

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
April 20, 1999**

Present: Commissioner President Julie B. Randall
Commissioner Joseph F. Anderson
Commissioner Shelby P. Guazzo (arrived at 10:20 a.m.)
Commissioner Thomas A. Mattingly, Sr.
Commissioner Daniel H. Raley
Mortimer L. Smedley, County Administrator
Judith A. Spalding, Recorder

CALL TO ORDER

The meeting was called to order at 10:00 a.m.

ADDITIONS/DELETIONS TO AGENDA

Commissioner Mattingly moved, seconded by Commissioner Raley, to accept the agenda as presented. 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 carried.

(Bills questioned by the Commissioners included subscription renewal for Emergency Medical Update and automatic key maker)

APPROVAL OF MINUTES

Commissioner Raley moved, seconded by Commissioner Mattingly, to approve the minutes of the Commissioners' meeting of Tuesday, April 13, 1999 as presented. Motion carried.

PROCLAMATION

The Commissioners presented a Proclamation designating the month of April as National Auctioneers' Month.

COUNTY ADMINISTRATOR

Present: Mortimer L. Smedley, County Administrator

- Draft Agendas for April 27, 1999 and May 4, 1999

1. Budget Amendments

- a. No. 99-33 – DECD
(to complete the costs incurred with the Regional Exhibit - \$2513)

Also Present: Sue Wilkinson, Deputy Director, DECD

Commissioner Anderson moved, seconded by Commissioner Raley, to approve and authorize Commissioner Randall to sign Budget Amendment #99-33. Motion carried.

- b. No. 99-34 – Human Resources
(funding to meet salary budget for law department)

Commissioner Mattingly moved, seconded by Commissioner Anderson, to approve and authorize Commissioner Randall to sign Budget Amendment #99-34. Motion carried.

2. **Department of Public Works**

Also Present: George Erichsen, Director, DPW

- a) Memorandum of Understanding (MOU) between the State Highway Administration and St. Mary's County for construction improvements to MD Route 5 at MD Route 471 and Flat Iron Road.

During discussion the Commissioners raised questions regarding the MOU including a more specific time frame for the project rather than an indefinite "good faith effort." It was agreed that the Commissioners would give authorization for Commissioner Randall to sign the MOU once it was revised.

Commissioner Guazzo moved, seconded by Commissioner Anderson, to approve and authorize Commissioner Randall to sign the Memorandum of Understanding, when it is revised and returned. Motion carried.

- b) Public Works Agreement Addendum for Porto Bello Estates Subdivision located in the Second (2nd) Election District extending the completion date to April 1, 2000. The letter of credit provided by Nations Bank is being reduced from \$202,200 to \$95,000.

Commissioner Guazzo moved, seconded by Commissioner Raley, to approve and authorize Commissioner Randall to sign the Addendum as presented. Motion carried.

- c) Public Works Agreement Addendum for the Wildewood Technology Park located in the Eighth (8th) Election District extending the completion date to April 1, 2000. The letter of credit provided by the Mercantile Safe Deposit & Trust Company is being reduced from \$62,100 to \$10,000.

Commissioner Guazzo moved, seconded by Commissioner Anderson, to approve and authorize Commissioner Randall to sign the Addendum as presented. Motion carried.

- d) Public Works Agreement Addendum for the Hunting Quarter Subdivision located in the Second (2nd) Election District extending the completion date to April 1, 2000. The letter of credit provided by the Maryland Bank & Trust Company remains in the amount of \$156,300.

Commissioner Guazzo moved, seconded by Commissioner Raley, to approve and authorize Commissioner Randall to sign the Addendum as presented. Motion carried.

- e) Public Works Agreement for the Kingston Subdivision located in the Third (3rd) Election District with a completion date of March 1, 2001. The letter of credit has been provided by the Maryland Bank & Trust Company in the amount of \$418,000.

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

- f) Public Works Agreement for Persimmon Hills Subdivision located in the Fifth (5th) Election District with a completion date of April 1, 2000. A bond has been provided by the United Pacific Insurance Company in the amount of \$33,800.

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

3 Grant Documents

- a. Office on Aging
Retired and Senior Volunteer Grant Agreement
(federal funding: \$40,369; county - \$23,195; in-kind - \$1,819)

Also Present: Gene Carter, Director, OOA
Mary Ruth Horton, RSVP Coordinator

Commissioner Anderson moved, seconded by Commissioner Guazzo, to approve and authorize Commissioner Randall to sign the Agreement as presented.

- b. Office of Community Services
Alcohol Drug Abuse Prevention
(State funding - \$87,808)

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

4 Board of Education Grant Awards

(Requesting Authorization for three new grant awards received for FY '99:
Transitioning Special Education Seniors from School to Career - \$3,000
School Recognition Awards \$32,015)

Commissioner Anderson moved, seconded by Commissioner Raley to sign the letter approving the inclusion of the grant awards in FY '99 as presented. Motion carried.

5. Length of Service Awards Program (LOSAP) for Fire Departments,
Rescue Squads and Advance Life Support Volunteers
(Annual listing for the 680 eligible active volunteers)

The Commissioners gave their concurrence to approve and sign the listings for the LOSAP as presented. Motion carried.

6 Appointments to Boards and Committees

As a follow up to the April 13, 1999 executive session, Commissioner Mattingly moved, seconded by Commissioner Raley, and motion carried, to approve the following appointments.

	<u>Terms To Expire</u>
<u>Agriculture, Seafood, and Forestry Commission</u>	
Lawrence O. Hayden (<i>Reappointment</i>)	12/31/2001
Rich Pelz (<i>Reappointment</i>)	12/31/2001
J. Barry Roache (<i>Reappointment</i>)	12/31/2001
Betty Russell (<i>Reappointment</i>)	12/31/2001
Donald P. Tennyson (<i>Reappointment</i>)	12/31/2001
<u>Board for the Community College at St. Mary's</u>	
Walter Gillette	6/30/2003
<u>Board of Trustees for the St. Clement's Island Potomac River Museum</u>	
Millie Huseman	12/31/2002
<u>Cable Advisory Committee</u>	
Chris Rupert	12/31/2000
<u>Development Review Forum</u>	
Bernard F. Beavan	12/31/2001
David Ryan (<i>Reappointment</i>)	12/31/2001
<u>Human Relations Commission</u>	
Karen Horton	6/30/2001
Christine Jaffurs	6/30/2003
<u>Metropolitan Commission</u>	
Robert B. Gant	12/31/2001

Solid Waste Advisory Committee

Dennis Fleming
Daniel F. Ichniowski

12/31/2003
12/31/2003

LOCAL MANAGEMENT BOARD

Present: Nancy Sabella, President
Min Leong, Chair
LMB Board Members

The referenced individuals appeared before the Board to provide a briefing on the programs and activities of the Local Management Board. Included in the presentation were the Board's Mission Statement and Values Statement; history and status of LMB's; and the functions and structure of the St. Mary's County LMB.

Areas of discussion included

- ❖ LMB's relationship with County Government (that the St. Mary's LMB is quasi-public/non-profit and not a unit of county government so that LMB can apply for private grants and charitable donations).
- ❖ Funding source (State of Maryland through Subcabinet for Children, Youth and Families as set forth in the Memorandum of Understanding among the State, County and LMB) and administrative costs (\$100,000/year); The Commissioners requested a copy of the budget and the appendices as referenced in the MOU.
- ❖ Space needs (LMB is currently located in the Office on Aging Garvey Center, the space is too small for LMB and OOA will be needing this space)
- ❖ Possibility of conflicts of interest (members on board who represent agencies receiving funds). This is being addressed by the LMB.
- ❖ Services provided by LMB and the need for interagency coordination in order to avoid duplication of services. This is an issue that will be addressed by the LMB.
- ❖ Teen Pregnancy Prevention (The Commissioners requested statistics on this program).
- ❖ Goal of getting children returned to the County that have been placed outside the County (LMB has issued an RFP for return services).

In conclusion Ms. Sabella suggested that the County work with LMB on the following:

- ❖ To officially recognize the County's relations with LMB (the State requires the Commissioners' approval and signature).
- ❖ To join LMB in providing leadership in wellbeing of children and families and make it a priority issue.
- ❖ To work with LMB on a future needs assessment.
- ❖ To encourage active participation in the work of LMB.
- ❖ To assist the LMB in relocating its office.

**MARYLAND DEPARTMENT OF NATURAL RESOURCES
PEOPLE LOVING AND NURTURING TREES (PLANT)**

Present: Shannon Wolfe Forest Ranger, DNR
Steve Parks, Maryland Community Council

Messrs Wolfe and Parks. presented Community Awards to the following St. Mary's County communities in recognition of their active involvement with tree planting

and care, which was followed by presentation of Proclamations by the Board of County Commissioners: Town of Leonardtown; Hollywood Elementary School; Longview Beach; Camp Maria; Golden Beach Community Association; Mill Point Shores Community Association; and Patuxent River Naval Station.

PROCLAMATIONS

The Commissioners presented the following Proclamations:

- ❖ National Crime Victims' Rights Week
- ❖ National Volunteer Week (Office of Community Services and Nursing Center)
- ❖ National RSVP Volunteer Week

DEPARTMENT OF PUBLIC WORKS PUBLIC HEARINGS

Present: George Erichsen, Director, DPW
Allen Settle

The Commissioners conducted the following public hearings:

Abandonment of a Portion of Camp Brown

Also Present: William Bowden, Metropolitan Police Boys/Girls Club
of Washington D.C.

(Proposal to abandon approximately 310 feet of a portion of Camp Brown Road, located in the First Election District, from the road centerline station 25+28.89 westerly of the intersection with Md. Route 5 to the end of paved road at centerline station 28+38.29 at Camp Ernest W. Brown.)

Mr. Erichsen read the Notice of Public Hearing, which was published April 9 and April 16, 1999 in *The Enterprise* Newspaper; and presented the following documents: Certification of Publication; Photographs of Posting and Site, Certification of Posting; copies of certified letter sent to Camp Brown; faxed copy of proposed Ordinance signed by Attorney McCabe for the County; and original Ordinance signed by Attorney McCabe.

During his presentation Mr. Erichsen pointed out that there is no turn-around area, and Metropolitan Police Boys and Girls Club officials have agreed to provide an easement, which has been signed by the Club and will be returned to the Board for execution by the County. The County will be responsible for constructing the turn-around.

After discussion among the Board, the Commissioners opened the hearing for comments from the public.

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

Upgrade, Realignment, and Renaming of Private Road "Cheryl Lee Lane" to a public county road - "Colby Drive"

Also Present: Ken Crouse, Lorenzi, Dodds and Gunnill

Mr. Erichsen read the Notice of Public Hearing, which was published April 9 and April 16, 1999 in *The Enterprise* Newspaper; and presented the following documents: Certification of Publication; Photographs of Posting and Site, copies of certified letters to adjacent property owners; faxed copy of proposed Ordinance signed by Attorney McCabe for the County; and original Ordinance signed by Attorney McCabe.

Mr. Crouse displayed a map of the area and described the realignment project.

Areas of discussion included access easements to the Ponder and Brown properties; that there will be no impact on the Ponder and Brown properties, that they will

be able to use the right-of-way, and there will be no costs incurred by them (except for new address signs); and that was a need to clarify language in the draft Ordinance (second paragraph "Board of County Commissioners...has been approached and requested to upgrade..."), because it sounds like the County has been requested to upgrade, when it is the developer's responsibility. (Mr. Erichsen will contact Mr. McCabe to see if the revision can be made.)

After discussion, the Commissioners opened the hearing for comments from the public.

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

COUNTY COMMISSIONERS' TIME

FDR Boulevard

Commissioner Raley requested a presentation to the Board on the status of FDR Boulevard issue (engineering, costs, etc.). Commissioner Guazzo pointed out that need to reserve the roadway, but the project needs to be platted.

Route 235 Laurel Glen/Walmart Access

Commissioner Randall suggested that since the Route 235 work is beginning the possibility of a connector road between Laurel Glen Shopping Center and Walmart be considered in order to help alleviate the traffic on Route 235. She requested information as to the feasibility, the costs, and time line.

Tourism Ads

Commissioner Raley referred to two ads that have been placed in magazines, and in particular a full page ad for which the County shared in the costs, but there was no reference to St. Mary's County.

Commissioner Randall requested the County Administrator to get the background on these ads after which the Board will have more discussion on the matter.

Commissioner Guazzo suggested that the Director of DECD, Martin Fairclough provide the Board with a briefing on the tourism side of his department and how it interacts with Tri-County Council tourism and the Chamber of Commerce tourism.

Tri-County Council Executive Board Meeting

- ❖ Commissioner Anderson brought the Commissioners up to date regarding issues discussed at the Tri-County Council Executive Board Meeting:
- ❖ Initiative to develop a virtual web site for the tri-county area;
- ❖ Upcoming meetings
 - April 21 at Southern Maryland Board of Realtors in Hughesville to discuss tobacco settlement funds. TCC has been identified as the lead agency in the effort to channel funds into the farming community.
 - April 28 TCC meeting at which the draft summary for the Southern Maryland Strategy will be presented and discussed.

PUBLIC HEARINGS

AGRICULTURAL LAND USE PRESERVATION

Present: Donna Sasscer, Agricultural, Seafood, Forestry Specialist
Applicants for ALPD's

The Commissioners conducted public hearings on the following Agricultural Land use Preservation Applications:

ALPD #98-3101 – Robert Trossbach (98.46 acres, 7th Election District)
ALPD #99-0118 – Charles W. Tennyson (43.1 acres, 1st Election District)
ALPD #99-0536 – James B. Beavan (235 acres, 4th Election District)
ALPD #99-0537 – Edward R. Baroniak (100 acres, 1st Election District)

Ms. Sasscer read the Notice of Public Hearing, and the Commissioners opened the hearing for comments from the public.

Hearing no comments the public hearing was closed.

Commissioner Mattingly moved, seconded by Commissioner Guazzo, to recommend to the State approval of the referenced Agricultural Land Preservation Applications as submitted. Motion carried.

EXECUTIVE SESSION

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

Property Acquisition

Present: Commissioner President Julie B. Randall
Commissioner Joseph F. Anderson
Commissioner Shelby P. Guazzo
Commissioner Thomas A. Mattingly, Sr.
Commissioner Daniel H. Raley
Mortimer Smedley, County Administrator
Jim Stirling, Dir., Office of Capital Projects (attended from 4:53 p.m. - 5:30 .m.)
Judith A. Spalding, Recorder

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

Time Held: 3:35 p.m. – 5:23 p.m.

Action Taken: The Commissioners discussed property acquisition issues and agreed to take action in open session.

Follow Up to Executive Sessions

Commissioner Anderson moved, seconded by Commissioner Raley, to authorize Commissioner Randall to sign the letter of intent to Mr. Tom Waring for the purchase of 19.165 acres adjacent to Great Mills High School. Motion carried.

(Because of time constraints, the Commissioners did not hold an executive session on Personnel)

7:00 p.m.

PUBLIC HEARINGS

FISCAL YEAR 2000 RECOMMENDED BUDGET (Held at Leonardtown High School Auditorium)

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, County Administrator
Judith A. Spalding, Recorder
Steve Welkos, Director of Finance

Constant Yield Tax Rate

The Commissioners conducted a public hearing on the Constant Yield Property Tax Rate as required by the State if the County intends to exceed the Constant

Yield Rate. (\$2.02 is the constant yield rate; \$2.08 is the proposed FY 2000 tax rate, which would generate approximately \$1,106,000 in additional property tax revenues than the \$2.02 constant yield rate).

Mr. Welkos read the notice of public hearing, after which the hearing was opened up for comments from the audience.

Doug Ritchie – Indicated that the Commissioners should set the rate at the constant yield rate of \$2.02 because if not, property taxes will increase “20% over the next two to four years.”

Board of Education Budget

Also Present: Dr. Pat Richardson, Superintendent of Schools
Michael Hewitt, President, Board of Education
John K. Parlett, Jr., Vice President “
Joanie Farrar, Member “
Stephen Kracinovich, “ “
Mary M. Washington,” “
Chad Rivera, Student Member, “

The Commissioners conducted a public hearing on the Board of Education portion of the Fiscal Year 2000 Recommended Budget.

The hearing was opened for comments from the audience. The following individuals spoke in support of full funding of the Board of Education’s requested budget from the County: Carol Samuel, Pat Davidson, Kathy Allen, Lori Werrell, Ron Savliski, John H. Dixon, Sr., Charlene Taylor, John Dixon, Jr., Anne Franc, Gina Minchey, Chad Rivera, David Burdaluff, Marilyn Crosby, Marie Parrish, Irving Velez, Tonie Jo Shircliffe, Brad Fowler, Michael Estep, Jamaul Thomas, Cheryle Blazer, Sherri St. Clair, Joey Atkins, Emily Jackson, Ann Johnson, Kurt Engel, Charlie Purcell, Alice Willingham, Heather Bromley, Richard Wilder, Dwayne Drake, Tina Mattingly, John Burroughs, Michael Veitch, Sharon Brown; Darrell Cole, Susan Jackson, Shelia Dietz, William Baines, Richard Gill, Allen Hewitt, Barbara Mielcanek.

ADJOURNMENT

The meeting adjourned at 10:25 p.m.

**Minutes Approved by the
Board of County Commissioners on 4/27/99**

Judith A. Spalding
Judith A. Spalding, Recorder