

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Governmental Center
March 13, 2001**

Present: Commissioner Shelby P. Guazzo, Vice President
Commissioner Joseph F. Anderson
Commissioner Thomas A. Mattingly, Sr.
Commissioner Daniel H. Raley
Alfred A. Lacer, County Administrator
Judith A. Spalding, Administrative Assistant to BOCC (Recorder)
Kate Mauck, Recorder

(Commissioner President Julie B. Randall was not present.)

CALL TO ORDER

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

ADDITIONS/DELETIONS TO AGENDA

Commissioner Raley moved, seconded by Commissioner Mattingly, to accept the agenda as amended (removal of Item #7 (Fee Agreement with Attorney Robert L. Gray) from the County Administrator's list). Motion carried.

APPROVAL OF CHECK REGISTER

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

APPROVAL OF MINUTES

Commissioner Raley moved, seconded by Commissioner Anderson, to approve the minutes of the Commissioners' meeting of Tuesday, March 6, 2001, as corrected. Motion carried.

PROCLAMATION

The Commissioners presented a Proclamation designating March as Colorectal Cancer Month.

COUNTY ADMINISTRATOR

Present: Alfred A. Lacer, County Administrator

1. Draft Agendas for March 20 and March 27, 2001
2. **Office of Community Services**
Combating Underage Drinking Grant Application Renewal

Present: Cynthia Brown, Director
Joe Donnicks, Prevention Coordinator

Commissioner Raley moved, seconded by Commissioner Anderson to approve and authorize Commissioner Guazzo to sign the Grant Application. Motion carried.

The Commissioners requested Ms. Brown and Mr. Donnicks to provide information on how much the County actually uses the "Cops and Shops" program.

3. **Department of Recreation and Parks**

National Association of Counties 2001 Award of Excellence Application

(\$1,000 Cash Award for outstanding programs which enhances the ability of people with disabilities to participate in the processes, programs and activities of County Government.)

Present: Phil Rollins, Director
Art Shepherd, Recreation Division Manager

Commissioner Mattingly moved, seconded by Commissioner Anderson, to approve and authorize Commissioner Guazzo to sign the Application. Motion carried.

4. **Department of Facilities Management**

Patuxent River Navy Air Museum Lease Agreement

Present: Richard Rohrbaugh, Director
Joan Lolcama, Property Manager

Commissioner Mattingly moved, seconded by Commissioner Raley, to approve and authorize Commissioner Guazzo to sign the Lease Agreement for Parcel 54. Motion carried.

5. **County Safety and Health Committee**

Safety and Health Policy Revision (to reflect changes in federal and state laws)

Present: Phillip Cooper, Chair
Stanley Williams, Member

Commissioner Anderson moved, seconded by Commissioner Mattingly, to approve and sign Resolution adopting the Safety and Health Policy Revision. Motion carried.

6. **Department of Human Resources**

(Annual Listing for eligible active volunteers of the County's Fire Departments, Rescue Squads, and ALS)

Present: Melvin McClintock, Director
Dawn Drew, Deputy Director,

Commissioner Raley moved, seconded by Commissioner Mattingly, to approve and sign each of the Fire Department, Rescue Squad and ALS listings. Motion carried.

Peggy Childs recorded the following meeting minutes:

ULDC TOPICS FOR WORKING MEETINGS

Commissioner Guazzo chaired the meeting in Commissioner Randall's absence. All other commissioners were present. DPZ staff present were Jon Grimm, Jeffrey Jackman, and Peggy Childs.

This meeting was a follow-up to the Board's meeting of March 6th, in which the commissioners indicated their concurrence for a "retreat" by county staff to implement policy and editorial changes to the ULDC. Also, at the March 6th meeting, the commissioners scheduled several working meetings with staff over the next four weeks to discuss specific issues under the ULDC. By his memo dated March 9th, Mr. Grimm lists topics for these working meetings. The Commissioners discussed the following topics this date:

Determination about staff "retreat" to accomplish ULDC changes

After discussion, a motion by Commissioner Anderson to authorize the retreat was withdrawn and formal action deferred until the commissioners can name a facilitator and for guidelines to be established.

Rural Water

Mr. Grimm said what he has heard is that the Board of Commissioners, the Planning Commission and the TRC recommend moving away from a solely economic bases for requiring or not requiring rural water. Commissioners Guazzo, Anderson, and Raley agreed. Commissioner Raley said he feels the previous threshold of 40 lots is too high, and developers need to know that, if they are going to construct a residential development of over "X" number of lots, they will have to construct a central water system.

MetComm Director Steve King provided the commissioners with the 1975 Final Report of the Public Water Policy Planning Committee for St. Mary's County which found central water systems in subdivisions to be in the best interest of the county and the homeowner, and recommended they be required for subdivisions with 25 lots or more. He noted that the current commissioners' ideas were considered and proposed over 26 years ago but were never implemented by the county. Mr. King also offered a Proposed Water supply Matrix which suggests that community water systems be investigated for developments of 9-24 lots.

The commissioners directed staff to go with the 25-lot threshold for *requiring* community water but said they would have to see documentation for systems on less than 25 lots. Commissioner Guazzo also asked that connecting to systems within "X" feet from another system be looked at and Commissioner Mattingly suggested some type of assessment in these instances so the developer who constructed the system can recoup some of his investment. Commissioner Raley agreed. Mr. King responded that MetComm used to do that but it became an accounting nightmare trying to keep track of projects that, many times, stretched over decades.

Limit on size of retail buildings

Staff suggests a first floor limitation for commercial buildings, assigned differently according to zoning designation - village center limitations would be different from growth areas - with the first floor coverage as the basic premise. First floor areas for attached stores in shopping center would be governed individually through the occupancy permit. Other factors also should be considered, including the amount of impervious surface and that developers should have to show why they cannot use vacant space already available; whether it is "cheaper" to build a new store or not should not be the only criteria. Mr. Grimm suggested the EDC receive copies of the proposed topics so they can provide input.

Townhouse Regulations

Continue the current provision whereby one single-family detached or one duplex unit per lot is allowed by right in the RPD, with site plan review and approval required for more than one duplex unit on the same parcel, similar to a cluster development.

Action required when ULDC provisions do not conform with Comprehensive Plan

The Commissioner agreed with staff's recommendation to hold concurrent hearings each year on Comprehensive Plan and ULDC amendments, with the 60-day advance notification process.

Next week: Use Classifications

Density Discussion

Commissioner Raley stated his agreement with Commissioner Mattingly's request to revisit the recent decision on density in the RPD, particularly in light of the County Attorney's opinion that, absent state legislation, the commissioners have no authority to impose a fee, as previously discussed. Commissioner Anderson said there may be other ways to accomplish the goals of a PDR Program (Purchase of Development Rights) through existing mechanism, and that he hasn't seen anything definitive from the County Attorney, just an opinion.

The Commissioners agreed to take this up at a later date.

Kate Mauck recorded the following meeting minutes:

**DEPARTMENT OF PLANNING AND ZONING/LEGAL DEPARTMENT
CAPTAIN WALTER F. DUKE REGIONAL AIRPORT
AICUZ AND AIRPORT ENVIRONS**

Present: Jon Grimm, Director, Planning and Zoning
George Erichsen, Director, Public Works & Transportation
John Norris, Deputy County Attorney

As a follow up to the October 17, 2000 public hearing, staff appeared before the Board to provide a review of a draft Zoning Ordinance Amendment concerning the Air Installations Compatible Use Zone (AICUZ) and Airport Environs (AE) Overlay as they relate to issues regarding the Captain Walter F. Duke Regional Airport. Numerous revisions of the draft Zoning Ordinance Amendment occurred since that time based on public testimony, Board direction, and legal review. A finalized document was presented to the Commissioners for approval and signature. Discussion included the following:

- Background information regarding the need for the Amendment;
- Changes to the original Ordinance;
- Location of official maps available for public review;
- Height limitations/restrictions on structures;
- Noise and lighting restrictions;
- Institution of a volunteer flight plan pattern change over residential properties to assist with the reduction of noise from aircraft.

Commissioner Raley moved, seconded by Commissioner Anderson, to approve and sign the Zoning Ordinance Amendment regarding the Air Installations Compatible Use Zone (AICUZ) and Airport Environs (AE) Overlay for the Captain Walter F. Duke Regional Airport. Motion carried.

Additionally, Commissioners asked for an update on the Master Plan process. Mr. Erichsen stated that a draft of the Plan was received last week. Comments had been passed onto Patty Stiegman, Airport Business Manager, who would add comments and would then forward it onto Delta. Mr. Erichsen's deadline for submission of the Master Plan to the Board of County Commissioners is June, and it is anticipated that the document would be adopted by July 1st. The July 1st date would allow for going into the new fiscal year with the Capital Budget, Airport Environs and the Zoning Ordinances all working in conjunction with one another so that the Master Plan matches these documents. A public hearing will be scheduled prior to the formal adoption of the Master Plan.

COUNTY COMMISSIONERS' TIME

St. Mary's County Farm Bureau Annual Banquet/Dance

Commissioner Mattingly reported that he recently attended the St. Mary's County Farm Bureau Annual Banquet/Dance. There was a good turnout and he extended congratulations to the new queen, Julie Wathen. Commissioner Mattingly also extended congratulations to the entire organization and especially the women's group that has worked hard and also presented strong remarks at the banquet.

Thornton Commission/House Bill 1 and House Bill 950

Commissioner Anderson reported that last week he testified in front of the House Ways and Means Committee and the House Appropriations Commission in support of House Bill 1 and House Bill 950. These bills pertain to work of the Thornton Commission. He expressed hope that some concrete financial benefit will come to the local jurisdictions as a result of these two bills. It is unclear which bill may make it through legislation. Commissioner Anderson also stated that a good group of individuals testified with MACo, and that several Commissioners from across the State participated.

Affordable Housing Conference

Commissioner Anderson advised that he stopped in at the conference that was held by the Lexington Park Focus Group on Affordable Housing. It was an excellent conference and there are some very poignant issues on the table. Commissioner Anderson stated that he hoped it was clear to the citizens of the County that the Commissioners are committed to participating in helping to resolve these issues.

Commissioner Guazzo stated that she also attended the conference and that there was a good mixture of local citizens as well as State officials and County department personnel that administer the State programs. The outcome of the session should be very productive.

Annual Tourism Committee Symposium

Commissioner Anderson reported that he attended the Tourism Symposium held at the College of Southern Maryland this morning. Regional as well as County efforts are proceeding that help in strengthening the emphasis on tourism.

Volunteer Efforts in St. Mary's County

Commissioner Raley stated that he met with the Lieutenant Governor in Annapolis yesterday. He also testified before the House Committee and the Senate Committee on hearings regarding three County bond bills. He reported that while in Annapolis, he had the privilege of running into people from the County that are spending numerous volunteer hours helping to push initiatives through for St. Mary's County. In particular, Commissioner Raley mentioned Keith Fairfax, the Library Board, and Mr. Gass from the Seventh District – these individuals were in Annapolis all day yesterday. The County is blessed because of having so many good and helpful public citizens.

Commissioner Raley urged all those individuals who haven't yet responded to their invitation to the Volunteer Appreciation Night to be held at St. Mary's College to RSVP and attend this enjoyable event.

Critical Areas Program - House Bill 661 and Senate Bill 667

Commissioner Raley asked staff to provide a brief report to the Commissioners after looking into HB 661 and SB 667. Information regarding these bills was recently cited in a MACo Newsletter. Prospective bills are being opposed by MACo regarding the Critical Areas Commission's proposal regarding the ability of local jurisdictions in the enforcement of the local critical areas program. Commissioner Raley stated that if the report comes out as it appears to be outlined in the newsletter, then he might propose that a letter be written in support of MACo's opposition.

Commission for Women Annual Banquet

Commissioner Guazzo reported that she recently attended the Commission for Women's Annual Banquet. Connie Gibson from the Women's Center was selected as Woman of the Year. Nominated for Woman of the Year were Agnes Birch by Smartco, Ann Mirim by Christmas in April, Alice Reed Otis by the American Association of University Women, Lee Weaver by Margaret Brent Business and Professional Women, Clare Whitbeck by the League of Women Voters and Denise Wygan by the American Red Cross. It was a fun evening with people present who do work with the County.

Office on Aging - North County Center St. Patrick's Day Party

Commissioner Guazzo stated that the party scheduled to be held tomorrow at the North County Center for St. Patrick's Day Senior Party has been relocated to the Mechanicsville Moose Lodge.

Spelling Bee Day

Commissioner Guazzo reported that today is Spelling Bee Day for the middle schools in the County. Tonight there will be a "Spell-Off" and she wished them all luck.

Willows Road Park

Commissioner Guazzo stated that the Commissioners would be naming the Willows Road Park. They will be looking for a distinguished resident of the County who has done outstanding service for the County to name the park after, and they will look forward to selecting that individual.

U.S. Post Offices

Commissioner Mattingly reported that a letter had been received from the Postal Service regarding budgetary cuts and the halting of expansion, rehabilitation and/or relocating new or existing post offices within the County. Projects that the County was looking forward to have at least temporarily been halted.

EMERGENCY COMMUNICATIONS - 911 CONTRACT STATUS REPORT

Present: Phil Cooper, Director of Emergency Communications

Mr. Cooper provided the Board of County Commissioners with an update regarding the E-911 communications project. The project is comprised of the following three components:

- IXP Corporation, General Contractor for facility and radio system construction;
- Crown Castle Atlantic, LLC, contractor for tower and shelter construction; and
- The merge of Police Communications Operators to the Department of Emergency Communications.

Mr. Cooper outlined details and major components of the contract that was awarded to MCI Systemhouse Corporation for the E-911 system. Further, he provided detailed information outlining the items that have yet to be accomplished to complete the installation of the communication towers and shelters. Mr. Cooper reported the following progress:

- Construction on the Emergency Communications facility began in February 2000;
- Emergency Communications administrative staff and the Emergency Management Agency & Animal Control began occupying the facility on November 14, 2001;
- Acceptance of the facility is pending the completion of several outstanding punch list item;
- The Emergency Operations Center has been designated as the back-up facility, and renovations are required;
- Verizon Corporation has installed and is testing the telephone systems. Training was conducted on February 14-16, and training for new users is also scheduled;
- Automation and connectivity cooperation reported;
- Update on the radio system and radio page alerting;
- Specific information regarding the four tower sites was provided;
- Transition operations were outlined; and
- The merging of personnel is moving forward.

Further, Mr. Cooper reported that negotiations for the Mechanicsville site was underway; however, he was hopeful that this would soon be completed. Delays in the implementation of the system were carefully outlined. It is hoped that within three to four weeks tower shelters will be on site, and the process will move into Phase II, which is for the 911-dispatch team to move into their new facility. The plan targets April 16, 2001 as the date for final implementation of communications at the new facility.

Mr. Cooper stated that he and Lieutenant Malone have been discussing standard operating procedures. Within the next two weeks, it is hoped that a memorandum of understanding will be developed to be signed by the Sheriff's Department and the Board of County Commissioners. July 1st is the target date for the merging if the radio systems and training can be accomplished by that date.

Discussion ensued regarding the IXP contract, which will guarantee a 90% coverage rate 90 % of the time for portable systems located outside of buildings in the County. The height of the towers in Mechanicsville and at the Governmental Center will be 300 feet; however, the FAA is restricting the height of the California tower to 229 feet and the Dameron tower to 200 feet due to airfield, Naval Air Station, and Webster Field restrictions that are necessary. Mr. Cooper stated that he was told the reduction in height would not cause any reduction in service.

Discussion occurred regarding extra costs that may be incurred due to delays. Mr. Cooper stated that he is working in conjunction with the County Attorney's office on this, and that it is not anticipated that the County would have to incur any extra cost.

The best guess given by Mr. Cooper for full contract completion and implementation is the fall of this year. Personnel and vacancies to be filled were discussed as well.

The Board of County Commissioners asked Mr. Cooper to provide an update on this issue in approximately four weeks. Mr. Cooper was asked to contact staff to be placed on an upcoming Commissioners' agenda.

EXECUTIVE SESSION

Commissioner Raley moved, seconded by Commissioner Anderson, to meet in Executive Session to discuss matters of Property Acquisition, Litigation and Personnel as provided for in Article 24, Section 4-210(a)11, 4-210(a)8, and 4-210(a)1, respectively. Motion carried.

Judith Spalding recorded the following portion of the meeting.

Property Acquisition

Present: Commissioner Shelby P. Guazzo
Commissioner Joseph F. Anderson
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: 3:14 p.m. – 3:25 p.m.

Action Taken: Staff provided additional information as previously requested on a property acquisition issue and received direction from the Board.

Litigation

Present: Commissioner Shelby P. Guazzo
Commissioner Joseph F. Anderson
Commissioner Thomas A. Mattingly, Sr.
Commissioner Daniel H. Raley
Alfred A. Lacer, County Administrator
Patrick Murphy, County Attorney
Judith A. Spalding, Recorder

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

Time Held: 3:25 p.m. – 3:50 p.m.

Action Taken: The Commissioners received a status report on several matters of litigation and gave direction to staff.

Personnel

Present: Commissioner Shelby P. Guazzo
Commissioner Joseph F. Anderson
Commissioner Thomas A. Mattingly, Sr.
Commissioner Daniel H. Raley
Alfred A. Lacer, County Administrator
Judith A. Spalding, Recorder

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

Time Held: 3:50 p.m. – 4:03 p.m.

Action Taken: The Commissioners discussed an employment contract and gave direction to staff.

Personnel

Present: Commissioner Shelby P. Guazzo
Commissioner Joseph F. Anderson
Commissioner Thomas A. Mattingly, Sr.
Commissioner Daniel H. Raley
Alfred A. Lacer, County Administrator
John B. Norris, III, Deputy County Attorney
Candidate for employment
Judith A. Spalding, Recorder

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

Time Held: 5:35 p.m. – 6:30 p.m.

Action Taken: The Commissioners discussed the possibility of hiring a candidate.

Kate Mauck recorded the remaining meeting minutes:

PUBLIC FORUM

Commissioner Guazzo opened the evening public forum for public comment. The following individual spoke:

David Triantos – Mr. Triantos reported that he videotaped the recent Affordable Housing Forum for public access. The tape would be shown on Channel 10 this Friday from 9:00 to 11:40 p.m.

There were no other speakers present; therefore, Commissioner Guazzo closed the public forum.

ADJOURNMENT

The meeting adjourned at 6:37 p.m.

**Minutes Approved by the
Board of County Commissioners on 3/20/01**

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