

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Governmental Center
Tuesday, December 11, 2001**

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, Administrative Assistant to BOCC (Recorder)

(Commissioner Mattingly was not present at the beginning of the meeting.)

CALL TO ORDER

The meeting was called to order at 9:05 a.m.

ADDITIONS/DELETIONS TO AGENDA

Commissioner Raley moved, seconded by Commissioner Guazzo, to accept the agenda as amended (to move executive session on litigation to the 1:30p.m. time with the Personnel matter; and to continue the County Administrator at 4:30 (if not completed at the 2:15 p.m. time slot. 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.

(Commissioner Raley requested a listing of department heads and other employees that have a membership in the Chamber of Commerce.)

APPROVAL OF MINUTES

Commissioner Anderson moved, seconded by Commissioner Guazzo, to approve the minutes of the Planning and Zoning portion of the Commissioners' meeting of Tuesday, December 4, 2001, as corrected. Motion carried.

Commissioner Anderson moved, seconded by Commissioner Guazzo, to approve the minutes of the Commissioners' meeting of Tuesday, December 4, 2001, as corrected. Motion carried.

ZONING ORDINANCE WORK SESSION

All Commissioners were present. DPZ staff present were Jon Grimm, Director; and Peggy Childs, Recording Secretary. Deputy County Attorney John B. Norris, III was also present.

Chapter 52

Page 52-1, Line 29 – Delete “density.”

Page 52-2, Lines 10-15 – Delete and rewrite to state the following: Expansions of up to 25% may be approved administratively, provided all other requirements are met. However, staff has the option of requiring an expansion under 25% to go to the Planning Commission if uncomfortable with approving administratively. Expansions of more than 25% must be approved by the Board of Appeals.

Page 52-3, Line 39 – Delete “citizen inquiry or”

Page 52-4, Line 19 – Change “3 years to “5 years.”

Page 52-4, Line 23 – Change “rights” to right.” Add “according to Chapter 26.” after “right.” Strike rest of sentence.

Page 52-5, Lines 30-33 and 34-36 – Add language that says an investment to repair or restore a sign does not begin a new cycle or increase the original 7 year amortization cycle.

Chapter 60

Concept Site Plan (60.6) should precede Minor and Major Site Plans in this section.

Page 60-2, Lines 2-9 – Add in this paragraph “Except in the Critical Area, single-family detached houses do not require a site plan.” Reference Flow Chart in Article 2.

Page 60-5, Line 39 – Delete “(or driveways not less than 22 feet in width)”

Page 60-6, Line 30 – After “the ponding of water” add the words “in the vicinity of the structure or in the parking lot.”

Chapter 61

No changes.

Chapter 62

Page 62-2, Line 18 – Delete.

Page 62-2, Line 31 – Delete second sentence, beginning with “Continued good appearance ...”

Page 62-5 – Add paragraph “b. Width and Proportion.” This will be followed by Lines 14 and 15 and Lines 18-20 on Page 62-6, which will become subparagraphs (1) and (2).

Page 62-8, Line 25 – Change “should” back to “shall.”

Page 62-9, Line 9 – Delete. Renumber b, c, and d to “a, b and c.”

Chapter 63

Page 63-1, Line 21 – Add “detached” after “single family.”

Page 63-1, Line 25 – Delete “processes.”

Page 63-2, Line 18 – Delete “permanently” and add “for the duration of use requiring buffer” after “maintained.”

Page 63-5, Buffer Types – Delete “Lower Intensity Use” and “Higher Intensity Use” in A & B Buffers.

Chapter 64

Page 64-2, Line 16 – Delete “under different ownership.”

Page 64-3, Line 32 – Change “noncomplying” to “nonconforming.”

Schedule (TBD) 64.3.1: Off-Street Parking Standards & Load Space Group Reference

- 24 Day care, Medical – Change to read “...plus 1 per 3 students.”
- 37, Animal Boarding – Change to 2 per 1,000 sq. ft.
- 43 and 53, Conference facility/Hotel & Motel – Leave at today’s standard (1:4) but check with Holiday Inn in Solomons to see what their standard is.
- 54, Maintenance and repair, major – Change to 2 per 1,000 sq. ft.; plus ...”
- 56, Manufactured home sales – Change to 2 per 1,000 sq. ft. of gross floor area, plus ...”
- 60, Office – Make 6 per 1,000 maximum.

Page 64-8, Line 14 – Delete “in.”

Page 64-8, under "Shared Parking Facilities," add that convenient access should be provided and refer back to interconnection section.

Page 64-8, Lines 4-5 – Staff to check to see whether only one parking entrance per 400 feet of public roadway frontage shouldn't apply in other districts as well.

Page 64-10, Lines 16-17 – Add requirement for securing bike rack.

Page 64-10, Lines 18-25 – Delete.

Page 64-11, Line 10 – Delete "If necessary"

Page 64-12, Lines 20-21 – Delete "evenly throughout" and replace with "within."
"... shall be distributed *within* the parking lot;"

Page 64-12, Line 31 – Delete "required" and replace with "requirements."
Delete "area."

Page 64-12 – Staff to check to see if stand-alone requirement for wheelstops has been taken out.

EXECUTIVE SESSIONS

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

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
Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a)11

Time Held: 1:40 p.m. – 1:55 p.m.

Action Taken: The Commissioners discussed appointments to the Airport Advisory Committee and gave direction to staff.

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, County Attorney
John Norris, III, Deputy County Attorney
George Forrest, Deputy County Administrator
Jon Grimm, Director, DPZ
Robin Finnacom, Director, Lexington Park Task Force
Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a)11

Time Held: 2:00 p.m. – 3:00 p.m.

Action Taken: The Commissioners discussed a settlement issue and gave direction to staff.

(Commissioner Anderson left the meeting to attend a Thornton Commission meeting in Annapolis.)

PUBLIC HEARING

**EXTENSION OF TEMPORARY MORATORIUM
ZONING/BUILDING PERMITS IN THE AICUZ**

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

The Board of County Commissioners conducted a public hearing to consider a proposal to extend the existing temporary moratorium (Ordinance No. Z-01-16) on the issuance and/or usage of zoning or building permits for all residential multi-family dwellings in the Air Installation Compatible Use Zone (AICUZ). The extension will allow the Affordable Housing Task Force that the Board appointed an opportunity to complete its study on how to provide adequate affordable housing and make recommendations.

The Notice of Public Hearing was published on November 30, 2001 and December 7, 2001.

The Hearing was opened for comments from the audience; hearing none the public hearing was closed. The record will remain open for ten days to allow for written comment, after which it will be placed back on the Agenda.

ST. MARY'S HOSPITAL BOND ISSUE

Charles Wade, Chairman of the Board of Directors at St. Mary's Hospital, introduced several Board members, consultants, architects, Christine Wray, President and CEO, and hospital staff to the Commissioners. The Board requested the approval of St. Mary's County to issue bond financing for the proposed 2002 expansion and renovation project for the hospital. Consultants, hired by the hospital, concluded bed capacity was insufficient due to population growth and the impact of an aging population. The following points were made:

- By 2010, the following will be needed:
 - 28% more medical/surgical beds
 - twice as many CCU rooms
 - emergency rooms do not meet current demand – will need 25 rooms
 - additional operating and imaging rooms
- Patient rooms are undersized for today's patients and medical equipment— increase average size from 1193 square feet to 1649 square feet and make them predominately single occupancy rooms; lack of single rooms has been a source of patient dissatisfaction as well as a privacy issue
- New construction will add 67,055 square feet to the hospital; renovations will alter 37,292 square feet of existing structure
- Construction timeframe will be 20 months and the guaranteed maximum price will be \$19,838,000, with a 5% contingency (excluding architectural and engineering fees, financing costs and other expenses during construction)
- Bed distribution in all units will be 89 single bed rooms and 24 double bed rooms – an addition of 113 total beds in the near term
- Financing Structure: 2002 Bond proceeds will be \$20,000,000; amortization period will be 20 years, interest rate of 5%, and debt service payment of \$1,713,250 with principal payments beginning February 2005
- During construction, no hospital services will be interrupted

Commissioner President Randall asked that Ms. Wray provide a breakdown of discharged patients plus the number transferred home or to other hospitals for the past three years. Ms. Wray was also asked to provide a breakout of revenues vs expenses based on in-patient and outpatient stays.

Mr. Lacer, County Administrator, advised the Commissioners a decision would be needed by the end of the year to make the January bond sale, and, therefore the item will be placed back on the Commissioners' agenda next week (December 18, the last meeting of the year).

COUNTY ADMINISTRATOR

Present: Alfred A. Lacer, County Administrator

1. Draft Agenda – December 18, 2001
2. Employment Contract – Director, Emergency Communications

Commissioner Guazzo moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner Randall to sign the employment contract as presented. Motion carried.

3. Appointment of Vice-President of Board of County Commissioners for 2002

Commissioner Mattingly moved, seconded by Commissioner Anderson, to appoint Commissioner Daniel Raley as Vice-President. Motion carried.

4. Budget Amendment – Office on Aging (\$1,593);
(for funds from unexpected allocation of additional FY 01 Older Americans Act)

Present: Elaine Kramer, Director of Finance

Commissioner Mattingly moved, seconded by Commissioner Raley, to approve and authorize Commissioner Randall to sign the Budget Amendment. Motion carried.

5. Department of Public Works

Present: George Erichsen, Director
George Jarboe, Transportation Supervisor

- a. Grant Agreement for Americans with Disabilities Act for St. Mary's Transit

Commissioner Mattingly moved, seconded by Commissioner Guazzo, to approve and authorize Commissioner Randall to sign the Grant Agreement as presented. Motion carried.

- b. Grant Agreement for 5311 Public Transportation for St. Mary's Transit

Commissioner Guazzo moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner Randall to sign the Grant Agreement as presented. Motion carried.

- c. Grant Agreement for New Start routes

Commissioner Guazzo moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner Randall to sign the Grant Agreement as presented. Motion carried.

- d. Maryland Aviation Grant Agreement – Environmental Assessment

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

6. Department of Recreation and Parks
Maryland Historical Trust FY 2002 General Operating Support Grant Agreement

Present: Phil Rollins, Director

Commissioner moved, seconded by Commissioner , to approve and authorize Commissioner Randall to sign. Motion carried.

7. WaldenSierra, Inc.
Women's Transitional Living Program Grant

Present: Kathleen O'Brien, Executive Director

Dr. O'Brien advised the Commissioners that after 24 years, Sierra House will no longer be operating as a resident treatment facility for teen girls. The new Program will provide transitional housing for a maximum of 12 months to serve chemically addicted mothers and their children. The main emphasis of the program will be to provide the services and skill building needed to allow the mother to reside with her children while maintaining recovery.

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

8. Designation of Resident Agent for Submission to Maryland Dept. of Assessments and Taxation

Commissioner Mattingly moved, seconded by Commissioner Raley, to approve and authorize Commissioner Randall to sign the form designating County Administrator, Alfred A. Lacer as the Resident Agent, and for the Board to sign the Resolution "Removal and Reappointment of Resident Agent. Motion carried.

9. Economic and Community Development

Present: John Savich, Director

- a. Housing Authority Grant documents

Present: Dennis Nicholson, Executive Director, Housing Authority

(1) Rental Allowance Program Grant Application and Agreement
(\$53,992 from Community Development Adm.)

(2) Rental Allowance to Work Grant Application
(\$53,992 from State)

Commissioner Mattingly moved, seconded by Commissioner Guazzo, to approve and authorize Commissioner Randall to sign the Rental Assistance Program Grant Applications and Agreement. Motion carried.

- b. Airport Advisory Committee Bylaws
(revised as requested by the Commissioners)

Commissioner Mattingly moved, seconded by Commissioner Guazzo, to approve and sign the bylaws, as revised. Motion carried.

- c. Reclassification Requests

Mr. Savich reviewed his proposal for reorganization and reclassifications of certain positions in the Department of Economic and Community Development. He reported that the Deputy Director, Nancy Hutson will be retiring as of December 31, 2001; and the Tourism Development Coordinator, Jean Goodman has submitted her resignation. Therefore, Mr. Savich proposed some changes to his department. Highlights of the recommendations included:

- To eliminate the Deputy Director position ;
- To create a new economic development analyst position (Grade 7);
- Upgrade Tourism Coordinator to Grade 9;
- Upgrade Agriculture Coordinator to Grade 9;
- Upgrade Community Development Program Manager to Grade 10;
- Not fill the vacant Office Specialist position.

After discussion Commissioner Guazzo moved, seconded by Commissioner Mattingly to approve the proposal as submitted. Motion carried.

10. Letter to Breton Bay Property Owners

Present: Jon Grimm, Director, DPZ

As a follow up to last week's discussion Mr. Grim presented a revised letter to Breton Bay property owners seeking consent to enter their property to conduct a Breton Bay Stream Assessment in order to implement Water Resources Administration's grant project.

After discussion Commissioner Guazzo moved, seconded by Commissioner Mattingly. Motion carried three to one with Commissioner Raley voting against. (Commissioner Anderson was not present.)

11. Holiday Work Schedule

Commissioner Guazzo moved, seconded by Commissioner Mattingly, to close the County Offices on Monday, December 24, 2001 and to grant Administrative Leave to county employees; and further to allow liberal leave on Monday, December 31, 2001, and that the County Administrator will work this out with staff. Motion carried.

COUNTY COMMISSIONERS' TIME

Tobacco Buy-Out

Commissioner Raley reported that the Southern Maryland Agriculture Committee was in the midst of receiving applications for the third round, of five rounds, of the buy-out. All applications are due to the Tri County Council by January 15, 2002. There were 659 farmers who signed up on the first two rounds - or 66% of all the tobacco farmers in the county. That resulted in 6.5 million pounds of tobacco *not* grown in St. Mary's County.

Bio-Terrorism Program

Commissioner Guazzo thanked Dr. Icenhower and his staff for his efforts in coordinating the Bio-Terrorism Program held December 10. The program was excellent and was well attended by doctors, nurses, EMTs, Sheriffs, fire and rescue personnel and members of the Red Cross.

Tri County Council/Other Events

Commissioner Mattingly reported that the Council would meet on December 12, at 6:00 p.m. He congratulated Ridge Rescue Squad on its Installation of Officers. He also thanked the County Employees' Association for a wonderful Christmas Party. Commissioner President Randall also congratulated the Employees' Association and that she would like to see more department heads at future functions.

ZONING ORDINANCE WORK SESSION

The Commissioners continued from their morning work session on the Zoning Ordinance.

6:00 p.m. - Chapter 65

Page 65-2, Lines 1-3 – Rewrite to prohibit signs on roofs, as in today's regulations.

Page 65-4, Line 34 – Need space between “any” and “one;” i.e., “any one entity.”

Page 65-4, Lines 45-46 – Delete “in Schedule [TBD].”

Page 65-5, Line 20 – Change “30 feet” to “20 feet.”

Page 65-6, Lines 1-2 – Change to reflect that a total of 250 sq. ft. of signage shall be permitted per road face, or a developer may file a Master Sign Plan.

Page 65-6, Line 15-17 – Delete “In commercial and industrial districts,” and replace with “In growth areas,” After “permitted” add “, excluding gas pricing signs.” Add sentence allowing a second sign with gas pricing information.

Page 65-9, Line 22 – Delete “Off premise” and replace with “Temporary”

Chapter 80

Page 80-3 - Temporary Certificate of Occupancy – Staff to check International Building Code requirement.

Page 80-3, Line 44 – Delete “No” and replace with “The use of a ...”

Chapter 81

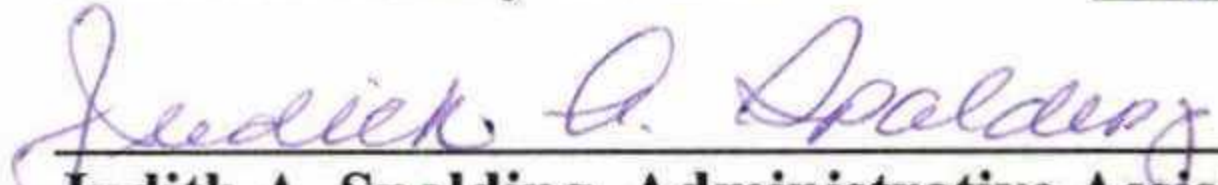
Staff to provide language and penalty for illegal dumping and littering for the Commissioners’ review.

NEXT WEEK – Article 7. Staff will bring zoning maps to Commissioners’ office for their review. Article 10 (Definitions) will be changed by staff as directed by the Commissioners.

ADJOURNMENT

The meeting adjourned at 7:20 a.m.

Minutes Approved by the
Board of County Commissioners on 12/18/01



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