at 7:48 p.m.)
 Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a)11
 Time Held: 7:25 p.m. – 8:40 p.m.

Action Taken: The Commissioners discussed property acquisition issues, gave direction to staff on one issue and agreed to a course of action on another issue.

ADJOURNMENT

The meeting adjourned at 8:45 p.m.

**Minutes Approved by the
Board of County Commissioners on _____**

Judith A. Spalding, Recorder