

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Governmental Center
August 10, 1999**

Present: Commissioner President Julie B. Randall
Commissioners 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

(Commissioner Guazzo was not present at the beginning of the meeting.)

CALL TO ORDER

The meeting was called to order at 9:05 a.m.

ADDITIONS/DELETIONS TO AGENDA

Commissioner Anderson moved, seconded by Commissioner Mattingly, to accept the agenda as amended (to delete the water/sewer amendment for Hinson, which has been rescheduled to August 31; and to move the County Commissioners' time and executive up 15 minutes). Motion carried.

APPROVAL OF CHECK REGISTER

August 10, 1999 Check Register

Commissioner Raley moved, seconded by Commissioner Mattingly, to authorize Commissioner President Randall to sign the Check Register. Motion carried.

August 17, 1999 Check Register

In that the Commissioners will not be meeting on August 17, 1999, Commissioner Mattingly moved, seconded by Commissioner Raley, to approve and authorize Commissioner Randall to sign the Check Register for the week of August 17 on Friday, August 13. Motion carried.

APPROVAL OF MINUTES

Commissioner Raley moved, seconded by Commissioner Anderson, to approve the minutes of the Commissioners' meeting of Tuesday, August 3, 1999, as presented. Motion carried.

COUNTY ADMINISTRATOR

Present: Mortimer L. Smedley, County Administrator

- Draft Agendas for August 24, 1999 and August 31, 1999
 1. Budget Amendment No. 2000-03
Emergency Management Agency (\$9,200)
(For payment to Ted Weintraub, 911 Consultant for EDS/MCI project)

Commissioner Mattingly moved, seconded by Raley, Commissioner to approve and authorize Commissioner Randall to sign Budget Amendment. Motion carried.

2. Department of Public Works
Claim Letter to First National Bank of St. Mary's for entrance permit #92-0492 issued to St. Clements Woods Partnership for an entrance on Green Leaf Lane, The Woods at Bayside, 3rd Election District

Commissioner Mattingly moved, seconded by Commissioner Anderson, to approve and authorize Commissioner Randall to sign Claim Letter. Motion carried.

3. Nursing Center Bylaws

Commissioner Raley moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner Randall to sign letter to the Chair approving the bylaws and to sign the bylaws as amended. Motion carried.

4. Employment Contract
Director of Public Works

Commissioner Mattingly moved, seconded by Commissioner Anderson, to approve and authorize Commissioner Randall to sign and initial the Contract as presented. Motion carried.

5. Use of County Property Policy Form
Establishing proper use of electronic equipment, systems and/or tools provided to employees for performing job functions

Commissioner Mattingly moved, seconded by Commissioner Raley, to approve the Policy as presented. Motion carried.

COUNTY COMMISSIONERS' TIME

Purchases up to \$1500

Commissioner Mattingly referred to the action taken by the Commissioners last week to increase purchasing limitations to \$1500, and pointed out that all departments should be notified that any purchases should be included in the budget. The Commissioners indicated that this direction was included in last week's discussion and that it can be addressed in the Procurement Policy update.

Metropolitan Commission – Breton Bay Water Situation

Commissioner Mattingly advised that the Metropolitan Commission held a public meeting at a school and had to pay a fee for use of the facilities. MetComm incurred expenses in the amount of \$250 for the second meeting, which was held at the Leonardtown Fire House. Commissioner Mattingly suggested that the County reimburse MetComm for the use of the firehouse. The Commissioners gave their concurrence.

African American One-Room School House

Commissioner Anderson indicated that progress on the African American one-room schoolhouse located in Callaway is moving forward and that estimates for costs for restoration and repairs are being gathered. He suggested that this structure would be a good candidate for the *Christmas in April* program, and that he would be getting some background information in the next week or two. He requested the Commissioners to make a decision on whether to accept the school and land by the end of August.

Public Transportation Program

Commissioner Anderson advised that there will be a public meeting on Thursday, 8 p.m. at the Department of Public Works building on the new routes scheduled for the fall public transportation program. He reported that the new route for Wildewood will pick up riders at the airport terminal and should begin the week after Labor Day.

Impact Fees

Commissioner Anderson referred to a memorandum from Director of Finance Steve Welkos regarding the impact fee study committee. The Commissioners agreed to place this on a future agenda.

Workforce Development Board Initiative

Commissioner Anderson brought the Commissioners up to date regarding the Workforce Development Board initiative stating that Mr. Smedley, Mr. Fairclough, Mr. Welkos and Mr. McClintock have been putting together paperwork for a grant to provide a contractual transition person to assist with the project. Mr. Smedley reported that the personal services contract has been drafted and reviewed.

Callaway Village Center (Food Lion)

Commissioner Anderson brought to the Commissioners' attention a project proposed for the Callaway Village Center. The project, which includes a Food Lion and other stores, will be going through the Technical Evaluation Committee for review. He stated that Lexington Park is growing and Callaway will be the first community that is starting to see more development as a result of Lexington Park's growth. Commissioner Anderson noted that although this is consistent with the "Smart Growth" initiative, the County should encourage appropriate design of the buildings, which should enhance the village center. The County should be proactive in discussions with developers and engineers in ensuring development in village centers are attractive and suits the area.

Commissioner Anderson further noted that he was also concerned about the impact in terms of planned development in the County. The Food Lion is planned for Callaway, and he assumed that the Food Lion in St. Mary's Square would close down. He said there was also an indication that the Superfresh in Lexington Park will be relocating to Sans Souci, leaving Lexington Park without a grocery store. Other issues included allowed uses in the Zoning Ordinance for village centers and impact the Food Lion in Callaway will have on local businesses like McKay's in Great Mills.

Commissioner Randall stated that in addition to concerns about no grocery store in Lexington Park, she has had a number of conversations regarding concern about the number of empty buildings in the county because of development.

Commissioner Anderson indicated that the Commissioners need to look at incentives for attracting businesses in the Lexington Park area. Commissioner Randall suggested that when the Lexington Park Manager is on board that this issue be addressed.

Commissioner Raley stated he was concerned with increased traffic that would be generated by the development along Route 5 in Callaway and referred to the current traffic situation on Route 235. He stated that he hoped that the Route 235 traffic situation will not be duplicated on Route 5.

Tobacco Settlement

Commissioner Mattingly advised that he was watching the National Governor's Conference on C-Span and there was discussion about various programs throughout the states. He suggested to Commissioner Anderson that the Tri-County Council look into establishing a scholarship fund using the tobacco settlement proceeds. He suggested that funds could be provided to each of the high schools in the tri-county area to provide scholarship programs in areas of agriculture, education and health.

EXECUTIVE SESSION

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 (Vacant Positions)

Present: Commissioner President Julie B. Randall
 Commissioners Joseph F. Anderson
 Commissioner Shelby P. Guazzo (entered the meeting at 10:44)
 Commissioner Thomas A. Mattingly, Sr.
 Commissioner Daniel H. Raley
 Mortimer L. Smedley, County Administrator
 Martin Fairclough, Director, DECD (*attended from 11:20 a.m. 11:26 a.m.*)
 Jim Haley, Manager, Office of Central Services (*attended from 11:29 to 12:20 p.m.*)
 Judith A. Spalding, Recorder

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

Time Held: 10:18 a.m. – 1:05 p.m.

Action Taken: The Commissioners discussed a number of vacant positions and gave direction to staff.

Follow Up to Executive Session

Commissioner Anderson moved, seconded by Commissioner Guazzo, to direct staff to proceed with advertising for a contractual Airport Operations/Business Manager position comparable to a Grade 11. Motion carried.

**AGREEMENT WITH FIRST COLONY
SOIL HAULING TO COUNTY LANDFILL**

The County Administrator presented an agreement between Board of County Commissioners for St. Mary's County and Faison-First Colony, LLC wherein the developer will remove certain soil materials from the First Colony Shopping Center and place it at the St. Andrew's Landfill.

Commissioner Mattingly moved, seconded by Commissioner Anderson, to approve and authorize Commissioner Randall to sign the Agreement as presented. Motion carried.

DROUGHT COORDINATOR EXEMPTION PROCEDURE

In that the State of Maryland has been put under drought emergency, Commissioner Mattingly moved, seconded by Commissioner Anderson, to approve a three-member review panel, comprised of Ann Rose from Environmental Health; Tom Russell from MetComm; and Robin Guyther from Leonardtown Commissioners' Office, to function as an evaluation and review committee to review all requests for exemptions or variances to Executive Order 01.01.1999.24. Motion carried.

LEXINGTON PARK LIBRARY LOCATION DECISION

As a follow up to previous discussions and public forums, the Commissioners each spoke to his/her position on the location of the new library for Lexington Park.

Commissioner Randall thanked the task force, library board, county staff, and public who participated in the process; expressed pride in the Board's commitment to building a library; pointed out that the Commissioners needed to not only look at what was best for the library, but also what was best for Lexington Park and the county as a whole, and to focus on the revitalization of Lexington Park; that as a Lexington Park resident and seeing the growth over the last 20 years she sees the need for structure and cornerstones to encourage development, that she believed the County should seize the opportunity to revitalize both sites—upgrade Nicolet Park as a viable park, and the Gabrelcik site as the location for the new Library.

Commissioner Guazzo indicated that she had reread all the material, studied her notes from the two public forums, notes from discussions with owners of both sites as well as the Lexington Park Master Plan; referred to the AICUZ lines noting that the line was 300 feet from the Gabrelcik site, and 1,000 feet from the Nicolet Park site thereby allowing more flexibility; that Nicolet Park is near a convenience store, movie theater, restaurant, and gym center (which are open in the evenings, which is not the case with the Gabrelcik site; that the Nicolet Park site has more acreage for expansion and parkland (Gabrelcik property is approximately five acres); that Nicolet Park would not take the property off the tax roles; that Millison Corporation has agreed to deed the road bed from Route 235 to the park for a distance of 400 feet and to donate \$50,000 toward rebuilding of the road bed.

Commissioner Anderson thanked all those who were part of the process as well as his fellow commissioners. He also thanked Rachelle Millison and Mr. Gabrelcik for their generosity in providing two sites to choose from; stated that his vote will be based on affirming the participatory process in making a decision and indicated his preference was Nicolet Park.

Commissioner Mattingly thanked everyone involved in the process; stated that there have been remarks made questioning the integrity of the Commissioners or hinting at a hidden agenda; emphasized that each member of this board is of the highest integrity and were concerned about the best interest of the County and Lexington Park; stated he had serious safety concerns with the Nicolet Park site including traffic and access; stated he was in support of the Gabrelcik site.

Commissioner Raley noted that both sites were actually second choice according to an overwhelming majority of citizens who would have preferred to keep the library at its current site and expand it; however, that possibility had been explored and was not feasible because of AICUZ (he had investigated the possibility of a waiver of the existing AICUZ, but that could not be done); stated that the process has gone on too long and that the Board has tried to do what was best for the short and long term for the library and the overall concept for the development of Lexington Park; stated his decision was to go with the Gabrelcik site.

After discussion Commissioner Raley moved, seconded by Commissioner Mattingly, to formally endorse the Gabrelcik site as the location for the new south County library, and that the Commissioners direct staff to begin immediately to prepare (1) a deed conveying the title of the property to the County; (2) to start the subdivision site plan and conditional use application; and (3) enter into a Memorandum of Understanding with Mr. Gabrelcik. Motion carried three to two with Commissioners Anderson and Guazzo voting against.

EXECUTIVE SESSION

Commissioner Mattingly moved, seconded by Commissioner Raley, to meet in Executive Session to conduct interviews with for the Deputy County Administrator position (Personnel), as provided for in Article 24, Section 4-210(a)1. Motion carried.

Personnel (Interviews – Deputy County Administrator)

Present: Commissioner President Julie B. Randall
Commissioners Joseph F. Anderson
Commissioner Shelby P. Guazzo
Commissioner Thomas A. Mattingly, Sr.
Commissioner Daniel H. Raley
Mortimer L. Smedley, County Administrator

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

Time Held: 2:40 p.m. – 5:25 p.m.

Action Taken: The Commissioners interviewed three applicants for the Deputy County Administrator position.

PUBLIC FORUM

The Commissioners conducted the regular monthly public forum, accepting questions and comments from the audience and by telephone.

Health Department Services Presentation

Present: Mary Wood, Administrator
Nancy Luginbill, Director, Health Services

Prior to the public forum, the Commissioners received a presentation from Health Department representatives on the many services provided by the local Health Department (including Environmental Health; Administrative Division services (vital records; medical transportation); Health Services Division (Maryland Child Care Health Program, DSS Health Program, immunizations, school health, dental health, infant and toddler program; reproductive health; breast and cervical cancer program and adult evaluation program).

Public Forum

Merv Hampton – Inquired about the relationship between the Health Department and the County Commissioners; expressed the need to advertise the many services provided by the Health Department and offered the assistance of the Democratic Club.

Donald Brown – Inquired about what groups (low income/moderate income) the Health Department serves. Mary Wood explained the fee structure of the Health Department stating that all customers pay what they can if they can.

Clare Whitbeck – Stated that a group of citizens volunteered to work with the Director of Finance on an Impact Fee study, and she has heard nothing more. She stated that it was unfair for the citizens currently living in the County to have to pay for new people coming into the County. (The Commissioners explained that the issue of the impact fee study task force is scheduled for a future agenda.)

David Triantos – Referred to the First Colony project and the related FDR Boulevard construction issues (whether First Colony would dedicate the land for the end section of FDR, build it and give it to the County, or if the County could make a deal with First Colony with the FDR property and allow them to use landfill property to meet the set aside requirements. (Commissioner Guazzo advised that First Colony indicated that the land was “reserved” for FDR, and that could mean as little as they would not build a house, or as much as they would give the County the land. She wanted the Director of Planning and Zoning to provide a definition for “reserved.”

Minnie Russell – Referred to an article in *Southern Maryland News* of *The Washington Post* about funds the state will be spending to stop the erosion at Point Lookout and she stated that the State should be looking at upgrading the road as well. She stated that this should be a “wake up call” for the First District, that the First District should receive attention. (Commissioner Anderson explained that the Commissioners are forwarding a letter to the DOT Secretary inquiring as to the status of the upgrade of Route 5 from Ridge to Point Lookout.)

Telephone calls received from :

Tom Booth - Requesting update on the boat ramp issue and status of acquisition of land for a boat ramp in the Patuxent River. (R&P is actively looking for land to acquire on the Patuxent side, and if anyone in the listening audience has land that would be suitable for a public landing or wharf, they should contact the Department of Recreation and Parks.

Katherine Reed – Inquired whether any action has been taken with regard to the shoreline deterioration at the public landing at Wicomico Shores. (Commissioner Guazzo responded that the Commissioners recently passed a budget amendment for improvements to the pier and that she would get an update from Mr. Rollins and call Mrs. Reed.)

ADJOURNMENT

The meeting adjourned at 8:30 p.m.

Minutes Approved by the
Board of County Commissioners on 8/24/99

Judith A. Spalding
Judith A. Spalding, Recorder