

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Governmental Center
December 14, 1999**

Present: Commissioner President Julie B. Randall (*entered meeting at 9:45 a.m.*)
Commissioner Joseph F. Anderson
Commissioner Shelby P. Guazzo
Commissioner Thomas A. Mattingly, Sr.
Commissioner Daniel H. Raley
Mortimer L. Smedley, County Administrator
George Forrest, Deputy County Administrator
Judith A. Spalding, Recorder

CALL TO ORDER

The meeting was called to order at 9:35 a.m.

ADDITIONS/DELETIONS TO AGENDA

Commissioner Mattingly moved, seconded by Commissioner Guazzo, to accept the agenda as amended (to add a Proclamation for the 200th Anniversary of President George Washington's death; and to remove the Housing Authority grant from the County Administrator's list). Motion carried.

PROCLAMATION

200TH ANNIVERSARY OF GEORGE WASHINGTON'S DEATH

The Commissioners issued a Proclamation recognizing the 200th Anniversary of the death of President George Washington.

APPROVAL OF CHECK REGISTER

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

(Commissioner Raley advised that he received clarification on the question he raised last week about a video for DECD and the fact that the Navy contributed \$25,000 toward the project. Commissioner Guazzo noted that the Navy is mentioned in the title and the county should also be included since it contributed several thousand dollars.)

(Commissioner Randall entered the meeting at 9:45 a.m.)

EXECUTIVE SESSION

Commissioner Guazzo moved, seconded by Commissioner Mattingly, to meet in Executive Session to discuss a matter of Personnel, as provided for in Article 24, Section 4-210(a)1. 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
Mortimer L. Smedley, County Administrator
George Forrest, Deputy County Administrator
Al Lacer, County Attorney
Melvin McClintock, Director, DHR (*attended from 10:02 – 10:22 a.m.*)
Judith A. Spalding, Recorder

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

Time Held: 9:45 a.m. – 10:22 a.m.

Action Taken: The Commissioners discussed a matter of personnel and gave direction to staff.

LEXINGTON MANOR APARTMENTS

Present: Lou Grasso, Developer, Lexington Manor
Steve Braun, Attorney for Developer
Al Lacer, County Attorney

Mr. Grasso and Mr. Braun presented the Board of County Commissioners with a request for a letter of support to accompany an application, which requests financing for the revitalization of Lexington Manor, that they would be submitting by December 16th to the State. The Commissioners were also asked to consider tax abatements or tax credits on behalf of the developer. The original number of proposed units to be redeveloped was 342; however, after further consideration, the developer proposed that 310 units would be financially feasible. Much discussion took place concerning the revitalization of Lexington Manor, interpretation of the AICUZ provisions, the number of units proposed, and the amount of rental costs per month to be charged; affordable rentals for existing tenants; and relocation of the current tenants. Mr. Grasso proposed that the Commissioners write a generic letter of support to be submitted with their application to the state. He suggested that all the details concerning the number of units, etc., could be worked out while awaiting an answer from the state. He further suggested that the developer would be willing to adjust the number of units that would be feasible, based upon the final analysis and recommendations from the Zoning Administrator and the County Attorney.

Commissioner Guazzo made the motion for the Board of County Commissioners to sign a letter to the state supporting the application for funds to revitalize Lexington Manor, and that their decision be based on the usual and customary practices as far as the density issue goes, based on the Commissioners' past history, dealing with the present Zoning Ordinance. Mr. Raley seconded the motion for the purposes of bringing discussion to the table. Mr. Lacer gave his input to the Commissioners on this project, and after further discussion, a vote was taken. Commissioner Guazzo voted in favor of the motion, with Commissioners Randall, Anderson, Mattingly and Raley voting against; therefore, the motion failed.

(Kate Mauck took the minutes from this point.)

DIRECTOR OF FINANCE

Present: Steve Welkos, Director

Impact Fee Study Status Report

Also present: Kennedy Abell, Study Group Volunteer Member
Sonny Burch, Study Group Volunteer Member
Leonard Greess, Study Group Volunteer Member
Marie Underwood, Study Group Volunteer Member

Mr. Welkos presented the Commissioners with a status report by the St. Mary's County Impact Fee Study Group. The report covered the calculation methodology utilized, considerations which the Board of County Commissioners may need to make, and an outline of the past as well as present impact fees imposed by the county. A preliminary calculation breakdown was discussed, with \$4,379 going toward Schools, \$341 going toward Parks and Recreation, and \$1,140 going toward Roads, with the total potential impact fee amounting to \$6,360. Mr. Welkos explained how the figures were determined, suggesting that there were concerns about the formulas used for Roads.

Mr. Welkos indicated that the Committee was now looking for direction from the Commissioners on how they should proceed with the project. The Commissioners directed the committee to:

- Consider solid waste as an additional component of the impact fee – specifically, solid waste by relocation/new development to the county, not as it exists currently;
- Review the Roads formula utilized.

Mr. Welkos stated that the next briefing would cover the impact fee as it relates to the transfer tax. Commissioners recognized members of the Study Group, expressing appreciation for their level of commitment and for the many volunteer hours they have given toward this project.

Board of Education Capital Improvements Program Affordability Briefing

Also present: Dr. Patricia Richardson, Superintendent of Schools
John K. Parlett, Jr., Chairman, Bd/Ed
Brad Clements, School Facilities

Mr. Welkos, along with members of the Board of Education met with the Commissioners to present the Board of Education Capital Improvements Program Affordability Briefing Summary. The Board of Education would be submitting an appeal on December 17th on seven projects to the Interagency Committee for Public School Construction. Mr. Welkos presented the Commissioners with an overview as to the debt affordability limits, bond funding requirements, and a possible plan to scale back future spending and/or to raise additional revenue to finance planned projects. The seven projects in question costs the county \$18.8 million more than planned in the County Commissioners' adopted capital program.

Mr. Welkos stated that four projects make up the bulk of the money in question: Technical Center (\$6M), Margaret Brent Middle (\$4.3M), Mechanicsville Elementary (\$2.4M), and Carver Elementary Replacement (\$1.4M). He pointed out that scaling back on the Commissioners' five-year plan might be advisable to maintain the proper debt/affordability ratio. During the upcoming budget review process, a suggested plan would be to:

- An immediate reduction of \$10 million in FY 2001
- Scale back by \$5 million yearly over the following four to five years

Also, increasing the impact fee as previously discussed might generate an additional \$12 to \$14 million. There may be other areas in which to enhance revenues as well.

Both Mr. Parlett and Dr. Richardson spoke on behalf of the Board of Education, giving a summary of their five-year capital budget. An increase from roughly \$9 million to \$11 million would be sought during the appeal to the Interagency Committee. The value of the projects in question was discussed at length, as well as the costs of the planning and construction costs involved. There was much discussion concerning the Technical Center and the merits of funding that program. Architectural design was addressed, and Dr. Richardson stated that efficiency on the design of the projects was already at a maximum. She reiterated that the window of opportunity would soon be closing from the state, and that now was the time to move forward with these projects. The funding is currently at a split of 70/30 between the state and the county.

The Board of County Commissioners decided to vote on which projects they would support at the December 17th meeting with the Interagency Committee. Commissioner Anderson moved to include in the plan money for the Technical Center in the list of projects to be appealed, and in addition, to add the first four projects listed (Leonardtown High School, Lexington Park Elementary School, Banneker Elementary School Addition/Renovation and Banneker Elementary School – Relocatable

Classrooms), along with Mechanicsville Elementary School. Commissioners Mattingly, Raley and Guazzo voted against the motion; therefore, the motion failed.

**DEPARTMENT OF PUBLIC WORKS
(FDR BOULEVARD BRIEFING)**

Present: George Erichsen, Director, DPW
John Groeger, Deputy Director, DPW

Also present: Ken Ramsey, Mid-Atlantic Region Manager, PBS&J
Andy Hathaway, Senior Vice President, PBS&J

Mr. Groeger presented the Commissioners with a status report on the FDR Boulevard project. A Preliminary Engineering Report had recently been received from Post Buckley, Schuh & Jernigan (PBS&J) on the proposed alignment of FDR Boulevard. This report had been presented to the Planning Commission on October 12th, and a public hearing on this issue by the Planning Commission is tentatively planned on January 10th, 2000.

Mr. Ramsey stated that PBS&J had been awarded the contract by St. Mary's County to complete the corridor mapping and design of FDR Boulevard. The first two phases of that contract are nearly complete: the property owner research/notification phases and the corridor mapping. View-graphs were presented charting the mapping and design of the road. Approximately 150-175 landowners were notified of the necessity to survey their property, and this surveying process was completed. The project design presented to the Commissioners began at the southern end of the project on Route 246 and ended at the northern end of the project onto Route 4/St. Andrews Church Road. Several minor modifications by the Planning Commission will be necessary, which are currently being reviewed.

There was discussion about taking FDR Boulevard through the Wildewood development; however, it was not recommended to do so. There was discussion also about a potential light rail system going through in future years, and the planning that needs to accompany that possibility. Since the light rail corridor was not in the Comprehensive Plan, it was decided at the time not to map it out. There is however, a 30- foot corridor, which could serve as a two-way light rail in the future.

Mr. Erichsen responded to questions about the budgeting for this project. He referred to a September 9th memo, which outlined the funding allocated as well as the \$400,000 remaining for FDR Boulevard; however, this is for the completion of the planning of the project, not for the design. The design costs will be \$1.6 million, and is planned for in the budget.

Mr. Lacer suggested that the county might want to reserve the property necessary for the project very soon in order to avoid extra costs. Waiting until later may cost the county money for property as well as possible new building construction that occurs between now and then.

The state showed potential for eight displacements; however, only three displacements will actually have to occur should this design move forward. Two of those three have already approached the county wanting to sell, and the third is a commercial builder. According to the consulting firm, the horizontal alignment is now complete, and the firm is ready to move forward with the next phase.

EXECUTIVE SESSION

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

Personnel (Sheriff's Department)

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
 George Forrest, Deputy County Administrator
 Al Lacer, County Attorney
 Sheriff Richard Voorhaar
 Capt. Steve Doolan
 Charles "Rusty" Malone
 Marjorie Marsh, Mgr., Information Technology (*attended from 2:20 – 2:43 p.m.*)
 Judith A. Spalding, Recorder

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

Time Held: 2:05 p.m. – 2:43 p.m.

Action Taken: The Commissioners discussed a matter of personnel and gave direction to staff to work to resolve the matter.

**PATUXENT RIVER NAVAL AIR TEST AND EVALUATION MUSEUM
 (DISCUSSION/DECISION)**

As a follow up to last week's motion that was tabled regarding the County's contribution to the T&E Museum, Commissioner Raley advised that he would withdraw his motion of last week and make a new motion, and Commissioner Anderson agreed to withdraw his second.

Commissioner Raley moved, seconded by Commissioner Anderson, that the Board of County Commissioners endorse, contingent upon the Governor's endorsement, the Patuxent River Naval Air Test and Evaluation Museum project and to agree to contribute County resources not to exceed a value of \$2M to the project over the next three years. Motion carried.

Commissioner Randall noted that the motion indicates a commitment of \$2M in value of county resources which does not necessarily mean \$2M in cash.

During discussion of the motion, Commissioner Guazzo expressed the following concerns: (1) that she did not see in the packet any information from the Navy (A letter, dated December 13) was received from Capt. Paul Roberts expressing his total support for the museum project; (2) that there was no accountability for the \$2M; (3) source of funding for operational expenses; and (3) that she will still aggressively campaign for equal time, money and services for the County's ongoing existing museums.

**CALLAWAY INTERIM STUDY
 SCHEDULING OF PUBLIC HEARINGS**

Present: Al Lacer, County Attorney

Mr. Lacer appeared before the Board to request direction from the Board relative to the scheduling of public hearings for the Callaway Interim Study Project.

Mr. Lacer inquired whether he should proceed to schedule a public hearing to amend the Zoning Ordinance (Article VII, Sections 70.1 through 70.7) which would only apply to a proposed amendment to the County's zoning maps for reclassification of all or part of a specific land tract. (Article 66B requires that the matter go through the Planning Commission before the Commissioners could consider the study). Mr. Lacer recommended that the Board proceed with rewriting Section 70 of the Zoning Ordinance make it explicit that it does not have to go through the Planning Commission first for a recommendation. If the Commissioners do not wish to amend Section 70, there would not be a need to proceed with the public hearing on the Interim Study until after the Planning Commission made a recommendation.

After discussion Commissioner Anderson moved, seconded by Commissioner Guazzo, to proceed with public hearing for Section 70 of the Zoning Ordinance in conjunction with the Interim Study for Callaway Village Center. Motion carried.

The public hearing for the Amendment to Section 70 was scheduled for Tuesday, January 4, 2000 at 3:30 p.m., and the hearing for the Interim Study Ordinance for January 4, 2000 at 6 p.m.

COUNTY ADMINISTRATOR

Present: Mortimer L. Smedley, County Administrator

❖ Draft Agendas for December 21, 1999 and December 28, 1999

1. Department of Public Works

- A. Public Works Agreement for Greenview West Subdivision located in the Eighth (8th) Election District with a completion date of January 1, 2001. The Bond has been provided by the Frontier Insurance Company in the amount of \$224,700.
- B. Public Works Agreement Addendum for St. James Subdivision, Section 1, located in the First (1st) Election District extending the completion date to June 1, 2000. The Letter of Credit provided by the Crestar Bank in the amount of \$403,300 remains as posted.
- C. Public Works Agreement Addendum for Avenmar Subdivision located in the Third (3rd) Election District extending the completion date to December 1, 2000. The Bond provided by the United Pacific Insurance Company in the amount of \$340,000 is being reduced to \$155,000.
- D. Public Works Agreement Addendum for Persimmon Hills Subdivision, Section 2, located in the Fifth (5th) Election District extending the completion date to November 1, 2000. The Bond provided by the United Pacific Insurance Company in the amount of \$173,000 remains as posted.
- E. Public Works Agreement Addendum for Harper's Corner Subdivision located in the Fifth (5th) Election District extending the completion date to December 1, 2000. The Bond provided by the Travelers Insurance Company in the amount of \$10,000 remains as posted.
- F. Road Deed for Banerjee Court located in the St. Winifred's Subdivision, Seventh (7th) Election District.
- G. Traffic Resolution Nos. 99-21 and 99-22 establishing a stop sign and 25 mph speed limit for Banerjee Court.
- H. Road Deeds for Victoria Circle, Meadowlark Drive, Mourning Dove Court, and Mockingbird Court located in Sections 1 and 2 of the Victoria's Grant Subdivision, Eighth (8th) Election District.
- I. Traffic Resolution Nos. 99-23 and 99-24 establishing a stop signs and 25 mph speed limit for Victoria Circle, Meadowlark Drive, Mourning Dove Court and Mockingbird Court.

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

**Department of Social Services
Citizen Review Panel**

Also present: Ella May Russell, Director, DSS
Jean Schmidt, Assistant Director for Social Programs

(Discussion of appointment of individuals to panel (nominations are agency and community organization representatives))

After discussion Commissioner Anderson moved, seconded by Commissioner Raley, that in accordance with SB 464, to make appointments to the Local Citizen Review Panel and the Child Fatality Review Team as recommended by the Department of Social Services. Motion carried.

Mrs. Russell indicated that she would return to the Board at a later date with clarification regarding the County's role.

2. Grant Documents

- a. Housing Authority
Maryland Community Development Block Grant Agreement
Family Support Center

(deferred until review by County Attorney)

- b. Office of Central Services
New Starts Assistance Grant Agreement from MTA
(County's share: \$19,550; State's share: \$53,150)

Also present: Jim Haley, Manager, Office of Central Services
George Jarboe, Transportation Supervisor

Commissioner Guazzo moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner Randall to sign the Grant Agreement. Motion carried.

**3. Metropolitan Commission – Request for Approval of Two Positions
(included in budget)**

Also present: Steve King, Metropolitan Commission

- ❖ Human Resources Manager
- ❖ Purchasing Clerk

In accordance with Chapter 113 of the Code of Public Local Laws, Commissioner Mattingly moved, seconded by Commissioner Guazzo, to approve the referenced positions as requested. Motion carried.

BANNEKER/LOVEVILLE SEWER PROJECT

Present: Al Lacer, County Attorney
Steve King, Director of Finance

As a follow up to previous discussions, Mr. King and Mr. Lacer presented options regarding the Banneker/Loveville Sewer Project and addressed the issue of whether the Maryland Department of Environment would allow other than the school and certain failed systems to connect to the sewer line. A letter was received from MDE confirming that properties having failing septic systems could connect to the sewer line, and further that school funding is not in jeopardy by the connection for the Villages of Leonardtown since the construction funding is solely limited to the actual school construction project. Options included:

- 1a) Forcemain and gravity sewer on the north side of Route 5 from the school to the new Superfresh and would include failing systems and the Villages (however, additional engineering would be needed to determine whether there were any obstructions that would prevent connection). (\$566,000 and 118 EDU's)
- 1b) Similar to Option 1a, but sewer line would be extended to the Perkins Restaurant to an existing manhole. (\$607,900 and 118 EDU's)
- 2 Forcemain to Superfresh (no service to the Villages) (\$384,370 and 29 EDU's)

Areas of discussion included funding issues (whether it would be financed or paid up front; costs to do just the school and only failing systems along the way (\$290,000); whether the developer of Villages would be willing to participate in funding (the Villages project must have a Public Works Agreement and bonding by June 28, 2000 for the sewer project); whether the County should defer the project until the fall; the need for a Denied Access Agreement between the County and MetComm; issue of whether the County should pay for private developer's sewer line and whether the County would get paid back.

After lengthy discussion Commissioner Anderson moved, seconded by Commissioner Mattingly, to direct the County Attorney and draft a Denied Access Agreement with only the participants listed in the November 16 MDE letter (only those with failed systems along the way (based on a \$290,000 contribution from the County). Motion carried.

(In addition the Commissioners requested that a letter be drafted to the Interagency for School Construction indicating the County's approval for the use of county-appropriated funds for the construction of the Banneker/Loveville School sewer line and advising that the County Attorney has been directed to prepare the denied access agreement limited access to no more than those properties meeting the MDE's requirements.)

APPROVAL OF MINUTES

Commissioner Raley moved, seconded by Commissioner Guazzo, to approve the minutes of the Commissioners' meeting of Tuesday, December 7, 1999, as amended. Motion carried.

COUNTY COMMISSIONERS' TIME

Report on Various Meetings/Events

Commissioner Anderson advised that they attended the Commission on Education Finance Equity & Excellence meeting and the Commission is in the process of drafting a report which is due to the Governor by the first of January. Included in the recommendations of the Commission is bridge funding and recommendations for assistance in terms of technology equipment.

Commissioner Anderson advised that the Workforce Development Committee has had a planning session and established a subcommittee to put together the initial draft documents for a five-year strategic plan, five-year operational plan and for the establishment of a youth council.

Commissioner Anderson advised that the Tri-County Council had a strategic planning session last week for the purpose of defining Tri-County Council's approach to strategic planning.

Commissioner Randall thanked the Commissioners who participated in the SPLASH for the benefit of the Special Olympics.

**PUBLIC MEETING
YEAR 2000 LEGISLATIVE PACKAGE**

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
George Forrest, Deputy County Administrator
Senator Roy Dyson
Delegate Anthony O'Donnell
Delegate John F. Wood, Jr.
Delegate Select John Bohanan
Al Lacer, County Attorney
Judith A. Spalding, Recorder

As a follow up to the November 2, 1999 Public Meeting on the Legislative Package, the Commissioners and Legislative Delegation reviewed the County's proposals, proposals from the Alcoholic Beverage Board and from a citizen (Mike Thompson on the Forrest Management Plan).

The County's Package included: Public Facilities Bond (which may possibly be \$10M, but a firm amount will be determined by January 12); Nursing Center Appointment process (that the Board of County Commissioners make all appointments, not just the initial appointments)

Also included was an item that was not presented at the November 2 meeting--a request for legislative authority to enact an Environmental Fee; however, Mr. Lacer announced that the Commissioners did not need legislative authority in that existing authorization would allow the county to impose a fee.

Requests from the Alcoholic Beverage Board were: License Renewal applications (allowing sufficient time for renewals to be processed); Increase in License Fees.

A request had been received from Mike Thompson for the elimination of fees for Forest Management Plans.

Comments from the audience included;

Ken Hastings – Questioned the process for arriving at decision to request authorization for environmental impact fees and the process for having county staff draft a letter to SWAC requesting evaluation of the fee (Commissioner Randall indicated that all discussions regarding the fee have been in public and suggested that Mr. Hastings contact the County Administrator regarding the gathering of information.)

Vaughn McCall – Expressed concerns regarding articles in the Washington Post about families who do not have adequate homes in which to live; that the County look at its Livability Code.

Bob Lewis – Suggested that there be a Recordation and Disclosure process for sludge-bearing property. (Senator Dyson advised that the Environmental Affairs Committee is looking into this and that the Governor is looking at additional *Smart Growth* ideas.

Tommy Bell – Advised that he was a small businessman and urged the Commissioners not to impose another fee, the environmental impact fee; suggested that the Commissioners look at school construction projects, that there are items not needed, and the costs to taxpayers.

Clare Whitbeck – Expressed support for an environmental impact fee.

Barbara Hayden (Southern Maryland Center for L.I.F.E). – Requested changes in legislation regarding Handicap Accessibility in the Critical Area.

Larry Boswell – Expressed the need for licensing of home builders; informed the Commissioners of problems with his home, which he has lived in for only 17 months; that there was no need for blueprints to determine whether the home was built correctly; discrepancies between the Department of Planning and Zoning and MDIA regarding code violations (DPZ had stated there were violations. MDIA sent him a letter saying there were no violations). The Commissioners requested the County Attorney to look into this issue and that the Commissioners would also discuss the matter with DPZ Director.

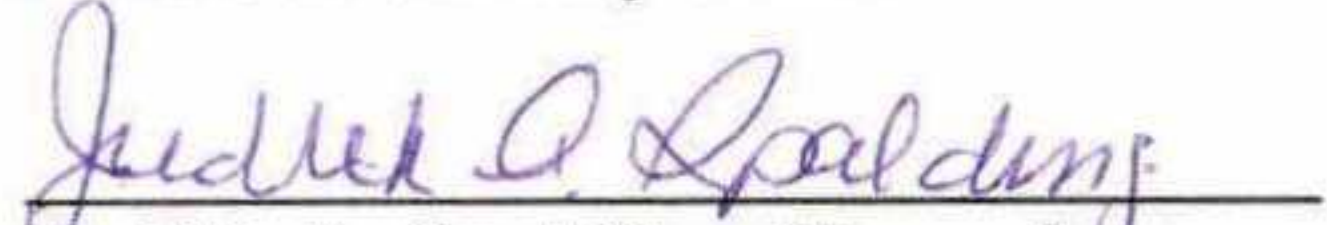
Bill Bartlett – Expressed concerns regarding urban sprawl; the continued loss of green space; the need to revitalize the towns; and that he would like to see the fish, crabs and oysters back in the rivers. (Senator Dyson reported that there will be a sprawl bill introduced in this year's session. Delegate Wood advised that revitalization of towns is part of the *Smart Growth* initiative.)

David Triantos – Reported that there is no sales tax on Internet sales and suggested doing away with sales tax in Maryland then there would be no problem with Internet people collecting taxes.

ADJOURNMENT

The meeting adjourned at 8:50 p.m.

Minutes Approved by the
Board of County Commissioners on 12/21/99



Judith A. Spalding, Recorder