

**ST. MARY'S COUNTY  
BOARD OF COUNTY COMMISSIONERS' MEETING  
Governmental Center  
Tuesday, July 9, 2002**

**Present:** Commissioner President Julie B. Randall  
Commissioner Joseph F. Anderson  
Commissioner Shelby P. Guazzo  
Commissioner Daniel H. Raley  
Alfred A. Lacer, County Administrator  
Donna Gebicke, Administrative Assistant to BOCC (Recorder)

*Commissioner Thomas A. Mattingly, Sr. was absent due to illness.  
Commissioner Shelby P. Guazzo met the Commissioners at the ribbon cutting ceremony  
and was present the remainder of the meeting.*

**CALL TO ORDER**

The meeting was called to order at 10:10 am.

**ADDITIONS/DELETIONS TO AGENDA**

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

**APPROVAL OF CHECK REGISTER**

**Commissioner Raley moved, seconded by Commissioner Anderson, to approve the bills and to authorize Commissioner President Randall to sign the Check Register. Motion carried.**

**APPROVAL OF MINUTES**

**Commissioner Anderson moved, seconded by Commissioner Raley, to approve the minutes of the Commissioners' meeting of Tuesday, June 25, 2002, as corrected. Motion carried.**

**COMMISSIONERS' TIME**

**Commissioner Raley**

- The Lexington Park and South County's 4<sup>th</sup> of July celebration was wonderful.
- St. Mary's College Summer Concert Series experienced its largest attendance to date (approximately 5,000) on July 5th.
- Thanks to the Office of Community Services (Cynthia Brown, Kelsey Bush, Walt Biscoe, and Joe Donick) for their hard work putting on the Freedom Fest.
- Congratulations to the Leonardtown Rotary Club who sponsored the "Delene" concert at Chopticon High School. About 750 people attended.
- Robin Finnacom, Executive Director of the Lexington Park Plan, was successful in getting a grant for \$205,000 for Pathways to Schools. This grant will enable SMC to put in sidewalks on both sides of Shangri-La Drive which is where the library and the renovated Lexington Park Elementary are located.

**Commissioner Anderson**

- The Office of Community Services deserves lots of credit for their work in putting together the Freedom Fest.
- The success of the River Concert Series points to the fact that a cultural and performing arts center may be justified in SMC.

**Commissioner President Randall**

- The DBED grant was received for the revitalization feasibility study thanks to Robin Finnacom. Lots of good things are going on in Lexington Park.



- As a result of the Thornton Commission, the Governor has put together a 21-person task force composed of senators, delegates and others to study public school facilities, formulas, and parity regarding funding. The Governor has appointed me to this task force. Three individuals out of the twenty-one appointed represent rural counties, so we will need to be vigilant.

### PROCLAMATION

The Commissioners presented a proclamation designating July as Recreation and Parks Month. Recreation and Parks staff provided information on the variety of programs and activities available this month and throughout the year and encouraged the public to "come out and play." The Commissioners thanked the staff for the extraordinary services they provide to the citizens of SMC.

*Commissioners advised Recreation and Parks staff that a status report on the BMX track and a briefing and tour of the Piney Point Museum new buildings will be scheduled on upcoming Commissioners' meeting agendas.*

### RIBBON CUTTING CEREMONY

The Commissioners attended the Dr. J. Patrick Jarboe Family Education and Head Start Center ribbon cutting and dedication ceremony in Lexington Park.

### COUNTY ADMINISTRATOR

Present: Alfred A. Lacer, County Administrator

1. Draft Agendas: July 16 and 23, 2002
2. Budget Amendments
  - a. Circuit Court (*Teresa Yeatman, Senior Legal Asst.*)
    - (i) Family Support Services (\$16,563)
    - (ii) Child Support Incentive Funds (\$1,370.00)

**Commissioner Guazzo moved, seconded by Commissioner Raley, to approve and authorize Commissioner Randall to sign the budget amendments for Circuit Court. Motion carried.**

- b. Department of Public Works (*George Erichsen*)
        - (i) Transfer funds from architect/engineering services to correct airport A/E line item (\$12,697)
        - (ii) Transfer funds from prior year asphalt overlay to current year (\$5,266)

**Commissioner Guazzo moved, seconded by Commissioner Raley, to concur with the transfer of funds and approve and authorize Commissioner Randall to sign the budget amendment. Motion carried.**

3. Grant Documents
  - a. Office of the Sheriff (*Sgt. Burris, Patty Litten*)  
Grant Application and Budget Amendment to allocate \$3,500 in Overtime

**Commissioner Guazzo moved, seconded by Commissioner Raley, to approve and authorize Commissioner Randall to sign the grant application and budget amendment. Motion carried.**

- b. Recreation and Parks (*Phil Rollins, Bill Ball*)  
FY 2003 Waterway Improvement Fund Application
          - Wicomico Shores (\$100,000)
          - Abell's Wharf (\$50,000)
          - Abandoned boat and debris removal (\$30,000)
          - Service Contracts Various Public Landings (\$18,000)
          - Tanner Creek (\$15,000)



**Commissioner Anderson moved, seconded by Commissioner Raley, to approve and authorize Commissioner Randall to approve the fund applications and grant agreements. Motion carried.**

- c. Office of Community Services
  - (i) Grant Agreement (\$8,100) and Budget Amendment (\$16,500):  
Lexington Park Community Policing HotSpot Initiative, Phase II  
(*Walt Biscoe, Sgt. Burris, Patty Litten*)

**Commissioner Guazzo moved, Commissioner Anderson seconded, to approve and authorize Commissioner Randall to sign the grant agreement and budget amendment for the HotSpot Initiative, Phase II. Motion carried.**

- (ii) Grant, Budget Amendment (\$5,000) and MOU: MD Forward Summer Youth (*Cynthia Brown; Joseph Donick*)

**Commissioner Raley moved, Commissioner Anderson seconded, to approve and authorize Commissioner Randall to sign the grant agreement, budget amendment and MOU for MD Forward. Motion carried.**

- (iii) Grant Agreement (\$23,620) and Budget Amendment: Pirates Club, HotSpot (*Cynthia Brown, Kelsey Bush*)

**Commissioner Raley moved, Commissioner Anderson seconded, to approve and authorize Commissioner Randall to sign the grant agreement and budget amendment for the Pirates Club. Motion carried.**

- (iv) Grant Agreement (\$23,620) and Budget Amendment: Community Mobilization Lexington Park-Great Mills

**Commissioner Anderson moved, Commissioner Guazzo seconded, to approve and authorize Commissioner Randall to sign the grant agreement and budget amendment for Community Mobilization Lexington Park-Great Mills. Motion carried.**

- (v) Grant Agreement (\$16,160) and Budget Amendment: Twilight Club (*Cynthia Brown, Kelsey Bush*)

**Commissioner Anderson moved, Commissioner Raley seconded, to approve and authorize Commissioner Randall to sign the grant agreement and budget amendment for the Twilight Club. Motion carried.**

- (vi) Grant Modification to extend crisis grant (\$40,000) (*Cynthia Brown, Joe Donick*)

**Commissioner Anderson moved, seconded by Commissioner Guazzo, to approve and authorize Commissioner Randall to sign the grant modification to extend the crisis grant. Motion carried.**

- (vii) Grant Modification and MOU from Dream Team Action Club (\$50,000) (*Cynthia Brown, Joe Donick*)

**Commissioner Guazzo moved, Commissioner Raley seconded, to approve and authorize Commissioner Randall to sign the Dream Team grant modification and MOU. Motion carried.**

- 4. Office of Community Services (*Joe Donick, Jacqueline Beckman, Cynthia Brown, Mark Clark, Lt. Brian Cedar*)
  - a. Review and approval of 3-Year Comprehensive Traffic Safety Program



**Commissioner Raley moved, seconded by Commissioner Anderson seconded, to approve and sign the 3-year Comprehensive Traffic Safety Program. Motion carried.**

- b. Budget Amendment to the Highway Safety Transportation Budget Agreement (\$10,000)

**Commissioner Guazzo moved, seconded by Commissioner Anderson, to approve the Highway Safety Transportation project agreement and the budget amendment. Motion carried.**

Mr. Lacer advised the Board that Commissioner Mattingly and the Department of Emergency Services have been working on a grant agreement which does not require a county match of funds and would provide 52 defibrillators to the county. The grant agreement is currently in the review staff review process, but as the grant deadline is prior to the next meeting of the Board of County Commissioners, it was requested that the Board authorize Commissioner Randall to execute the grant agreement.

**Commissioner Raley moved, seconded by Commissioner Anderson, to approve and authorize Commissioner Randall to execute the grant application following the staff review process. Motion carried.**

5. Recreation and Parks (*Phil Rollins, John Norris*)  
a. Recorded Deed/Resolution/Settlement Statement for Steuart property

**Commissioner Anderson moved, seconded by Commissioner Raley, to approve and sign the resolution and settlement statement for the Steuart property. Motion carried.**

6. Boards and Committees: Appointment Letters

**Commissioner Anderson moved, seconded by Commissioner Raley, to approve and sign letters of appointment to the boards and committees as listed below. Motion carried.**

	<u>Terms To Expire</u>
<u><b>Agriculture, Seafood, and Forestry Commission</b></u>	
Ben Beale	12/31/2004
James O. Farrell	12/31/2004
<u><b>Commission For Women</b></u>	
Kathleen M. Werner	6/30/2006
<u><b>Economic Development Commission</b></u>	
Vince Whittles – <i>Chamber of Commerce Rep.</i>	6/30/2004
<u><b>Historic Preservation Commission</b></u>	
Holly South	6/30/2005
<u><b>Housing Authority Board</b></u>	
Robert B. Gant, Jr.	6/30/2007
<u><b>Human Relations Commission</b></u>	
Kathleen M. Lyon	6/30/2006
Sister Susanne Ashton	6/30/2006
<u><b>Nursing Center Governance Board</b></u>	
Nell B. Hampton - <i>Reappointment</i>	6/30/2005
Debbie Knott - <i>Reappointment</i>	6/30/2003
<u><b>Southern Maryland Travel and Tourism Committee</b></u>	
Patricia Dunlap	NO TERM
Katherine Stormont	NO TERM
Susan Wilkinson	NO TERM
<u><b>Watershed Commission</b></u>	
Francis Jack Russell	6/30/2005



## **REVISED SPACE NEEDS PLAN AND UPDATE ON MEETING ROOM ADDITION**

**Present:** Richard Rohrbaugh, Director Facilities Management  
Walter Schamu, FAIA, SMG Architects

Revisions to Governmental Center space need proposals:

- Finance goes to the 3<sup>rd</sup> floor.
- Human Resources will go to the lower level, along with the Board of Elections and Alcohol Beverage Board.
- The Copy Center will be moved to the opposite side of the corridor facilitating access to a lift to the loading dock.
- The Appeals Court and Archives will be on the first level of the former Sheriff's office. The 2<sup>nd</sup> floor will not structurally support the archives and the building is not ADA compliant due to the lack of elevators and accessible toilet facilities. To avoid the additional costs of providing these items at this time, the 2<sup>nd</sup> floor will remain unoccupied but will be reserved for future expansion.

*Commissioner President Randall recommended the Board of Elections' receive an increase of 200 sq. ft. to allow for at least one additional staff person to help meet long term needs.*

*Commissioner Raley recommended Mr. Rohrbaugh identify the additional 200 sq. ft. for the Board of Elections and then communicate to the Commissioners how this will affect other departments.*

Mr. Schamu presented preliminary architectural schematics and a model for the additions to the Governmental Center and the new meeting room. The meeting room will seat 150+ people. The building will maintain the brick, shingle roof, cupola, and symmetry of the current structural theme. During evening meetings, the rest of the building can be secured. The next steps are to complete drawings, prepare cost analysis and bid package, begin construction. Mr. Schamu is agreeable to present monthly updates to the Board.

*It was recommended that the "secretary" station be removed. The secretary will be seated at the dais with the Commissioners. The distance between the Commissioners and presenters can be shortened from proposed 20 feet.*

## **EXECUTIVE SESSIONS**

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

### **Personnel**

**Present:** Commissioner President Julie B. Randall  
Commissioner Joseph F. Anderson  
Commissioner Shelby P. Guazzo  
Commissioner Daniel H. Raley  
Alfred A. Lacer, County Administrator  
John B. Norris, III, County Attorney  
Donna Gebicke, Adm. Asst. to BOCC, Recorder

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

**Time Held:** 3:45 p.m. – 4:35 p.m.

**Action Taken:** The Commissioners conducted an interview of a candidate for the Ethics Commission and discussed personnel actions and employment contracts and gave direction to staff.



**Property Acquisition**

**Present:** Commissioner President Julie B. Randall  
Commissioner Joseph F. Anderson  
Commissioner Shelby P. Guazzo  
Commissioner Daniel H. Raley  
Alfred A. Lacer, County Administrator  
John B. Norris, III, County Attorney  
Donna Gebicke, Adm. Asst. to BOCC, Recorder

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

**Time Held:** 4:35 p.m. – 6:20 p.m.

**Action Taken:** The Commissioners discussed two property acquisition matters and provided direction to staff.

**DRAFT LIVABILITY CODE  
PUBLIC HEARING**

**Present:** Robin Guyther, Director Permits and Inspections  
John Norris, County Attorney  
Adam Knight, Codes Administrator

Notice of this public hearing was printed in The Enterprise on June 26, and July 3, 2002. The code revisions have been well thought out with a few important revisions:

1. Ability to take a complaint on a livability issue virtually from anyone – not just the tenant.
2. Added a fee schedule which sets forth what fines are charged for certain violations. For example, environmental, fire code safety, and life safety are violations receiving larger fines than minor repairs.
3. Beefed up the criminal violations where habitual violators can be taken to court to seek criminal penalties.

If code violations are found, inspections of the property are now required once per year for three years.

Mr. Norris explained that one of the Commissioners' concerns had been expressed regarding retaliatory evictions. A reference has been added prohibiting retaliatory evictions and referencing the real property article of the State code that addresses the same issue.

*Commissioner Guazzo requested that the identity of the complainant be clarified to include name and address.*

*Commissioner Anderson indicated typographical errors need to be corrected.*

*Commissioner Raley asked about 236-9 D-Transfer of Ownership (page 10). There is a provision that any violations must be remedied before sale of the property. In the Code, it states "all code violations citation notices will immediately be placed in the county land records." Mr. Guyther stated violations have never been placed in the county land records. If they were, a notation would have to be made that remedy was completed.*

**PUBLIC HEARING**

Clare Whitbeck, Leonardtown commended the Commissioners on their willingness to produce a Livability Code for SMC. She suggested on page 5, Item 236-6, that the complainant not be required to identify him or herself. The State code does not require it. A person living in terror of losing their home if they complain may not feel free to give their name, address, phone number. *Commissioner Anderson agreed that complainants not be required to identify themselves.*



Jimmie Coontz, Lexington Park stated that he appreciated the Livability Code includes fines but is concerned as to who will assess the fines and what the time limit is for repairs. He is offended by the "time and neglect" existing in Lexington Manor and by the trash that is purposely dumped at the south end of the property near Hwy. 235. Above all else, please enforce the code and thanks for your hard work.

*Commissioner Guazzo recommended Permits and Inspections identify "categories" and develop an outside finite time such as "up to 30 days" in which a repair must be made after which a fine will be levied. The code official can require "up to 5 days" to make repair or be fined. Health and Safety issues require a shorter repair time than minor repairs.*

The Public Hearing was closed at 7:08 p.m. The record will remain open for 10 days for public comment and then the subject will return to the Commissioner's agenda at a future date for decision.

#### **PUBLIC FORUM**

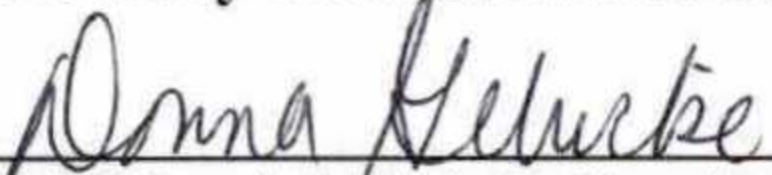
Christie McDonald, 45577 Knockyon, Great Mills, explained her problems with water drainage onto and off her backyard in Hickory Hills South, (Liberty Homes, Guy Curley, Builder). She also questioned why her building does not have concrete between townhome units. The minimum code on multi-family attached privately owned units requires only sheet rock, R-11 insulation and 2x6" studs. Private homes should have the same protection as apartment buildings.

*The Commissioners instructed staff to forward this information to Planning and Zoning (Grimm) and Permits and Inspections (Guyther and Knight) to address these issues on Ms. McDonald's behalf. A discussion on the related codes will be conducted in a future Commissioners' meeting.*

#### **ADJOURNMENT**

The meeting adjourned at 7:24 p.m.

**Minutes Approved by the  
Board of County Commissioners on 7/16/02**

  
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**Donna Gebicke, Administrative Assistant  
to the Board of County Commissioners**