

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Governmental Center
Tuesday, April 23, 2002**

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)

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 presented. Motion carried.

APPROVAL OF CHECK REGISTER

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

APPROVAL OF MINUTES

Commissioner Anderson moved, seconded by Commissioner Guazzo, to approve the minutes of the Commissioners' meeting of Tuesday, April 16, 2002, as corrected. Motion carried.

COUNTY ADMINISTRATOR

Present: Alfred A. Lacer, County Administrator

1. Draft Agendas – April 30 and May 7, 2002
2. St. Mary's County Housing Authority

Present: John Savich, Director, DECD
Dennis Nicholson, Executive Director, Housing Authority

- a. Rental Allowance Program Grant Application/Agreement
(State Funding: \$22,840)

Commissioner Anderson moved, seconded by Commissioner Raley, to approve and authorize Commissioner Randall to sign the RAP Grant as presented. Motion carried.

- b. Rental Allowance Program to Work Program (FY 2002) Grant Agreement
(State Funding: \$53,992)

Commissioner Mattingly moved, seconded by Commissioner Anderson, to approve and authorize Commissioner Randall to sign the RAP to Work Program. Motion carried.

3. St. Mary's Public Schools
Transfer of Funds from Esperanza Middle School (\$225,000) to Mechanicsville Elementary School HVAC project (\$150,000) and Leonardtown High School Addition/Renovation-stage lighting (\$75,000)

Commissioner Anderson moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner Randall to sign the letter to the Board of Education approving the transfer and the Budget Amendment effecting the action. Motion carried.

4. Budget Amendments (grant included in FY 02 budget but not received)
 - a. DECD - \$25,901 (total)
Tri-County Council Seafood Grant not Received
 - b. DECD - \$700,000 (total)
Rural Economic Development Grant not Received
 - c. Office on Aging
To set up funds for new allocation and to decrease funds not received in FY 02 QMB/SLMB project and Group Senior Assisted Housing
 - d. Office of Community Services
Realignment of funds to show actual amount of grant award
 - e. Office of Community Services
Modification for Grants not received as budgeted in FY 02

Commissioner Anderson moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner Randall to sign the referenced budget amendments (a – e). Motion carried.

ST. MARY'S COUNTY EMPLOYEES' ASSOCIATION FREEDOM GARDEN PROPOSAL

Present: Elaine Lancaster, Grants Development Coordinator
Ben Beale, University of Maryland Extension Service
Ed Carney, Tech Center
Joan Marsh, Master Gardener Program
Richard Rohrbaugh, Director, Facilities Management
Employees Association Members (Jill Knot, Bert Bowling, Kimberly Wathen, Debbie Higgs, Sheila Smith)

Ms. Lancaster explained that the purpose of this meeting was to request approval from the Board for the Employees' Association to develop a Freedom Garden at the Governmental Center. She explained that the Employees' Association received a grant of 200 flower seed packets from the *America the Beautiful Fund*. The grant has been made available throughout the nation to preserve the memory of those lost during the 9/11 tragedy. A group of employees along with a team of skilled gardeners designed a low-maintenance garden to be located inside the STS bus circle. The Office of Facilities Management and Recreation and Parks have given their assistance in this project as well.

Other donations include: \$500 from Employees' Association; \$200 from the St. Mary's County Garden Club; \$200 from Society Hill Garden Club; individual donations from employees; plants donated by the Tech Center Horticulture Department.

After discussion Commissioner Mattingly moved, seconded by Commissioner Guazzo, to authorize the Employees' Association to move forward with the Freedom Garden. Motion carried.

EXECUTIVE SESSION

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

Litigation

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)8

Time Held: 11:31 a.m. – 12:05 p.m.

Action Taken: The Commissioners discussed a settlement issue regarding First Colony and agreed to take action in open session.

SETTLEMENT AGREEMENT – FIRST COLONY

As a follow up to the Executive Session on Litigation Commissioner Anderson offered the following motion.

Commissioner Anderson moved, seconded by Commissioner Raley, that the Board authorize Commissioner President Randall to sign the document entitled “Agreement of Settlement Procedures” dated April 23, 2002, in constituting an agreement to settle civil action #CA00983, Petition of Trammel Crow for judicial review pursuant to the terms and conditions of that agreement. Motion carried.

Later in the meeting, the Media Release was read announcing the settlement agreement which was reached with Faison Enterprises to settle pending litigation on the First Colony PUD.

Highlights of the Release included:

On March 8, 2001, it was ruled in Circuit Court that the proposal to construct a BJ's instead of an entertainment facility is an insufficient basis for finding the proposal to be a major change to the First Colony PUD. To avoid further litigation, the Board and Mr. Faison negotiated an amicable resolution.

Mr. Faison offered to build a 25 yard x 25 meter swimming pool on County-owned property adjacent to Great Mills High School. There will be a bath house, full ADA access, and it will be open year-round. Mr. Faison has also agreed to donate \$100,000 to the development of the Patuxent River Naval Air Museum and an additional \$50,000 to the new Lexington Park Public Library.

GREAT MILLS ROADWAY ENHANCEMENT PROJECT CONCEPT PLAN

Present: Robin Finnacom, Director, Lexington Park Plan
Mr. Greg Welker, District Engineer, MSHA
Dennis German, Community Design Division, MSHA
Brian Young, Design Team Leader, MSHA
Task Force: Pat Davison (Lex Park Elementary and Volunteer Rescue Squad), Artie Good (SMECO), Bill Harris (The Roost), Francis Hewitt (property owner) Gene Kopp (Millicent Development Company) John and Fay Lore (Lore's Lodging and Laundromat), Ruth and Pete Mostadt (Queen Anne's Apartments), Mack Hall (MetCom), Susan Rich (KFC), Ken Walker (Pastor, United Methodist Church)

Project Design Goals

- Enhance pedestrian safety and environment
- Calm traffic and enhance safety through the town center
- Protect and enhance the environmental quality and image of the town center
- Correct drainage problem within project limits
- Consolidate, reduce, and/or relocate utilities

Mr. Welker advised the Board that design funding will take about one year and construction funding will take another one to two years. Because of this, the MHSA will proceed to remedy the existing problems with ADA access along Great Mills Road this summer.

The concept design is complete so to move the project forward for design funding, a resolution is required as soon as possible from the Board supporting the design concept.

Commissioner Raley moved, seconded by Commissioners Anderson, that this Board formally endorse the concept presented today for the Great Mills Road Project and that the Board direct staff to prepare a formal resolution indicating such support to be available to the State Highway Engineer to move forward with the competitive bid process. Motion carried.

NAS PATUXENT RIVER AND NAVSEA – ANALYSIS OF THE ECONOMIC IMPACT OF THE NAVAL AIR STATION AT PATUXENT RIVER AND THE NAVAL SURFACE WARFARE CENTER AT INDIAN HEAD

Present: Vernon Thompson, Assistant Secretary, Business and Economic Development, State of Maryland
Mike Hayes, General, USMC (Retired), Director, Military Affairs
David Jenkins, Executive Director, Tri-County Council
Susan Ocker, Tri-County Council
John Savich, Director DECD

Major Impacts

- the bases generated \$2.208 billion million in economic impact in St. Mary's County
- resulted in over 22,500 jobs in St. Mary's County, about ½ of the total county employment
- \$1.2 billion in employee compensation which is 37% of all wages and salaries paid to Southern Maryland residents
- generated \$69 million in State and local income and sales tax revenue and \$11.2 million in local property taxes paid by employees
- \$3.4 billion in economic activity in Maryland, which is nearly 2% of Maryland's GSP
- created a total of 33,780 jobs in Maryland with more than 29,000 in Southern Maryland, the bases account for nearly 1 of every 4 jobs in the region

The report overall is the best benchmark ever developed but it is subjective. Data was modeled on moving targets and is *understated*. To obtain a copy of the press release on this report, download it from www.choosemaryland.org.

Other Areas of Discussion

It is anticipated that all delegates will be briefed prior to the BRAC meeting to be held May 20, 2002. The BRAC model, COBRA, really applies to operations, but it is not in the public domain how to measure research, test, and development demands. It would be much better to be objective vs. subjective and work is being done to accomplish objectivity.

Commissioner President Randall recommended a breakout of base-related acquisitions and RDT&E be provided. The BRAC checklist pertains to bases that are

not like those in SMC. The original list (COBRA) could be used as a guideline for a SMC report card. It was suggested that the Tri-County Council (Susan Ocker) could provide this information.

Cross-county connectors for transportation are not on the State's list for design funding. The Thornton Commission was a disappointment with regard to funding for St. Mary's County, and with what SMC contributes to the State, these important issues should be re-addressed.

REILLY PROPERTY – FACCHINA GROUP PROPOSAL

Present: Donna Sasscer, DECD

Reilly Property Features

- tidal and non-tidal wetlands consisting of 240.93 acres
- contains 10-15' slopes, Caroline silt loam, Croom gravelly sandy loam which can form shallow gullies
- has significant green infrastructure

Facchina Group Proposal

- contract to purchase the property from the Reillys'
- request to keep the property PUD status for one year
- donate the easements to the Maryland Environmental Trust
- in the future only 1 dwelling per 50 acres
- would consider donating land (30 acres) to the County adjacent to Spring Ridge Middle School for future public use

Benefits to the County

- preserves an environmentally sensitive piece of land at no cost
- assists the County's efforts keeping the Bay interceptor sewer line a denied access line in the RPD
- adds land to the County's preservation efforts when State funds are limited
- gives other landowners in the area the opportunity to participate in land preservation programs

Action requested

- retain Reilly property in PUD status for 18 months
- sign the draft letter of intent with the Facchina Group

Concern was voiced about the timing of the Facchina letter. It was dated after the April 9, 2002 Board meeting where the Zoning Ordinance was passed by the Board. Mr. Lacer explained final modifications to the language of the Zoning Ordinance will be enacted on May 13, 2002. Re-drafting of the Zoning Ordinance (adding language) is near complete and is consistent with the motion the Board adopted a few weeks ago. It will be presented to the Board April 30. Additional information or language can be added.

Commissioner President Randall inquired about the contract Facchina Group has with the Reillys', and if the Reilly property remains a PUD, whether that would give the owners any additional leverage in terms of developing 248 units and connecting to the Bay interceptor. Is there a legal issue with the original PUD? The new zoning ordinance could de-PUD the property but that has not been enacted. PUD status can be expunged if the Board votes to do so.

Commissioner President Randall requested Ms. Sasscer bring back to the Board a definitive answer about the contract status between Reilly and Facchina.

(Commissioner Guazzo was not present for the following discussion)

Later in the meeting after the Commissioners received a copy of the contract signed by both parties, **Commissioner Mattingly moved, seconded by Commissioner**

Anderson, that in addition to the changes directed on April 9, 2002 that the Board direct staff to modify the Zoning Maps to be considered for adoption to reflect the preservation of the PUD-R 0.615 designation for the Reilly Planned Unit Development and thereby confirm the validity of the Development Plan for the Reilly Planned Unit Development; further that, as a condition for maintaining this designation, Mr. Facchina shall, within eighteen months of acquiring title to the property, donate thirty acres of land to the County; and that the remainder of the Reilly PUD may only be developed for residential use at a density of not more than one unit per fifty acres; and further moved that these provisions, including the preservation of zoning category and the conditions thereof, shall be confirmed through a Development Rights and Responsibilities Agreement upon the submission and approval by Mr. Facchina after the effective date and pursuant to the new St. Mary's County Comprehensive Zoning Ordinance; and that this action is for the entire 416 acres. Motion carried.

COUNTY COMMISSIONERS' TIME

Commissioner Mattingly

Attended several functions:

- Honeywell Corp. had a open house 30th Anniversary Celebration;
- Human Relations Commission held its annual Breakfast held on the Navy Base, during which a number of very community-minded people were recognized;
- Maryland State Police had its Open House on Saturday;
- Stopped by Optimist Club Boat Show at Hollywood Fire Department and talked to a number of boat dealers from the area;
- JC Penney had its 100th Anniversary Celebration and Ribbon Cutting;
- Commissioner Raley and I attended the Catholic Daughters 50th Anniversary celebration;
- MVA held a groundbreaking for the full service facility in Loveville; it will be open for service in approximately 14 months.
- Blessing of the Bikes was held Sunday; there were about 500 motorbikes from all of the State and from other areas; proceeds from the event were given to several charities.
- Attended the 14th Annual Congressional Fire Services Caucus and Dinner; approximately 2500 people attended, and President Bush spoke at the event.
- Went to the Tech Center with Christie Dailey of the Environmental Program; a representative from Mirant Energy Group donated a dissolved oxygen meter, which is part of the Breton Bay Watershed project.
- Attended the Little League Season Opening Day.

Commissioner Anderson

- Participated in the 2nd Annual *Month of the Young Child* Banquet; Delegate Bohanan and Viola Gardner were co-chairs of the event; congratulations to Cynthia Brown and Bonnie Elward for putting together this event as well as those who worked with the Young Ladies and Gentlemen Club.
- Attended the St. Clement's Island Museum Volunteer Appreciation Night with Commissioner Randall; this was another example of of the strength of volunteers' commitment in the County.
- On May 15 Southern Maryland Works and the Southern Maryland Workforce Investment Board will be holding a 2002 Southern Maryland Regional Workforce Summit, which will bring together community employers and stakeholders. The results of the year-long research grant will be presented.

Commissioner Guazzo

Stated that she has been out of town the past week and appreciated the other Commissioners' attendance at all these events.

Commissioner Randall

- Referred to a letter from Mr. McCoy of California regarding a problem with the County's railroad right-of-way because of dirt bikes being driven along the path. He was concerned that small children could get hurt. She requested that Mr. Norris, Acting County Attorney, review this and respond as to what could be done to ensure the safety of the children, and to develop an overall policy and enforcement of that policy.
- Referred to an email from the Columbia Commons Homeowners' Association regarding private roads and water service issues and suggested that the Assistant County Attorney and Director of DECD to look into a policy for this situation. She stated that there could be other communities in the same situation and inquired whether there were provisions in the subdivision regulations or zoning ordinance that would preclude this from happening again.
- Reminded everyone about the Special Olympics on Wednesday, April 24 at Leonardtown High School.

EXECUTIVE SESSION

Commissioner Mattingly moved, seconded by Commissioner Raley, to meet in Executive Session on matters of Personnel (Boards and Committees) (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: 4:20 p.m. – 5:00 p.m. (continued 5:25 p.m. – 5:45 p.m.)

Action Taken: The Commissioners made nominations to Boards and Committees and gave direction to staff.

ADJOURNMENT

The meeting adjourned at 5:45 p.m.

Minutes Approved by the

Board of County Commissioners on 04/30/02

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

**PUBLIC HEARINGS
CONSTANT YIELD TAX RATE
FISCAL YEAR 2003 RECOMMENDED BUDGET
(Held at Great Mills 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
Alfred A. Lacer, County Administrator
Elaine Kramer, Director of Finance
L. Jeannett Cudmore, Deputy Director of Finance
Judith A. Spalding, Administrative Assistant to the BOCC (Recorder)

The Hearing opened at 7 p.m.

Mr. Lacer moderated the Public Hearing, introducing the Board of County Commissioners, Finance Director, Deputy Director of Finance, Recorder, and members of the Board of Education.. Ms. Kramer provided a presentation on the FY2003 proposed budget.

Constant Yield Tax Rate

The Board of County 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. Ms. Kramer provided an explanation of the Constant Yield Tax Rate, stating that the subject was properly advertised in *The Enterprise* newspaper. During the presentation, Ms. Kramer outlined the requirements and the particulars regarding the Constant Yield Tax Rate.

The County Commissioners of St. Mary's County proposes to increase real property taxes.

The recommended budget is based on the current tax rate of \$0.908 per \$100 of assessed property value. The rate is 2.1% higher than the constant yield rate (\$.019) certified by the State Department of Assessment and Taxation to the County. The projected FY 2003 property base is \$5,383 billion approximately \$194M higher than the current fiscal year.

Mr. Lacer opened the public hearing for public testimony. The following individual spoke:

Patrick Leard – stated he was not in favor of the increased tax rate.

Fiscal Year 2003 Recommended Budget

The Board of County Commissioners conducted a public hearing on the Board of Education portion of the Fiscal Year 2003 Recommended Budget. Mr. Lacer opened the hearing for public testimony.

The following individuals spoke:

Dr. Patricia Richardson – Thanked the Commissioners for the funding they provided and requested that if an additional \$2M becomes available, to consider the Board of Education.

Wanda Twigg, President of the Education Association – referred to teacher shortage, the need for equitable salaries, and requested support of negotiated agreement.

Mary Edwards, President, School Bus Contractors' Association – Thanked the Commissioners for the assistance provided last year; however, St. Mary's County is only ninth in the State for reimbursement.

Gus Eggert, Patuxent Naval Museum – requested an increase for the museum, which is manned by volunteers; there is a partnership with the schools to help the young people in the community to teach them technology of the Navy.

Andre Becerra (representing State Teachers' Association) – Requested support of negotiated agreement and the need to attract and retain teachers; education should be the Number One priority in St. Mary's County.

Jane Miller-Pankiewicz - Encouraged the Commissioners to fund the \$2M increased requested by the Board of Education; stressed the importance of quality education for the students.

Marilyn Crosby – Thanked the Commissioners for public school funding and stated that the Board has put children first.

Sherri and JW St. Clair – Disappointed in not getting requested funding for special education but commended the Commissioners for their efforts. JW stated that he was a student at Chopticon High School and that he was receiving a good education and that this year he has gotten straight A's.

Nancy Griffith, President, Margaret PTA – Extended thanks to the Commissioners for their hard work and for the renovations for MBMS; pleased to hear that additional funds had been given to the BOE.

James Spear, President of Classified Employees' Association - in support of funding for education; requested an additional \$1M for education.

Erika Haggard, School Improvement Team, Carver Elementary - Thanked the Commissioners for support of the GW Carver School; if financial picture brightens, to consider additional funding for the schools.

Jim Hollis - Appreciated Commissioners' commitment to education; if supplemental funding is provided to it help education.

John Weiner (representing Town Creek Elementary School) – Had previously requested a full time counselor, which was funded this year and the gym is also going to happen.

Heather Bromley (Park Hall) – Thanked the Commissioners for ongoing commitment to education of the children in the County.

Patrick Leard – Thanked the Commissioners for their support of education; 3% of budget is textbooks, and the Commissioners have to make sure the school board allocates funds appropriately.; \$10M budgeted for special education (only 90 students in special education and 2000 students affected by it); if an additional \$2M becomes available consider giving it to something other than education; and have BOE appropriate funding for education.

The hearing closed at 8:25 p.m.