

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
February 2, 1999**

Present: Commissioner President Julie B. Randall
Commissioner Joseph F. Anderson
Commissioner Shelby P. Guazzo (attended from 1:00 p.m. to adjournment)
Commissioner Thomas A. Mattingly, Sr.
Commissioner Daniel H. Raley
Mortimer L. Smedley, Acting County Administrator
Mary M. Langley, Recording Secretary

CALL TO ORDER

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

ADDITIONS/DELETIONS TO AGENDA

Commissioner Mattingly moved, seconded by Commissioner Raley to accept the agenda as amended (remove Administrative Staff Orientation). Motion carried.

APPROVAL OF CHECK REGISTER

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

APPROVAL OF MINUTES

Commissioner Mattingly moved, seconded by Commissioner Raley, to approve the minutes of the Commissioners' meeting of Tuesday, ~~February 2, 1999~~ as corrected. Motion carried.

JANUARY 26

COUNTY ADMINISTRATOR

Present: Mortimer L. Smedley, Acting County Administrator

- Draft Agenda for February 9, 1999
- 1. Department of Public Works

Also Present: George A. Erichsen, Director, Department of Public Works

- a) Agreement for Harper's Corner Subdivision located in the Fifth Election District; bond in the amount of \$10,000 provided by Travelers Casualty & Surety Company of America.
- b) Agreement Addendum for Laurel Glen, Sections 1 and 2, located in the Eighth Election District; bond in the amount of \$147,000 provided by Fidelity & Deposit Company of Maryland.
- c) Agreement Addendum for Persimmon Hills, Subdivision, Section 2, located in the Fifth Election District; new bond in the amount of \$173,000 provided by United Pacific Insurance Company.
- d) Agreement Addendum for Persimmon Hills Subdivision, Section 1, located in the Fifth Election District; new bond in the amount of \$65,000 provided by United Pacific Insurance Company.
- e) Grading Permit Addendum for Persimmon Hills Subdivision, Phase 1, located in the Fifth Election District; new bond in the amount of \$42,252 provided by United Pacific Insurance Company.

Mr. Erichsen explained that the projects related to Persimmon Hills, Sections 1 and 2 and Phase 1 ("Phase" and "Section" terminology are often used interchangeably), are not related to the proposed build out in Section 3. However, if Section 3 is approved, the roads in Sections 1 and 2 will have to be upgraded to meet standards unless a secondary access is provided.

During discussion Commissioner Mattingly inquired about walkway requirements in developments, noting that this should be an expense borne by the developer rather than the county. Mr. Erichsen indicated that they are not now required; he suggested that the road ordinance could be amended to provide for widening with shoulder payment and striping to incorporate them into the roadways. He cautioned however that this incorporation would conflict with the proposed Comprehensive Land Use Plan (CLUP) which provides for a reduction in required road width. He further cautioned that reduced road width has created problems with school buses and emergency equipment in developments. Mr. Erichsen stated that he has provided his comments concerning this potential conflict to the consultant reviewing the CLUP.

Commissioner Anderson moved, seconded by Commissioner Raley, to approve and authorize Commissioner Randall to sign the Public Works documents as presented. Motion carried.

2. Supplemental Appropriation Ordinances, FY99
(Follow up from Public Hearings of January 19, 1999)

Also Present: Brad Clements, Director, Facilities, Buildings & Maintenance, SMCPS
Elaine Kramer, Director, Budget & Finance, SMCPS

- a) Board of Education – Operating Budget -- \$466,898
Instructional Textbooks and Supplies (K-12 science textbooks), \$441,898
Capital Outlay (consultant/enrollment projection model), \$25,000
(to return public school system's FY98 year-end fund balance as appropriation to FY99 operating budget)

Commissioner Raley indicated that he was not in favor of appropriating \$25,000 in funding for the enrollment projection model. Mr. Clements stated that the model would not be about enrollment methodology but rather would be used as a planning tool to identify trends to assist in such things as bus routing and capital improvements. The Commissioners noted that this involved the larger issue of adequate public facilities and concurred that this effort should be tied in with the Department of Planning & Zoning in order to provide a comprehensive overview verses a piecemeal approach. They agreed to consider funding for such an effort during the FY2000 budget process and asked that Mr. Clements work with Planning & Zoning to tie in the Board of Education's requirements with the department's. The County Administrator stated he would also work with the various departments in developing a proposal.

Commissioner Raley moved, seconded by Tom Mattingly (for discussion purposes), to approve the FY99 Supplemental Appropriation Ordinance to include the Instructional Textbooks (\$441,898) but to exclude the capital outlay project (\$25,000). Commissioner Mattingly asked that the motion be tabled until they could get a ruling from the County Attorney as to whether amending the ordinance would require an additional public hearing and re-advertising. Later in the meeting the Commissioners were advised that, since the amount of the appropriation was not increased, re-advertising was not necessary. Commissioner Mattingly requested the motion be brought back to the table. **Motion carried.**

- b) Board of Education – Capital Projects -- \$1,033,000
Town Creek Elementary School HVAC Systemic Renovation, \$310,000
Green Holly Elementary School Roof Systemic Renovation, \$623,000
Margaret Brent Middle School Addition/Renovation A&E, \$100,000
(to provide funds from the county's undesignated general fund balance for funding the referenced capital projects)

Commissioner Anderson moved, seconded by Commissioner Mattingly, to approve the FY99 Supplemental Appropriation Ordinance for Capital Projects in the amount of \$1,0333 as presented. Motion carried.

Commissioner Mattingly indicated that the county is dealing with limited resources with a lot of demands and requested that the Board of Education recognize the Commissioners' support when they make their decisions on the FY2000 budget.

3. Correspondence to Board of Education
Adjustments to the Restricted Program fund budget -- \$375,813
Addition of new federal grants, \$327,950
(Comprehensive School Reform, 21st Century Learning Center)
Revenue adjustments in existing grant programs, \$47,863

Commissioner Anderson moved, seconded by Commissioner Raley, to approve the adjustments to the Restricted Program fund budget and to sign correspondence to the Board of Education indicating such approval. Motion carried.

4. Office of Central Services – Transportation Division
Grant Assurances for Section 5311 and SSTAP Grant Applications

The Commissioners requested background information on the grant program and applications prior to considering the request for execution of the grant assurances. (The matter was deferred until later in the meeting but is listed here for continuity purposes.)

Also Present: George Jarboe, Transportation Supervisor, OCS
Jim Haley, Manager, OCS

Mr. Jarboe stated that SSTAP (Statewide Special Transportation Assistance Program) is funded by state and federal funds (\$72,000) and county funds (\$23,000). This is a yearly grant request and is included in the department's FY2000 budgetary submission. The program provides transportation to routine medical appointments for qualifying individuals; a fee of \$3 is charged for demand response as part of the grant. The documents before the Commissioners for consideration are assurances to the Maryland Transit Administration that basically guarantee the county will adhere to the terms of the grant agreement.

Commissioner Mattingly moved, seconded by Commissioner Raley, to approve and authorize Commissioner Randall to sign the grant assurances as presented. Motion carried 4-0 with Commissioner Guazzo abstaining from voting because of having insufficient information.

5. Office of Central Services – Lease Agreement with Leonardtown Properties, L.L.C.
Court Square Building -- State's Attorney

The Commissioners requested additional information on the lease agreement terms prior to considering the request for execution of the document. (The matter was deferred until later in the meeting but is listed here for continuity purposes.)

Also Present: Jim Haley, Manager, OCS

Mr. Haley presented a lease history and recent negotiation detail pertaining to the lease agreement noting that the original lease began on November 30, 1993 (\$10.15) and the \$13 per sq. ft. fee had been negotiated downward from the \$14 per sq. ft. request. The agreement can be broken with 6-months advanced notice, and office space is designated for the State's Attorney in the renovated courthouse.

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

6. Employment Contract – Director, Environmental Hygiene
Supplemental Appropriation -- \$5,000

Commissioner Mattingly moved, seconded by Commissioner Raley, to approve the employment contract with an amendment to require a 60-day resignation notice and to authorize Commissioner Randall to execute the amended contract. Motion carried.

Provision of Adequate Information for County Administrator Time

The Commissioners stressed the importance of staff providing sufficient background information on items coming before them for action.

**STATE HIGHWAY ADMINISTRATION
ROUTE 235 WIDENING PROJECT
(Easement Agreements for use of Railroad Right-of-Way)**

Present: Douglas S. Durkin, County Attorney
Linda Opdyke, Paralegal, Department of Law
Frank Gerred, So. Md. Electric Cooperative

Mr. Durkin stated that negotiations with the State Highway Administration had delayed the presentation of the easement agreements for the Commissioners' execution and that he is requesting direction from the Board on how to proceed.

In the way of background, Mr. Durkin indicated that the railroad right-of-way (ROW) was originally acquired by the Navy through condemnation proceedings and was subsequently put up for sale as surplus property in the late 1960s. In 1970 the county entered into a joint venture with the Southern Maryland Electric Cooperative (SMECO) to acquire the ROW for use as a utility corridor, with SMECO funding the purchase (\$250,000). All agreements relative to the use of the ROW must be executed by both SMECO and the Board of County Commissioners. Mr. Durkin further noted that the Route 235 ROW is uniquely significant as it serves as a major utility corridor (providing a corridor for electric, natural gas, telephone, cable television, and water and sewer), has legitimate government purposes, is being looked at by the Mass Transit Authority for a light-rail line, the Comprehensive Land Use Plan proposes various other uses (FDR Boulevard, bike trails, etc.), and it is subject to between 115-120 existing easements. Because of this significance, the county and SMECO are not desirous of conveying their rights perpetually to SHA as requested. This fundamental disagreement as to the terms and conditions of easement conveyance has delayed negotiations, and SHA is threatening condemnation. The county has proposed separation of easements into two portions--one portion for the actual roadway granting ownership rights to the state and the other for supporting facilities preserving the rights and continued use of SMECO and the county.

The Commissioners directed the County Attorney to continue negotiations with the state and to prepare a letter to the Secretary of the Department of Transportation for their signature stating their concerns and desire to come to a solution. The Commissioners agreed to follow up the letter with a phone call and visit to Secretary Porcari.

**STATE HIGHWAY ADMINISTRATION
INTRODUCTION OF RESIDENT MAINTENANCE ENGINEER**

Present: Paul Armstrong, District Engineer, SHA
James Owens, Resident Maintenance Engineer, SHA

Mr. Armstrong indicated that the purpose of his time on the Commissioners' agenda was to provide a "Customer Service Visit," but that he would look into the easement situation when he returns to his office. He introduced James Owens, a county resident, who is responsible for day-to-day operations in the county, such as maintenance of signs and snow removal on state roadways. Upcoming projects for St. Mary's include the widening from Chancellor's Road to Pegg Lane and the realignment of the Flat Iron Road/Route 5 intersection. The Route 235 Phae 2 project is expected to take two full construction seasons to complete due to heavy traffic and commercial elements, and work will be performed during non-peak hours. The realignment

project is scheduled for this fall and will incorporate a center turning lane. Other projects include the cleaning and painting of the Thomas Johnson Bridge in June and some resurfacing of Route 5. Commissioner Raley stressed the importance of widening Route 5 into Point Lookout due to the potential of serious accidents, especially with large recreational vehicles using the road. Commissioner Mattingly requested that the timing of the signal light at Route 244 and Route 5 be looked into as well as the light at Route 245 and Route 5 which isn't providing a left turn signal. Mr. Armstrong indicated that SHA has signal technicians on the road 24 hours a day who pick up some problems during spot checks, but they also rely on people informing them of any problems they encounter.

MARYLAND MASS TRANSIT ADMINISTRATION / TRI-COUNTY COUNCIL OVERVIEW OF ROUTE 5 FLYER COMMUTER BUS SERVICE

Present: Henry Kay, Director of Planning and Programming, MTA
Mary Ann Polkiewicz, Regional Representative, MTA
David Jenkins, Executive Director, TCC
Robin Briscoe, Ride Share Coordinator, TCC
Howard Chang, Chief of Transportation, TCC
George Jarboe, Transportation Supervisor, Office of Central Services

Mr. Kay provided a brief overview of the existing Route 5 Flyer Commuter Bus Service from Charlotte Hall (IGA) into Washington, D.C. and noted planned changes to the service in regard to routing and number of trips. Currently they are 23 morning northbound trips and 23 afternoon southbound trips with buses running every 5 to 10 minutes. Proposed changes will create an additional route from LaPlata into Washington, D.C. on Route 301 and reduce the number of daily trips on the existing route to 14 each way. The services are provided on a contract basis with bids solicited from private providers every couple of years at which time modifications to the service are made. Public Hearings on the proposed changes are scheduled for mid-March and modified services should be operational by late April.

Commissioner Mattingly stated that the Commissioners have received letters requesting an evaluation of extending the service from Charlotte Hall into Lexington Park or Wildewood. Mr. Kay indicated that this was considered, but they are not certain whether the extension would result in additional riders or just additional miles. The current 23 runs are only averaging 7 people per trip. The Commissioners expressed concern over reducing the number of trips due to the commuters coming into the county to work and were generally confident that the extension would increase ridership and recommended extending the service from Charlotte Hall into Lexington Park or Wildewood.. George Jarboe stated that Wildewood is on the county's STS route (which receives 1/3 of its funding from MTA) and connects with Great Mills and Leonardtown and could easily funnel into the flyer service. A joint venture with Calvert could further extend the service from Wildewood to their jurisdiction. Mr. Kay requested that the Commissioners reiterate their comments in correspondence to MTA.

DEPARTMENT OF PUBLIC WORKS – PUBLIC HEARING REALIGNMENT OF FROGS MARSH ROAD AND DRAYDEN ROAD (PORTO BELLO ESTATES)

Present: George A. Erichsen, Director, DPW
Pat Mudd, Engineer of Record, Mudd Engineering, Inc.
Cazmir Szlendak, Developer (Partner)
Don Kropp, Developer (Partner)

Mr. Erichsen read the Notice of Public Hearing into the record and provided Certification of Publication, evidence of posting at area post offices and the Valley Lee transfer station, and certified mail receipts to property owners. He provided an overview of the project reporting that Porto Bello Estates received concept approval for 138 lots in 1996. There are currently 38 developed lots. The realignment is in accordance with the Adequate Public Facilities requirements for the development of the subdivision and will increase the radius of a turn and upgrade the roadway for approximately 545 feet.

Commissioner Randall opened the floor for public comments. Dave Gerdel, former Supervisor of Engineering with DPW who resides on Frog Marsh Road, expressed concern over

sight distance and drainage issues. He indicated approval of the realignment due to safety issues noting a police-chase vehicle accident in the vicinity of the curb just last year. Mr. Erichson noted that the road meets the standards of a minor collector road which are appropriate for the number of lots developed. John Simms, adjoining property owner, stated that the proposed realignment would improve the roadway and that he was in favor of the realignment. Dave Triantos, interested party, inquired as to the provision for bicycle access. Mr. Erichson stated that the shoulders are not being improved and that this provision would be addressed as part of the bicycle and trails plan or the sidewalk retrofit program for the entire length of the road, not just for this piece.

There being no other comments, the public hearing was closed. The record will remain open for ten (10) days to receive comments.

**CHESAPEAKE BAY FOUNDATION
GROWTH MANAGEMENT REPORT CARD**
(Based on Current/1988 Comprehensive Land Use Plan)

Present: Clare Whitbeck

Ms. Whitbeck provided a growth report card for St. Mary's County entitled "Making the Grade on Growth" which was designed by George Maurer, a land planner employed by Chesapeake Bay Foundation. The report is organized into five sections: directing growth to the right places; conserving the countryside; promoting the efficient use of land and public facilities, protecting environmental, cultural and open space resources; and involving the public and assuring accountability. Ms. Whitbeck indicated that the county fared poorly due to the ineffectiveness of the ordinances that implement the comprehensive plan and encouraged the Commissioners to provide a 30-day public comment period prior to enacting zoning ordinances to encourage citizen input. She stated that under the current plan 49% of building permits, 52% of occupancy permits and 69% of approved lots are outside the development districts, jeopardizing state funding for schools, roads and other infrastructure.

**AGRICULTURAL/SEAFOOD/FORESTRY COMMISSION and
CAREERS TECHNOLOGY EDUCATION COORDINATOR
SO. MD. CAREERS CONNECTIONS PARTNERSHIP GRANT PROPOSAL**
(Requesting County Commissioners' approval as an advisory committee to participate as entity in development of employer investment grant proposal)

Present: Donna Sasscer, Agriculture Development Coordinator
Ken Smith, Careers Technology Education Coordinator, SMCPS
Bob Taylor, Principal, SMC Tech Center
Dana Brookhart, Supervisor, Science Instruction
Rich Peltz, Vice Chair, Agriculture Commission
Lawrence Hayden, Agriculture Commission
Barry Roche, Agriculture Commission
Bubby Norris, Extension Service & President, Farm Bureau
Janine Baratta, Extension Service Agent

Ms. Sasscer provided background information related to the commission's on-going joint efforts with the school system to develop an agricultural course for students. The traditional agriculture program at Chopticon High School was moved to the Technical Center where it was dropped after half a year due to dwindling interest. The commission tried a different approach working with elementary school teachers. They have again refocused their attention to tech school students in an attempt to restart the program there, and 20 students have shown an interest without solicitation. The grant program would assist them in their efforts. Mr. Hayden stressed the need for this program, noting that the average age of the local farmer is 57 years, and out of 1,100 juniors, 300 (almost 25%) have expressed an interest.

Mr. Smith indicated the intent of the grant is to bring the workplace and school closer together. The employer incentive is funded by the Maryland Department of Education and is managed by Charles County Community College through the three Southern Maryland School Systems. Although the supporting Natural Resources teaching position noted in the grant proposal has just been eliminated from the school board's FY2000 budget request, it is hoped

that they would realign some of the teaching positions to support the grant if awarded. Ms. Sasscer noted that there is a pool of \$100,000 available, and they would like to capture at least \$20,000 to \$25,000. The Commissioners encouraged the Commission to enlarge the funding scope of the grant proposal and expressed their desire to have the school board support this effort.

Commissioner Anderson moved, seconded by Commissioner Guazzo, to approve the Agriculture Commission's development of this grant proposal. Motion carried.

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)1&8. Motion carried.

Personnel/Litigation

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, Assistant County Administrator
 Douglas S. Durkin, County Attorney
 Mary M. Langley, Recording Secretary

Authority: Article 24, Section 4-210(a)1&8

Time Held: 2:37 p.m. – 2:59 p.m.

Action Taken: The Commissioners discussed a number of personnel/litigation issues (Office of the Sheriff, Public Information Officer, and Office of the State's Attorney) and gave direction to staff.

OFFICE ON AGING SENIOR PROGRAM OVERVIEW (Continuation from January 26, 1999)

Present: Gene Carter, Director

Mr. Carter appeared before the Board to present an overview of the Office on Aging. The report included a history of the agency, its organizational structure, funding sources by programs, program descriptions and activities, comparative staff and salary data, and population demographics.

Issues discussed included:

- ❖ Increasing salary and benefit costs are gradually decreasing available program funds – Mr. Carter requested that the county fund the 6 new staff positions in the FY 2000 budget submission.
- ❖ Insufficient staff level to support program activities – Mr. Carter noted that they are serving a smaller percentage of the population as a small staff is not able to outreach as effectively.
- ❖ Assisted living providers – Commissioner Guazzo requested information on the need for and provision of assisted living for the jurisdiction, including information on any projects in the works for this area. She suggested that Mr. Carter meet with Mr. Nicholson of the Housing Authority about their planned Family Service Center.
- ❖ Consolidation of social welfare type programs operated by the county to effectively target and deliver program resources – Mr. Carter recommended that the Commissioners reconsider this proposal presented to the former Board.

**DEPARTMENT OF PLANNING AND ZONING
COMPREHENSIVE LAND USE PLAN
AMENDMENT TO CONSULTANT CONTRACT**

Present: Jon Grimm, Director

Mr. Grimm appeared before the Commissioners as a follow up to the previous evening's joint meeting of the Planning Commission and Board of County Commissioners to review the draft Comprehensive Land Use Plan. Mr. Grimm reported that the consultant has provided a cost proposal to complete the additional work requested at a fee ranging between \$3,000 to \$5,000 based on 23 to 30 hours. He indicated that sufficient funds are available in his department's budget to cover this increase and recommended the Commissioners approve the proposal and direct the procurement officer to prepare the contract amendment.

Commissioner Anderson moved, seconded by Commissioner Guazzo, to authorize the agreement modification. Motion carried.

COUNTY COMMISSIONERS

County Representation at Board of Public Works Hearings

Commissioner Anderson inquired as to the county's representation before the Board of Public Works when projects go before them (such as the adult detention center), and stressed the importance and impact of being properly represented. Commissioner Randall stated that a process needs to be developed to address those times the county has to go to the state with requests for funding. Lack of representation in the past has caused the expression of some concern by the legislative delegation.

Red Cross Blood Drive

Commissioner Raley encouraged citizen participation in the Red Cross Blood Drive scheduled for March.

Permits Counter Closing

Commissioner Raley expressed concern with the Department of Planning and Zoning's planned closure of the Permits Counter for three consecutive days to allow staff to attend a computer training session. He would like the counter to be open at least one day in between the three to serve the public even if it is only to take the names and telephone numbers of those coming in.

ADJOURNMENT

The meeting was duly adjourned at 5:00 p.m.

**Minutes Approved on 2/9/99
by the Board of County Commissioners**

Judick Reading

for Mary M. Langley, Recording Secretary