

**ST. MARY'S COUNTY  
BOARD OF COUNTY COMMISSIONERS' MEETING  
May 25, 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, County Administrator  
Judith A. Spalding, Recorder

**CALL TO ORDER**

The meeting was called to order at 10:05 a.m.

**ADDITIONS/DELETIONS TO AGENDA**

**Commissioner Mattingly moved, seconded by Commissioner Raley, to accept the agenda as amended (to add executive session on personnel with Community Development Corporation at 11:45 a.m.). Motion carried.**

**APPROVAL OF CHECK REGISTER**

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

(Commissioner Raley requested a memorandum from Mr. Haley, Manager, Office of Central Services, regarding the status of the air carrier terminal at the County Airport.)

**APPROVAL OF MINUTES**

**Commissioner Raley moved, seconded by Commissioner Anderson, to approve the minutes of the Commissioners' meeting of Tuesday, May 18, 1999 as presented. Motion carried.**

**COUNTY ADMINISTRATOR**

**Present:** Mortimer L. Smedley, County Administrator

- Draft Agendas for June 1, 1999 and June 15, 1999
- August Schedule

(Because there are five Tuesdays in August, the Commissioners agreed to tentatively cancel the meeting of Tuesday, August 17, 1999.)

1. **Budget Amendment**
  - a. No. 99-39 – Emergency Services Committee (\$250)  
(funding for the ISO water supply study)

**Commissioner Guazzo moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner Randall to sign Budget Amendment No. 99-39. Motion carried.**

2. **Grant Documents**
  - a. Office on Aging – Notice of Grant Award  
Retired Senior Volunteer Program  
(Federal Funding - \$\$40,369; County funding - \$23,195,  
in kind - \$1,819)

Also Present: Gene Carter, Director, Office on Aging

**Commissioner Mattingly moved, seconded by Commissioner Raley, to approve and authorize Commissioner Randall to sign the Grant Award document as presented. Motion carried.**

- b. Department of Social Services (3 contracts))
  - (1) Teen Center Summer Program (with Recreation and Parks)
  - (2) After School Program “
  - (3) Job Access Grant (with Office of Central Services Transportation Division)

Also present: John Raley, DSS

**Commissioner Anderson moved, seconded by Commissioner Mattingly, to ratify authorization for Commissioner Randall to sign the 3 contracts (signed by Mrs. Randall on Thursday, May 21 with majority of the Commissioners' concurrence.) Motion carried.**

- 3. Development Review Forum  
Approval of Revised bylaws

Also present: Joe Gough (former member of Forum)

(Mr. Gough explained the proposed revisions to the bylaws (adding a representative from SMECO and changing “Soil Conservation Service” representative to “Soil Conservation District” representative.)

**Commissioner Anderson moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner Randall to sign letter to Development Review Forum. Motion carried.**

- 4. Ordinance No. Z99-06  
Adoption of Lexington Park – Tulagi Place Master Plan

**Commissioner Guazzo moved, seconded by Commissioner Raley, to approve and sign Ordinance No. Z99-06. Motion carried.**

- 5. St Mary's Nursing Center  
Administrator –in-Training/Administrator Employment Agreement

**Later in the meeting after review of the Agreement, Commissioner Guazzo moved, seconded by Commissioner Anderson, to approve and authorize Commissioner Randall to sign the Agreement. Motion carried.**

- 6. Board of Education Categorical Transfer – Fiscal Year 1999

**Commissioner Anderson moved, seconded by Commissioner Mattingly, to approve and sign the letter to the Board of Education as presented. Motion carried.**

- 7. Public Information Officer  
Employment Contract

Also present: Yvonne York, Public Information Officer

**Commissioner Anderson moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner Randall to sign the Employment Contract for Yvonne York, the County's new Public Information Officer. Motion carried.**

- 8. Information Releases
  - a. Announcement of St. Mary's County Government website on the Internet (the county's website is [www.saintmaryscountymd.com](http://www.saintmaryscountymd.com))

- b. Announcement of appointment of Patrick Murphy to the position of Assistant County Attorney

Also present: Patrick Murphy, Assistant County Attorney

**The County Commissioners authorized the distribution of the two referenced Information Releases.**

#### **PROCLAMATIONS**

The Commissioners presented the following Proclamations:

- **Historic Preservation Award (awarded posthumously to John Cecil)**
- **Older Americans Month - Cedar Lane**

#### **SENATE BILL 363 EMPLOYEES PENSION SYSTEM**

Present: Melvin McClintock, Director, Department of Human Resources  
Dee Kramer, Benefits Coordinator

The referenced representatives of the Department of Human Resources appeared before the Board to review the specifics of Senate Bill 363, which is due to be signed by the Governor this week. The bill will extend the participation in a contributory pension plan to municipalities that began for teachers and state employees (through House Bill 987) and became effective July 1, 1998. Through SB363 county employees contribute 2% and retirees would receive compounded cost-of-living adjustments with a maximum of 3%. These benefits can be extended to employees retroactively to July 1, 1998 and employees would have to make a decision whether to pay into the system retroactively.

Ms. Kramer explained that 331 employees were provided surveys and of the 244 returned, 230 voted in favor of the County's participation in a contributory pension plan, and that the plan received full support of the County Health Advisory Council and the County Employees' Association.

In concluding her presentation, Ms. Kramer indicated that she would be willing to assist employees in determining what would be most advantageous to them.

**After discussion regarding details and impact of the legislation, Commissioner Anderson moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner Randall to sign the form permitting St. Mary's County to provide its employees with the contributory pension benefit. Motion carried.**

#### **COMMUNITY DEVELOPMENT CORPORATION LEXINGTON PARK/TULAGI PLACE MASTER PLAN**

Present: Martin Fairclough, Director, DECD  
Nancy Hutson, Loan Specialist  
Tom Watts, Chair, CDC

The referenced individuals appeared before the Board to present the Community Development Corporation's recommendation for the hiring of a coordinator for the Lexington Park Tulagi Place Master Plan. The coordinator would be responsible for coordination and implementation of the Tulagi Place revitalization plan. \$25,000 is available from CDC towards the position, and the CDC is requesting funds from the County to make up the difference of the coordinator's salary.

Mr. Watts emphasized the importance of a public private partnership in moving the revitalization plan forward. Toward this effort, Ms. Hutson noted that the revolving loan program would be in place as of June 1 to assist in this project.

Areas of discussion included transportation needed, affordable child care, housing stock in the Lexington Park/Great Mills area, working with other agencies for job training and home revitalization, and public/private partnership in getting facilities renovated and repaired.

In conclusion the Commissioners advised that funding is in the FY 2000 budget for the coordinator position.

#### **EXECUTIVE SESSION**

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

#### **Personnel (CDC)**

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, County Administrator  
Martin Fairclough, Director, DECD  
Tom Watts, Chair, CDC  
Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a)1  
Time Held: 12:20 p.m. – 12:55 p.m.

Action Taken: Participants in the session discussed personnel issues related to the CDC, and the Commissioners gave direction to staff.

#### **BOARD OF COUNTY COMMISSIONERS SITTING AT THE BOARD OF HEALTH**

Present: Dr. Ebenezer Israel, County Health Officer  
Tom Russell, Director, Environmental Hygiene

**Commissioner Guazzo moved, seconded by Commissioner Mattingly, to recess as the Board of County Commissioners and convene as the Board of Health (as required by Article 25, Section 3 of the Maryland Code). Motion carried.**

Dr. Israel reviewed various health issues with the Board including the Commissioners' relationship with the Health Department; his role in carrying out the wishes of the majority of the Board; the planning, assessments and assurances with regard to health Department programs; dental screening program for children; funding issues; safety commercials; health and nutrition issues and problems (which require changes in behaviors in order to correct); need for nutritionist, health educator, and epidemiologist; and the fact that the Health Department is Y2K ready. Dr. Israel stated that he will keep the Board informed as to programs and services of the Health Department.

Mr. Russell brought to the Commissioners' attention a number of environmental health issues including wet season testing data; non-profit food service draft guidelines; proposed regulatory changes regarding onsite sewage disposal; and areas of special concern requiring pretreatment units (critical area, 100' foot buffer, repairs; remodels, well head protection, surface water impoundment, watershed management, cumulative impact areas). Mr. Russell indicated he would like guidance from the Commissioners on the areas of special concern.

The Commissioners indicated that these concerns could be addressed in the update of the Comprehensive Water and Sewer Plan and that they could be done district by district.

In conclusion the Commissioners thanked Dr. Israel and Mr. Russell for keeping the Board update relative to health issues in the County.

**Commissioner Anderson moved, seconded by Commissioner Raley, to adjourn as the Board of Health. Motion carried.**

**Commissioner Guazzo moved, seconded by Commissioner Raley, to reconvene as the Board of County Commissioners Motion carried.**

#### **LEXINGTON PARK SENIOR APARTMENTS**

Present: Cliff Singleton, R. H. Tourtelot Company

Mr. Singleton appeared before the Board to provide an overview of the Senior Housing project to be located in Lexington Park and to request the Commissioners' consideration to extend the tax abatement from ten years, which had been approved by the previous board on September 22, 1998, to 20 years.

During his presentation Mr. Singleton pointed out the amenities of the apartment complex, which included exercise room, computer room, library, indoor/outdoor swimming (therapeutic) pool, arts and crafts room, and outdoor exercise trail; and income limitation restrictions required by the State (however, 12 of the 110 units will be at market rate with no income restrictions). He further noted that the facilities will be made available to seniors outside the apartment complex. Commissioner Guazzo suggested that any promises made with regard to this project, particularly the availability of the facilities to non-resident seniors, should be put in writing.

Mr. Singleton explained the funding requirements by the State for this project advising that the State requests local governments to make some type of investment. He stated that he will be submitting an application for FHA to back the bonds, and that the final application for funding has been submitted to the State; however, the State is waiting for FHA approval.

Areas of discussion; location of the exercise trail in the buffer area (Mr. Singleton will check with Planning and Zoning about this, but noted there were other options for the trail); that approval by the Commissioners may require an Ordinance as was done for another project in the County; loss of revenue if tax abatement is granted; assisted living issues (if apartments were equipped with proper facilities to accommodate residents); whether the payment in lieu of taxes (PILOT) should be tied to an index and set at a variable number and whether the PILOT should be renegotiated after ten years (the County Attorney will be requested to review this issue); and background information on R. H. Tourtelot Company, including other projects of the company..

In conclusion the Commissioners agreed to give consideration to the request for payment in lieu of taxes and get back to Mr. Singleton no later than June 15 in order to allow staff adequate time for research.

#### **FISCAL YEAR 2000 BUDGET REVIEW/APPROVAL**

Present: Steve Welkos, Director of Finance  
Marty Jones, Budget Analyst  
Janette Cudmore, Deputy Director of Finance

After review of the Fiscal Year 2000 Budget documents, the Commissioners took the following actions:

**Ordinance No. 99-07 - Appropriations**

Commissioner Guazzo moved, seconded by Commissioner Mattingly, to approve and sign Ordinance No. 99-11. Motion carried.

**Ordinance No. 99-08- Revenue Tax**

Commissioner Raley moved, seconded by Commissioner Anderson, to approve and sign Ordinance No. 99-12. Motion carried.

**Resolution No. 99-12- Ambulance Company Funding Formula**

Commissioner Mattingly moved, seconded by Commissioner Guazzo to approve and sign Resolution No. 99- 13. Motion carried.

**TUDOR HALL VILLAGE PROJECT**

Present: Al Lacer, County Attorney

Mr. Lacer appeared before the Board to review two documents relative to the Tudor Hall Village project.

Letter to the Stadium Authority regarding aspects of the project not fully considered in the feasibility and market study. The existing feasibility study the Authority is reviewing does not fully include costs to repay the county loan or the host fee from project revenues.

Draft Memorandum of Understanding with the Town, Recreation Corporation, and the Developer with suggested inclusions--financial contributions of the Town, the Developer and the County (the County's contributions would be contingent upon completion of certain items to the satisfaction of the County including a project report showing cash flow to be sufficient to pay operating costs of the project, implementation of a corporate structure for the Recreation Corporation, and acceptable provisions for repayment of the County loan and host fee).

After discussion and recommended changes, County Attorney Lacer was directed to draft the letter to the Stadium Authority and the MOU based on this discussion and to begin discussion on the Commissioners' behalf with Leonardtown Recreation, Inc.

**COUNTY COMMISSIONERS' TIME**

**Public Survey for Lexington Park Library**

Commissioner Randall reported that based on input from a majority of the Commissioners, she had requested Mr. Stirling to develop an updated public survey concerning the Lexington Park Library, which he has done. The survey will be placed at the Lexington Park and Leonardtown Libraries to get input from users as to the preferred location of the Lexington Park Library (three options: to renovate existing library and put branch in the California area; to build new Library at Nicolette Park; or to build new library adjacent to Great Mills High school.

Commissioner Randall suggested changing the draft questionnaire to make the personal information not optional, and to remove the request for a telephone number. Commissioner Guazzo suggested that the questionnaire state "how often do you *or your family* frequent the library.

**Open Space Funds for Wicomico Shores**

Commissioner Mattingly referred to a letter from DNR regarding availability of Open Space money for the Wicomico Shores area. He noted that property owners have expressed concerns about shoreline, and requested the County Administrator to find out whether the funds could be used for this purpose.

**Charles County Community College Graduations**

Commissioner Mattingly advised that he attended the 20<sup>th</sup> annual pinning of nursing student graduates at the community college, six of whom were from St. Mary's County.

He stated he also went to the graduation ceremonies at the college and 1/3 of the graduates were from St. Mary's.

Commissioner Mattingly noted that this would be the last graduation as the Charles County Community College; the 2000 graduation class will be the Regional College.

**Willows Road**

Commissioner Mattingly referred to a memorandum from County Attorney Lacer regarding Willows Road project recommending that although the property is owned by the Navy and not subject to county regulations, that when the Planning Commission reviews the Unified Development code, that the Willows Road project be zoned consistent with park uses.

**Letter of Commendation to Planning and Zoning Staff**

Commissioner Raley referred to a letter from a citizen commending three staff members from the Department of Planning and Zoning, and Commissioner Randall advised that she suggested that a letter be drafted for the Commissioners' signatures commending these employees. She suggested that in the future all letters of commendation from citizens be followed up by a letter from the Commissioners as well.

**Request for Waiver of Impact Fee**

Commissioner Raley referred to a letter from Reenie Quade, who has had a number of zoning problems, requesting consideration for waiver of the County's impact fee. He recommended that a response be sent to her as quickly as possible. Commissioner Guazzo noted that county agencies did not act quickly with regard to Ms. Quade's situation, and that even though she was opposed to waivers, she would be in favor of considering the waiver for Ms. Quade.

**Route 235 Widening Project**

Commissioner Raley referred to the response letter from Secretary of Transportation, John Porcari relative to the Commissioners' concerns regarding Phase III of the Route 235 widening project. He stated that the letter was noncommittal, and that the Commissioners need to keep this issue in the forefront. Commissioner Anderson noted that he and the County Administrator had also been in touch with Secretary Porcari regarding this matter. The Commissioners agreed that there should be meetings with the Secretary on this issue as requested in their letter to the Secretary in April.

**EXECUTIVE SESSION**

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

**Personnel (Boards and Committees)**

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, County Administrator  
Judith A. Spalding, Recorder

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

Time Held: 4:35 p.m. – 5:15 p.m.

Action Taken: the Commissioners reviewed the current status sheet of those boards having quorum problems and gave direction to staff.

(Because of time constraints the Commissioners did not meet in executive session on property acquisition.)

**MAIDEN CRUISE OF "TOLERANCE" WATER TAXI**

The Commissioners departed for the maiden cruise of the new water taxi "Tolerance" from the St. Clements Island Potomac River Museum to St. Clements Island.

**ADJOURNMENT**

The meeting adjourned at 5:15 p.m.

Minutes Approved by the

Board of County Commissioners on 6/1/99

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