

**ST. MARY'S COUNTY  
BOARD OF COUNTY COMMISSIONERS' MEETING  
December 15, 1998**

**Present:** Commissioner President Julie B. Randall  
Commissioner Joseph F. Anderson  
Commissioner Shelby P Guazzo  
Commissioner Thomas A. Mattingly, Sr.  
Commissioner Daniel H. Raley  
John J. Kachmar Jr., County Administrator (entered meeting at 1:55 p.m.)  
Mortimer L. Smedley, Assistant County Administrator  
Judith A. Spalding, Recorder

**CALL TO ORDER**

The meeting was called to order at 10:00 a.m.

**ADDITIONS/DELETIONS TO AGENDA**

The Commissioners agreed to accept the agenda for today's meeting as presented.

**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.**

**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, Assistant County Administrator  
Judith A. Spalding, Recorder

**Authority:** Article 24, Section 4-210(a) 1  
**Time Held:** 10:03 a.m. – 10:19 a.m.

**Action Taken:** The Commissioners considered appointments for the member-at-large position on the Tri-County Council and agreed to take action in open session.

**Follow Up to Executive Session**

**Commissioner Anderson moved, seconded by Commissioner Mattingly, to forward the nomination of Mary Lynn Stone to the St. Mary's Legislative Delegation for consideration as the member at large of the Tri-County Council. Motion carried.**

The Commissioners further directed that staff prepare correspondence to Mr. Don Brown thanking him for his four years of excellent service on the Tri-County Council.

**APPROVAL OF CHECK REGISTER**

**Commissioner Mattingly moved, seconded by Commissioner Raley, to authorize Commissioner Randall to sign the check register, as presented. Motion unanimously carried.**

During discussion of the motion the Commissioners raised questions on the followings bills:

Page 5 – Charles County Community College – Staff Development (Grammar Review classes (\$3,620)

Page 5 – Calvert County Treasurer for deposit of the county's solid waste (\$44,084)

Page 8 – Gershwin, Brickner and Brattner (consultant to Solid Waste Plan) (\$5,600)

(During discussion of solid waste issues, the Commissioners requested an update on the consultant's contract and time line/summary of solid waste issues. In addition the Commissioners requested a report on the Solid Waste Advisory Committee, its status, membership attendance, active or inactive)

Page 8 – Governmental Center termite control (\$12,050)

Page 16 – Vehicle Maintenance Facility (BOCC requested a report from Public Works on this project).

Page 20 – nine millimeter ammunition (hopefully, for target practice)

### **APPROVAL OF MINUTES**

**Commissioner Guazzo moved, seconded by Commissioner Anderson, to approve the minutes of the Commissioners' meeting of Tuesday, December 8, 1998. Motion carried.**

### **COUNTY ADMINISTRATOR**

Present: Mortimer L. Smedley, Assistant County Administrator

- Calendar of Events
- Draft Agenda for December 22, 1998

(During discussion of the Draft Agenda, the Commissioners agreed to tentatively delete the portion of the Transition Team report relative to MCI, and that a final decision regarding this report would be made after today's executive session regarding the emergency radio contract.)

#### **1. Department of Public Works**

- a) Road Deed to accept Mariann Court, Longfields Boulevard and Greenview Parkway Extended located in Greenview West Subdivision, 8<sup>th</sup> Election District into the County's Highway Maintenance System.
- b) Street Lighting Change Order from SMECO for intersection lighting at Route 4 and Wildewood Parkway.

**Commissioner Guazzo moved, seconded by Commissioner Anderson, to accept and authorize Commissioner Randall to sign the Road Deed accepting the referenced roads into the County's Highway Maintenance System as presented; and further to authorize Commissioner Randall to sign the Street Light Change Order from SMECO as presented. Motion unanimously carried.**

#### **2. SMECO Right-of-Way Easement Agreement (to provide electricity to temporary courthouse)**

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

During discussion of the necessary easements for the project Commissioner Guazzo questioned the ownership of the property underneath the Carter Building, stating that a 99-year lease would have been wiser. After discussion the Commissioners requested a report on the Carter Building relative to its relationship with the County.

**Commissioner Anderson moved, seconded by Commissioner Raley, to authorize Commissioner Randall to sign the SMECO Right-of-Way Easement Agreement as presented. Motion carried.**

3. Information Release  
Announcing water shutoff for the Governmental Center Complex on Saturday, December 19 from 10 a.m. until 4 p.m.

**The Commissioners gave concurrence for the distribution of the Information Release as presented. Motion carried.**

### **REQUESTED REPORTS**

Commissioner Randall suggested that when the Commissioners request reports from staff that the list be prioritized. The priority list for reports requested at today's meeting are: (1) solid waste; (2) maintenance facility; (3) Carter Building.

### **BOARDS AND COMMITTEES**

Relative to Boards, Committees, and Commissions, the Commissioners directed staff to:

- advertise boards that have current vacancies;
- draft a letter for the Commissioners' review to each chair requesting a status report on membership (vacancies, attendance and participation by members, whether board should continue or be abolished); identify those boards that are state mandated, tri-county mandated, and those boards established by Ordinance or Resolution.; and a list of boards that have been dissolved in the last four to six years.

### **BRETON BAY RESORT PROJECT**

Present: J. Harry Norris, III, Mayor of Leonardtown  
Robin Guyther, Town Manager  
Dan Burris, Leonardtown Recreation, Inc.

The referenced representatives from the Town of Leonardtown appeared before the Board to present an update on the referenced Breton Bay Resort project at Tudor Hall Farm.

Areas of discussion included:

- Tudor Hall Farm consists of 400 acres on Breton Bay and is completely within the corporate limits of Leonardtown;
- The project will consist of a public portion (resort hotel, conference center, and golf course) and a 593 housing development (townhouse clusters and detached single family homes);
- All utilities are in place for the development; current sewage facilities are adequate to accommodate this project; however, there are plans to expand the treatment plant.
- The concept plan for the project has been approved by the Town Planning Commission and Leonardtown Council.
- There is an agreement with Buena Vista to operate the conference center and golf course, and a formal contract will be developed.
- That the town will enter into a contract with the buyer of the property to buy the golf course and conference center sites, which would be purchased with proceeds of revenue bonds (town's share of the cost); the project was presented to the Governor, who indicated there should be a local contribution of 25%; the County will be requested at a later date to become a partner in this project. It is anticipated that the room tax for the hotel will be designed to pay back the town and the county. The Town will inform the County by early January as to whether finances will support this project.
- The Town is working with the Department of Planning and Zoning and other county agencies.

- That Director of Finance and Director of Economic and Community Development should work closely with Leonardtown on this project.
- Archaeological study on the property will be done by the developer (any artifacts that are found are planned to be placed in the golf club house).
- That it is anticipated that it will take approximately two years to go through the state permitting process for the marina.
- That the Town will be taking ownership of the old state garage property for a canoe launching area and also looking at acquiring Leonardtown Wharf property.
- Critical Area Commission has suggested that the property be changed from LDA (limited development area) to IDA (intense development area); Town has applied to the County for a growth allocation of 30 acres; Planning Commission will be meeting next week with the Town and then it will come to the Board of County Commissioners.

**DEPARTMENT OF PLANNING AND ZONING  
COMPREHENSIVE LAND USE PLAN – CONSULTANT’S PEER REVIEW**

Present: Jon Grimm, Director, DPZ

Mr. Grimm appeared before the Board to review the Peer Review contract of the Comprehensive Plan for St. Mary’s County. He stated that there were six work tasks included in the consultant’s project, and the final task has been completed (Prepare Final Report). The only outstanding issue with regard to the consultant’s work is a joint Planning Commission and County Commissioners’ briefing. The Planning Commission has agreed to a work session in early January, after which, the Commission would like to get together in a joint meeting with the Board of County Commissioners to discuss the issues and to get direction.

During review of the Proposed Schedule for Unified Land Development Code, Mr. Grimm pointed out that Items #2 (Regulatory Options) and #3 (Annotated Outline) are the framework documents, and that he would like to have those presented by the end of January. Mr. Grimm stated that the consultants would then be prepared to move forward with drafting land development regulations. He further pointed out that the Planning Commission has recommended a new public hearing on the Comprehensive Plan, because of the time lapse since the document went to public hearing.

Discussion ensued regarding: the consultant’s contract and the scope of work under that contract; the costs of the consultant; that there was a need for the consultant to work with staff to ascertain and eliminate regulations that have little chance of acceptance or that would be difficult to administer; and whether or not #4 (Draft Land Development Regulations) should proceed until the Comprehensive Plan is passed. Mr. Grimm noted that Item #4 would not proceed until direction is received on Items #2 and #3 and a joint briefing on the peer review is held.

Other areas of discussion included what remands (by the previous board) are acceptable; the need for a public hearing, the formal waiting period prior to the hearing; the final adoption of the Plan; and concerns about the impact on grant funding if the County does not have a Plan in place.

In conclusion Commissioner Randall recommended that the Commissioners wait until the meeting with the Planning Commission to see what changes are made prior to making decisions about the Plan/Land Development Regulations.

**COUNTY COMMISSIONERS**

**Deregulation of Electrical Industry**

Commissioner Mattingly requested staff to look into what impact (including fiscal) the deregulation of the electrical industry would have on the County. He suggested there may need to be a committee to monitor this.

**MARYLAND ASSOCIATION OF COUNTIES  
LEGISLATIVE REPRESENTATIVE**

**Commissioner Anderson moved, seconded by Commissioner Mattingly, to designate Commissioner Guazzo as the County's Legislative Representative on the Maryland Association of Counties. Motion carried.**

(County Administrator John J. Kachmar entered the meeting at 1:55 p.m.)

**EXECUTIVE SESSION**

**Commissioner Guazzo moved, seconded by Commissioner Mattingly, to meet in Executive Session to discuss matters of litigation (Graham vs. Board of County Commissioners) and potential litigation (emergency radio system), as provided for in Article 24, Section 4-210(a)8. Motion carried.**

**Potential Litigation (emergency radio system)**

Present: Commissioner President Julie B. Randall  
Commissioner Joseph F. Anderson  
Commissioner Shelby P Guazzo  
Commissioner Thomas A. Mattingly, Sr. (left the session at 3:55 p.m. because of possible  
Commissioner Daniel H. Raley conflict of interest)  
John J. Kachmar Jr., County Administrator  
Mortimer L. Smedley, Assistant County Administrator  
Douglas S. Durkin, County Attorney  
Jim Stirling, Director, Office of Capital Projects  
Jim Haley, Procurement Officer  
Linda Opdyke, Legal Assistant  
Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a) 8

Time Held: 2:05 p.m. – 4:14 p.m.

Action Taken: Staff discussed certain potential litigation issues relative to the contract with MCI for the emergency radio system and agreed to take action in open session.

**Litigation (Graham vs. Board of County Commissioners)**

Present: Commissioner President Julie B. Randall  
Commissioner Joseph F. Anderson  
Commissioner Shelby P Guazzo  
Commissioner Thomas A. Mattingly, Sr.  
Commissioner Daniel H. Raley  
John J. Kachmar Jr., County Administrator  
Mortimer L. Smedley, Assistant County Administrator  
Douglas S. Durkin, County Attorney  
"Mac" McClintock, Director, Human Resources  
Mary O'Brien, Risk Manager  
Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a) 8

Time Held: 4:27 p.m. – 5:05 p.m.

Action Taken: Staff updated the Commissioners regarding settlement issues and agreed to take action in open session.

**Follow Up to Executive Sessions**

**Graham vs. Board of County Commissioners**

**Commissioner Guazzo moved, seconded by Commissioner Anderson, to authorize the County Attorney and the Risk Manager to settle the Graham lawsuit as discussed in Executive Session. Motion carried.**

**Emergency Radio System**

Commissioner Randall moved, seconded by Commissioner Guazzo, that we direct our Procurement Officer to send a letter to MCI Systemhouse stating that St. Mary's County is unable to accept any change to the County's November 18 offer. MCI is invited to execute and deliver the original November 18 offer no later than Noon, Tuesday, December 22. Motion carried 4-0-1 with Commissioner Mattingly abstaining.

**ADJOURNMENT**

The meeting adjourned at 5:10 p.m.

Minutes Approved by the  
Board of County Commissioners on 12/22/98

*Judith A. Spalding*  
Judith A. Spalding, Recorder