

**ST. MARY'S COUNTY  
BOARD OF COUNTY COMMISSIONERS' MEETING  
January 12, 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, Acting 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 Anderson moved, seconded by Commissioner Mattingly to accept the agenda as amended (to add discussion with Director of Finance regarding the public facilities bond bill; to add an executive session regarding State's Attorney; and to add discussion with MetComm regarding Route 235 widening project). Motion carried.**

**APPROVAL OF CHECK REGISTER**

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

During discussion of the bills, the Commissioners raised questions regarding billing for charter flight to Cumberland; and subscription to Newsweek (DPZ).

**APPROVAL OF MINUTES**

**Commissioner Mattingly moved, seconded by Commissioner Raley, to approve the minutes of the Commissioners' meeting of Tuesday, January 5, 1999. Motion carried.**

**COUNTY ADMINISTRATOR**

**Present:** Mortimer L. Smedley, Acting County Administrator

- Calendar of Events
  - Draft Agenda for January 19, 1999
1. Revised Bylaws for Commission on Aging

**Commissioner Anderson moved, seconded by Commissioner Raley, to sign letter to Chair approving the revised bylaws for the Commission on Aging. Motion carried.**

2. Community Development Block Grant – Dakota Place Family Center  
(Letters of Support (6) for referenced Project)

**Commissioner Anderson moved, seconded by Commissioner Raley, to approve and sign letters as presented. Motion carried.**

3. *Project Impact* Program Resolution  
(Program is a method to assist communities to become "Disaster Resistant")

**Commissioner Mattingly moved, seconded by Commissioner Anderson, to approve and sign Resolution No. 99-01 – Emergency Operations Plan -Project Impact as presented. Motion carried.**

4. Draft letter to be sent to Solid Waste Advisory Committee members (when appointed)

**The Commissioners gave concurrence for the letter to be sent when members are appointed.**

5. Review of Fiscal Year 2000 Budget Review Schedule

Also Present: Steve Welkos, Director of Finance

Mr. Welkos reviewed with the Board the Fiscal Year 2000 budget review schedule. Commissioner Raley requested, and the Board concurred, switching the February 10 schedule (DPW/Solid Waste/ Highways) with the February 12 schedule.

The Commissioners indicated they would review the schedule and comment on it at next week's meeting if there are changes.

#### **PROCLAMATION KNIGHTS OF COLUMBUS CHARITY BALL DRIVE**

The Commissioners presented the referenced Proclamation designating January through March as the 39<sup>th</sup> Annual Southern Maryland Charity Ball Drive.

#### **VEHICLE MAINTENANCE FACILITY BRIEFING**

Present: Jim Stirling, Director, Office of Capital Projects  
Jim Haley, Manager, Office of Central Services

As requested by the Board, the referenced individuals appeared before the Board to provide a briefing on the Vehicle Maintenance Facility project.

Mr. Stirling presented the background and status of the maintenance facility project, which is located on a ten-acre site behind the Department of Public Works building on St. Andrews Church Road.

Information presented to the Board included:

- The project includes transportation shop addition; storage building, DPW storage, R & P storage, renovation/addition to R & P shop, wash rack enclosure.
- Site Improvements to be made (lighting, additional parking, fencing, site grading) and to be done under separate contracts.
- The Board of Appeals approved the project in June 1998; contract award in October 1998; specifications completed for new vehicles purchases in November 1998 (bids due February 1999); Transportation Policies and Procedures Manual to be submitted to Board of County Commissioners for review and approval in March 1999.
- HTE Fleet Management Software Features (equipment inventory and tracking, job order entry, scheduled/unscheduled maintenance, equipment warranties, security, insurance information tracking, billing, etc.).
- Vehicle Maintenance Goals/Objectives (safety; availability consolidation; cost savings, particularly in the area of purchase of parts).

- Mechanics required to perform all vehicle maintenance – FY 2000 projection (current number of mechanics – three; and three to be hired).

Areas of discussion raised by the Board included concerns regarding discharge and the importance of not compromising the quality of St. Mary's River; life expectancy of buildings; background detail of genesis of project; technology for maintaining vehicles and associated training; the possibility of combining maintenance with the public schools; and impact on local businesses.

In conclusion the Commissioners requested staff:

- To project operating costs for five years;
- To meet with public school representatives on the possibility of consolidating vehicle maintenance.

## **COUNTY COMMISSIONER TIME**

### **Helen Post Office**

Commissioner Mattingly referred to the letter to the United States Postal Service regarding expansion of certain local post offices and stated that the long range plan shows that the Helen Post Office will not be considered until 2005. Because of the conditions of this post office, Commissioner Mattingly requested that staff draft a letter requesting that the Helen Post office be moved up in the schedule.

### **Year 2000 Celebration**

Commissioner Mattingly suggested that the Commissioners consider putting together a committee to assist in preparations for a Year 2000 Celebration. The Committee which should include community representatives, should canvass the county for suggestions for the celebration. The Commissioners gave their concurrence.

### **County Web Page**

Commissioner Mattingly stated that it was his understanding that the County's web page needed updating, and that Mr. Harper, who has done some preliminary work, has offered to assist the County in this effort. He suggested that Mr. Harper meet with the MIS department regarding the web page, and the Commissioners gave their concurrence.

### **Workforce Investment Act of 1998**

Commissioner Anderson advised that the County will be required to comply with the referenced Workforce Investment Act of 1998 by the end of January. The act addresses components of workforce development systems (programs of job training, adult education and literacy, and vocational rehabilitation). Each jurisdiction will be required to develop comprehensive workforce systems that respond to changing needs of the employer and workers. The program would offer a consolidated delivery system which provides employment and training services under JTPA. Commissioner Anderson requested that this item be placed on the Commissioners' agenda of January 26, stating that this would be an opportunity for the Commissioners to make changes in the service delivery area, if warranted. (Martin Fairclough, a PIC representative and Jack Candela should be present.) The Commissioners gave their concurrence.

### **Strategic Plan**

Commissioner Anderson stated he would like the Commissioners to continue interest in the development of the County's strategic plan. He requested County Administrator Smedley to develop recommendations for a process, schedules, and putting the plan into place.

**Commissioners' Retreat**

Commissioner Randall suggested that the Commissioners schedule a retreat some time in March to work on team building and developing goals and objectives.

**Use of Cell Phones**

Commissioner Raley referred to the County Administrator's memorandum regarding use of cell phones and suggested that a policy be developed for use of cell phones.

**Appointments**

Commissioner Raley indicated there are a number of vacancies on boards and committees. The Commissioners agreed to schedule a session on January 26 to consider appointments to the Solid Waste Advisory Committee, Nursing Center and Board of Appeals.

The Commissioners further requested that the chairs be contacted for recommendations and further that vacancies for these boards be announced on Channel 12.

**CONTINUATION OF SUPPLEMENTAL APPROPRIATION PUBLIC HEARING  
DEPARTMENT OF ECONOMIC & COMMUNITY DEVELOPMENT**

Also Present: Martin Fairclough, Director, DECD

(To consider a supplemental appropriation of \$550,000 from the sale of the Skipjack Property, which was previously acquired with Community Development Block Grant funding, and to transfer said funds to the St. Mary's County Community Development Corporation for use in the CDC's Loan Guarantee Program and Attraction and Retention Loan Program.)

Present: Steve Welkos, Director of Finance  
Martin Fairclough, Director, DECD  
Tom Watts, Chair, Community Development Corporation

The Commissioners continued the referenced public hearing from January 5, 1999.

Relative to questions raised by the Board Mr. Fairclough responded as follows:

That the library was not an eligible activity for these funds;  
That the proposed use is a "reuse" of the funds for an existing activity (revolving loan program); otherwise the funds would have to go back to the State.

That many small businesses do not meet eligibility requirements for bank loans, and the CDC is the "bait" necessary to get the banks to participate in helping these small businesses.

That although the Lexington Park area should be targeted, it should not preclude loans being made available to other areas of the County (e.g. there are currently vacant buildings throughout the county that could be used for small businesses).

There were no comments from the public; the record will remain open for ten days.

**DIRECTOR OF FINANCE**

Present: Steve Welkos, Director of Finance

**Public Facilities Bond Bill**

Mr. Welkos submitted a memorandum advising that the 1999 Maryland General Assembly will be convening on January 13, and that St. Mary's Delegation will be

meeting on January 14, 1999 to review the local bills. Delegate Slade had indicated to Mr. Welkos that if the Commissioners are going to propose any changes to the bond bill amount, that he be notified by January 13.

**Based on discussion with the Director of Finance regarding additional funding from the State for school projects, Commissioner Raley moved, seconded by Commissioner Mattingly, to advise the St. Mary's Legislative Delegation that the Public Facilities Bond bill, which had been presented and discussed at the December 10, 1998 public meeting, be changed from \$35M to \$25M. Motion carried.**

#### **Board of Education Requests**

(The following is for informational and discussion purposes in that both funding requests are subject of public hearings scheduled for January 19.)

#### **1. FY 1999 Deferred Capital Projects**

Mr. Welkos advised that the Board of Education has requested funds for Town Creek Elementary N\HVAC - \$310,000; Green Holly Roof Systemic Renovation - \$623,000; and Margaret Brent Middle Addition/Renovation A/E - \$100,000 (for a total of \$1,033,000). Source of funding would be the end-of-year fund balance (which would reduce the fund balance to \$6.3M).

#### **2. Use of FY 1998 BOE Fund Balance**

Mr. Welkos advised that the Board of Education has requested approval to use the public school's Fiscal Year 1998 fund balance of \$466,898 to purchase science books and to secure consulting services to develop an appropriate enrollment projection model. In his January 6, 1999 memorandum to the Board Mr. Welkos addressed the issue of whether the Board of Education should be able to retain any future fund balances and used as a revenue source for subsequent budgets.

#### **CENSUS 2000**

#### **ESTABLISHMENT OF COMPLETE COUNT COMMITTEE**

Present: Jon Grimm, Director, DPZ  
Mary Hayden, DPZ  
Linda Softli, Bureau of the Census

Mr. Grimm explained that the Census 2000 Complete Count Committee, which will consist of a group of key community representatives, will be used to implement local efforts regarding the Census through outreach and promotional efforts. The Committee should represent all aspects of the community (government, education, media, community and religious organizations, and businesses). It was also pointed out that there should be representatives on the Committee from tribal governments, ethnic groups, retirees, and the disabled community.

**After discussion Commissioner Mattingly moved, seconded by Commissioner Anderson, to endorse the establishment of the *Complete County Committee* and to commit the County's support in this effort. Motion carried.**

#### **COMPREHENSIVE PLAN REVIEW**

(to be inserted upon receipt of minutes from DPZ.)

#### **EXECUTIVE SESSION**

**Commissioner Raley moved, seconded by Commissioner Mattingly, to meet in Executive Session for a matter of Personnel (Board of Education candidates interview) as provided for in Article 24, Section 4-210(a)1. 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  
(Board of Education Member Candidates)

Authority: Article 24, Section 4-210(a) 1  
Time Held: 4:35 p.m. – 5:25p.m.  
7:30 p.m. – 8:10 p.m. (continued)

Action Taken: The Commissioners conducted interviews with Board of Education candidates.

**DEPARTMENT OF PLANNING AND ZONING**

All Commissioners were present. DPZ staff present were Jon Grimm, Director; Planners Jeffrey Jackman and Mary Hayden; and Peggy Childs, Recording Secretary.

**COMPREHENSIVE PLAN DISCUSSION**

Mr. Grimm referenced the consultant's renegotiated price for preparing a comparison of the agricultural overlay and TDR provisions of the January and September 1998 drafts of the Comp Plan, which should have been forwarded by Mr. Haley. Asked at the last meeting for an estimate of time for *staff* to provide the analysis, Mr. Grimm said staff has been working on it since last week and it is half-finished; we will provide the comparison at next Tuesday's work session, if the Board would like. The Planning Commission has agreed to the work session as proposed. Staff has also applied the Peer Review to the January draft, finding that that most of the peer review DOES apply. By memo dated today, Mr. Grimm lists only the provisions which do *not* apply.

Provided for review were notes from an Agricultural/Open Space Preservation discussion held on June 15, 1998. Mr. Grimm also invited the commissioners to an APA audio conference on farmland preservation to be held at DPZ on Wednesday, February 10<sup>th</sup> at 4:00 p.m.

Commissioner Randall proposed the following to expedite the review process and get us to an approved Comprehensive Plan as soon as possible:

- (1) Rescind the remand issued by the previous Board and agree to use the January draft as the basis for the final Plan;
- (2) Detail the commissioners' issues with the January draft, including TDRs/Ag Overlay, 1:3 and 1:20 density; whether concerns of Tulagi Place task force are being addressed in the Plan; and compliance with Smart Growth.
- (3) Hold 5 work sessions with Planning Commission (2 in January, 3 in March), the first being Tuesday, 1/19, for a free-flow exchange of information. The remaining sessions will be used to discuss the four issues identified in (2) above.
- (4) Following the 5 work sessions, if sufficient data has been gathered and the commissioners are ready, forward details of required changes to Planning Commission, with requested timelines. The stated goal for this direction to the commission is April 1<sup>st</sup>, with the possibility of a final plan by July 1<sup>st</sup>.

**Commissioner Raley moved to rescind the previous Board of County Commissioners' motion of March 24, 1998, wherein the January 1998 draft of the Comprehensive Plan, forwarded by the Planning Commission's memorandum dated 2/23/98, was remanded to the Commission. The motion was seconded by Commissioner Mattingly.**

During discussion, Mr. Raley noted that, although by virtue of this motion we will be using the January draft as the base document for the Plan, there will be some changes, because the commissioners do have some concerns. Commissioners Mattingly and Randall agreed.

**Commissioner Randall called for the vote, which was 5-0 in favor of the motion.**

Returning to the review process, the Commissioners agreed with Ms. Randall's proposal and suggested other topics. In response to Ms. Guazzo's concerns, a member of the consultant team will be asked to attend the January 19<sup>th</sup> work session, but Mr. Grimm said his report of the peer review shows that a large measure of the January document has already been reviewed by them. Commissioner Anderson asked that the Finance Director provide an opinion regarding use of the transfer tax revenue to establish a TDR fund. Ms. Randall agreed that such a fund may be needed but said we must establish some goals for the program before we can make any serious financial estimates. Mr. Raley asked that the 235 Rezonings be added to the list of discussion topics. A representative from the Governor's Office will be asked to attend the session on Smart Growth.

## **PUBLIC HEARING**

### **COMPREHENSIVE WATER AND SEWER PLAN AMENDMENT**

#### **CWSP #97-2737 – PERSIMMON HILLS, Section III**

Requesting a water service category change from NPS (No Planned Service) to RW (Rural community water service) for property located on the east side of MD5/235 in Mechanicsville, approximately 3,000 ft. north of its junction with Point Lookout Road; Tax Map 9, Block 15, Parcel 56.

Owner: J. D. Murray / Bay Mills Development  
 Engineer: Wilkerson & Associates / R. A. Barrett & Associates, Inc.  
 Present: Randy Barrett, of Barrett & Associates, Inc.  
 Steve King and Mac Paul, of MetComm

Legal Ad published in The Enterprise on 12/23/98 & 12/30/98

Property posed by DPZ staff on 12/29/98

#A-1 – Certified Receipts of notification to contiguous property owners

This proposed amendment requests approval to expand and tie into the existing community water system which currently serves Sections I & II of this development. The expansion will include an additional well, two 20,000 gallon hydro-pneumatic tanks, fire hydrants, and 4", 6" and 8" water lines. The expanded system will produce up to 115,000 gallons of water per day, more than meeting the total demand of 88,825 gallons per day for Sections I, II, and the 94 additional lots proposed in Section III. Following a public hearing conducted on November 9, 1998, on November 23, 1998 the Planning Commission recommended approval of the proposed amendment by unanimous vote. DPZ also recommends approval.

The Commissioners had major concerns with this subdivision, including the fact that home buyers in Sections I & II were not told there would be a Section III, although Mr. Grimm said it was obviously anticipated because Cathedral Street was stubbed off for extension. Mr. Barrett stated he was not the developer and was not involved in Sections I & II. Staff estimates those sections were approved in 1991 or 1992.

Other commissioner issues were environmental and safety concerns, principally because there is only one access for all three sections of this subdivision. Groundwater appropriation is covered under an existing State permit, and Mr. Barrett said they are about 6 months into the Federal/State permit process for the wetlands crossing for the road and the water line. They would far rather avoid the wetlands, he said; there are tremendous incentives to go around and the first step is to try and avoid the wetlands at any cost, but they have been unable to purchase any other right-of-way. However, they will provide a 50 ft. connection through Parcel 65 to the adjacent property for a possible future connection to Route 6. He reiterated, if they could obtain a right-of-way through the adjoining property for a second access and not have to cross the wetlands, they would do it in a minute. Mr. Hoagland, who owns the adjoining piece of property and was present at the hearing, said Mr. Barrett can have the right-of-way.

Commissioner Randall noted that the issue tonight is the approval for the water connection and the other issues are not on the table. Even if the amendment is not approved, the

developer still has the right to develop at 1:3 density, with individual wells. Mr. Grimm clarified that the preliminary plan has not been reviewed and the commissioners' concerns can be relayed to the Planning Commission; however, if a development project meets all county and state requirements, the Planning Commission must approve it.

Commissioner Raley stated this is a bad subdivision and he doesn't want to approve it; he said if the fire department says they need the water for fire and safety concerns he will do it, but he doesn't like it. MetComm Director Steve King said County Fire Board member Joe Guyther works with MetComm to review plans for water systems in the county, and the Fire Departments have supported central water systems because they provide water for fire suppression that otherwise wouldn't be there.

Ms. Randall opened the hearing to public comment.

More than 30 residents of Persimmon Hills, Secluded Estates, and the surrounding area stated their concerns, echoing and expounding on those of the county commissioners. Speakers were Joe Baker, William Hester, John Cardova, Lisa Durst, Michelle Erickson, Bill Wood, Herman Wood, Carolyn Guy, Barbara Hoagland, Dennis Marra, Clare Whitbeck, Dave Titus, and Leo Hoffman.

Most concerns were related to the subdivision itself and included the following:

- (1) Environmental issues - protection for the wetlands and the beavers in Persimmon Creek
- (2) Access - a second access should be required before the water amendment is approved
- (3) Road/traffic issues - Persimmon Creek Road cannot handle the additional traffic
- (4) No sidewalks, no curbing, no bike trails in Sections I & II - people walk in the road
- (5) No recreation areas in Sections I & II - children play in the street
- (6) Drainage from the subdivision will overload existing streams in a major way
- (7) Water Supply - water pressure is *already* a problem
- (8) Health and Welfare - extensive soils and water tests should be done to determine possible contamination from the massive dump that existed at one time in the area across from the Halfway House

Lisa Durst offered a Petition against extending the development beyond Sections I and II, containing 95 signatures, and photographs of the wetlands and ecosystems, which bear evidence of beaver habitat. These were entered into the record as Opponents' #O-1 and #O-2. Commissioner Guazzo urged the residents to write letters to their delegates, representatives, and state agencies, and to get involved in the MDE permits process. She noted the Summit Hills case, where the developer wanted to cross Oaks Cooksey Swamp, and where this type of citizen involvement had an influence. Carolyn Guy offered phone numbers for the residents to contact the State Highway Administration - 1-800-735-2258, and MDE - 1-800-633-6101.

Clare Whitbeck stated community water is always better than individual wells, but asked the commissioners to table this hearing until after the MDE hearing instead of providing the applicant with an approval he can take to MDE. She asked that the commissioners make this their first statement to the public that, from now on, the county is looking for the best development we can get, and said this is one way we can do that.

Commissioner Randall closed the public hearing at 7:14 p.m. The record will remain open for 10 days for written comment, with decision to be scheduled for a future meeting.

**Personnel (State's Attorney)**

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, Acting County Administrator  
Rick Fritz, State's Attorney  
"Mac" McClintock, Director, DHR  
Judith A. Spalding, Recorder



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

Time Held: 8:15 p.m. – 9:10 p.m.

Action Taken: The Commissioners discussed with Mr. Fritz a number of personnel issues in the State's Attorney's Office and agreed to take action in open session.

**FOLLOW UP TO EXECUTIVE SESSION**

**Commissioner Anderson moved, seconded by Commissioner Mattingly, to approve and sign Budget Amendment No. 99-19 – State's Attorney (\$25,855 to cover salaries for remainder of fiscal year). Motion carried.**

**ADJOURNMENT**

The meeting adjourned at 9:15 p.m.

Minutes Approved by the

Board of County Commissioners on 1/19/99

*Judith A. Spalding*  
Judith A. Spalding, Recorder