

ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
January 5, 1999

Present: Commissioner President Julie B. Randall
Commissioner Joseph F. Anderson (arrived at 10:17 a.m.)
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
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.

APPROVAL OF CHECK REGISTER

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

During discussion of the bills, the Commissioners raised questions regarding billing for audio/video tapes; service charges by Nations Bank; car rental; Bell Atlantic mobile unit; Community College (JTPA pass-through funds; the Commissioners requested a briefing on how these funds are moved). In conclusion the Commissioners requested that the Director of Finance attend the first portion of the Commissioners' meeting in order to respond to questions relative to bills.

APPROVAL OF MINUTES

Commissioner Guazzo moved, seconded by Commissioner Mattingly, to approve the minutes of the Commissioners' meeting of Tuesday, December 22, 1998 (including the Planning and Zoning portion). Motion carried.

COUNTY ADMINISTRATOR

Present: John J. Kachmar Jr., County Administrator

- Calendar of Events
- Draft Agenda for January 12, 1999

1. **Recreation and Parks**
Quitclaim Deed
(for .14 acres adjacent to county-owned Abell's Wharf Public Landing in Medley's Neck)

Commissioner Guazzo moved, seconded by Commissioner Mattingly, to authorize Commissioner Randall to sign the Quitclaim Deed as presented. Motion carried.

(Commissioner Joseph Anderson entered the meeting – 10:17 a. m.)

2. **Department of Public Works Items**
 - a. Easement Agreements (2) for storm drain improvements on Lots 7 and 8, Esperanza Farms Subdivision, Section 5B, on the Kane and Angeluzzi properties.

Commissioner Guazzo moved, seconded by Commissioner Raley, to authorize Commissioner Randall to sign the two Easement Agreements as presented. Motion carried.

- b. Public Works Agreement for Avenmar Subdivision, Third Election District; backed by a bond in the amount of \$340,000 provided by the United Pacific Insurance Company.

Commissioner Guazzo moved, seconded by Commissioner Anderson, to authorize Commissioner Randall to sign the Public Works Agreement as presented. Motion carried.

3. Sheriff's Department

(Grant Application to be submitted to Maryland State Police in the amount of \$8,500 for the Foreign Motor Vehicle Registration Enforcement Program)

Also present: Capt. Jamie Raley
Sgt. Dave Zylack

Capt. Raley and Sgt. Zylack explained that grant funds would be used for law enforcement and data entry personnel overtime, for efforts relating to improperly registered motor vehicles; additional deputies will be patrolling specific areas of the County to combat this increasing problem. Vehicles needing maintenance (lights, exhaust) will be monitored, and if vehicle has out-of-state tags, to enforce the requirement for registration in Maryland, if necessary.

After discussion Commissioner Mattingly moved, seconded by Commissioner Anderson, to authorize Commissioner Randall to sign the Grant Application as presented. Motion carried.

4. Selection of Alternate to Maryland Association of Counties

Commissioner Anderson moved, seconded by Commissioner Guazzo, to appoint Commissioner Thomas A. Mattingly as the alternate representative to the Maryland Association of Counties. Motion carried.

COUNTY COMMISSIONER TIME

Public Forums

Commissioner Guazzo indicated that she wanted to assure the public who have been inquiring whether the public forums would be resumed, that this is a topic that the Commissioners will be addressing. The Commissioners will be making a decision as to the format for the forum (location—at Governmental Center or other locations; time period; duration; and the type of forum).

VFW Fire

Commissioner Mattingly referenced the recent fire at the Veterans of Foreign Wars facility, and that the Commissioners were aware of the importance of the organization to the community. He indicated that the Commissioners are totally committed to helping the VFW.

Department of Public Works/Winter Storm

Commissioner Randall expressed appreciation to the Department of Public Works for the effort put forth during the holidays in keeping the roads safe.

SUPPLEMENTAL APPROPRIATION PUBLIC HEARING

Present: Steve Welkos, Director of Finance

The Commissioners conducted the following supplemental appropriation public hearings:

Office on Aging

Also Present: Gene Carter, Director, OOA

(To consider a supplemental appropriation of \$3,000 in State grant funds through the Maryland Department of Aging for the purpose of providing senior health insurance counseling.)

Hearing no comments from the audience, the public hearing was closed; the record will remain open for ten days for additional comments.

Department of Economic & Community Development

Also Present: Martin Fairclough, Director, DECD

(To consider a supplemental appropriation of \$550,000 from the sale of the Skipjack Property, which was previously acquired with Community Development Block Grant funding, and to transfer said funds to the St. Mary's County Community Development Corporation for use in the CDC's Loan Guarantee Program and Attraction and Retention Loan Program.)

Mr. Fairclough explained that the County received CDBG funds in 1994 for the revitalization of the Tulagi Place section of Lexington Park, and the funds were used for the acquisition of the Skipjack property. In 1997 the previous board executed an Offer to Sell the property to the U. S. Postal Service for the relocation of the Lexington Park Post Office. DECD intends to use proceeds of the sale for a loan program for small businesses in the Lexington Park area.

Areas of discussion included: whether other options had been considered (including the Lexington Park library); that if the funds are not used, they will have to be returned to the State; that there were certain restrictions for the use of the funds; the possibility for other means for small business loan programs; that seven area banks had agreed to the format for the loan program; that the program will not be limited to just Lexington Park businesses; and that the Commissioners wanted the focus of the program to be the Lexington Park area.

Because of the need for questions raised by the Commissioners to be addressed, the Commissioners agreed to continue the hearing until next week.

In conclusion Commissioner Guazzo requested documentation of the "substantial demand" for this small business loan as referenced by Mr. Fairclough.

**HOUSING AUTHORITY
DAKOTA PLACE FAMILY CENTER**

Present: Dennis Nicholson, Director, St. Mary's Housing Authority
Margaret Williams, Executive Director, Friends of Family, Inc.
Juanita Nether, Head Start
Cheri Jehu, "

The referenced individuals appeared before the Board to provide an update on the Dakota Place Family Center, a proposed three-story intergenerational facility, consisting of 65,251 square feet. The Center will be a combination of 53 rental housing units (33 of which will be available to low-moderate income applicants, and the remaining 20 will be reserved for elderly with congregate living services); Family Center activities, Head Start programs, and in the future

an aquatic facility. Mr. Nicholson pointed out the sources of funds, including \$770,000 from Small Cities Community Development Block Grant (for which the County will be in competition) and \$700,000 to be requested from the Legislative Delegation.

Other areas of discussion included the poor condition of the current facility; support services for special needs children and parents; working with other county agencies that provide respite and child care services for children with special needs; goals of Friends of Family; marketing survey for Dakota project; competition with private industry; adjacent neighborhoods and the need "to keep up the neighborhood;" alternative plans should the Housing Authority not get full funding; and concerns that the new center would not be accessible to current Head Start participants.

In conclusion Mr. Nicholson stated that he would be presenting a letter for the Board's consideration addressed to the Legislative Delegation indicating the Commissioners' support of the \$700,000 bond bill.

SOLID WASTE BRIEFING

Present: George Erichsen, Director, DPW
Jack Curran, Solid Waste Manager

At the request of the Commissioners, the referenced individuals appeared before the Board to provide a briefing on solid waste issues.

Areas of discussion included presentation of the 270-acre Master Plan; current landfill status; contingency plan, permit approvals; funding requirements to cap cells at St. Andrews Landfill; costs to cap cells 1, 2, and 4 (\$3.8M plus inspection costs and contingencies); prior consultant fee studies; groundwater monitoring program; capacity, life and cost of the \$7.5M expansion of Area "C" under Subtitle D requirement, the continuation of hauling waste outside of the County; whether to exclude commercial haulers (which could increase life of expansion 1 from approximately ten years to 30 years); elimination of \$5.1M in leachate pretreatment facility; history of tipping fees; financing issues (including affordability and reliability of revenue stream); recycling initiatives (cardboard recycling the St. Andrews convenience center wall extension; plans to increase efforts for paper recycling).

Included in the discussion were the Solid Waste Management Plan update and the requirement for the participation of a citizens group (Solid Waste Advisory Committee). The update is estimated to cost \$39,500 with a contract time of six months. The plans should be presented to the Board in April. The Commissioners expressed concern relative to the need for appointments to the Solid Waste Advisory Committee due to five (5) vacancies on the seven (7) member committee.

In conclusion Commissioner Guazzo requested a copy of the prior cost analysis for closing the convenience centers two days a week and information regarding the rubble landfill.

DEPARTMENT OF PLANNING AND ZONING CONTINUATION OF COMPREHENSIVE LAND USE PLAN REVIEW

All Commissioners were present. DPZ staff present were Jon Grimm, Director; Planners Keith Lackie, Jeffrey Jackman and Mary Hayden; and Peggy Childs, Recording Secretary. Planning Commission Chairman Frank Taylor was also in attendance.

COMP PLAN UPDATE

Mr. Grimm provided information received from planning consultant Brian Blaesser that they will expand their peer review comparison of the Ag Overlay and TDR Programs to include the January draft and recommend alternatives for an additional fee of \$17,087. This figure was received in DPZ on January 2nd and has not been negotiated by Central Services.

Commissioner Guazzo stated she thinks the fee is exorbitant, especially since the consultants still have \$23,000 of work awarded to them under their contract, and much of the work required to provide the comparison has already been done. Commissioner Mattingly

agreed. Commissioner Randall said she needs this information and asked if there is any other way to get it? Mr. Grimm replied that staff has the capability to do the comparison; the issue is, in light of the other major projects ongoing in DPZ, how long it will take. He will provide a more definite response to this question at next Tuesday's meeting.

Commissioners Guazzo and Anderson again pressed for use of the January draft as a "springboard" for continuing the plan update. Ms. Guazzo said she was not impressed with the consultant's peer report, adding the things they recommended are nice and should be done at a later date, but are not necessary to adopt the plan now. Mr. Anderson reiterated his December 22nd comment that the county can adopt the plan and establish a time certain to study the Ag Overlay and TDR elements and adjust the plan at that time. Mr. Grimm replied we could certainly stipulate that study but cautioned that these two concepts do not stand alone.

The Commissioners discussed how to proceed. Commissioner Guazzo was in favor of rescinding the previous Board's remand, which would put the plan back on the Commissioners' table and allow them to work with the Planning Commission. Commissioner Anderson advocated meeting first with staff to review the remand and then meeting with the Planning Commission. Planning Commission Chairman Frank Taylor said he thinks the most important thing is for us to come together on where we need to go with whatever plan we decide on.

Commissioner Randall said she is worried about the Ag Overlays and TDR Program and whether there is too much infringement of personal property rights on one hand, and no preservation and no green space on the other. Ms. Guazzo replied that the issues of the remand are covered in the January draft, which has been vetted by the County Attorney and by the public. Ms. Randall replied she has received calls from people on the Lexington Park Planning Task Force stating their issues and input are not reflected in either of the drafts. She said she has asked for a list of their specific concerns but that points out that maybe everything is not addressed in the January plan. Commissioner Raley stated he spent a lot of time on these two plans in the last two weeks and had hoped for a motion today to clear the waters and do away with the September draft and to schedule a work session with the Planning Commission on the January plan, but there doesn't seem to be an overriding consensus to do that, and perhaps allowing another week to get that consensus would be helpful.

After further discussion, the Commissioners scheduled a work session with staff and the Planning Commission on Tuesday, January 19th, at 6:30 p.m. The work session will be held in the Russell Conference Room of the Carter Building. Mr. Grimm will appear before the Commissioners on Tuesday, January 12th to report on negotiation of the consultant's fee and to provide a time line for a possible comparison by staff.

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 and Litigation, as provided for in Article 24, Section 4-210(a)8. 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
 John J. Kachmar Jr., County Administrator (left session at 6:06 p.m.)
 Mortimer L. Smedley, Assistant County Administrator (left the session at 5:40 p.m.)
 Melvin "Mac" McClintock, Director, DHR (left the session at 6:06 p.m.)
 Evelyn Wood, Assistant Personnel Officer (left the session at 5:40 p.m.)
 Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a) 1
 Time Held: 4:35 p.m. – 6:32 p.m.

Action Taken: The Commissioners discussed several personnel issues and gave direction to staff.

Potential Litigation

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
~~Linda Opdyke, Legal Assistant~~
Mary O'Brien, Risk Manager
Judith A. Spalding, Recorder

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

Time Held: 6:33 p.m. – 8:20 p.m.

Action Taken: County Attorney Durkin brought the Commissioners up to date relative to a number of legal issues and received direction from the board.

ADJOURNMENT

The meeting adjourned at 8:20 p.m.

Minutes Approved by the
Board of County Commissioners on 1/12/99

Judith A. Spalding
Judith A. Spalding, Recorder