

**ST. MARY'S COUNTY  
BOARD OF COUNTY COMMISSIONERS' MEETING  
Governmental Center  
August 24, 1999**

**Present:** Commissioner President Julie B. Randall  
Commissioners 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

**CALL TO ORDER**

The meeting was called to order at 10:05 a.m.

**ADDITIONS/DELETIONS TO AGENDA**

**Commissioner Raley moved, seconded by Commissioner Mattingly, to accept the agenda as amended. Motion carried.**

**APPROVAL OF CHECK REGISTER**

**Commissioner Mattingly moved, seconded by Commissioner Guazzo, to authorize Commissioner President Randall to sign the Check Register. Motion carried.**

**APPROVAL OF MINUTES**

**Commissioner Guazzo moved, seconded by Commissioner Raley, to approve the minutes of the Commissioners' meeting of Tuesday, August 10, 1999, as corrected. Motion carried.**

**COUNTY ADMINISTRATOR**

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

Draft Agendas for August 31, 1999 and September 7, 1999

1. Budget Amendments
  - a. No. 2000-04 - Department of Social Services (\$650)  
(Reimbursement for burial of individual whose family was unable to pay for burial costs)

**Commissioner Raley moved, seconded by Commissioner Anderson, to approve and authorize Commissioner Randall to sign Budget Amendment No. 00-04. Motion carried.**

- b. No. 2000-05 - DECD (\$8,755)  
(to cover salary and fringe for position at Business Resource Center)

**Commissioner Guazzo moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner Randall to sign Budget Amendment No. 00-05. Motion carried.**

- c. No. 2000-06 - Public Works (\$145,388)  
(public facilities parking/site and access improvements)
  - d. No. 2000-07 - Public Works (\$522,345)  
(ADA curb cut ramps)



(Given that the Commissioners had promised to take care of some of the curbs, the Board requested Mr. Erichsen to report back on the number promised.)

- e. No. 2000-08 - Public Works (\$233,966)  
(Walmart/Kmart Sites Inter-parcel connection)

(The Commissioners agreed to defer action on Budget Amendment Nos. 06, 07, and 08 in order to have staff develop a recommendation as to whether to wait for results of the FY '99 audit regarding the fund balance and fund these on a "pay as you go" basis; or to take funds from other capital projects having a lesser priority to fund these projects. In addition the Commissioners requested Mr. Erichsen to develop answers to the questions on the inter-parcel connection raised by The Pelican Group.)

(During discussion of these budget amendments Commissioner Randall requested that any items requiring extensive discussion should be a separate item on the agenda and not part of the County Administrator's time.)

2. Department of Public Works

Also present: George Erichsen, Director, DPW

- a. Public Works Agreement for Forest Lake Subdivision, Section 2, 6<sup>th</sup> ED, with a completion date of 8/1/01; backed by Bond provided by Frontier Insurance Company in the amount of \$221,100.
- b. Public Works Agreement for Hickory Hills PUD, Phase 3C, 8<sup>th</sup> ED, with a completion date of 7/1/00; backed by Letter of Credit provided by Bank of American (a.k.a. Nations Bank) in the amount of \$197,700.
- c. Public Works Agreement for Bay Ridge Estates Subdivision, 8<sup>th</sup> ED, with a completion date of 6/1/00; backed by Letter of Credit provided by The First National Bank of St. Mary's in the amount of \$262,500.
- d. Public Works Agreement for Southwoods PUD, 8<sup>th</sup> ED, with a completion date of 3/1/02; backed by a Bond provided by Developers Surety and Indemnity Co. in the amount of \$341,200.
- e. Public Works Agreement for Southwoods PUD, 8<sup>th</sup> ED, with a completion date of 3/1/02; backed by a Bond provided by Developers Surety and Indemnity Company in the amount of \$361,800.
- f. Public Works Agreement for Aberdeen Subdivision, Section 2, Phase 2, 2<sup>nd</sup> ED, with a completion date of 8/1/00; backed by Letter of Credit provided by Cedar Point Federal Credit Union in the amount of \$58,700.
- g. Public Works Agreement for Forest Farm, Section 2, 3<sup>rd</sup> ED, with a completion date of 6/1/00; backed by a Bond provided by Ulico Casualty Co. in the amount of \$185,305.
- h. Easement Agreement from SMECO for the purpose of constructing an overhead distribution system on Flat Iron Road and Greens Rest Drive, Greens Rest Farm Subdivision, 2<sup>nd</sup> ED.

**Commissioner Guazzo moved, seconded by Commissioner Anderson, to approve and authorize Commissioner Randall to sign Public Works documents. Motion carried.**

3. St. Mary's Public Schools  
Education Maintenance of Effort Calculation  
Nonrecurring Cost Exclusions

Also present: Steve Welkos, Director of Finance

**Commissioner Guazzo moved, seconded by Commissioner Raley, to approve and sign the letter to State Department of Education submitting request for nonrecurring cost exclusions for FY 2000. Motion carried.**



4. Local Government Investment Report  
(Submission of Report required by State)

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

5. Leonard Hall Lease Agreement

**(Deleted from Agenda for County Attorney review)**

6. SMECO Easement Agreement – (for electrical service to the airport terminal)

**Commissioner Guazzo moved, seconded by Commissioner Mattingly, to ratify Commissioner Randall's signing of Agreement on 8/13/99. Motion carried.**

7. Letter to Governor Glendening  
Hydrologic Characteristics and Water Supply Potential of the  
Patapsco Aquifers in Southern Maryland  
(to be signed by Commissioners from Calvert, Charles and St. Mary's)

**Commissioner Anderson moved, seconded by Commissioner Mattingly, to approve and sign the letter as presented. Motion carried.**

8. Workforce Investment Act  
(Agreements with Anthony Mizzer and with Henry F. Lacer to provide assistance  
in implementation of the task and requirements of the Workforce Investment Act  
of 1998)

**Commissioner Guazzo moved, seconded by Commissioner Anderson, to approve and sign the Agreements as presented. Motion carried.**

9. Chaptico Race Classic  
Also present: Michael Whitson, President, Tri-County Alternatives for Youth

Mr. Whitson appeared before the Commissioners to invite them to participate in the 16<sup>th</sup> Annual Chaptico Classic 10K/5K Road Race and Walk for the benefit of the Alternatives for Youth. The race will be held Saturday, August 28 at 8:00 a.m. at Christ Church in Chaptico.

#### **SUPPLEMENTAL APPROPRIATION PUBLIC HEARINGS**

Present: Steve Welkos, Director of Finance

The Commissioners conducted the following Supplemental Appropriation Public Hearings:

(The Supplemental Appropriation Hearing for the Office of the Sheriff was cancelled in that the funds were not needed.)

#### **Office on Aging**

Supplemental Appropriation of \$1,100 in Federal grant funds under the Retired Senior Volunteer Program to cover travel expenses associated with the National Senior Corps Conference to be held in Orlando, Florida June 22-23, 2000.

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



**Office on Aging**

Supplemental Appropriation of \$5,999 in state grant funds under the Senior Care Program for the purpose of addressing the needs of Senior Care clients.

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

**Office on Aging**

Supplemental Appropriation of \$6,330 in state grant funds under the Vulnerable Elderly Program for the purpose of assisting long term care programs to become more in line with program standards.

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

**WARING PROPERTY**

Present: Al Lacer, County Attorney

As a follow up to previous discussions, Mr. Lacer presented an Agreement and Purchase of Sale between Henry T. Waring and Cherry Cove Land Development Company, Inc. and the Board of County Commissioners for St. Mary's County, Maryland. The Agreement sets forth the provisions of the proposed sale from Mr. Waring to the County for 19+ acres located in the Eighth Election District on Great Mills Road in the amount of \$925,000.

Areas of discussion included; that Mr. Waring has agreed to remove the underground water tanks; that the title search will be completed within the 60-day study period; that bond money will not be used for this purchase; and that the 60-day window starts as of the signing of the Agreement by the Commissioners.

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

**EXECUTIVE SESSION**

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

**Potential Litigation**

**Present:** Commissioner President Julie B. Randall  
Commissioners Joseph F. Anderson  
Commissioner Shelby P. Guazzo  
Commissioner Thomas A. Mattingly, Sr.  
Commissioner Daniel H. Raley  
Mortimer L. Smedley, County Administrator  
Al Lacer, County Attorney  
Judith A. Spalding, Recorder

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

**Time Held:** 11:59 a.m. – 1:05 p.m.

**Action Taken:** The Commissioners discussed a matter of potential litigation and gave direction to the County Attorney.



## COUNTY COMMISSIONERS' TIME

### **Maryland Transit Authority Meeting**

Commissioner Mattingly referred to the public meeting held Thursday, at the Department of Public Works building on the new routes scheduled for the fall public transportation program. He reported that about 40 people attended. MTA will be expanding the bus service to the Wildewood area, and passengers will be picked up at the airport terminal.

### **Maryland Association of Counties Summer Conference**

Commissioner Mattingly indicated that the MACo Conference held last week was a good opportunity to network with others from other jurisdictions.

### **African/American One-Room School House**

Commissioner Anderson referred to the offer by an individual to donate the school and property to the County. He requested the following information: that Jim Stirling, Director of Capital Projects, provide a packet of information regarding the stabilization and maintenance (potential costs), analysis of the site to determine what amenities could be added; that Michael Humphries to give comments on how the school house could be incorporated into our museum program. Once the information is gathered, staff will be requested to present their findings to the Board.

Commissioner Guazzo suggested that because there are over 500 historical structures in the County, the County should have a policy regarding donated land.

### **Relationship of Townhomes and Single Family Detached Homes**

Commissioner Guazzo referred to statistics regarding the viability of the relationship of townhomes and the number of single family detached homes as to how it affects the economy of the area. Charles County has around 35 townhomes for every 65 detached homes and which has had an impact on economic growth and adequate facilities.

She requested that the Planning Department provide statistics on what has been built and what projects have been approved to date, and that this issue be considered during the development of the Unified Development Code.

### **Public Schools Convocation**

Commissioner Raley indicted that he had attended the Public Schools' convocation for all of its employees prior to the opening of the new school year. He expressed congratulations to the employees and to the Board of Education.

### **New Hampton Inn Open House**

Commissioner Randall stated that she attended the Hampton Inn Open House and reported that she wanted to express how pleased she was that this project was a partnership between Mr. Tom Waring and the Minority Business Alliance.

### **NAVAIR SYSCOM**

Commissioner Randall advised that she met with Vice Admiral Lockhard, and that he had expressed a strong interest in working with the Commissioners to assimilate the NAVAIR SYSCOM into the community. He requested that the Commissioners develop some cooperative events in order to get this group oriented to the County.

### **Lower Potomac River Strategy Group**

Commissioner Anderson stated he had the pleasure of accompanying the referenced group on its annual tour of St. George Creek, and that this group does a good job in watching out for the quality of the river and providing recommendations on what needs to be done.



**SOIL CONSERVATION DISTRICT  
GULLY EROSION IN SUBWATERSHEDS IN THE PATUXENT RIVER**

Present: Al Stewart, Soil Conservation District Supervisor  
James Beaven SCD Board  
Donald Ocher, “  
Sue Veith, DPZ

As requested by the Board the referenced individuals appeared before the Board to present information relative to severe gully erosion occurring in subwatersheds draining into the Patuxent River due to development. Via a slide presentation Mr. Stewart provided the background and efforts to address the issue of the highly erosive soil conditions at Cuckhold Creek Watershed. He pointed out that the Cuckhold Creek Watershed is representative of most of the small subwatersheds that drain into the Patuxent River. Accelerated stormwater runoff from agricultural fields, roads, and development cause severe ravine-like gullying, and there are also issues of steep, erosive slopes from proposed roadways and subdivisions. Mr. Stewart advised that the gullying and erosion problems are not considered until late in the review process, and that provisions in the Sediment Control Ordinance, Zoning Ordinance, and the Stormwater Management regulations do not address this issue.

During his presentation Mr. Stewart advised that Cuckhold Creek Watershed was selected to be one of the targeted watersheds, and a subcommittee of the Patuxent River Commission was formed to determine ways to control the rate of gully erosion. The subcommittee is addressing identifying funding sources to apply conservation measures to repair the active gullies in the watershed; and identifying ways to prevent future gullying from occurring as a result of intensified development within the watershed.

Commissioner Guazzo indicated that one of the places this issue could be addressed is with the Planning Commission because at this time the Planning Commission, in some instances, has not required developers to work with Mr. Stewart, and the taxpayers end up paying for the corrections.

In conclusion the Commissioners requested that Mr. Smedley and Ms. Veith prepare a letter to the Planning Commission addressing two issues—(1) requesting the Commission to be aware of the concerns that have been expressed by the Soil Conservation District regarding gullying and steep slopes; that there have been two subdivisions in the northern end of the County that received preliminary approval despite serious erosion problems in that area; that the Commission request engineers and developers to cooperate with the County in that there are currently no rules and regulations in place at this time; and that these issues be addressed early in the process and prior to the adoption of the Unified Development Code; (2) that the Commission address these erosion problems in the development of the Unified Code.

In addition Commissioner Guazzo noted that there are state roads in areas of highly erosive soils, e.g., Route 6, which goes through the northern end of the Patuxent River drainage basin. She stated that these roads are built/improved and the County is left to pay for the corrections. The Commissioners requested Mr. Stewart to provide the Board with a list of the roads with problems as well as roads that could lead to problems and to include costs to correct the problems. The Commissioners will be meeting with the Department of Transportation on September 28, at which time this issue can be addressed.

Other areas of discussion included recommended language in the Code to address this issue; that there are members on the Patuxent River Commission from Prince George's County, and they are open to including similar language in their county code; and that Tri-County Council should be requested to give support.



**METROPOLITAN COMMISSION  
ST. MARY'S COUNTY AQUIFERS**

Present: Steve King, Director, MetComm  
Tom Russell, Assistant Director, MetComm

As requested by the Commissioners Mr. King and Mr. Russell appeared before the Board to provide an overview of the aquifers in St. Mary's County. Information in the presentation was based on reports by the Maryland Geological Survey and the United States Geological Survey. The report included information on the Southern Maryland Geology (location, depth, composition); location and results of test wells); types of aquifers in St. Mary's County (artesian and surficial); aquifers in St. Mary's County (Piney Point/Nanjemoy (primarily used by domestic wells), Aquia (primarily aquifer for municipal water systems), and Mattaponi (discovered by a test well in 1981)); thickness and transmissivity of the aquifers; effects of aquifer use; aquifer simulation model population projections.

In conclusion Mr. Russell presented a handout showing the decrease in water use since the mandatory water use restriction was put in place.

**DEPARTMENT OF PLANNING AND ZONING  
WATER/SEWER AMENDMENT PROCESS**

Present: Jon Grimm, Director, DPZ

As requested by the Board, Mr. Grimm appeared before the Board to explain the water and sewer comprehensive plan amendment process. He explained that every three years the county-wide comprehensive water and sewer plan is updated in accordance with state statute; twice a year (March and September) DPZ considers amendments to the plan; and the local plan allows for administrative review for expansion of community sewerage service within growth areas or shared water or sewerage facilities at monthly intervals. Relative to the six-month review, Commissioner Mattingly had suggested that the review take place every 45 days instead of the 60 days. Mr. Grimm responded that this would be addressed during the adequate facilities review. Other areas of discussion included the need to encourage developers to use community well systems rather than individual wells.

**EXECUTIVE SESSIONS**

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

**Personnel**

Present: Commissioner President Julie B. Randall  
Commissioners Joseph F. Anderson  
Commissioner Shelby P. Guazzo  
Commissioner Thomas A. Mattingly, Sr.  
Commissioner Daniel H. Raley  
Mortimer L. Smedley, County Administrator  
Melvin "Mac" McClintock, Director, DHR (attended from 4:23 p.m. – 4:47)  
Susan Keen (panel member) “  
Judith A. Spalding, Recorder

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

**Time Held:** 4:23 p.m. – 7:20 p.m.

**Action Taken:** The Commissioners discussed a number of Personnel Issues including vacant positions and boards and committees and gave direction to the County Administrator.



**ADJOURNMENT**

The meeting adjourned at 7:25 p.m.

**Minutes Approved by the  
Board of County Commissioners on 8/31/99**

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