

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Governmental Center
November 16, 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, 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 Anderson moved, seconded by Commissioner Mattingly, to accept the agenda as presented. Motion carried.

APPROVAL OF CHECK REGISTER

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

APPROVAL OF MINUTES

Commissioner Guazzo moved, seconded by Commissioner Mattingly, to approve the minutes of the Commissioners' meeting of Tuesday, November 9, 1999, as corrected. Motion carried.

**PROCLAMATION
AMERICA RECYCLES WEEK**

The Commissioners presented a Proclamation designating the week of November 14, 1999 as *America Recycles Week*.

JOINT MEETING WITH BOARD OF EDUCATION

Present: Dr. Yale Stenzler, Executive Director, State School Construction
Michael Hewitt, President, Bd/Ed
Joanie Farrar, “
Steve Kracinovich, “
John K. Parlett, Jr., “
Mary Washington, “
Dr. Patricia Richardson, Superintendent

Dr. Stenzler appeared before the Board to explain the State's School Capital Improvement Project process. The presentation included the following information:

- ❖ CIP Plan, prepared and approved by the Board of Education, and approved by the Commissioners, is submitted by December 7; the State will not consider any project that has not been approved by the Commissioners.
- ❖ The IAC public hearing will be held December 17 on the submitted plan; Board of Public Works appeal hearings will be held January 26 (It is important that the Board of Education and County Commissioners attend the hearings.)

- ❖ Comprehensive Maintenance Plan has been submitted by Board of Education.
- ❖ Governor Glendening's objective for the wiring of schools for technology over a five to six year period, and to look at increasing state funding for telephones in each classroom.
- ❖ Explanation of Forward Funding and Split Funding (projects must have planning approval).
- ❖ That he recognized that local governments are struggling with matching funds, and that although the current governor is pro education, there is no guarantee that school construction funds will be available in future administrations; it is important for the County to prioritize school construction projects.
- ❖ That School Construction is not bound by "Smart Growth," but that projected demographics is the key.

Areas of discussion included:

- ❖ Changes in state funding formula and the impact of these changes on St. Mary's County.
- ❖ Use of relocatables to resolve overcrowding and while construction is underway.
- ❖ Three priority CIP projects for the County are Technical Center, Margaret Brent, and replacement school for Carver. (A County task force has been established to look for a site for the Carver replacement school. In order for the State to consider approval of relocating Carver to the Spring Ridge Campus, the County must submit justifications; water/sewer availability was also an issue).
- ❖ Classroom sizes (St. Mary's County has had a policy to maintain certain class sizes beyond the State's requirements and the County has provided funding to maintain those class sizes).
- ❖ Acknowledgement of the many volunteers in St. Mary's County who have assisted with wiring the schools for technology.

COUNTY ADMINISTRATOR

Present: Mortimer L. Smedley, County Administrator

- **DRAFT AGENDAS** for November 23, 1999 and December 7, 1999

1. **BUDGET AMENDMENT NO. 2000-16**
Department of Public Works (\$16,000
Half Pone Point Revetment Project)

Also present: George Erichsen, Director, DPW

Commissioner Guazzo moved, seconded by Commissioner Raley, to approve and authorize Commissioner Randall to sign Budget Amendment. Motion carried.

2. **DEPARTMENT OF PUBLIC WORKS ITEMS**

Also present: George Erichsen, Director, DPW

- a. Public Works Agreement for Tall Pines Subdivision, Section 1, located in Second Election District with a completion date of 10/01/00; backed by Letter of Credit provided by Maryland Bank and Trust Company in the amount of \$111,000.

- b. Temporary Easement Agreement and Easement Agreement from Thomas E. and Agnes I. Tippet for the construction and maintenance of storm drain culverts associated with the construction of a sidewalk on MD Route 5 in the Great Mills area as part of the SHA's Sidewalk Retrofit Project.
- c. Temporary Easement Agreement and Easement Agreement from Robert and Shirley Davis and William and Margaret Guy for the construction and maintenance of storm drain culverts associated with the construction of the road for Avonlea Subdivision, located off of Mechanicsville Road, Fifth Election District
- d. Contract Agreement from Glatfelter Pulp Wood Company for the conveyance of property related to the construction and widening of Indian Bridge Road
- e. Contract Agreement from Francis and Elizabeth Beavan for the conveyance of property related to the construction and widening of Indian Bridge Road

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

3. **SPECIAL OLYMPICS**

Also present: Mary Lou Bucci

Ms. Bucci appeared before the Board to announce the First Annual St. Mary's Splash to benefit the athletes of the Special Olympics. The event, sponsored by Maryland State Police and Outback Steakhouse and other community organizations, will be held December 12 at Elms Beach Park. There will be over 100 "splasers" who will get pledges of at least \$50, and she asked the Commissioners to participate as either a splasher or pledger.

4. **APPOINTMENTS**

(Maryland Association of Counties - Legislative and Member at Large)

Commissioner Anderson moved, seconded by Commissioner Raley, to nominate Julie Randall as the Legislative Member to MACo and Tom Mattingly as the alternate. Motion carried.

COUNTY COMMISSIONERS' TIME

Amish Quilt Auction

Commissioner Guazzo announced that the 10th Annual Amish Quilt and Crafts Auction will be held Saturday, November 10 at 10 a.m. on Thompson's Corner Road (Route 236).

Stuffed Hams

Commissioner Raley encouraged newcomers to the County to try a local delicacy during the holidays—a St. Mary's County stuffed ham.

Commissioner Anderson encouraged St. Mary's County citizens to be generous at this time of year and reported that Mike Schwartz of Mike's Bikes is doing his annual food drive.

Workforce Development Board

Commissioner Randall advised that the first Workforce Development Board meeting held Friday at the Higher Education Center was a great success due to the efforts of Commissioner Anderson. The Board of County Commissioners thanked Mr. Anderson for his hard work on this project and that Lt. Governor Townsend was present.

Commissioner Anderson reported that the Workforce Development Board got Commissioner Randall to sign the grant application presented last Tuesday and it was sent up to the State on Monday.

Veterans Day Parade

Commissioner Mattingly thanked Clancy Lyall and all those who were involved in organizing the Veterans Day Parade held in Leonardtown on Thursday, November 11.

Tudor Hall Village Project

Commissioner Mattingly reported that there has been some settlement on the Tudor Hall Village project and the Town is confident that the state funding will be forthcoming.

Commission on Education Financing Equity, & Excellence

Commissioner Anderson advised that he attended the first meeting of the referenced Commission at which House Speaker Cass Taylor gave an address. The Commission will be looking at updating the formulas for state funding. The process may take a couple of years for the funding to be available and one of the issues will be "bridge funding, a stop gap measure for funding. Other issues to be addressed are special education and transportation and teacher retention.

Information Release – Willows Road Park Groundbreaking

Commissioner Randall read an Information Release inviting the community to the Willows Road Groundbreaking on Tuesday, November 23 at 9 a.m.

COUNTY COMMISSIONERS SITTING AS THE BOARD OF HEALTH

Present: Dr. Ebenezer Israel, Health Officer
Ann Rose, Director, Environmental Health
Nancy Luginbill, Director, Health Services
Mary Wood, Administrator

Commissioner Guazzo moved, seconded by Commissioner Raley, to recess as the Board of County Commissioners and convene as the Board of Health. Motion carried.

Dr. Israel briefed the County Commissioners on the following health issues:

Appointment of Ann Rose as Director of Environmental Health.

- ❖ Flu and Pneumococcal Immunization Program (with special attention to special risk groups); there will be two more clinics—November 23 and November 30 at the Health Department.
- ❖ That the County Health Department has been certified as Y2K compliant.
- ❖ The report for planning for health care needs of the elderly and for support services is being finalized (discussion of respite care services and that it needs to be under one agency, perhaps the Alzheimer's' Association).
- ❖ A work group has been established to look at Developmental Disabilities Program issues including Medicaid waivers. (Dr. Israel will inform the Commissioners of the kickoff date of the program.)
- ❖ The State Tobacco and Cancer Task Force has been deliberating on tobacco settlement dollars (to be used for educational materials and smoking cessation program for pregnant women).
- ❖ Regional program on minority health issues (working with other agencies to apply for grants under one umbrella).

- ❖ Update on Dental Health Program (Health Share has pulled out of the dental program, and Dr. Israel has suggested moving the Health Department's funding for the program to Health Share so that it can run the program).
- ❖ Health Status Report (to be released early 2000)
- ❖ The need for more physical activity for better health control.

In closing Commissioner Randall inquired about what the County or Southern Maryland Region is doing to embark on a 2020 Strategic Plan for the provision of health services. Dr. Israel pointed out that it was difficult to make long-range projections because of the constant change in technology in the health field, and that the Health Department is doing 2010 objectives for the County in terms of diseases, physical activity, nutrition. However, Dr. Israel agreed to research a strategic plan initiative and report back to the Commissioners.

Commissioner Anderson moved, seconded by Commissioner Raley, to adjourn as the Board of Health and reconvene as the Board of County Commissioners. Motion carried.

ENVIRONMENTAL FEES (INCLUSION IN LEGISLATIVE PACKAGE)

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

Mr. Erichsen and Mr. Lacer appeared before the Board to discuss the possibility of requesting legislative authority to assess an environmental fee to recover solid waste costs.

Discussion ensued regarding advantages (including that it was a reliable revenue source) and disadvantages (including recycling issues, and that a convenience center user would feel he was being taxed twice) of imposing the fee; that a fee was proposed by Kidde Consultants in 1990; the proposed charge to be added to the tax bill and that it could possibly be reduced once some of the costs are recovered; issues regarding imposing fees at the transfer stations (that trash will be disposed of in areas other than the convenience centers; e.g., along roadsides and in the woods; and that money would have to be collected at the centers); Calvert and Charles Counties' fees; equity in charging a flat fee based on classification of property (commercial/residential) the property tax and whether to impose a fee to recover costs of recycling and transfer station operations and past debt service and costs associated with closure or future expansion; and Goal 5 of the Solid Waste Plan calls for the eventual financial self-sufficiency of solid waste and that there be a fee structure to support it.

Regarding what measures the County can take without getting legislative authority, Mr. Lacer indicated there were several options available to the Commissioners:

- 1) There is a sanitation component in the authority to impose impact fees; however, the fees are related to new construction and not to existing structures;
- 2) Collection of service charges at recycling/convenience centers (currently a fee is charged at the landfill, but not the centers).
- 3) Using General Funds, which is contributed to through property taxes on improved and unimproved properties (The Commissioners discussed the issue of raising the property tax rate).

After lengthy discussion Commissioner Guazzo moved, seconded by Commissioner Anderson, to request the Legal Department to prepare a sample draft legislation requesting authority to assess an environmental fee for St. Mary's County. Motion carried four to one with Commissioner Mattingly voting against stating he was not in favor of adding another tax and that raising taxes could be an option. Motion carried.

In closing the Commissioners requested the following information: how neighboring counties have imposed a fee without legislative authority; and activity at the convenience centers.

**INTERIM STUDY PROPOSAL
TOWN AND VILLAGE CENTERS**

Present: Al Lacer, County Attorney
Jon Grimm, Director, Department of Planning and Zoning

As a follow up to last week's discussion by Commissioner Anderson, Mr. Lacer and Mr. Grimm appeared before the Board to discuss a proposal for an Interim Study Ordinance for the Callaway Village Center.

Areas of discussion included:

Whether the Study would be done prior to adoption of the new Unified Land Development Code (ULDC) or concurrently;

How adoption of a Resolution would relate to approved projects during study period (and that handling of approved projects would have to be addressed in the Study Ordinance);

Issue of whether building permits would be issued during the study period; the issue of vested rights; question and issues of what resources would need to be committed; and the end product.

Concerns regarding health, safety and welfare issues, particularly as they relate to transportation issues along Route 5 in Callaway, and impervious surface issues;

Identification of the study area (Village Center as described on current Comprehensive Plan maps or a broader picture beyond the boundaries of the map);

That there are currently eight (8) zoning requests for the Callaway area;

Public Hearing requirements (a joint hearing with Planning Commission or two separate hearings);

Planning Commission's role in requiring developers to plan ahead (providing needed land for Route 5 widening and service roads to Route 249); and the role of the Board of Appeals in setting conditions;

Setting projects as conditional uses or not granting any approvals during the study process (and the resulting legal risks of suspending approvals);

Whether the study can be completed in a time frame to get the desired result (protecting the Route 5 corridor because of projects already approved);

Question of what should be included in the Ordinance (Commissioners' intention of suspending or designating projects as conditional uses);
(Mr. Lacer indicated that the Ordinance taken to public hearing can be changed as a result of the hearing. He further pointed out that if the handling of existing approvals is not addressed in the Ordinance, it would be saying "business as usual"; creating conditional uses or suspension of approvals has to be affirmatively stated);

Recognition in the Comprehensive Plan for a Transportation Master Plan for the County and that a study needs to be done for this area (or any other major intersection);

After discussion Commissioner Anderson moved to direct the Law Department to draft an Interim Study Ordinance for the Callaway Village Center for the purpose of preparing a specific community development master plan; that it be drafted to be generally applicable as suggested by the County Attorney; that a public hearing be scheduled as

soon as practical, to be effective as soon as practical, but no later than January 1, 2000; that project approvals pending be withheld during the period of the study; that the period of the study shall not exceed six months; to direct the Planning and Zoning Director to prepare a budget estimate, budget amendment, scope of work, timeline; and to direct that the scope of the study be the Callaway Village Center as currently defined. Motion failed for lack of a second.

In conclusion the Commissioners requested staff to return to the Board next week for continued discussion.

EXECUTIVE SESSION

Commissioner Mattingly moved, seconded by Commissioner Raley, 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
 Commissioner Joseph F. Anderson
 Commissioner Shelby P. Guazzo (left the session at 6:30 p.m.)
 Commissioner Thomas A. Mattingly, Sr.
 Commissioner Daniel H. Raley
 Mortimer L. Smedley, County Administrator
 Jim Stirling, Director, CIP attended from 5:58 – 6:12 p.m.
 Melvin McClintock, Director, DHR “
 Judith A. Spalding, Recorder

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

Time Held: 5:58 p.m. – 6:50 p.m.

Action Taken: The Commissioners discussed a number of personnel issues and gave direction to staff.

Follow Up to Executive Session – Capital Projects

Commissioner Anderson moved, seconded by Commissioner Mattingly, to direct staff to proceed as discussed in Executive Session regarding the Capital Projects Planner position. Motion carried.

ADJOURNMENT

The meeting adjourned at 6:50 p.m.

Minutes Approved by the
 Board of County Commissioners on 11/23/99

Judith A. Spalding
 Judith A. Spalding, Recorder