

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Governmental Center
Tuesday, August 29, 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 Guazzo moved, seconded by Commissioner Mattingly, to accept the agenda as amended (to delete approval of the minutes until next week and to add an executive session on litigation). Motion carried.

APPROVAL OF CHECK REGISTER

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

APPROVAL OF MINUTES

Approval of minutes was deferred until next week.

COMMENDATIONS/PROCLAMATION

The Board of County Commissioners issued the following:

- ❖ *Commendation to Nathania C. Butler for her service to the VISTA Program (Cynthia Brown, Director, Office of Community Services accepted the Commendation on Ms. Butler's behalf).*
- ❖ *Proclamation for Disabled American Veterans Forget-Me-Not Month*
- ❖ *Commendation to Trooper William Rosado for being selected as Maryland State Trooper of the Year.*

COUNTY ADMINISTRATOR

Present: Alfred A. Lacer, County Administrator

1. Draft Agendas for September 5 and 12, 2000
2. **Nursing Home Governance Advisory Board**

Mr. Lacer advised that letters were being sent out today expressing appreciation for serving on the advisory board. Members are: Dr. Pat Jarboe, Jim Kenney, Dr. Israel, James C. Raley, Everlyn Holland, J. Ernest Bell II, Susan McNeill

He stated that the group will submit recommendations by the end of the year.

3. **Budget Amendments**
 - a. **No. 2001-03**
Permits and Inspections (\$2,000)
(for purchase of office furniture for new director schedule)

Commissioner Mattingly moved, seconded by Commissioner Raley, to approve and authorize Commissioner Randall to sign Budget Amendment No. 2001-03. Motion carried.

b. No. 2001-04

Facilities Management (\$2,400)

(For superior achievement awards for building services staff)

Commissioner Mattingly moved, seconded by Commissioner Guazzo, to approve and authorize Commissioner Randall to sign Budget Amendment No. 2001-04. Motion carried.

c. No. 2001-05

Permits and Inspections (\$4,500)

(for purchase of office supplies for new department)

Commissioner Guazzo moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner Randall to sign Budget Amendment No. 2001-05. Motion carried.

4. St. Mary's Public Schools

Categorical Transfer

(to cover transportation category overrun - \$45,000
and Annual Reallocation of funds from fixed charges - \$56,000)

Present: Elaine Kramer, Director of Finance
Paula Smith, Public Schools

Commissioner Anderson moved, seconded by Commissioner Raley, to approve and authorize Commissioner President Randall to sign letter approving both transfers. Motion carried.

**5. Grant Documents – Notification of Grant Awards
Office on Aging**

Present: Jennie Page, OOA
Peggy Mayo, “

- (1) Group Senior Assisted Housing Program (\$8,600)
- (2) IT Grant Award (\$9,000)
- (3) Titles III-B, IIIC-1, IIIC-2, III-D, III-F, and Omb/Elder Abuse (\$169,453)

Commissioner Mattingly moved, seconded by Commissioner Anderson, to approve and authorize Commissioner Randall to sign NGA's. Motion carried.

6. Department of Recreation and Parks

(Requesting Direction Regarding Skate Park Project)

Present: Phil Rollins, Director

Mr. Rollins requested direction from the Board regarding the proposed skate park to be constructed at Chancellors Run Regional Park. \$150,000 was appropriated in FY 2001 for the project, and the remaining \$50,000 was to be developed through fundraising. He stated that there has been no fundraising activity and, therefore, inquired whether the Board wanted to scale down the project in size in scope to the \$150,000 level or wait to see if the funds will be raised.

After discussion the Commissioners directed Mr. Rollins to get recommendations from the Recreation and Parks Board on the following:

- ❖ Whether to reduce the scope of the project
- ❖ Whether to fund the full project over two fiscal years
- ❖ Recommendations regarding operational issues (fees/supervision/personnel)
- ❖ Recommendations on the raising of the \$50,000 private funds

Additionally, the Commissioners requested information on the cost difference for aboveground versus in-ground skate park and that he continue to follow up with LGIT on liability issues.

Once this information is gathered, the Commissioners will reschedule the skate park on a future agenda.

7. **Metropolitan Commission**
Member Compensation

Present: Steve King, Director

As a follow up to a previous discussion the Commissioners acknowledged receipt of the requested information, a letter indicating MetComm's vote in favor of increasing the Commission's compensation from \$1,200 to \$2,500 for the Chair and from \$900 to \$2,000 for the regular members. Mr. King noted that the compensation for MetComm has not been changed in over 25 years, and that the funds for the increase would come from MetComm's operating budget.

During discussion Commissioners Raley and Guazzo indicated that the compensation for other boards should also be reviewed and suggested that they all be done in one package rather than piecemeal.

After discussion Commissioner Anderson moved, seconded by Commissioner Mattingly, to approve the request for increase in the Metropolitan Commission's members' compensation as requested--\$2,500 for the Chair; \$2,000 for other members. Motion carried four to one with Commissioner Raley voting against stating that the Commissioners should look at all compensated boards as a package.

In conclusion the Commissioners requested Mr. Lacer to look at the Compensation for the Planning Commission and Board of Appeals, and return to the Board in late September with recommendations, funding sources, and effective date.

8. **Department of Planning and Zoning**
Resolution Expressing Commitment of BOCC for St. Mary's County to the Implementation of the Patuxent River Policy Plan and Approving the 1997 Addendum to the Policy Plan.

Present: Jon Grimm, Director
Patrick Murphy, Acting County Attorney

As a follow up to discussion and a public hearing, Mr. Grimm requested the Commissioners' approval of the Resolution regarding implementation of the Patuxent River Policy Plan.

During discussion the Commissioners agreed to defer action and requested Mr. Grimm to provide them with the following documents--copies of the original Resolution; copies of the sample Resolution from the State; and copies of Resolution from other counties.

Once the Board receives this information, the Patuxent River Policy Plan Resolution will be rescheduled on the Commissioners' agenda.

9. **Severe Weather Plan and Policy**
a. Department of Emergency Communications – Severe Weather Alert and Action Plan
b. Department of Human Resources Leave Policy

Present: Phillip Cooper, Director, Emergency Communications
Melvin McClintock, Director, Department of Human Resources

Mr. Cooper and Mr. McClintock reviewed with the Commissioners the Severe Weather Alert and Action Plan and the Leave Policy. During discussion Commissioner Randall requested a correction to the Weather Alert and Action Plan regarding Delayed Openings. It was correctly worded in the Leave Policy Plan and will be removed from the Alert and Action Plan.

Commissioner Guazzo moved, seconded by Commissioner Raley, to approve the Severe Weather Alert and Action Plan and the Department of Human Resources Leave Policy. Motion carried.

10. **Social Services Board
Appointments**

Commissioner Mattingly moved, seconded by Commissioner Raley, and motion carried, to sign letters appointing/reappointing the following individuals to the Social Services Board:

John B. Butler (Reappt.)	6/30/2003
Charles W. Ridgell “	6/30/2003
Elizabeth Walker “	6/30/2003
Katherine “Katz” Springer	6/30/2003

11. **Lexington Park Library Site Closing Documents**

- Resolution Accepting Deeds
- Post Closing Agreement
- Settlement Sheets

Commissioner Raley moved, seconded by Commissioner Mattingly, to approve and sign the Resolution Accepting the Deeds and to approve and authorize Commissioner Randall to sign the Post Closing Agreement and the Settlement Sheets. Motion carried.

12. **Commission on Environment
Water Quality Task Force**

As a follow up to previous discussion, Mr. Lacer indicated that he would be meeting with the Chair of the Commission on Environment, Tony Pitt, and a representative of MetComm to develop guidelines and protocol regarding the establishment of a Water Quality Task Force. Once this is accomplished he will return to the Board with recommendations.

13. **Introduction of New Public Information Officer**

Mr. Lacer introduced Ms. Linda Price, the County's new Public Information Officer, who began her new position this week.

(The following portion of the meeting was recorded by Peggy Childs:)

**MILL RUN PLAZA
DISCUSSION**

All Commissioners were present. DPZ staff present were Jon Grimm, Director; and Peggy Childs, Recording Secretary. Present in the audience was Acting County Attorney Patrick Murphy.

ZPUD #98-2464 – MILL RUN PLAZA

Requesting rezoning from RTC (Residential Town Center) to PUD-CP (Planned Unit Development-Commercial Park) and PUD-IP (Planned Unit Development-Industrial Park). The property contains 67.87 acres and is located on the northbound side of MD 5, approximately 4500 feet north

of the MD 5/6 intersection in Charlotte Hall; TM4, Block 10, Parcel 83.

Owner: Eliza Davis

Contract Purchaser: Potomac Management

This public hearing was held by the Commissioners on July 13, 2000, following a public hearing by the Planning Commission and a recommendation for approval, with conditions. Mr. Grimm said PUD approval is a legislation act over which the Board has discretion and, with the proper findings the Board may approve, request additional information, or deny the request as it finds appropriate. Findings must be made that the proposal is compatible with surrounding land uses, and adequate access and necessary services must be provided.

In order to approve the PUD, the Board must find that it meets the requirements of the Comprehensive Plan. The developer and the Planning Commission felt that it does, but staff has a different opinion. The Comprehensive Plan shows this area as an Office or Employment Center, with retail restricted to accessory uses. Staff's position is that the proposed PUD does not meet the Comp Plan because of its focus on retail development. The 1990 Zoning Ordinance, however, which is still in effect, does allow this mix of uses. Mr. Grimm said the developer has committed to providing a hotel within the development and has reduced the FAR; it becomes a matter of degree and judgment as to whether that is enough to meet the Comp Plan intent.

By his memorandum dated August 23, 2000, Mr. Grimm has provided information regarding development within a 5-mile radius of the property. There are approximately 55 vacant commercial tracts constituting just less than 160 acres of commercial zoning, with the potential for over 3 Million square feet of floor area, should all those parcels be developed to the maximum potential. Of those 55, there are 14 tracts of 5 acres or more, and 40 of the 55 are 2 acres or less. There are no vacant industrial parcels, for all intents and purposes.

Each commissioner stated his or her feelings on the proposal, however, it was generally felt that additional time was needed to review the request. The commissioners requested that staff provide responses, clarification, or additional information on each of the following issues:

- (1) Is the applicant purchasing the entire 67 acres or only the 45 acres of the rezoning request? Which acreage is being used to calculate FAR, etc.?
- (2) The required bufferyard between residential and commercial must be shown on the new charts.
- (3) Flex space has been increased by 40,000 square feet.
- (4) Gross FAR has gone up 50% - from 150,000 to 308,000 square feet.
- (5) Footprint has been expanded from 170,000 to 224,000 square feet.
- (6) Line drawn for Alternate C will change.
- (7) Can roads be constructed over septic tank easements?
- (8) Concern regarding "seas of asphalt."
- (9) Changes to landscaping plan -has gone from 25 large trees to only 3; from 146 medium shrubs to 44; from 374 small shrubs to 169. Berm - property already has a natural berm.
- (10) FARs % - Staff to address FAR issue from standpoint of Smart Growth and other regulations which seem to indicate that less is better.
- (11) Safety of the citizens - people using office space will have to travel through retail portion of project.

- (12) Could buildings be moved closer to highway?
- (13) What is a "flex office" building?
- (14) Request analysis on economic need from Martin Fairclough, including existing commercial land available that could be used for retail.
- (15) Clarify inconsistencies between the Comp Plan and ULDC.
- (16) DO WE NEED a 48,000 square foot grocery store or other retail?
- (17) REUSE ISSUE – how will the proposal impact existing retail? What will it displace?
- (18) New grocery store at this location will cause more traffic on Route 5 to get there.
- (19) Impact on county services and infrastructure?
- (20) Need details behind MetComm finding of no significant impact to aquifer.
- (21) Proposed service road will open the door for future problems regarding traffic through the Burroughs property.
- (22) Need cost analysis of provision of services versus projected revenue.
- (23) Staff to provide comparison of this proposal with square footage of other shopping centers – Wildewood, First Colony, etc.

Staff will provide a response memo in two weeks, with further discussion scheduled on a subsequent agenda. Commissioner Randall commented that the proposal may have to come back once or twice before the commissioners make a decision. Mr. Fairclough has indicated that his report will be provided by September 12th.

(The following portion of the meeting was recorded by Kate Mauck:)

CONGRATULATIONS TO ST. MARY'S COUNTY PUBLIC SCHOOLS

Commissioner President Julie Randall extended congratulations to the St. Mary's County Public School Superintendent and Staff, Board of Education, and to the teachers and students of St. Mary's County for the remarkable feat of having raised SAT & ACT scores by 20 points within the last year. The Board of County Commissioners reiterated their commitment to maintain education as a top priority in this County.

EXPERIMENTAL AIRCRAFT ASSOCIATION INVITATION TO FLY-IN AND OPEN HOUSE AT ST. MARY'S COUNTY AIRPORT

Present: Sidney Wood, President, Experimental Aircraft Association Chapter 478
George Jarboe, Public Works, Transportation
Patty Stiegman, Airport Manager

Mr. Wood appeared before the Board of County Commissioners to extend an invitation to the Fly-in and Open House at the St. Mary's County Airport that will occur on Saturday, September 16th from 8:00 a.m. to 5:00 p.m. Mr. Wood referred to a written status report dated August 29, 2000 which outlined the numerous activities that will occur during the event. The Board of County Commissioners offered to help advertise the event by placing the information on Channel 12, and to place the event on their "blue sheet" as an event they look forward to attending.

**AGRICULTURAL LAND PRESERVATION BOARD
EASEMENT APPLICATION PRIORITY LIST SUBMISSION TO STATE**

Present: Donna Sasscer, Agriculture and Seafood Development Specialist

Ms. Sasscer appeared before the Board of County Commissioners in order to present a request from the State concerning the FY2001 Easement Acquisition Program. A list of the top 80% of easement applicants wishing to participate in the program was submitted for review. Ms. Sasscer sought approval from the Board of County Commissioners for submission of the top 80% list to the State and asked them to sign the accompanying letter. Discussion took place explaining the development of the ranking system guidelines, which were put in place in 1997.

Commissioner Guazzo moved, seconded by Commissioner Anderson, to authorize Commissioner President Randall to sign the letter concerning the Maryland Agricultural Land Preservation for subject properties. Motion carried.

COUNTY COMMISSIONER'S TIME

Commissioner Guazzo reported that she and Commissioner Anderson attended the Chaptico Classic 2000 10K and 5K Road Race and Walk on August 26th, which helps to support Alternatives for Youth. Commissioner Guazzo, along with Congressman Hoyer, successfully walked the 5K portion of the event. This event occurs each year on the Saturday before the long Labor Day weekend, and the next one will occur on August 25, 2001. She urged everyone to attend the race, which helps to support a good cause.

Commissioner Guazzo also outlined various innovations coming into the north end of St. Mary's County. She expressed great pleasure with the Post Office projects that are underway in Mechanicsville, Clements, and Morganza. She expressed concern about the appropriateness of the colors to be displayed on the Morganza Post Office, as it would clash with Chopticon High School colors and would exhibit Leonardtown High School colors. Commissioner Guazzo stated that she would be pursuing this subject with the U.S. Postal Service.

Commissioner Guazzo also announced that the bridge between Clements and Chopticon has been out for repairs all summer and is nearly completed. It should be open for general traffic around September 12th or 13th and arrangements are being made for bus traffic until that time.

Commissioner Raley expressed congratulations to the volunteer firemen in St. Mary's County who have worked hard at the various carnivals held over the summer.

As a follow-up to Mr. Lacer's earlier report on the Lexington Park Library, Commissioner Raley expressed appreciation to Mr. Lacer and Ms. Lolcama for their work and to the Gabrelcik family for their generosity and the effort required on their behalf for rescheduling issues, etc. as they prepared to go to settlement with the County.

Commissioner Mattingly expressed congratulations to the St. Clements Island Museum staff for the car show and 50's band -- an enjoyable evening was had by all.

Commissioner Mattingly also pointed out that the MACO Conference was very successful. Many experiences were shared between state and local officials from all around the state. Commissioner Randall did an excellent job sitting on the Executive Board. The Tourism Director, Jean Goodman, along with her husband, was commended for the outstanding job of representing St. Mary's County in a booth for long hours.

Commissioner Anderson reiterated problems outlined to the Board of County Commissioners in meetings held previously having to do with the St. Mary's River. He outlined the stress that has occurred to the River and stated that the fate of the River is critical to the County as well as to the State of Maryland. Commissioner Anderson asked the Board of County Commissioners to direct the County Administrator's office to provide recommendations on the establishment of a St. Mary's River Commission.

Models that could be looked to for guidance on configuring this Commission would potentially be the Patuxent River Commission and the Wicomico River Commission..

Commissioner Anderson moved, seconded by Commissioner Mattingly, to direct Mr. Lacer and staff to provide recommendations to the Board of County Commissioners regarding the establishment of a St. Mary's River Commission. Motion carried.

Commissioner President Randall stated that she has apparently become known around the State as being interested in education. She has been asked to sit on the Task Force of the Interagency Committee for School Construction. This Task Force will be discussing funding formulas and will be making recommendations on school construction funding for the future.

(The following portion of the meeting was recorded by Judith Spalding:)

EXECUTIVE SESSION

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

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

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

Time Held: 2:50 p.m. – 3:10 p.m.

Action Taken: The County Attorney brought the Commissioners up to date on two matters of litigation.

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 A. Lacer, County Administrator (attended from 3:10 – 4:00 p.m.)
Delores Lacey, Asst. PIO (Appts. Secretary) (attended from 4:00 – 5:00 p.m.)
Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a)1

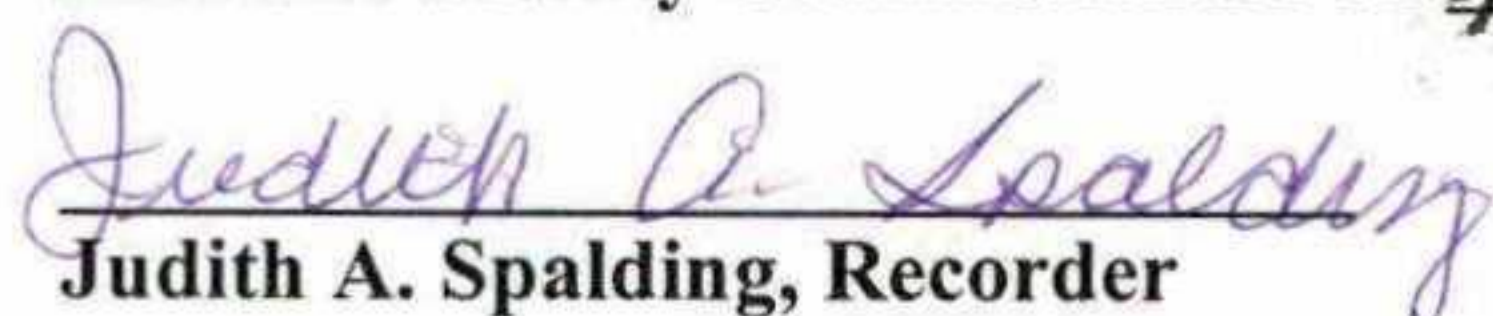
Time Held: 3:10 p.m. – 5:00 p.m.

Action Taken: The Commissioners discussed matters of personnel from 3:10 – 4 p.m. and nominations to Boards and Committees from 4 – 5 p.m.

ADJOURNMENT

The meeting adjourned at 5 p.m.

**Minutes Approved by the
Board of County Commissioners on 9/5/00**


Judith A. Spalding, Recorder