

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Governmental Center
Tuesday, October 30, 2001**

Present: Commissioner President Julie B. Randall
Commissioner Joseph F. Anderson
Commissioner Shelby P. Guazzo
Commissioner Thomas A. Mattingly, Sr.
Commissioner Daniel H. Raley
Alfred A. Lacer, County Administrator
Judith A. Spalding, Administrative Assistant to BOCC (Recorder)

(Commissioner Joseph F. Anderson was not present at the beginning of the meeting)

CALL TO ORDER

The meeting was called to order at 10:05 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 Mattingly, to authorize Commissioner President Randall to sign the Check Register. Motion carried.

APPROVAL OF MINUTES

Commissioner Raley moved, seconded by Commissioner Mattingly, to approve the minutes of the Commissioners' meeting of Tuesday, October 23, 2001, as corrected. Motion carried.

COUNTY ADMINISTRATOR

Present: Alfred A. Lacer, County Administrator

1. Draft Agendas – November 6 and November 13, 2001
2. Department of Recreation and Parks

Present: Phil Rollins, Director

SMECO Easement Agreements

- Street Lighting Change Order for Lancaster Park
- Easement Agreement for Wicomico Shores Golf Course

Commissioner Mattingly moved, seconded by Commissioner Raley, to approve and authorize Commissioner Randall to sign the easement agreements. Motion carried.

3. Boards and Committees
Letters of Appointment

Commissioner Mattingly moved, seconded by Commissioner Raley, to approve and sign the letters of appointment. Motion carried.

Appointments are as follows:

<u>Commission on Aging</u>	<u>Terms To Expire</u>
Arlene Cooper	6/30/2004
<u>Commission for Women</u>	
Raymond M. Cooper	6/30/2003
<u>Metropolitan Commission</u>	
Kevin Suggs	12/31/2002
<u>St. Mary's Interagency Children's Council</u>	
Robin Ray Martin <i>Juvenile Justice Representative</i>	6/30/2004

4. Human Relations Commission Ordinance (No. 2001-29)
(follow up to 10/16/01 public hearing)

Commissioner Mattingly moved, seconded by Commissioner Raley, to approve and sign the revised Human Relations Ordinance as presented. Motion carried.

During discussion of the motion, Commissioner Guazzo questioned Item (e) on Page which states "encourage and ensure equal treatment of all persons" and stated that she did not know how the Commission could "ensure."

5. Resolution No. 2001-51
Establishment of a St. Mary's County Watershed Committee

Present: John Norris, Deputy County Attorney

As a follow up to discussion and action taken by the Commissioners on May 1, 2001, Mr. Norris presented the proposed Resolution for the establishment of the St. Mary's Watershed Commission.

During review of the draft Resolution the Commissioners agreed to amend the "PURPOSE" to replace "oversee and protect" with "research and make recommendations regarding the protection of the natural and aesthetic character . . ."

Commissioner Anderson entered the meeting at 10:30 a.m.)

After discussion, Commissioner Mattingly moved, seconded by Commissioner Guazzo (for discussion), to approve and sign the Ordinance when revised as directed. Motion carried three to two with Commissioners Guazzo and Raley voting against.

Commissioner Guazzo voted against the motion, stating that she believed that the already existing Commission on Environment rather than creating a new Commission could accomplish this. Commissioner Raley voted against the motion because it would add additional work on county departments and agencies that are also providing staff support to the Commission on Environment and that he believed the COE could handle this task.

COUNTY COMMISSIONERS' TIME

Visit to Mechanicsville Elementary School

Commissioner Guazzo reported that she visited Mechanicsville Elementary School and read to Ms. Sadecki's kindergarten students, and stated that it was a pleasurable experience.

Annual Dinners

Commissioner Guazzo reminded everyone that the County is in its annual dinner season and that this past weekend there were two church dinners, one at All Faith Episcopal Church and one at Sacred Heart, and a dinner at the Hollywood Firehouse, which was the one she attended this year.

Pride of Baltimore II

Commissioner Randall advised that the Maryland Port Authority was at St. Mary's City with the *Pride of Baltimore II* and that she attended the reception. She stated that over 100 people were aboard the ship. She pointed out that she was pleased to have the ship in the County because of the economic development and tourism benefits for the County and Maryland. The ship will be sailing all over the world and it is an opportunity for the marketing of the State of Maryland. Commissioner Randall noted that it was not only an economic benefit, but an educational benefit as well, and that many school children had the opportunity to be on board.

Commissioner Anderson stated that he was unable to attend the reception for the *Pride*, but did attend the briefing by the Port of Baltimore at the SMECO building. It is one of the most active ports in the country and it is seeking to expand its activities and influence in Southern Maryland and St. Mary's County.

Seventh District Optimist Club - Installation of Officers

Commissioner Randall reported that she attended the Seventh District Optimist Club's Annual Installation of Officers and expressed congratulations to Wayne Mast on becoming the new president and to the other new officers as well. She commended the Club for its many volunteer activities during the year including outreach and fundraising programs for various charitable causes.

Commissioner Anderson said that the Installation of Officers was a tremendous event and pointed out that it is one of the most active Optimist Clubs in the State. He pointed out that the Optimist main focus is youth, and that Optimists International named it an Honors Club.

Commissioner Mattingly expressed appreciation to the Optimist for the wonderful job it does in the community and that it has 28 events each year.

St. Mary's Caring Annual Dessert Auction

Commissioner Raley reported that the Annual Dessert Auction was a success and expressed appreciation to the other Commissioners for their participation.

Commissioner Guazzo noted that in addition to local celebrities' contributions, local businesses also donated items (Bed and Breakfast and three local restaurants).

Commissioner Anderson congratulated Commissioner Raley for doing his usual brilliant job as auctioneer.

Agriculture Trade Fair

Commissioner Raley announced that the Agricultural Trade Fair, coordinated by Tri-County Council and Christine Bergmark, will be held Saturday, November 3 at the St. Mary's County Fairgrounds, from 9 a.m. to 4 p.m. There will be many events and exhibits that are not only related to tobacco issues, but a wide range of events. The Fair would be of particular interest to tobacco farmers who are considering doing the conversion.

From Discovery to Deployment Seminar

Commissioner Anderson reported that he represented the Commissioners this morning at Patuxent River at the referenced seminar. NAVAIR in conjunction with Patuxent Partnership, the County, Maryland Technology Development Corporation, and other local and statewide organizations, including Tri-County Council, sponsored the seminar. The main focus of the day was to highlight the commercialization efforts and opportunities developed at Patuxent River and parallels one of the County's main economic priorities--diversification. He pointed out the importance of continuing to support the Navy and contracting community.

Attendance at Local Events

Commissioner Mattingly stated that he attended a number of events on Sunday, including John Bohanan's fundraiser, the Dessert Auction, and then the retirement party for Norman Pilkerton Jr., who was the Communications Supervisor at the Sheriff's Office. He said that he presented Mr. Pilkerton with a plaque from the Board of County Commissioners and citizens.

Emergency Preparedness

Commissioner Mattingly reported that there is ongoing work on the emergency response issues within the County and the work is ongoing.

Get Well Wishes to Phil Cooper

Commissioner Mattingly offered Get Well wishes to Phil Cooper, who recently underwent surgery and is recuperating at home.

St. Clements Island Museum Gift Shop

Commissioner Randall referred to the Commissioners' participation in the ribbon cutting for the Museum gift shop last week. She reported that the gift shop made over \$5,000 profit during the Blessing of the Fleet. She stated that the gift shop is well stocked with wonderful items which give the sense of the County's history and suggested that citizens visit the shop for Christmas shopping.

Presentation to Charlene Newkirk

The Board of County Commissioners presented Charlene Newkirk, who will be leaving County Government to work for Compliance Corporation, with a framed selection of local lighthouse prints. The Commissioners wished her well in her new venture, and Ms. Newkirk expressed appreciation to the County Commissioners and County staff and offered to help in any way.

McINTOSH ROAD HOUSING PROJECT BRIEFING AND VISIT

Present: Dennis Nicholson, Executive Director, Housing Authority
Dana Jones, Director, TCCAC

In preparation for the Commissioners' visit, the referenced individuals appeared before the Board to provide a briefing on the history and particulars of two successful housing projects on McIntosh Road--Holland Forrest and Barnes Estates.

Mr. Nicholson provided a brief history of the projects, which were developed through a partnership with the Housing Authority and Tri-County Community Action. Mr. Nicholson stated that he and Mr. Jones, in the mid 90's identified the need to address housing concerns on McIntosh Road, and through CDBG funds, extended the Leonardtown sewer line to address septic system failures that were residential and business related. Through a partnership with land development and housing development two home ownership products were developed--Barnes Estates (1400-square foot single family homes at a cost range of \$80,000 to \$85,000) and Holland Forrest (1220 square - foot townhomes at an acquisition cost of \$40,000 to \$80,000). He pointed out that the consolidation of public resources resulted in two communities and stated that the issue was how to use this model and how to use public resources in combination with the private sector or other combinations be used to develop housing communities in the County.

Mr. Jones discussed how the revitalization of these communities became a reality and how the County Commissioners play an important role in the process, as well as HUD, CDBG, Housing and Community Development. He stated that the infrastructure was improved including the extension of the water and sewer lines. In addition Mr. Jones referred to lease/purchase arrangements and one-percent 33 year-mortgages, which gives all citizens housing opportunities. The current challenging community in Lexington Park (and that public policy should not be dictated by that challenge; that it should be looked at from a larger point of view); and the success of a housing community in Prince Frederick.

In conclusion Commissioner Randall requested that Mr. Nicholson and Mr. Jones work with Mr. Savich in putting together a list of communities the Commissioners and other interested parties could visit, including a Prince Frederick community. She requested that they work with the Commissioners' Office in developing a schedule for the visits, and that it did not necessarily have to be on a Tuesday.

Commissioners Randall, Anderson, Mattingly, and Raley toured the McIntosh Road housing and Head Start Center.

**DEPARTMENT OF FACILITIES MANAGEMENT
PATUXENT RIVER NAVAL AIR MUSEUM AND VISITORS CENTER
SCHEMATIC DESIGNS AND BUDGET**

Present: Richard Rohrbaugh, Director, Facilities Management
John Norris, Deputy County Attorney
Keith Fairfax, Chair, Museum Association

The referenced individuals appeared before the Board to provide an update on the Naval Air Museum and Visitors' Center.

The following issues were addressed:

- Mr. Rohrbaugh explained that the original cost estimate for the project was \$8.3M and after a series of evaluations and down sizing, it was reduced to \$6.5M, and again after additional cost estimates and additional decreases in scope the project is now estimate at \$5.6M. Mr. Rohrbaugh indicated that the architect, Lukemire Grant, believes the project is still slightly over budget and has recommended additional downsizing; however, Mr. Rohrbaugh stated he believes that the project is within the budget and that he did not see any additional ways to reduce the size of the museum while keeping the spirit and intent of the project.
- The first phase will complete 21,852 square feet of the project; the second phase will complete the remaining 3,000 square feet when and if additional funding is identified. He reviewed the schematic drawings for each of the two floors, pointing out the location of the exhibits, office space, mechanical areas, etc.
- With reference to the request for approval for the \$65,000 expenditure for "Owner Expenses," which includes cost estimates, printing costs, boundary line adjustment, borings, topographical survey, and other contingency costs, Mr. Rohrbaugh reported that the Museum Project Development Association has agreed to fund this cost out of its donations; therefore, county funds will not have to be used.
- The proposed building has been moved from its previous location closer to Md. Route 235, which will require the Board of Appeals' approval for being located within the transportation buffer. With that the architect is proceeding with putting in more parking to the rear of the building which will give more prominence to the museum.
- Fundraising by the Museum Association is on schedule with over \$750,000 raised in pledges and commitments.
- Construction schedule: project to be bid in spring or summer 2002; with construction to be completed by early 2004.
- Regarding Paragraph 12 of the grant agreement concerning use of the property should it cease to be a museum, Mr. Norris advised that he had forwarded a letter to GSA requesting that it be modified to be consistent with the July 20, 2001 Letter of Intent between the County and the State Highway Administration..

After discussion of this issue and expression of concerns regarding whether this request would jeopardize the release of state grant funds for the project, Commissioner Randall requested Mr. Norris to e-mail the Board with the status of the

request, and when a determination has been made by the Department of General Services regarding the requested modification to the grant agreement, to get back on the agenda to discuss how to proceed. She indicated that this must be resolved prior to the convening of the next legislative session of the Maryland General Assembly.

BOARD OF COUNTY COMMISSIONERS SITTING AS BOARD OF HEALTH

Present: Dr. Icenhower, Health Officer
Ann Rose, Director, Environmental Health
Other Health Department Staff

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

Dr. Icenhower and staff appeared before the Board to discuss the following health-related issues:

Sewage Sludge Inspections – is more that the Maryland Department of Environment can handle, and the Health Department entered into an agreement to pick up some of the slack. MDE will continue to pay for the inspections

Colon Cancer Screening – 50 screenings have been done with two people testing positive and are being treated; colonoscopy is the best method for screening.

West Nile Virus – Because of the recent cold weather, West Nile Virus is no longer a threat this year.

Influenza Vaccine – 500 doses have been supplied; 300 more will be provided to the nursing homes; there is enough for Categories 1 and 2 people.

Food Inspections – Has been moving forward; however, not all who provide food to the public have been included, this is being addressed and all will be covered.

Child Fatality Review – State Health Department has mandated a Child Fatality Review Board, which will be made up of individuals from Department of Social Services, Health Department, Police and others. The group will determine not who is at fault, but will look at cases to determine whether maximum of effort had been made to prevent it.

Health Department Building Security – This has been an issue even before the terrorist attacks; records need to be kept private, there may be a perception that the Health Department has drugs, but they do not have enough drugs to take care of a large mass of Anthrax. He has requested building security and visitors' passes, and more doors locked, and perhaps video cameras.

Bio-terrorism – That whoever is doing this does not have access to the "best" of anthrax, because the strain that is being used is not drug resistant. There have only been a few cases at two or three point locations where it has developed, and had the terrorists had more, Dr. Icenhower stated he believed it would have been passed all at once; however, because of the gradual release, it has given an opportunity to adjust and hone skills.

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

**SEWAGE SLUDGE UTILIZATION
MEMORANDUM OF UNDERSTANDING AGREEMENT**

Present: John Norris, III, Deputy County Administrator
Dr. Icenhower, Health Officer
Ann Rose, Director, Environmental Health

In conjunction with the Health Department's presentation regarding sewage sludge inspections, Mr. Norris presented the following documents:

- Sewage Sludge Utilization Memorandum of Agreement between the Maryland Department of the environment and the County wherein MDE will reimburse the County for supplemental sewage sludge utilization monitoring and inspection in St. Mary's County for expenses and costs up to \$22,992; the work will be conducted by the St. Mary's County Health Department under separate agreement.
- Memorandum of Agreement between the St. Mary's County Health Department and the County Commissioners for St. Mary's County Regarding Monitoring of Land Application of Sewage Sludge, wherein the County would reimburse the Health Department from the proceeds of the County's October 30, 2001 agreement with the Department, up to \$22,992 for the supplemental sewage sludge monitoring and inspection.

During the discussion Mr. Norris advised that because these funds were not included as revenue in FY 2002, it will require a supplemental appropriation hearing and will need to be part of the discussion during 2003 budget deliberations. Discussion also included the need for these agreements to be presented and signed annually. Dr. Icenhower offered to accept this responsibility and will bring the Health Department agreements back for renewal prior to July 1, 2002.

Commissioner Anderson moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner Randall to sign the two Memoranda of Understanding as presented. Motion carried.

**LOCAL MANAGEMENT BOARD
(DISCUSSION OF STATE GRANT PROCESS)**

Present: Julia Bates, Director, LMB
Kathy O'Brien, Chair, LMB

At the request of the Commissioners, Ms. Bates and Dr. O'Brien appeared before the Board to discuss the changes in the State's grant process, that some grants are going through LMB rather than being awarded directly to other agencies.

To begin the discussion, Dr. O'Brien and Ms. Bates reviewed the LMB's Mission Statement; Values Statements; Board Composition; Community Concerns; Local Goals; How the LMB Designs a Grant Initiative; Grant and Planning Process; Data Review; Theoretical Foundations; Alcohol and Drug Use among students; Poverty Levels; School Achievement; Department of Juvenile Justice Incident Increase; Sheriff's Report on Domestic Assaults and Runaways; Youth Development Issues; Best Practice Models (there are good programs but little data to show any changes); Consolidated Youth Strategies Grant; Implementation Process; Points of Input from County Government; and County Feedback System.

Areas of discussion included the avoidance of conflicts of interest from those agencies competing for grants; that there was no duplication of reporting since the grants are funneled through LMB and LMB forwards the reports to the State; the model after school program at Spring Ridge Middle School, which is in the HotSpots community; the need for other middle schools to be included in the program since it is that age group (major contributors to juvenile crime, teen pregnancy, and school failure) that needs these programs.

In conclusion the Commissioners agreed to the following:

- Since the State grant process has changed, there are occasions when there is not enough time for the grant to get processed through the standard County procedures, that LMB work with the County Administrator to explore ways in which the County could fast track these grants.
- That LMB return to the Board at a later date to discuss how other LMB's throughout the State are organized, and to discuss the Local Management Board appointment process as well.

ZONING ORDINANCE WORK SESSION AFFORDABLE HOUSING ISSUES

All Commissioners were present. DPZ staff present were Jon Grimm, Director; and Peggy Childs, Recording Secretary. John Savich, Director, DECD, and Dennis Nicholson, Housing Director, were also present, as was Deputy County Attorney John B. Norris, III.

Affordable Housing Provisions for Zoning Ordinance

At the end of September, the County Commissioners asked that this issue be brought back with review comments from Mr. Savich on information given to the Board at the end of May. In response, Mr. Savich has provided two memoranda dated October 25, 2001, one in response to a University of Maryland Task Force Study; the second contains comments more appropriate to the discussion today. Mr. Grimm said, in May, the feeling was that we had touched all the bases from a regulatory standpoint, except for inclusionary zoning.

Mr. Savich said it is hard for him at this point in this process to isolate any additional regulatory steps without looking at all the work that is being done by the Housing Authority, housing staff, and the fair and affordable housing task force that is leading us toward a good, solid comprehensive housing policy and strategy, and that is the gist of a lot of the conclusions in the University of Maryland Report and the comments the task force received from Jacqueline Rogers, the former State Housing Secretary, at its last meeting. He said his feeling is that, over the next couple of months, we can proceed to a much more concrete set of recommendations that cover both the regulatory side, programmatic activities, specific projects, and deal with some of the organizational and structural questions about the role of the housing authority to this board, and that will be the most productive thing we can do when it comes to housing.

Mr. Savich said he thinks what is starting to happen is a broader community discussion of affordable housing that will lead us to a working consensus as a community and a county on a strategy to ensure affordable housing that is livable and of high-quality, so that housing values will appreciate for owners of less-expensive housing and more-expensive housing. He said he thinks elements the commissioners have already put in the draft should stay in the draft, and any additions should wait until we have a chance to work through the details, including policies in other, similar communities, such as Loudon County.

Commissioner Randall stated the commissioners will put this back on the agenda in the January-February time frame and take a look at it from a zoning standpoint.

Discussion turned to a HUD housing project for 173 town homes known in Southwoods. Commissioner Randall stated these units, which will rent for \$900-\$1300 a month, are not needed in the county, and asked what the county's role is in these projects? She said we already have 400+ units in Greenview West that they cannot rent, and this is a project sponsored by the Federal government with our tax dollars that we do not need. Mr. Savich replied that the county comments as part of the State Clearinghouse process but, if we had a comprehensive housing plan and policy as the University of Maryland Report recommended, we would have a stronger ability to talk to the Federal Government in terms of what we really need. Mr. Nicholson said the housing office's comments focused on the commissioners frustration another set of \$900+ rental units, and offered to follow up on the status of the project, which already has site plan approval.

Commissioner Randall stated that she would have been a little more vociferous and would have said the county does not need this project. Mr. Nicholson stated those comments need to come from our elected officials. Commissioner Randall replied perhaps we need to change the process and allow the Commissioners to respond. Mr. Nicholson will see if there is still time to provide further comment.

Commissioner Randall asked if there is anything within inclusionary zoning or the zoning ordinance to encourage the acceptance of housing vouchers by landlords? Mr. Nicholson replied that is encouraged in other communities, but it falls back to housing policy. Mr. Grimm stated some communities require a market analysis for any project that comes forward, and that could be written into the regulations to allow better comment and some negotiations with developers. Mr. Nicholson replied that a market study was done by the Southwoods developer and he argued that their niche was high-rent, 2 & 3 bedroom townhouse apartments, some with garages, and the federal government bought into that. Mr. Grimm suggested that Housing and the DECD be added to the TEC. He suggested DPZ provide the monthly TEC agenda to them, and they can notify DPZ of any larger projects they wish to review. The Commissioners agreed.

Commissioner Randall asked that a discussion on vouchers be scheduled for later on, not as a zoning issue, but as a housing issue.

EXECUTIVE SESSION

Commissioner Guazzo 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
Commissioner Thomas A. Mattingly, Sr.
Commissioner Daniel H. Raley
Alfred A. Lacer, County Administrator
Judith A. Spalding, Recorder

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

Time Held: 5:10 p.m. – 5:40 p.m.

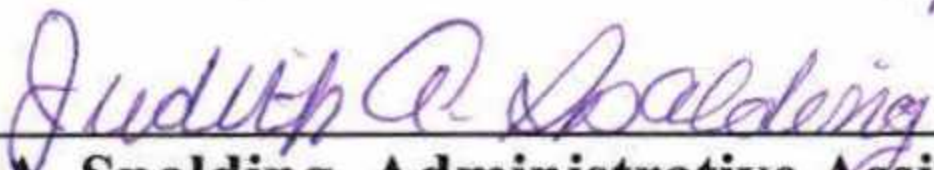
Action Taken: The Commissioners discussed appointments to two boards and an employment contract and gave direction to staff.

ADJOURNMENT

The meeting adjourned at 5:40 p.m.

Minutes Approved by the

Board of County Commissioners on 11/06/01


**Judith A. Spalding, Administrative Assistant
to the Board of County Commissioners**