

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Governmental Center
February 1, 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
George Forrest, Deputy 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 Raley moved, seconded by Commissioner Anderson, to accept the agenda as presented. Motion carried.

APPROVAL OF CHECK REGISTER

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

(Kate Mauck took the minutes at this point.)

**MILL RUN PLAZA – SOLID WASTE PLAN AMENDMENT
DISCUSSION/DECISION**

Present: Al Lacer, County Administrator
George Erichsen, Director, Department of Public Works
Jon Grimm, Director, Department of Planning and Zoning

Mr. Lacer provided information to the Commissioners concerning the status of the proposed Solid Waste Plan Amendment. Having conducted a Public Hearing on November 9, 1999, the Commissioners commenced discussion on whether to approve or oppose the Amendment to the Solid Waste Plan.

Commissioner Guazzo moved, seconded by Commissioner Anderson, to deny the application for Amendment to the Solid Waste Plan based on staff's recommendation and based on an examination of the goals and objectives contained in the Solid Waste Plan.

Commissioner Anderson suggested that it should be kept simple, that the Commissioners should discuss the motion, and it should simply be to deny or approve the amendment and the result of our discussion will lead to the deciding factors determining why it was denied or approved.

Mr. Lacer stated that the Commissioners need to look at the complete public record from the hearing and what was submitted during the ten-day open record period. Staff recommendations would be part of the record and that a period should be put after Solid Waste Plan in the motion.

Commissioner Guazzo, the mover, and Commissioner Anderson, the seconder, agreed to amend the motion to accept Mr. Lacer's recommendation as follows: ***"to deny the application for Amendment to the Solid Waste Plan."***

Vote on the amended motion was unanimous.

Discussion ensued concerning citizen input on this matter. The Commissioners voiced the opinion that the proposed amendment was inconsistent with the Solid Waste Plan, the ULDC, and the Comprehensive Plan, and applicant failed to demonstrate need. The proposed facility has become a regional issue, and not just a local one. Commissioners expressed concern that the facility will be unpopular wherever it is placed; however, this issue must soon be addressed in the Comprehensive Plan and the ULDC. The issues of traffic and the exclusion zone must be addressed at the same time. The Commissioners indicated that solid waste is a top priority issue for the Board of County Commissioners.

**TEXT AMENDMENT – ARTICLE VII (Section 70.1 – 70.7)
DISCUSSION/DECISION**

Present: Al Lacer, County Administrator
Jon Grimm, Director, Department of Planning and Zoning

Mr. Lacer stated that a Public Hearing was held January 4 on the referenced text amendment, and the required 10-day period for public comment has been completed. The matter was now ready for approval or denial by the Commissioners. This matter relates to amendment of the local Zoning Ordinance, clarifying matters that are required or not required to go through the Planning Commission. Mr. Lacer provided historical information on this subject, and reasons for the amendment were discussed. The process currently used requires that all items must go through the Planning Commission; however, Article 66B of the Maryland State Code does not require this. The amendment would require items that have to do with only non-zoning matters to come directly to the Board of County Commissioners.

Commissioner Anderson moved, seconded by Commissioner Guazzo, to approve the amendment to the proposed Ordinance as submitted. Motion carried three to two with Commissioners Mattingly and Raley voting against.

**DEPARTMENT OF PLANNING AND ZONING
UNIFIED LAND DEVELOPMENT CODE TIME LINE AND PROCESS UPDATE**

Present: Al Lacer, County Administrator
Jon Grimm, Director, Department of Planning and Zoning
Frank Taylor, Chairman, Planning Commission

Mr. Grimm outlined work that has been completed with the Planning Commission on the Unified Land Development Code. Progress has been made; however, not as much as originally hoped for. The original plan was to conclude this project within a one-year time frame, which would bring completion around the first week of April. It is now anticipated that another six to eight weeks work should bring about full completion of the task. Work sessions completed so far include zoning use classification, tables of uses, and various zoning districts' intent and purpose statements. The Commissioners have already reviewed zoning mapping guidelines developed. Yet to be reviewed are various technical design standards and transfer of development rights, which is pending due to weather cancellations and rescheduling difficulties.

Discussion took place concerning the process to be followed by either the Planning Commission and/or the Board of County Commissioners to allow a public information session or a public hearing to be held on the subject. There was some discussion about holding a joint public hearing between both the Planning Commission and the County Commissioners for public comment. Discussion also included TDR's and changes to the Comprehensive Plan that may need to be made based on the Unified Land Development Code that is adopted.

There was considerable discussion concerning the contract with the consultant on this project. Mr. Lacer had sent a letter to the consultant some time ago, asking for

clarification of legal review on the proposed plan, and he has not heard back from the consultant, which gives some cause for concern. Also, some deliverables from the consultant are still pending. **Commissioner Randall asked Mr. Grimm to provide the Commissioners with a follow-up memo on the status of the pending deliverables and on the impact of the contract with the consultant.** The County Attorney's office, the County Administrator and Mr. Grimm will be meeting to provide recommendations on the status of meeting the legal requirements of the State of Maryland and to determine who will provide the proper legal representation on this matter.

Commissioner Randall asked Mr. Taylor to have the Planning Commission place the Unified Land Development Code as its top priority. She asked them to target an April 1st deadline to present the Plan to the Commissioners. In addition, Planning and Zoning was asked to draft a timeline for the Commissioners to finalize the ULDC, with an April 1st start date – to include public informational meetings as well as time for revisions.

Commissioner Mattingly asked Mr. Grimm to provide a copy of the 150 or so individual rezoning request evaluations., which Mr. Grimm had stated would be completed by February 10.

(Judith Spalding took the minutes from this point forward.)

PROPOSED MORATORIUM CALLAWAY VILLAGE CENTER STUDY AREA

Present: Al Lacer, County Administrator
Jon Grimm, Director, DPZ
Bill McKissick, Dugan and McKissick, Attorney for developers
Dan Ichniowski, NGO, engineering representative for Vince Watkins
(Shops at Callaway)
Herb Redmond, DH Steffens, engineering representative for Bill Callaway
(Callaway Market Place)

As a follow up to the January 4 public hearing, the Commissioners commenced discussion on the proposed moratorium for the Interim Callaway Village Center Study Area. The referenced individuals reviewed the history and background relative to the issue of a proposed moratorium for the Callaway Village Center. Mr. Grimm described the proposed study area, the status and particulars of the two principle commercial projects (Shops at Callaway and Callaway Market Place).

Highlights of the presentation included:

- Shops at Callaway, a project of mixed commercial and retail use, located on the northbound lane of Route 5, has three phases, two of which have been through TEC, has been through water/sewer amendment process, and is awaiting Department of Environment review and approval to allow the site to access public water/sewer. Phase One includes convenience store and gas pumps.
- Callaway Market Place, a project of mixed commercial and retail use located on the southbound lane of Route 5, has concept approval, has gone through water and sewer process and has recently been sent to the Department of Environment for approval for access to water and sewer service.
- Approximately eight applications for zoning amendments have been received in the study area, none of which have filed subdivision plans or site plans for consideration at this time.
- Representatives for Callaway Market Place and Shops at Callaway have responded to TEC comments and made accommodations accordingly.
- (Accommodations by Callaway Market Place included stormwater management for two, ten and 100 year storm events; dedication of 40-foot right-of-way to SHA for

future widening of Route 5; reconfiguration of project including reduced parking area; provided access that would avoid future signalization; provision of sidewalks; site amenities including green areas, bus shelter, decorative lamp posts; frontage buffer and additional landscaping in parking lot.)

- (Accommodations by Shops at Callaway included certain amenities (gazebo, benches, etc.); stormwater management (any disbursement from pond will be at or below pre-development rate, 2, 10 and 100 year storm event; buffering; and dedication of a 40-foot right-of-way to SHA for future widening of Route 5).
- Because of the accommodations and agreements reached over the past month, Mr. McKissick indicated that there was no longer a need or a benefit for having a moratorium, and that county staff will now be able to develop standards for village centers.

Areas of discussion included:

- Need for right-in, right-out with center lane;
- Comparisons with original plans to current plans,
- Adherence of projects to current comprehensive plan;
- Original purpose of considering a moratorium (to avoid or circumvent intent of comprehensive plan);
- Processes that projects must still go through (administrative approval after state has acted on water/sewer issues and having to go through Planning Commission for each phase);
- That if the Board chose not to go through with moratorium and agreed to proceed with the study, an Ordinance would not be required;
- That Mr. Grimm and Mr. Erichsen both noted that both projects as presented would not undermine the implementation of the adopted comprehensive plan;

After discussion Commissioner Mattingly moved, seconded by Commissioner Raley, that the Commissioners take the position to not initiate and pass an Ordinance for a temporary moratorium; to allow the Interim Study process to proceed; and to allow the two referenced projects, Shops at Callaway and Callaway Village Shops, to move forward based on representations presented. Motion carried.

APPROVAL OF MINUTES

January 18, 2000

Commissioner Raley moved, seconded by Commissioner Mattingly, to approve the minutes of the Commissioners' meeting of Tuesday, January 18, 2000 (which had been deferred from last week because of a missing page) as corrected. Motion carried.

**January 28, 2000 (rescheduled from January 25 because of snowstorm)
(Minutes not completed and will be considered at next week's meeting.)**

COUNTY ADMINISTRATOR

Present: Alfred A. Lacer, County Administrator

- Draft Agendas for February 8 and February 15, 2000

1. **Budget Amendments/Resolution**

- a. No. 2000-20– Office of Capital Projects (\$177,000.00) and Resolution No. 00-02

Also present: Jim Stirling, Director, OCP
George Erichsen, Director, DPW

(Reallocating funds to address established requirements for construction of facilities to house Dept. of Public Works.)

Discussion ensued regarding budget priorities and the need for this facility as well as the need for improvements to Bd/Ed transportation facility.

After considerable discussion Commissioner Mattingly moved, seconded by Commissioner Guazzo, to approve and authorize Commissioner Randall to sign Budget Amendment No. 2000-20 and to approve and sign the Resolution No. 00-01 . Motion carried.

- b. No. 2000-21 - Office of Central Services (\$1,750.00)
Budget amendment transferring budgeted supplies and materials funds in the Dept. of Central Services to the Dept. of Human Resources to set up salary line accounts for Temp Employee Program.

Also present: Jim Haley, Manager, Office of Central Services

Commissioner Mattingly moved, seconded by Commissioner Guazzo, to approve and authorize Commissioner Randall to sign Budget Amendment No. 2000-21. Motion carried.

- c. No. 2000-22 – St. Mary’s County Memorial Library (\$25,356.00)
Budget amendment transferring budgeted funds from the Library fund balance into the Furniture & Equipment account.

Also present: Mary Wood, Director, St. Mary’s County Libraries

Commissioner Mattingly moved, seconded by Commissioner Guazzo, to approve and authorize Commissioner Randall to sign Budget Amendment No. 2000-22. Motion carried.

2. **Old Hewitt Roadbed Sale**

Mr. Lacer presented an offer by Mr. Manchak and Mobile Homes to buy the old Hewitt, roadbed, which abuts their properties, at 50¢ per foot.

It was the consensus of the Commissioners to direct staff to proceed with the offer of 50¢ if the property owners do the boundary line adjustment plat at their expense.

3. **Office of Central Services
Grant Assurances for FY2001 Request for Transportation Grants**

Also present: Jim Haley, Manager, Office of Central Services
George Jarboe, Transportation Supervisor

Mr. Jarboe explained the Grant Assurances were for the Statewide Specialized Transportation Program (SSTAP); Sections 5307 and 5311 transportation programs; and Job Access.

During discussion Commissioner Randall requested an update on what is being done to provide transportation for the disabled and lower income individuals to get to work. She requested that an analysis be done to determine the needs and costs, how to meet those needs, and whether state or other funding was available.

After discussion Commissioner Mattingly moved, seconded by Commissioner Guazzo, to approve and authorize Commissioner Randall to sign Grant Assurances. Motion carried.

4. **Supplemental Appropriations Ordinances**
(Follow-up to January 18, 2000 public hearing)

- a. Ordinance No. 00-02 - St. Mary's County Office on Aging
\$3,931.00 in State grant funds
- b. Ordinance No. 00-03 - St. Mary's County Department of Public Works
\$200,000.00 in State grant funds
- c. Ordinance No. 00-04 - St. Mary's County Office of Community Services
\$24,000.00 in State grant funds
- d. Ordinance No. 00-05 - St. Mary's County Office of Community Services
\$29,634.00 in State grant funds
- e. Ordinance No. 00-06 - St. Mary's County Office of Community Services
\$13,000.00 in State grant funds
- f. Ordinance No. 00-07 - Office of the Sheriff
\$4,000 in State Grant Funds

Commissioner Anderson moved, seconded by Commissioner Mattingly, to approve and sign the Supplemental Appropriation Ordinances as presented. Motion carried.

5. **Banneker/Loveville Sewer Line**

Mr. Lacer referred to a previous meeting regarding the referenced sewer line during which several options were discussed which was a prelude to a meeting with the State on this project. The County had proposed to allocate \$290,000, MetComm's estimated amount to run a force main line solely for Banneker/Loveville as well as a few failing systems along the way. The project was to be completed by fall of 2000 by the Metropolitan Commission, and this time line was conveyed to the State.

Mr. Lacer indicated that he had prepared a Denied Access Agreement, which contained language that the County would pay the \$290,000 through school appropriations, and that the line would be provided by September. He advised that the Metropolitan Commission has now declined to sign the Agreement and that Mr. King, Director, MetComm, is pursuing various options to make the line a public project. He stated that MetComm has concerns about meeting the September time frame and that the \$290,000, which had been offered and accepted, may not be adequate. MetComm is considering borrowing the additionally needed funds and intends to request the County to back the bond issue with its full faith and credit. These actions have complicated the closure of this project, and therefore, Mr. Lacer advised that he was not able to present the Denied Access Agreement with the time line and price discussed and agreed to previously. The Commissioners will need to make a decision on how to proceed to get the project back on track.

Areas of discussion included whether someone else could do the project other than MetComm concerns about changing the rules and focus of the project, and the fact that the appeal to the Board of Public Works on the renovations to Banneker/Loveville is scheduled for February 9.

After discussion the Commissioners directed County Administrator Lacer to prepare correspondence setting forth the Commissioners' understanding regarding the allocation of \$290,000 to do the project, and if it cannot be done, the County will look into getting a contractor to do the project. It should also indicate that the County has no

intentions of entertaining a bond issue for a public project. The Commissioners requested a response to the letter by Monday, February 7. (The letter is to be signed by Mr. Lacer and copied to the Metropolitan Commission members)

6. Acting County Attorney

Mr. Lacer recommended to the Board of County Commissioners that since he has been selected as County Administrator, that Patrick Murphy, Assistant County Attorney be designated as Acting County Attorney.

Commissioner Raley moved, seconded by Commissioner Guazzo, to appoint Patrick Murphy as Acting County Attorney. Motion carried.

FISCAL YEAR 2001 BUDGET OVERVIEW

Present: Jeannett Cudmore, Acting Director of Finance
Marty Jones, Budget Analyst

At this time staff from the Finance Office reviewed with the Commissioners projected revenues and expenditures, budget requests from various departments, and the changes (plus or minus) from the figures from Fiscal Year 2000. Ms. Cudmore advised that the budget requests were not complete due to the lack of the Board of Education request.

In addition the Commissioners reviewed the revised departmental Budget Review schedule and made additional changes.

In closing the Commissioners requested additional information in the charts including wealth per county and changes in the charts by percentage.

ADJOURNMENT

The meeting adjourned at 7:05 p.m.

Minutes Approved by the
Board of County Commissioners on 2/25/00
Judith A. Spalding
Judith A. Spalding, Recorder