

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
February 9, 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 presented. Motion carried.

APPROVAL OF CHECK REGISTER

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

APPROVAL OF MINUTES

Commissioner Guazzo moved, seconded by Commissioner Anderson, to approve the minutes of the Commissioners' meeting of Tuesday, February 2, 1999 as corrected. Motion carried.

COUNTY ADMINISTRATOR

Present: Mortimer L. Smedley, Acting County Administrator

- Draft Agendas for February 16, 1999 and February 23, 1999
- 1. Resolution / Budget Amendment 99-24 (\$187,823)
(Loveville Elementary School Relocatable Classrooms – Public Facilities Bonds of 1997)

Also Present: Steve Welkos, Director of Finance
Brad Clements, Dir., Facilities, Buildings, and Maintenance, St. Mary's Public Schools

After discussion Commissioner Guazzo moved, seconded by Commissioner Mattingly, to approve and sign the Resolution and to approve and authorize Commissioner Randall to sign the Budget Amendment. Motion carried.

(Commissioner Randall requested Mr. Clements to provide information relative to cost savings and cost overruns on projects, similar to what is given to the Board of Education.)

- 2. Ordinance – Fiscal Year 1999 Supplemental Appropriation
Department of Economic and Community Development (\$550,000)

Commissioner Mattingly moved, seconded by Commissioner Anderson, to approve and sign the Supplemental Appropriation Ordinance as presented. Motion carried.

3. Follow up to ALPD Public Hearing held on January 19, 1999
(ALDP #98-2918 Deep Falls Partnership; ALPD #98-2622 Leonard T. Bowles;
ALPD #98-2471 Edwin P. Johnson; and ALPD #98-2231 Paul A. Tennyson)

Also Present: Donna Sasscer, Agricultural/Seafood Specialist

Commissioner Anderson moved, seconded by Commissioner Mattingly, to approve the referenced landowners' requests to become Agricultural Land Preservation Districts and sale of development rights easement. Motion carried.

4. Boards, Committees and Commissions

Commissioner Raley moved, seconded by Commissioner Guazzo, to appoint Mortimer L. Smedley to the following boards: Building Authority Commission and Sheriff's Department Pension Plan Board of Trustees. Motion carried.

5. Department of Public Works Items

- a. Public Works Agreement Addendum for Chestnut Hills, Section 5, 2nd Election District; backed by a Letter of Credit in the amount of \$64,000 provided by Crestar Bank
- b. Public Works Agreement Addendum for Mayfaire Apartment Community, 8th Election District; backed by a bond in the amount of \$57,000 provided by Fidelity & Deposit Company of Maryland
- c. Public Works Agreement Addendum for Wildewood (Cherry Laurel Parkway) 8th Election District; backed by a Letter of Credit in the amount of \$23,000 provided by First National Bank of St. Mary's
- d. Public Works Agreement Addendum for Victoria's Grant 8th Election District; backed by a Letter of Credit in the amount of \$42,000 provided by Maryland Bank & Trust Company
- e. Public Works Agreement Addendum for Westbury PUD, 8th Election District; backed by a bond in the amount of \$85,000 provided by Frontier Insurance Company
- f. Public Works Agreement Addendum for St. George Hundred, 8th Election District; backed by a Letter of Credit in the amount of \$20,000 provided by Suburban Bank of Maryland
- g. Public Works Agreement for Hilton Ridge Estates, 8th Election District; backed by a Letter of Credit in the amount of \$237,200 provided by First National Bank of St. Mary's

Commissioner Guazzo moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner Randall to sign referenced Addenda to Public Works Agreements and the Public Works Agreement as presented. Motion carried.

6. **Information Release
(announcing the selection of Interim Public Information Officer)**

The Commissioners agreed to distribute the Information Release announcing the selection of Charlene Newkirk as the Interim Public Information Officer, effective February 16, 1999.

BALTIMORE GAS AND ELECTRIC CALVERT CLIFFS UPDATE

Present: Charles H. Cruse, Vice President for Nuclear Energy
John C. Smith, Government Relations Representative, Public Affairs

The referenced individuals appeared before the Board to provide the annual update regarding the Calvert Cliffs Nuclear Power Plant operation. The presentation included BGE's community involvement; radiation doses, environmental scores, power competition. BGE has had record generation at the plant (lower costs have made BGE competitive); licensing requirements; improvements in RAD safety for employees (monitoring, maintenance area training). In addition Mr. Cruse indicated that BGE is going through a major transition with the

Electrical Commission and stated that by the Year 2000, customers will be able to choose their own energy supplier. BGE plans to stay in the generation business and will not be selling its generation plants.

In closing Mr. Cruse and Mr. Smith expressed appreciation to the Commissioners for their continued cooperation with the emergency evacuation plan, and offered to take the Board on a tour of the BGE facility.

OFFICE OF CENTRAL SERVICES (TRANSPORTATION DIVISION) DEPARTMENTAL OVERVIEW

Present: Jim Haley, Manager, Office of Central Services
George Jarboe, Transportation Supervisor, OCS
Jackie Stone, Assistant Transportation Supervisor

The referenced staff from the Office of Central Services appeared before the Board to present an overview of the Transportation Division. The report included: services (public transportation – four routes, ADA paratransit, R&P Hot Spots Program transportation, base contractor transportation initiative – funded by contractors, medical adult day care and nutrition site transportation for Office on Aging – cost of which is divided proportionately with OOA); expansion of services (job access route, hours of operation, funding sources); Charlotte Hall Route, hours of operation, and funding sources; operational changes (detention center work incentive program inmates washing and cleaning buses; STS office will be moving to St. Andrews Maintenance facility so that all transportation activities will be in one location).

Areas of discussion included:

- How to make arrangements for special pick ups;
- Whether it would be more cost efficient to use smaller vehicle for the special trips;
- Whether service could be provided to St. Mary's College or seasonal locations (e.g., Point Lookout State Park) staff to contact DECD for assistance (grants);
- Collection of data to measure actual cost per ridership;
- Analysis of contributions from the County to MTA (how much of taxpayers money is going to transportation (to assist in terms of grants);
- Age and lifetime of buses and training for drivers.

Commissioner Anderson requested that Mr. Jarboe coordinate with the Work Force Development Committee, a subcommittee of the Economic Development Commission, to determine what function the county's bus transportation system could play in the process.

A copy of the report is on file in the Commissioners' Office.

DEPARTMENT OF RECREATION AND PARKS (CONTINUATION OF DEPARTMENTAL OVERVIEW)

Present: Phil Rollins, Director, R&P
Jim Stirling, Director, Office of Capital Projects

Mr. Rollins and Mr. Stirling appeared before the Board to continue the overview of the Department of Recreation and Parks. The presentation included:

Swimming Pool

- Approximately \$780,000 has been appropriated for design and construction;
- Three design options: traditional lap pool (\$700,000), community water park (\$1.2M - \$3M); lap pool with bubble cover (additional \$250,000 for bubble);

- Potential locations for pool (e.g., Chancellor's Run/Nicolet Park)
- Direction needed whether Commissioners are willing to subsidize the pool operating budget and what type of pool;
- R&P Subcommittee will be making recommendations to R&P Board, which will in turn make a recommendation to the Board of County Commissioners.

Willows Road Design and Construction

- County has a 25-year lease with Navy for the use of Willows Road property for a park;
- Design and Plan approvals should be completed by spring with Phase I construction to begin in the summer;
- Feedback from Navy re AICUZ issues is expected shortly (because of AICUZ and topography site is not suitable for a pool);
- Need for community requirements (e.g., seniors and handicap) to be taken into consideration before park proceeds;
- Necessity for zoning change, which is tied to the adoption of the Comprehensive Plan and rezonings (the Commissioners indicated that the adoption of the plan and zoning changes should not hold this project up);

Gymnastics Center

- Recommendation will be coming to the Board whether to improve and expand existing facility (old K-Mart building) or to look to a new location;

Nicolet Park

- Master Plan is underway for redevelopment of existing six acres in conjunction with use of adjacent 29 acres of undeveloped land;
- Consideration is being given to locating the Lexington Park library at this site with a shared entrance for park facilities and the library;

St. Mary's Public Landing Acquisition

- Project has been included in the FY 2000 CIP;
- R&P is exploring the possibility of acquiring 5.6 acres, which is in the floodplain, on the headwaters of the St. Mary's River in partnership with MDE;
- Requesting general concurrence from the Board with the project, and if in agreement, staff would return with a budget amendment to transfer \$5,000 to do an appraisal; once this is completed Mr. Rollins will submit a grant application. (Commissioners would like information regarding the displacement of residents on this property and if they will be relocated; and operations and maintenance cost of the project.)
- After discussion the Commissioners indicated their support of the concept. (Mr. Rollins will provide information requested prior to presenting the grant application.)

Northern County Land Acquisition and Park Development

- Three different properties have been appraised and negotiations held with property owners; if no properties are identified, a temporary option would be to use county-owned land between the convenience center and Lettie Dent Elementary School for the construction of soccer fields.

- There is a pressing need for additional athletic fields in this area (it was noted that Recreation and Parks would be willing to lease property in the northern end of the County for athletic fields.)
- During reference to the possibility of using SMECo property, the Commissioners directed Mr. Rollins to draft a letter to SMECo about the possible use of its property.
- Discussion regarding the deficits/surpluses of park properties according to the draft Land Preservation Recreation Plan.

Property Issues

- Numerous property issues, most of which are being handled by the County Attorney's Office.

RESOLUTION NO. 99-04 PUBLIC HEARING - METROPOLITAN COMMISSION INFRASTRUCTURE BONDS, 1999 SERIES A

Present: Steve King, Director, MetComm
Joe Mitchell, Attorney, “
Larry Petty, former Director, “

The Commissioners conducted a public hearing on the proposed issuance of St. Mary's County Metropolitan Commission Infrastructure Bonds 1999, Series A, in connection with loans to be made by the Maryland Community Development Administration from its Infrastructure Loan Program. The proposed Resolution authorizes the issuance and sale of MetComm's Infrastructure Bonds in an amount not to exceed \$2,100,000. Said bonds to be issued on the full faith and credit of the Board of County Commissioners of St. Mary's County. The proceeds of the bonds will be used to finance the Wicomico Shores Sewer and Water, Phase II, and Maryland Route 235 Sewer and Water relocations Phase I and II. The proposed Resolution has been reviewed by counsel for MetComm, the County Attorney, and bond counsel for MetComm and the County.

It was noted that there were two versions of the last page because of the discrepancy in the use of the Board of County Commissioners' name. The reference in the Code of St. Mary's County (Metropolitan Commission Article) refers to "County Commissioners of St. Mary's County" and the proper name is "Board of County Commissioners of St. Mary's County." Bond Counsel will advise which one is appropriate for this Resolution.

The hearing was opened for comments from the audience; hearing none the public hearing was closed.

Commissioner Anderson moved, seconded by Commissioner Mattingly, to approve and sign Resolution No. 99-04 – St. Mary's County Metropolitan Commission Infrastructure Bonds 1999, Series A. Motion carried.

COUNTY COMMISSIONERS' TIME

Proposed Regional Community College

Commissioner Randall advised that Dr. Elaine Ryan, President of Charles County Community College, has coordinated a meeting among the tri-county commissioner presidents to discuss the community college regionalization legislative proposal. The meeting is scheduled for February 19, 12:30 p.m., place to be determined. All of the Commissioners are invited to attend if possible.

Visit from Secretary Lewin (Department of Business and Economic Development)

Commissioner Randall advised that John Bohanan from Congressman Hoyer's office advised that Secretary Lewin will be touring Southern Maryland late afternoon on February 18. He will be touring the base and giving a briefing at the VEDA conference room at 4 p.m. The Commissioners have been invited to dinner at the Wildewood Retirement Village with Secretary Lewin in the evening.

(staff was directed to request DPZ to change the joint meeting between BOCC and Planning Commission from February 18 to February 22 or 23.)

Naval Air Test and Evaluation Museum

Commissioner Randall stated that Mr. Bohanan advised that the State has released \$50,000 for the relocation of the Navy museum.

Sunshine Day Care Center

Commissioner Mattingly referred to an article in the Sunday's Washington Post that the Sunshine Day Care Center located on the hospital grounds may be closing down because the hospital needs the property. He requested staff to look into the situation, ask the hospital to look at other options and allow the Center to remain.

(Areas of discussion included: the need for a "needs assessment" for child care; that DECD has done a survey; staff to also work with Mayor of Leonardtown to look at options; start up costs for day care providers; and the possibility of including this issue with the Work Force Development Task Force.)

Dukehart's Creek Dredging Project

Commissioner Guazzo advised that the residents of Dukehart's Creek area in the Seventh District have requested a formal taxing district for the dredging and maintenance of the creek. \$15,000 has been appropriated by the State and if not used by July 1, 1999 the funds could be lost. She requested that the County Attorney be directed to go forward with this project. The Commissioners gave their consensus to request the County Attorney to move forward with the establishment of a special taxing district for the Dukehart's Creek project. Because of the County Attorney's concern that the County would be responsible for maintenance if the project moved forward, Commissioner Guazzo suggested that language in the Resolution indicate that the County would not be responsible.

EXECUTIVE SESSION

Commissioner Anderson moved, seconded by Commissioner Mattingly, to meet in Executive Session to discuss a matter of Personnel (Consideration of appointments to Boards, Committees, and Commissions), as provided for in Article 24, Section 4-210(a)1. Motion carried.

Personnel (Boards, Committees, Commissions)

Present: Commissioner President Julie B. Randall
Commissioner Joseph F. Anderson
Commissioner Shelby P Guazzo
Commissioner Thomas A. Mattingly, Sr.
Commissioner Daniel H. Raley
Delores Lacey, Appointments Secretary
Judith A. Spalding, Recorder

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

Time Held: 4:10 p.m. - 6:10 p.m.

Action Taken: The Commissioners reviewed the status sheet, made nominations, and gave direction to staff.

PUBLIC FORUM

Prior to the commencement of the public forum, former County Attorney and former Delegate J. Ernest Bell, II appeared before the Board to provide a briefing on the history of the St. Mary's County Open Meetings Law. (Mr. Bell was on the Committee that developed the Open Meetings Act.)

The Board of County Commissioners conducted the monthly public forum. Questions/comments from the audience included:

Ken Hastings – Requested status of Solid Waste Advisory Committee; referred to a proposed solid waste facility and the requirements as set forth in the County's Solid Waste Plan; advised that he was denied a copy of the letter from Department of Public Works regarding the Solid Waste Advisory Committee (Commissioner Randall stated that the Commissioners will look at the letter and if they feel it will not violate confidentiality, then he would be given a copy).

Mary Bailey – Expressed concern relative to the Commissioners' disregard for the Open Meetings Law stating that they were elected to represent the general public.

Clare Whitbeck – Addressed a number of issues relative to the suggested revisions to the January 1998 Comprehensive Plan (permitting major subdivisions in the RPD without use of Rural Residential Floating Zone; and providing that sections of major subdivisions which have not been platted before the new Plan takes effect should be considered under the new plan and ordinances.

David Triantos – Questioned the use of the sign-up sheet stating that it "filters out" people who may decide to speak after the meeting started.

(Delores Lacey took the minutes from this point on – 7:10 p.m.)

Bob Lewis – Expressed appreciation to the Board for the first Public Forum of this Board and requested the Board to proceed with Tulagi Place Master Plan and adopt the Plan right away. He forwarded a letter referencing this request from the Lexington Park Focus Group to be included on the Commissioners' Mail Log.

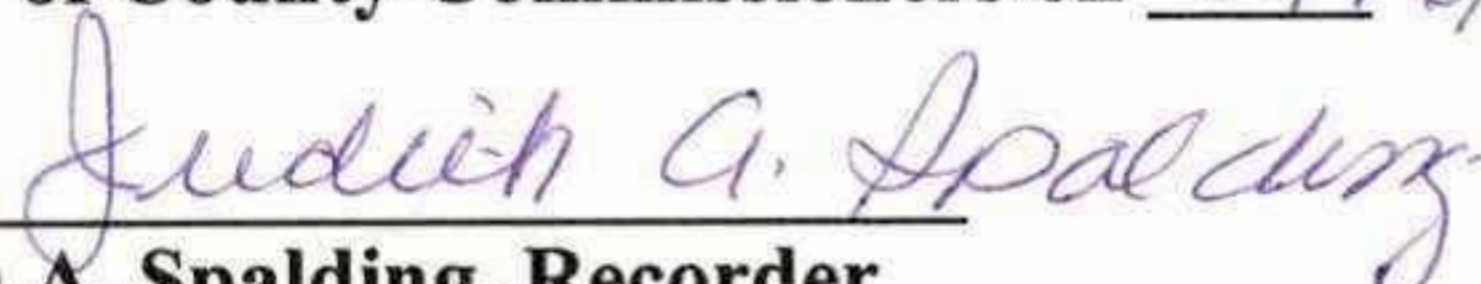
Donald Brown – Asked if this Board intends to continue with Staff Meetings and making them executive session.

Commissioner Randall stressed that this Board of Commissioners intends to abide by the Open Meetings Law of St. Mary's County, and if and when it is necessary to have executive sessions with staff, they will do so. The staff meeting did fall under the provisions of the Open Meetings Law. She noted they would not hold any more executive sessions than necessary.

ADJOURNMENT

The meeting adjourned at 7:20 p.m.

Minutes Approved by the
Board of County Commissioners on 2/16/99



Judith A. Spalding, Recorder