

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
January 26, 1999**

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, Acting County Administrator
Judith A. Spalding, Recorder

CALL TO ORDER

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

ADDITIONS/DELETIONS TO AGENDA

Commissioner Anderson moved, seconded by Commissioner Mattingly to accept the agenda as amended (to substitute an executive session on various personnel matters for the executive session on boards, committees, commissions). Motion carried.

APPROVAL OF CHECK REGISTER

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

During discussion of the bills, the Commissioners raised questions regarding electric bills for certain buildings (detention center and Carter Building) and requested the Director of Finance to provide a perspective of electrical bills for these buildings and the Governmental Center.

APPROVAL OF MINUTES

Commissioner Anderson moved, seconded by Commissioner Mattingly, to approve the minutes of the Commissioners' meeting of Tuesday, January 19, 1999 as corrected. Motion carried.

COUNTY ADMINISTRATOR

Present: Mortimer L. Smedley, Acting County Administrator

- Draft Agenda for February 2, 1999
- 1. **Budget Amendments**
 - a. No. 99-22 – State's Attorney's Office - \$15,000
(Funds for Other Contract Services – Including expert witness testimony and review))

Commissioner Guazzo moved, seconded by Commissioner Anderson, to approve and authorize Commissioner Randall to sign Budget Amendment No. 99-22 as presented. Motion carried.

- b. No. 99-23 – Legal Department (\$90,000)
(Graham vs. St. Mary's County Settlement)

Commissioner Guazzo moved, seconded by Commissioner Anderson, to approve and authorize Commissioner Randall to sign Budget Amendment No. 99-23 as presented. Motion carried.

2. Department of Public Works
 - a) Permanent Drainage and Temporary Construction Easement from O'Brien Home Sales, Inc. for property located in the Bayberry Subdivision, Lot 29; easement is for construction of the Buck Hewitt Road, Phase 3, Capital Improvement Project, which includes road widening, curb and gutter, sidewalk, and drainage improvements.
 - b) Public Works Agreement Addendum for Persimmon Hills Subdivision, Section 2, located in the Fifth Election District; new bond in the amount of \$173,000 has been provided by United Pacific Insurance Company.
 - c) Public Works Agreement Addendum for Persimmon Hills Subdivision, Section 1, located in the Fifth Election District; new bond in the amount of \$65,000 has been provided by United Pacific Insurance Company.
 - d) Grading Permit Addendum for Persimmon Hills Subdivision, Phase 1, located in the Fifth Election District; new bond in the amount of \$42,252 has been provided by United Pacific Insurance Company.
 - e) Public Works Agreement Addendum for Mayfaire Apartment Community, located in the Eighth Election District; bond in the amount of \$57,000 has been provided by Fidelity & Deposit Company of Maryland.

Commissioner Anderson moved, seconded by Commissioner Guazzo, to approve and authorize Commissioner Randall to sign documents (a) and (e) as presented. Motion carried.

The Commissioners requested the Department of Public Works to elaborate on items (b), (c), (d), relative to the references to Sections 1 and 2, and Phase 2 of Persimmon Hills project and their relativity to the water and sewer amendment request.

3. Resolution No. 99-03 – Cable Advisory Committee
(Public Access Handbook with Approved By-laws)

Also Present: Kim Shearin, Assistant County Attorney

Commissioner Raley moved, seconded by Commissioner Mattingly, to approve and sign Resolution No. 99-03 as presented.

During discussion Commissioner Randall requested confirmation that the process that is in place for appointments to boards was done for the Cable Advisory Committee.

4. Cell Phone Use Policy

Commissioner Raley moved, seconded by Commissioner Mattingly, to approve the Cell Phone Use Policy as developed by the Acting County Administrator and further that it be distributed to all departments. Motion carried.

5. Fiscal Year 2000 Budget Review Schedules

The Commissioners reviewed the latest revised budget review schedule and agreed that it be published and distributed.

6. Information Release (Recycling)

The Commissioners agreed to distribute the Information Release announcing the telephone directory recycling program, which began January 22, 1999.

WORKFORCE INVESTMENT ACT

Present: Martin Fairclough, Director, DECD
Ann Smith, Dean of Career and Technology Education

As requested by the Commissioners the referenced individuals appeared before the Board to explain Workforce Investment Act and the designation of a service delivery area under that Act and to sign a letter to the Governor requesting to be part of a tri-county service delivery area.

Mr. Fairclough indicated that a response was needed to the Governor if St. Mary's wanted to continue to be part of the three-county service delivery area. The designation is the first step in the design of a streamlined Job Training Infrastructure for the County through the Workforce Investment Act.

Areas of discussion included that the program was a positive initiative; that the three counties should work together to ensure a successful program; composition of the Private Industry Council (including two vacancies from St. Mary's); coordination of services to avoid duplication.

After discussion Commissioner Guazzo moved, seconded by Commissioner Mattingly, to authorize Commissioner Randall to sign the letter to the Governor's Workforce Investment Board requesting temporary designation to remain a service delivery area to include Charles, Calvert, and St. Mary's, and further naming Acting County Administrator Mortimer Smedley to be the point of contact for St. Mary's. Motion carried.

After discussion Commissioner Guazzo requested a list of private enterprise representatives who had previously served on the Private Industry Council in order to get input from them. In addition Commissioner Randall requested an updated list of agencies that provide services to the same population.

**PATUXENT TIDEWATER LAND TRUST
RURAL LEGACY PROJECT**

Present: James Conrad, Executive Director, Patuxent Tidewater Land Trust
Donna Sasscer, Agricultural, Seafood, Forestry Specialist, DECD
Debi Osborne, Trust for Public Land
Norton Dodge, Owner of Cremona Farm

Mr. Conrad appeared before the Board to provide an update on the first round of funding and to present the Rural Legacy grant application, which is due February 1, for the second round of funding from the State. The Rural Legacy Project for St. Mary's County is Huntersville - Patuxent River area.

Areas of discussion included:

- ❖ That St. Mary's County received \$3,000,000 in first round funding to undertake the Huntersville- Patuxent River project; which was not enough to complete the two first priority transactions.
- ❖ That the project's major weaknesses identified by the Rural Legacy Board are: (1) that the County has not demonstrated a commitment to improved land-use policies; (2) that the County has not demonstrated a commitment to the Rural Legacy project by offering matching funds.
- ❖ That the next round of funds will be very competitive for limited state funding.
- ❖ That having a commitment from the County for matching funds would strengthen the grant application.

- ❖ That essential aspects for the rural legacy program are the completion of the Comprehensive Plan and the establishment of TDR's.
- ❖ That the Patuxent Land Trust would like to get SMECO to donate an easement of the property between Cremona and Delabrooke in order to expand the protected area.
- ❖ The approximate easement costs (Commissioner Guazzo indicated they were out of line); that Commissioner Guazzo believed that a bulk of Cremona Farm acreage was in a foundation, and that this should be looked into to ensure there are no encumbrances; that very little of Delabrooke Manor is above flood plain, which would have a lot to do with purchase price of easements; and that the County should look at the SMECO as a possible 5th District Park site (to get SMECO to donate or to partner with the County).

In conclusion Mr. Conrad requested the Commissioners to sign a letter of support forwarding the grant application; and to consider granting \$1,050,000 in matching funds for easement purchases and administrative costs.

After discussion Commissioner Anderson moved, seconded by Commissioner Mattingly, to provide a letter of support for the Patuxent Tidewater Land Trust in support of the grant application for the Rural Legacy project. Motion carried.

EXECUTIVE SESSION

Commissioner Mattingly moved, seconded by Commissioner Anderson, to meet in Executive Session to discuss a matter of Personnel (Consideration of Board of Education member selection), as provided for in Article 24, Section 4-210(a)1. Motion carried.

Personnel (Selection of Board of Education Member)

Present: Commissioner President Julie B. Randall
Commissioner Joseph F. Anderson
Commissioner Shelby P Guazzo
Commissioner Thomas A. Mattingly, Sr.
Commissioner Daniel H. Raley

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

Time Held: 12:15 p.m. – 1:35 p.m.

Action Taken: The Commissioners discussed the selection of the Board of Education member and agreed to take action in open session.

Follow Up to Executive Session

Commissioner Anderson moved, seconded by Commissioner Guazzo to appoint Stephen Kracinovich as the new Board of Education member. Motion carried.

Resolution No. 99-02

Appointment to Fill Vacancy on Board of Education

Commissioner Mattingly moved, seconded by Commissioner Anderson, to approve and sign Resolution No. 99-04 – *Appointment to Fill Vacancy on Board of Education* – appointing Stephen Kracinovich. Motion carried.

Signing of Commission

Commissioner Mattingly moved, seconded by Commissioner Anderson, to approve and sign the Commission appointing Stephen Kracinovich as the Board of Education Member at Large. Motion carried.

**DEPARTMENT OF RECREATION AND PARKS
DEPARTMENTAL OVERVIEW**

Present: Phil Rollins, Director
R&P Staff members
Jim Stirling, Director, Capital Projects

Mr. Rollins appeared before the Board to present an overview of the Department of Recreation and Parks. The report included the function and activities of the Administration Division, Recreation and Parks Division, Parks Maintenance, Wicomico Shores Golf Course, and Museum Division; FY '99 Budget Summary (General Fund supported Budgets, Enterprise Funds, Program Open Space, and Impact Fees).

Issues discussed included:

Wicomico Shores Golf Course

- ❖ Whether the Advisory Board should continue or be abolished;
- ❖ The need to improve the facility because of growth of the County;
- ❖ That the issue of whether to privatize the golf course should be revisited;

Myrtle Point

- ❖ That Mr. Rollins indicated he needed direction from the Commissioners regarding the Myrtle Point Master Plan, which had been adopted by the previous board. He inquired whether the Board wanted to move forward with implementing the Plan or to reconsider it.
- ❖ Review of Alternatives and Options if the Commissioners rescind the previous board's action (including having the consultant that proposed the Plan to provide information regarding activities at the park; hire another consultant to do a peer review;) completely redo the Plan; rescind the Plan and do nothing at this time (cooling off period).
- ❖ If Plan is rescinded that consideration be given to transferring all or some of the funds for design and construction of another project.
- ❖ That archaeological and historical aspects need to be addressed.
- ❖ Suggestions/Discussion by Commissioners included:
 - Commissioner Guazzo - That a cooling off period was needed and to leave \$25,000 of the appropriation should the County decide later to do something with the plan, and to appropriate the \$200,000 balance to another project; that she had not been satisfied with the methodology of the consultant; and that the Plan should project the needs of the county for five to ten years.
 - Commissioner Mattingly – That because the County had already invested \$30,000, the current consultant could revisit the plan and provide a footprint; have them look at archaeological and nature aspects of the park.
 - Commissioner Anderson – Indicated that the County should not start from scratch on the Plan, that it could serve as a basis, but is too heavy in terms of development. Progress on the Plan should continue.
 - Commissioner Randall – Stated that the County's requirements should be identified first before moving forward with the Plan; e.g., what will be needed in this area ten to 20 years from now in terms of education and senior citizens.

After discussion Commissioner Mattingly moved, seconded by Commissioner Anderson, to use Option 3 - Rescind the current Myrtle Point Master Plan and do nothing at this time; and use Option 1A -to have the current consultant provide the information needed at a cost of approximately \$2500 to \$5,000. Motion carried four to one with Commissioner Guazzo voting against.

COUNTY COMMISSIONER TIME

Letter from Teen Center

Commissioner Raley referred to the January 7 letter from the Teen Center regarding liability issues and authority for applying for grants, and suggested that the letter be forwarded to the County Attorney.

General Meeting of County Employees

Commissioner Anderson referred to today's staff meeting with department heads and suggested that a general meeting with all employees be scheduled in the future.

Introduction of New Employees

Commissioner Randall stated that Commissioner Levy of Charles County mentioned to her that Charles County schedules an introduction of new employees, and suggested that the Commissioners may want to do a similar program.

EXECUTIVE SESSIONS

Commissioner Mattingly moved, seconded by Commissioner Anderson, to meet in Executive Session to discuss matters of Personnel as provided for in Article 24, Section 4-210(a)1. Motion carried.

Personnel (Staff Meeting)

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

(Department Heads/Managers: Ann Anderson, Jeanine Berretta, Cynthia Brown, Douglas Durkin, George Erichsen, Martin Fairclough, Jon Grimm, Jim Haley, Larry Harvey, Ebenezer Israel, Melvin McClintock, Jan Norris, Dennis Nicholson, Judy Pedersen, Phil Rollins, Jim Stirling, Steve Welkos, Paul Wible)

Authority: Article 24, Section 4-210(a) 1
Time Held: 3:50 p.m. - 5:45 p.m.

Action Taken: The Commissioners conducted a department head staff meeting that included discussion of personnel issues.

Personnel

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
Melvin McClintock, Director, DHR
Gary Waitt, Acting Administrator, Nursing Center (attended from 6 p.m. to 7:08)
Rick Fritz, State's Attorney (attended from 7:08 p.m. - 8:10 p.m.)
Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a) 1
Time Held: 6:00 p.m. – 8:20 p.m.

Action Taken: The Commissioners discussed a number of personnel issues (Nursing Center, State's Attorney's Office, Public Information Officer and 911 Project Manager) and gave direction to staff.

Follow Up to Executive Session
State's Attorney's Office

Commissioner Anderson moved, seconded by Commissioner Guazzo, to allow the State's Attorney to follow his legal mandate with regard to his budget and employees. Motion carried.

ADJOURNMENT

The meeting adjourned at 8:30 p.m.

Minutes Approved by the
Board of County Commissioners on 2/2/99

Judith A. Spalding
Judith A. Spalding, Recorder