

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Governmental Center
August 31, 1999**

Present: Commissioner President Julie B. Randall
Commissioner Joseph F. Anderson
Commissioner Shelby P. Guazzo (*entered meeting at 10:15 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 Raley moved, seconded by Commissioner Anderson, to authorize Commissioner President Randall to sign the Check Register. Motion carried.

(Commissioner Raley requested information as to when the final payment on the Unified Development Code will be paid.)

(*Commissioner Guazzo entered the meeting at 10:15 a.m.*)

APPROVAL OF MINUTES

Commissioner Anderson moved, seconded by Commissioner Mattingly, to approve the minutes of the Commissioners' meeting of Tuesday, August 24, 1999, as corrected. Motion carried.

RUSSIAN LEADERSHIP PROGRAM

Present: Gary Hodge, District Coordinator
Russian Delegation (Vsvolod Davydov, Nikolay Korsakov, Uri Guskov
Galina Mizeleva, Yelena Nebabina, Andrey Nikolayev, Vladimir
Panesaenkov, Maksim Polunin, Viktor Shkenev, Zinnur Ziyakayev,
Anastassia Kouzmina, Natalia Moshkina, Ilya Feliciano (translator))

Mr. Hodge introduced the delegation of Russian Leaders, the Commissioners made welcoming remarks (in Russian); the delegation members, through their translator asked questions of the Commissioners concerning the budget process, taxes, revenues; and the Commissioners presented each with a Commendation welcoming them to America and a bag of mementos from St. Mary's County. Ms. Carla Tomeszewski presented the delegation with a print of "Old Leonardtown."

COUNTY ADMINISTRATOR

Present: Mortimer L. Smedley, County Administrator

- Draft Agendas for September 7, 1999, September 14, 1999 and September 21, 1999
(Commissioner Mattingly requested that Dukehart's Creek be added to a future agenda.)

1. Budget Amendments

Also present: Jim Stirling, Director, Office of Capital Projects

- a. No. 2000-09 – Office of Capital Projects (\$25,000)
(funds required to support real estate acquisition and site investigation work)

Commissioner Raley moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner Randall to sign Budget Amendment No. 2000-09. Motion carried.

- b. No. 2000-10 - Office of Capital Projects - \$16,000 (*originally \$22,000*)
(purchase of hardware and software for the “Real Time Court Reporting System” in support of Circuit Court, which was not included in Scope or Budget for Courthouse project)

After discussion Commissioner Mattingly moved, seconded by Commissioner Anderson, to approve and authorize Commissioner Randall to sign Budget Amendment No. 2000-10 in the amount of \$16,000 instead of \$22,000 for the Court Reporting System in one courtroom. Motion carried three to two with Commissioners Guazzo and Raley voting against stating that this was not an emergency item and that this request should go through the regular budget process.

2. Department of Public Works

Also present: George Erichsen, Director

- a. Traffic Resolution No. 99-17 and No. 99-18 establishing 25 mph speed limit and stop signs for Edinborough Estates Subdivision, Sections 2 and 3, 5th ED.

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

- b. Public Works Agreement Addendum for Cedar Cove, Section 5, (Swash Bay) located in 8th ED, extending the completion date to 8/1/00; backed by Letter of Credit provided by Nations Bank in an amount reduced from \$236,600 to \$45,000.
- c. Public Works Agreement Addendum for Chestnut Hills Subdivision, Section 6, located in 2nd ED, extending the completion date to 8/1/00; backed by Letter of Credit provided by Crestar Bank in an amount reduced from \$350,600 to \$49,000.
- d. Public Works Agreement Addendum for Willow Woods Subdivision, located in 8th ED, extending the completion date to 8/1/00; backed by Letter of Credit provided by First National Bank of St. Mary's in an amount reduced from \$826,500 to \$530,000.
- e. Public Works Agreement Addendum for Aberdeen Subdivision, Section 2, located in 2nd ED to include Nelson Court, which was left off the original Agreement, backed by Letter of Credit provided by Cedar Point Federal Credit Union in the amount of \$175,400.
- f. Public Works Agreement Addendum for Forrest Farm Subdivision, Section 1, located in the Third ED, extending the completion date to September 1, 2000; backed by a Letter of Credit provided by The First National Bank of St. Mary's in the reduced amount of \$54,000.

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

3. Grant Documents
 - a. Office on Aging – Area Plan – Older Americans Grant Update
Federal funding - \$162,183; state funding - \$176,801; local - \$64,795
Also present: Gene Carter, Director, OOA
Jenny Page, OOA
Commissioner Anderson moved, seconded by Commissioner Raley, to approve and authorize Commissioner Randall to sign the Grant document. Motion carried.
 - b. St. Mary's County Sheriff's Office – Grant Agreements
Also present: Sheriff Voorhaar
Sheriff's Department Representatives
 - (1) Local Law Enforcement Block Grant
Federal funding - \$64,858; local - \$6,980
Commissioner Raley moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner Randall to sign the Grant Agreement as presented. Motion carried.
 - (2) High School Criminal Justice Education Program
State funding - \$24,000
Also present: Ken Smith, Public Schools
Commissioner Mattingly moved, seconded by Commissioner Anderson, to approve and authorize Commissioner Randall to sign the Grant Agreement as presented. Motion carried.
4. St. Mary's County Public Schools
Also present: Elaine Kramer, Budget and Finance, Public Schools
 - a. Request for Categorical Transfers (to cover severance and to reallocate funds for Potential Blue Cross/Blue Shield accrual)
Commissioner Raley moved, seconded by Commissioner Anderson, to approve and authorize Commissioner Randall to sign the letter to Public Schools. Motion carried.
 - b. Fiscal Year 2000 Certification of County Funding
Commissioner Raley moved, seconded by Commissioner Anderson, to approve and authorize Commissioner Randall to sign the Certification. Motion carried.
5. Employment Contracts
(Deferred until later in the meeting in order to give the Commissioners an opportunity to review them.)
 - a. Golf Complex Manager
Commissioner Mattingly moved, seconded by Commissioner Guazzo, to approve and authorize Commissioner Randall to sign the contract renewal for the Golf Complex Manager, Patricia Meyers. Motion carried.
 - b. Information Technology Manager
Commissioner Guazzo moved, seconded by Commissioner Anderson, to approve and authorize Commissioner Randall to sign the contract for the new Information Technology Manager, Marjorie C. Marsh. Motion carried.
 - c. Deputy County Administrator
Commissioner Raley moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner Randall to sign the contract for the new Deputy County Administrator, George C. Forrest. Motion carried.

**RESOLUTION NO. W/S NO. 99-01
COMPREHENSIVE WATER/SEWER AMENDMENT
(JESSE J. HINSON)**

Present: Jeff Jackman, Planner, DPZ
Al Lacer, County Attorney

Mr. Jackman and Mr. Lacer appeared before the Commissioners to present a Resolution amending Resolution No. W/S 92-01 which addressed the limitation of Equivalent Dwelling Units for the sewer facilities on St. George Island. The amended Resolution provides for two additional EDU's to parcel 59, the Jesse Hinson property, thereby bringing the total EDU's for St. George Island to 232. There have been other amendments to the Plan increasing the number of EDU's for the St. George Island area. When the sewer system was actually built in 1994 it was determined that the actual conditions were different than originally thought and that the plant could accommodate additional EDU's.

During his presentation Mr. Jackman reported that the request has been signed off by the Metropolitan Commission that the system was capable of handling the additional EDU's and the St. George Island Improvement Association also signed off on it.

Mr. Lacer indicated that the previous county attorney had concerns regarding this process; however, he (Mr. Lacer) concurred with this particular Resolution.

During discussion the Commissioners noted that the letter from MetComm refers to back billing to Mr. Hinson, and that consideration should be given to the fact that the mistake was the County's and not Mr. Hinson's.

After discussion Commissioner Guazzo moved, seconded by Commissioner Mattingly, to approve and sign Resolution No. W/S 99-01. Motion carried.

**PROCLAMATION
FORGET ME NOT MONTH**

The Commissioners presented a Proclamation designating September as Disabled American Veterans' Forget Me Not Month.

EXECUTIVE SESSION

Commissioner Mattingly moved, seconded by Commissioner Guazzo, to meet in Executive Session to discuss a matter 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
Members of the 911 Recommendation Team
Judith A. Spalding, Recorder

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

Time Held: 12:37 p.m. – 1:05 p.m.

Action Taken: The Commissioners discussed a personnel matter and arrived at a consensus as to what action to take.

DEPARTMENT OF RECREATION AND PARKS

Present: Phil Rollins, Director

White Neck Creek

Mr. Rollins appeared before the Commissioners to get direction regarding the disposition of the White Neck Creek Pier and advised that staff recommends the closure at the end of Route 520, sale of the road bed and sale of the pier and riparian rights, as the pier does not serve a useful public purpose, the pier is in serious disrepair and is a County liability. If the Commissioners concur with these recommendations, three separate public hearings would need to be scheduled (1) to abandon road; (2) to sell the road bed; and (3) to sell pier and riparian rights.

After discussion Commissioner Guazzo moved, seconded by Commissioner Anderson, to authorize the Department of Recreation and Parks to proceed with scheduling the public hearings as recommended. Motion carried.

Waring Property

Mr. Rollins appeared before the Board to request a decision on the park areas for the Waring property, which the County has entered into an agreement to acquire. He indicated that a Program Open Space Application needs to be submitted to the State in September. Mr. Rollins memorandum gave two options, and he stated that the Recreation and Parks Board recommended Option No. 1, land in the northeast corner of the property contiguous to the school.

After discussion Commissioner Guazzo moved, seconded by Commissioner Mattingly, to accept the Recreation and Park Board's recommendation to select Option No. 1.

In that there is a 60-day window for this property, should the Commissioners not go forward with the purchase, Mr. Rollins advised that the application can be withdrawn.

**AGRICULTURAL/SEAFOOD/FORESTRY COMMISSION
AND FARM BUREAU
EMERGENCY ASSISTANCE PROGRAM FOR AGRICULTURAL INDUSTRY**

Present: Donald Tennyson, Chair, Agricultural/Seafood/Forestry Commission
James B. Norris, President, Farm Bureau
Donna Sasscer, Agricultural/Seafood/Forestry Specialist

The referenced individuals appeared before the Board to discuss the emergency assistance program for the agricultural industry. Because of the drought conditions that began in the summer of 1998, low commodity prices and other factors the referenced organizations developed a proposed emergency assistance program to assist producers of food and fiber products, which were the hardest hit by the drought.

During the presentation Mr. Tennyson requested the Commissioners' consideration for:

- ❖ A financial commitment from the Board of County Commissioners
- ❖ The Commissioners to be leaders in helping the agricultural industry
- ❖ Support in urging the Governor and federal government to help the agricultural industry.

The group is requesting funding from the County on a cost-per-acre-basis for corn, soybeans, hay, tobacco, vegetables and livestock (for a total of \$1,160,000). The proposal, which is based on a drought assistance program designed by Montgomery County in 1997, was not developed to finance the total loss of farm income, but to offset a portion of the loss. Mr. Tennyson indicated that the group would like to have the funding in the farmers' hands by December.

Areas of discussion included the Agricultural Transfer Tax, Federal Disaster Assistance Program, tobacco settlement funds; eligibility to participate (including gross income from farming as determined by a 1998 Schedule F), crop insurance programs, and the number of "real farmers" in the agricultural preservation program.

In conclusion Commissioner Randall indicated that the Commissioners will be getting a report in September on the fund balance from FY '99, and that this request would be brought up again for discussion.

RAILROAD RIGHT-OF-WAY EASEMENT AGREEMENT

Present: Al Lacer, County Attorney
George Erichsen, Director, DPW

As a follow up to previous discussions, Mr. Lacer appeared before the Board to present a proposed revised railroad right-of-way agreement for the Commissioners' consideration. Revisions include (requirement for listing purpose(s); that any expanded or additional use of easement will require additional approval and grant from grantors; that the granting of the easement would lapse, terminate and become automatically null and void unless grantee constructs improvements and began use of the crossing within ~~two~~ [three] years which requires the completion of a Confirmatory Grant of Easement. If the Commissioners concur with revised agreement, Mr. Lacer advised that he would submit it to SMECO.

Other areas of discussion included inclusion of the additional information in DPW's Easement Agreement Guidelines; adding information to the subdivision plans that any requested easement agreements would have to be granted prior to final approval (Mr. Erichsen will submit a memorandum as to where this would be in the process— somewhere between TEC and preliminary approval); and adding \$500 to the fee schedule to cover administrative costs.

After discussion Commissioner Guazzo moved, seconded by Commissioner Anderson, to approve the proposed Railroad Right-of-Way Easement Agreement and the Confirmatory Grant of Easement document. Motion carried.

Commissioner Guazzo moved, seconded by Commissioner Anderson, to add \$500 to the Fee Schedule to cover administrative costs if it can be done by a simple motion. After discussion as to whether it had to be done by Resolution or by Ordinance, Commissioner Guazzo withdrew her motion and Commissioner Anderson withdrew his second. (Mr. Erichsen is to determine whether it has to be adopted by Resolution or Ordinance.)

COUNTY COMMISSIONERS' TIME

Rubble Bee Waste Facility

Commissioner Guazzo referred to the public informational meeting last Tuesday on the rubble bee facility in the Lexington Park area. In that the Commissioners could not attend because of the Board meeting, she suggested that the Commissioners look at the video of the meeting.

Motor Vehicle Tag Renewal

Commissioner Mattingly announced to the public that the Treasurer's Office computer system for motor vehicle tag renewal is down, and it may not be operational until next week.

Southern Maryland College Fair

Commissioner Anderson advised that the Southern Maryland College Fair is scheduled for Tuesday, September 21 at the Hollywood Fire House from 5 p.m. until 8 p.m. Over 120 colleges and universities throughout Maryland and the East Coast states are expected to participate.

EXECUTIVE SESSIONS

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

Property Acquisition (Old Hewitt Road)

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
George Erichsen, Director, DPW
Judith A. Spalding, Recorder

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

Time Held: 3:58 p.m. – 4:15

Action Taken: The Commissioners discussed a property acquisition issue relative to Old Hewitt Road and agreed to take action in open session.

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
Judith A. Spalding, Recorder

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

Time Held: 4:15 p.m. – 6:30 p.m.

Action Taken: The Commissioners discussed several personnel items, including consideration of appointments to Boards and Committees, and gave direction to staff.

FOLLOW UP TO EXECUTIVE SESSION

Commissioner Guazzo moved, seconded by Commissioner Anderson to direct Mr. Erichsen, Director of Public Works, to proceed as discussed in Executive Session. Motion carried.

ADJOURNMENT

The meeting adjourned at 6:40 p.m.

**Minutes Approved by the
Board of County Commissioners on 9/12/99**

Judith A. Spalding
Judith A. Spalding, Recorder