

**ST. MARY'S COUNTY  
BOARD OF COUNTY COMMISSIONERS' MEETING  
January 19, 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 9:30 a.m.

**ADDITIONS/DELETIONS TO AGENDA**

**Commissioner Anderson moved, seconded by Commissioner Mattingly to accept the agenda as amended (to change the executive session from 1:30 p.m. to 1:00 p.m.; and to change review of the bills from 9:40 a.m. to 3:00 p.m. during Commissioners' time). Motion carried.**

**APPROVAL OF CHECK REGISTER**

(The approval of the bills was done later in the meeting prior to Commissioners' Time.)

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

During discussion of the bills, the Commissioners raised question: payment for individuals' medicines, juice and cookies (R&P).

**APPROVAL OF MINUTES**

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

**COUNTY ADMINISTRATOR**

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

- Draft Agenda for January 26, 1999
- 1. Presentation of Commendation to Mary Lou Norris upon her retirement from County Government  
(Ms. Norris was not present and the Commissioners requested that Mr. Smedley contact her to come in during lunchtime at a future meeting.)
- 2. Budget Amendments
  - a. No. 99-20 – County Administrator/Commissioners (\$620)  
(For services rendered to prepare plat for disposition of property adjacent to Clements Landfill)

**Commissioner Guazzo moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner Randall to sign Budget Amendment No. 99-20 as presented. Motion carried.**



- b. No. 99-21 – St. Mary’s County Memorial Library (\$13,000)  
(To equip new and remodeled office space and public area)

**Commissioner Anderson moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner Randall to sign Budget Amendment No. 99-21 as presented. Motion carried.**

(During discussion Commissioner Guazzo questioned the fund balance and whether it should come back to the County similar to the Board of Education’s fund balance.)

- 3. Local Government Investment Report  
(Requirement by State for governments having annual budgets exceeding \$1M to file an investment report)

**Commissioner Mattingly moved, seconded by Commissioner Anderson, to approve and authorize Commissioner Randall to sign the Local Government Investment Report as presented. Motion carried.**

- 4. Fiscal Year 1999 Supplemental Appropriation Ordinance – Office on Aging (\$3,000)  
(Follow up to 1/5/99 public hearing)

**Commissioner Guazzo moved, seconded by Commissioner Mattingly, to approve and sign Ordinance No. 99-02 as presented. Motion carried.**

- 5. Letter to Chairs of Boards, Committees, Commissions requesting status report on membership

After review of the letter the Commissioners requested that the letter be revised to include the following: (1) whether they believe there is overlap with other boards, and whether board should be combined; (2) revise last sentence in first paragraph. (When info is received from boards, to look at two studies, data from Efficiency Task Force, along with information from the Boards and develop recommendations.)

- 6. Review of Amended Fiscal Year 2000 Budget Review Schedule

The Commissioners reviewed the Budget Schedule, made additional revisions, and directed staff to proceed with the schedule as revised.

**PROPOSED REGIONAL COMMUNITY COLLEGE LEGISLATION**

- Present:
- Dr. Elaine Ryan, President, Charles County Community College
  - Diane McWilliams, Chair, CCC Board of Trustees
  - Verna Posey, Vice Chair, “
  - Jane Sypher, Executive Director, Community College at St. Mary’s
  - Fred Wallace, Vice-Chair, Board for Community College at St. Mary’s
  - Charlotte Young, “
  - Ed Fitzgerald, “

At the request of the Commissioners the referenced individuals appeared before the Board to discuss the regional community college legislation as proposed by the Board for the Community College at St. Mary’s.

Commissioner Mattingly, who was a previous member of the Board for the Community College at St. Mary’s, gave the history of the legislation, stating that a proposal had been submitted two years ago. Because there were issues that could not be resolved, the legislation did not get submitted. He explained that one of the main issues was representation by St. Mary’s on the Board of Trustees. He pointed out that during the MACo conference, there was discussion among the three counties relative to the proposal, and Calvert County had some issues that needed to be addressed.



Areas of discussion included:

- ❖ Whether to go forward with a tri-county proposal or bi-county (St. Mary's/Charles) until Calvert had had an opportunity to address its issues;
- ❖ That the Board of Trustees strongly supports the proposal;
- ❖ That there are three issues in the proposed legislation that may need to be addressed by all three boards of commissioners (equal representation by FTE, budget approval by representative county, and property ownership issues);
- ❖ Land requirements for a community college; Calvert's request for joint use of property; and state's requirement that the property be purchased for a community college and land deeded to the Board of Trustees;
- ❖ That there are existing laws regulating community colleges (the law is for the establishment of new community colleges, not for changes to existing community colleges);

In conclusion there was agreement with the following:

- ❖ That the St. Mary's County Commissioners are in support of the concept of a Regional Community College
- ❖ That all three counties should be working from the same draft legislation;
- ❖ That the Board of Trustees would be the lead agency in this effort;
- ❖ That St. Mary's would draft a letter to Calvert County (with copy to Charles) stating that St. Mary's County is in agreement with concept of regional community college; that we are pursuing this with Charles County Community College Board of Trustees and the Commissioners of Charles County; that St. Mary's hopes that Calvert will be able to work with St. Mary's. If Calvert has issues that need to be addressed, the legislation could be left open to amend it to include Calvert in case their issues cannot be answered this year.
- ❖ That there would need to be a change in funding formula from the state, and it was important that the legislation get introduced this session.
- ❖ That the Board of Trustees would draft a proposal to be submitted to all three boards.

**PUBLIC HEARING  
AGRICULTURAL LAND PRESERVATION DISTRICTS**

Present: Donna Sasscer, Agricultural Seafood Specialist

The Board of County Commissioners conducted a public hearing on requests to be included in the Agricultural Land Preservation Districts.

Prior to beginning the hearing, Ms. Sasscer provided an explanation of the Agricultural Land Preservation Districts including what is allowed to be done on the property if included in an ALPD and what cannot be done (development); transfer tax funds used for the program (local and state transfer tax); that the funds go back to the State if not used for the County's program (with said funds being used by other jurisdictions when they go back to the State); that substantial revenues have been received from the sale of tow large parcels in the county; that once land leaves "agricultural" and goes to development, and a transfer tax is collected.

Applications for establishment of an Agricultural Land Preservation District (ALPD) and Sale of Development Rights Easements for:

- ❖ ALPD #98-2622, Leonard T. Jr., & Tina Bowles, for a total of 65 acres in the 3<sup>rd</sup> Election District, Tax Map 31, Block 5, Parcel 1.



- ❖ ALPD #98-2471 – Edwin P. Johnson, for a total of 138 acres in the 3<sup>rd</sup> Election District; Tax Map 24, Block 24, Parcel 15.
- ❖ ALPD #98-2231 – Paul A Tennyson, for a total of 191.69 acres in the 1<sup>st</sup> Election District; Tax Map 73, Block 2, Parcel 15.
- ❖ ALPD #98-2918 – Deep Falls Partnership, for a total of 494.90 acres in the 4<sup>th</sup> Election District; Tax Map 23, Block 6, Parcel 8.

The hearing was opened for comments from the public:

William Young, who owns property adjacent to Deep Falls, inquired what the impact would be on his property if the ALPD was granted. Ms. Sasscer explained that it would not affect his property, and further, he could also make an application to be included in an ALPD.

Hearing no further comments the public hearing was closed; the record will remain open for ten days for additional comments.

## **PUBLIC HEARINGS**

### **FISCAL YEAR 1999 SUPPLEMENTAL APPROPRIATIONS**

Present: Steve Welkos, Director of Finance  
Brad Clements, Public Schools

The Commissioners conducted public hearings on the follow FY '99 Supplemental Appropriation requests:

#### **St. Mary's County Board of Education**

To consider a supplemental appropriation of funds in the amount of \$466,898 which are available as the result of the reversion to the County Government by the Board of Education of the fiscal year 1998 year-end public school system fund balance, for the purpose of funding the purchase of science textbooks and to hire a consultant to develop an appropriate enrollment model.

Areas of discussion included the need for an ongoing process to ensure textbook renewal (This will be brought to the Board of Education's attention during budget deliberations); whether a consultant was needed to develop an enrollment model; and whether these funds could be applied to capital projects.

Hearing no comments from the audience the public hearing was closed; the record will remain open for ten days for additional comment.

#### **St. Mary's County Board of Education**

To consider a supplemental appropriation of \$1,033,000 from the County's undesignated general fund balance to the St. Mary's County Board of Education for the purpose of funding the following public school capital projects: Town Creek Elementary HVAC Systemic Renovation; Green Holly Elementary Roof Systemic Renovation; and Margaret Brent Middle Addition/Renovation.

Discussion included whether this fund balance would be needed in the FY 2000 budget.

Hearing no comments from the audience, the public hearing was closed; the record will remain open for ten days.



**HISTORIC ST. MARY'S CITY FOUNDATION**

Present: Jeanne Chandler, President  
 Dr. Henry Miller, Chief Archaeologist  
 Bruce Metzger, Acting Director, St. Mary's City Commission

The referenced individuals appeared before the Board to explain the Foundation's campaign to rebuild the Brick Chapel at St. Mary's City. Ms. Chandler provided the background of the project, the fundraising efforts of the Foundation, which is currently in the "quiet phase" of the capital campaign, and donation sources.

Information provided in the presentation included:

- ❖ Conceptual plans completed in 1997
- ❖ A film presentation, narrated by Walter Cronkite and produced by BGE on historic St. Mary's City and a brochure
- ❖ outlining activities of St. Mary's City.
- ❖ To have St. Mary's City designated as an historic treasure for the Year 2000.
- ❖ Mission of Foundation – To provide funding for the chapel construction as mandated by state legislature help commission establish a viable development office as part of process.
- ❖ Legislators look for support from the County.
- ❖ Update on Executive Director search (five candidates being interviewed; top two candidates will be presented to the full commission.

Areas of discussion included that if funds are provided by the County, whether a "good neighbor policy" could be instituted similar to Williamsburg (citizens allowed entrance free of charge)

In conclusion the Commissioners expressed appreciation for the informative presentation.

**EXECUTIVE SESSION**

**Commissioner Anderson moved, seconded by Commissioner Mattingly, to meet in Executive Session to discuss a matter of Litigation (Sheriff's Department), as provided for in Article 24, Section 4-210(a)8. Motion carried.**

**Litigation (Sheriff's Department)**

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  
 Douglas Durkin, County Attorney  
 Mary O'Brien, Risk Manager  
 Bil Chen, Attorney from LGIT  
 Judith A. Spalding, Recorder

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

Time Held: 1:06 p.m. – 2:05 p.m.

Action Taken: Attorneys Durkin and Chen updated the Commissioners on a matter of litigation.



## **SHERIFF'S DEPARTMENT**

Present: Sheriff Richard Voorhaar  
Capt. Jamie Raley  
Sgt. Charles Malone

The referenced representatives of the Sheriff's Office appeared before the Board to discuss a number of issues.

### **Temporary Courthouse**

Sheriff Voorhaar displayed a drawing of the 37,000 square foot temporary courthouse, noting the various entrances, surveillance areas, security posts, court rooms, and judge's chambers and advised that security is a 24-hour project. He referred to the manpower required for each security cost over a twelve-hour period and noted that the schedule would be drawing from a number of divisions and would require assignment of deputies in an overtime status. During his presentation Sheriff Voorhaar indicated that he is requesting seven additional deputies.

### **Overtime Issue**

Sheriff Voorhaar referred to action taken by the previous board regarding payment of overtime, and stated that funds had never been appropriated. He indicated that funds may be available from positions that would not be immediately filled in his department or transfer of funds from current budget.

The Commissioners suggested that the Sheriff work with the Director of Finance and Acting County Administrator to determine costs and available funding for the positions requested, funds for overtime, and information regarding an overtime policy.

As requested by the Commissioners Sheriff Voorhaar indicated his priorities are as follows: Courthouse security; HTE; Overtime issues, MCI (the MCI issue can be worked out with Mr. Smedley and Director of EMA Paul Wible). He will return to the Board at future meeting to discuss these issues.

## **DEPARTMENT OF PLANNING AND ZONING**

Present: Jon Grimm, Director, DPZ  
Mary Hayden, Planner, DPZ  
Kirk Ranzetta, Historic sites Surveyor, DPZ  
Dr. Roy Guyther, Historic Preservation Commission

The referenced individuals appeared before the Commissioners to provide an overview of Phase 6 of the six-part Historic Preservation Program Grant and to request the Board's approval of the Grant Application. The grant application, (a 50/50 grant between the County and the State), which due to the Maryland Historical Trust on January 29, 1999., requests \$25,000 from the Trust. These funds will be used to continue the support of preservation efforts in the county and will be split between daily planning efforts and preservation outreach efforts.

The presentation included a brief slide presentation showing work that has been accomplished to date under this grant. Sites included Sotterley, Cross Manor, Buena Vista, J. P. Love House, Burlington, Resurrection Manor, and Yowaiski Mill.

**After discussion Commissioner Raley moved, seconded by Commissioner Anderson, to approve and authorize Commissioner Randall to sign the Grant Application as presented. Motion carried.**



**COUNTY COMMISSIONER TIME****Public Forum**

Commissioner Guazzo suggested that the public forums resume on the second Tuesday of each month at 6:30 p.m. with a two-hour limit; however, because of budget hearings, there would be no forum in April. She further suggested: that some of the forums be conducted in other areas of the County (Charlotte Hall, Lexington Park); that each speaker be limited to ten minutes, and if an individual needs more time to put their comments in writing.

**Charter Flight to Cumberland**

Commissioner Raley referred to explanation from staff regarding the charter flight to Cumberland stating that justification was marginal. He requested Acting County Administrator Smedley to monitor these requests should the same situation arise.

**Town of Leonardtown's Request for Assistance**

Commissioner Raley referred to the letter from the Town of Leonardtown requesting permission to have Michael Humphries, Director of the St. Clements Museum, assist them with the old SHA maintenance facility project. Mr. Humphries has expressed willingness to assist the Town, if the Commissioners gave their concurrence.

The Commissioners requested the County Administrator to advise Mr. Humphries that the Board would give concurrence as long it did not interfere with his other duties.

**Cell Telephone Policy**

Commissioner Raley requested that Acting County Administrator Smedley to include the Cell Telephone Policy during his time next week.

**Presentation from Office of Community Services**

Commissioner Anderson stated that the Office of Community Services is an important part of what the County provides to the community and requested that OCS be placed on a future agenda in order to get an understanding of that department

**Tri-County Council**

Commissioner Anderson advised that he and Mary Lynn Stone attended the executive board meeting of the Tri-County Council and major issues included the FY 2000 budget for TCC, the strategic plan, and how the tobacco settlement funds will be addressed.

**METROPOLILTAN COMMISSION  
ROUTE 235 WIDENING PROJEJCT**

Present: Steve King, Director, MetComm  
Joe Mitchell, Attorney, “  
John Castle, “  
Brian Barthelme, Member, “

Mr. King appeared before the Board to review the Route 235 water line connection project, the costs, proposed funding sources, and to request the Commissioners' support for funding as well as to approve a loan application to the State. The application, to be submitted to the Maryland Department of Housing and Community Development, covers two projects, Wicomico Shore Sewer and Water, Phase II (\$368,000); and Route 235 Sewer and Water Relocation Phases I and II (\$1,400,00). Mr. King indicated that the State would provide a portion if the County would also cost share in the Route 235 project, thereby reducing or eliminating the need for the \$1.4M loan for this project.



Areas of discussion included:

- ❖ That MetComm reduced its rates in July and whether this should have been done in light of the request for funding from the State and County.
- ❖ That although Mr. King had received concurrence to cost share with the County from Secretary of Transportation Winstead, a new secretary, Mr. John Porcari has since been appointed and the Commissioners questioned whether Mr. Porcari is also in concurrence.
- ❖ That whether MetComm customers should have to bear the costs through rate increases, or whether all countians should be included through the use of tax dollars.
- ❖ That MetComm has a reserve fund and the Commissioners questioned whether these funds could be used.
- ❖ That the Commissioners had concerns about using reserve funds that could be used for projects in the upcoming budget.
- ❖ That the previous Director of MetComm, Larry Petty had suggested that funding come from Highway Revenue Funds;
- ❖ That the previous Board of County Commissioners denied the request, and that the current board was now being requested to reverse another decision by that board.
- ❖ That in the future the source of funding should be worked out with the Director of Finance before coming before the Board.
- ❖ That the Commissioners make no commitment for exact funding source, but to incorporate at in the planning process for the FY 2000 budget.
- ❖ That Mr. King suggested that if the Commissioners needed more time to consider this request, that he would like an agreement that the Board would support the loan application.

In conclusion the Commissioners requested:

- ❖ Mr. King to make sure the new Secretary of Transportation agreed to the State's participation.
- ❖ To request Director of Finance Welkos status of available funds for this project.

**After discussion Commissioner Anderson moved, seconded by Commissioner Mattingly, to authorize Commissioner Randall to sign the Loan Application to the Maryland Department of Housing and Community Development. Motion carried.**

**PRESENTATIONS BY BOARD OF EDUCATION APPLICANTS**

At this time the four candidates to fill the at large vacancy made oral presentations on why they believe they should be the one selected to the Board of Education.

**ADJOURNMENT**

The meeting adjourned at 6:45 p.m.

**Minutes Approved by the  
Board of County Commissioners on 1/26/99**

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

**(Work Session on Comprehensive Plan with Planning Commission attached as Attachment A)**



**BOARD OF COUNTY COMMISSIONERS / PLANNING COMMISSION  
COMPREHENSIVE PLAN WORK SESSION  
RUSSELL CONFERENCE ROOM OF CARTER S.O.B., LEONARDTOWN, MARYLAND  
Tuesday, January 19, 1999**

County Commissioners present were Julie Randall, President; Joe Anderson, Shelby Guazzo, Tommy Mattingly and Dan Raley. Planning Commissioners present were Frank Taylor, Chairperson; Hal Willard, Cheryl Ahearn, Jim Dexter, Bill Donaldson, Bob Parkinson, and John F. Taylor. DPZ staff present were Jon Grimm, Director; Planners Jeffrey Jackman, Sue Veith and Mary Hayden; and Peggy Childs, Recording Secretary. The Acting County Administrator and County Attorney were also in attendance.

A list of attendees is on file in DPZ. The work session began at 6:35 p.m.

This was the first of 5 work sessions proposed by the new Board of County Commissioners to review specific issues of the January 1998 draft Comprehensive Plan, established by the commissioners on January 12, 1999 as the base document for the Comp Plan Update. The following topics were proposed for discussion:

Transfer of Development Rights (TDRs)  
Agricultural Overlays  
Zoning Density and Development Restrictions  
Lexington Park-Tulagi Place Master Plan  
Smart Growth Compliance  
MD 235 Land Use and Zoning  
Other issues, as identified.

The overwhelming consensus of all commissioners was that we need to get a plan adopted immediately, without sacrificing quality for expediency. The goal for adoption was set at June 1<sup>st</sup>. One important point evolving from this discussion was the county's urgent need for GIS mapping. The following points emerged regarding the plan itself:

- (1) Objectives must be established and benchmarks provided to measure performance.
- (2) DPZ commits to writing the plan in-house for adoption by June 1, 1999. The consultant will be asked to review the final document.
- (3) Under the current budget, \$34,650 is available in DPZ accounts for consultant services, as needed.
- (4) If a public hearing is required, (County Attorney to determine), 60 days notice is necessary and the plan must be available for review. Only one public hearing is required, before the Planning Commission; however a joint hearing CCRS/PC is recommended.
- (5) If a public hearing is not necessary, a procedural review would require 30-40 days.

During discussion of the agenda items, staff pointed out where these issues are addressed in the January document, and the issues of Zoning Density & Development Restrictions and Smart Growth Compliance were taken off the table. The Route 235 Land Use & Zoning issue can be addressed through a policy statement in the Comp Plan and the creation of different commercial uses in the Unified Development Code. The Lexington Park-Tulagi Place Master Plan is also contained within the January draft, and Ms. Randall stated that, unless she gets a list of concerns *quickly* from individuals who have contacted her, that item can also be removed.

The commissioners will meet in a second work session on Monday, February 1<sup>st</sup> to discuss TDRs and Agricultural Overlays and the consultant, Michael Dyett, will be asked to attend. A third work session is scheduled tentatively for Thursday, February 18<sup>th</sup>. All work sessions will be held in the Russell Conference Room, beginning at 6:30 p.m.

The meeting was adjourned at 9:00 p.m.