

**ST. MARY'S COUNTY  
BOARD OF COUNTY COMMISSIONERS' MEETING  
Governmental Center  
Tuesday, January 9, 2001**

**Present:** Commissioner President Julie B. Randall  
Commissioner Joseph F. Anderson  
Commissioner Shelby P. Guazzo  
Commissioner Thomas A. Mattingly, Sr.  
Commissioner Daniel H. Raley  
Alfred A. Lacer, County Administrator  
Judith A. Spalding, Administrative Assistant to BOCC (Recorder)  
Kate Mauck, Recorder

**CALL TO ORDER**

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

**ADDITIONS/DELETIONS TO AGENDA**

Commissioner Anderson moved, seconded by Commissioner Raley, to accept the agenda as amended (to delete the Forvm for Rural Maryland (move the rest of the afternoon up); and add an additional executive session on personnel). Motion carried.

**APPROVAL OF CHECK REGISTER**

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

**APPROVAL OF MINUTES**

Commissioner Guazzo moved, seconded by Commissioner Raley, to approve the minutes of the Commissioners' meeting of Tuesday, December 19, 2000, as corrected. Motion carried.

**METROPOLITAN COMMISSION**

Present: Steve King, Director  
Lillian Bryan, Adm. Asst.  
Valentino Johnson, Chair  
Elizabeth Woodward, Member

**Chesapeake Bay Nutrient Cap**

Mr. King appeared before the Board to provide a presentation on the *Chesapeake Bay Nutrient Cap – Holding the line on Nutrient Pollution After Year 2000.* The presentation included information on 1987 nutrient reduction goals; the need for reduction of nutrient loads; 1985 nitrogen sources and loads; Bay Program nutrient reduction strategy; appointment of the ten tributary teams and their purpose; biological nutrient reduction processes; St. Mary's County BNR Progress (Marlay-Taylor Water Reclamation Facility/Leonardtown Wastewater Treatment Plant); Point and Non-point reduction status; new goals to be met by 2010 will be set in Spring by the Bay Program Executive Council; Impact of Lower Cap.

In conclusion Mr. King explained that:

- Wastewater re-use and intensive water conservation will ultimately be required to minimize surface water discharge;
- "Smart Growth," designed to minimize the disturbance of undeveloped land will be required to reduce non-point load.

- Nutrient management on developed land will have to be greatly improved to reduce the non-point source load.
- Continued growth will increase the challenge of maintaining the Cap.
- Public support and participation are essential.

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

### Hollywood Water and Sewer Extension

In response to inquiries regarding the status of the sewer line to the Hollywood area, Mr. King indicated that this project was a top priority for MetComm. Currently sewer service is provided up to Route 235 at the Bean Medical Center. Because of the efforts to complete the new Comprehensive Plan and work on the Unified Development Code, the project has been delayed; however, with the Planning Commission, staff and County Commissioners' support, the project can now move forward.

During discussion Commissioner Guazzo suggested that the entire Hollywood District should be looked into, not just the areas with failing systems.

### **AGRICULTURAL LAND PRESERVATION DISTRICT APPLICATION ALPD #00-150-022 – WALTER MEINHARDT**

Present: Donna Sasscer, Agricultural/Seafood Specialist

The Commissioners conducted a public hearing on the referenced ALPD Application for Walter Meinhardt for property located on Windmill Point Road containing 263.367 acres.

After comments by the Commissioners, the hearing was opened for comment from the public.

Hope Coppage Henderson stated that her family owns Windmill Point Farm, which is a tree farm, and that she would like to go on record that as long as the private property owners' rights are maintained, that her family was in favor of the application.

Hearing no further comments, the public hearing was closed.

**Commissioner Anderson moved, seconded by Commissioner Guazzo, to approve application for ALPD #00-150-022 and to authorize Commissioner Randall to sign the letter to the Maryland Agricultural Land Preservation Foundation forwarding the application. Motion carried.**

### **COUNTY ADMINISTRATOR**

Present: Alfred A. Lacer, County Administrator

1. Draft Agendas for January 16 and January 23, 2001
2. **Facilities Management/Department of Public Works**  
Deed and Plat for Conveyance of Old Hewitt Roadbed

Present: George Erichsen, Director, DPW  
Joan Lolcama, Property Manager

**Commissioner Raley moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner Randall to sign Deed and Board of County Commissioners to sign Plat. Motion carried.**

**2. St. Mary's County Public Schools Grant Documents**

Present: Rhodessa Millham

- a) MSDE Grant to Purchase Graphics Calculators (\$29,285)
- b) Academic Intervention Grant (\$8,777)
- c) Teacher Mentoring Program Grant (\$112,330)
- d) Character Education program Grant (\$10,000)
- e) After School Opportunity Fund Grant (\$120,535)
- f) Role of the Principal as Instructional Leader grant (\$5,000)

**Commissioner Raley moved, seconded by Commissioner Anderson, to approve and authorize Commissioner Randall to sign the letter to the BOE approving inclusion of the referenced grants into the FY 2001 Budget. Motion carried.**

**3. Supplemental Appropriation Ordinances**

(follow up to public hearings of 12/19/00)

Present: Elaine Kramer

- a. Office of Community Services (\$7820)
- b. Office of Community Services (\$4300)
- c. Office of the Sheriff (\$5,200)

**Commissioner Mattingly moved, seconded by Commissioner Raley, to approve and sign Ordinance Nos. 01-01, 01-02, and 01-03 approving the referenced supplemental appropriations. Motion carried.**

**4. Department of Public Works Items**

Present: George Erichsen

- a) Intergovernmental Agreement with Maryland Environmental Services, who sponsors the annual Scrap Tire Amnesty Day Project for the County. This is an additional Amnesty Day Project designed to regionally collect tires free-of-charge from residents. *This document must be executed and returned to the Maryland Environmental Services by January 12, 2001.*

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

- b) No Parking Resolution in vicinity of the Hollywood Elementary School/Hollywood Soccer Complex located on Joy Chapel Road, 6<sup>th</sup> Election District.

**Commissioner Guazzo moved, seconded by Commissioner Mattingly, to approve and sign Resolution No. 01-01. Motion carried.**

- c) Boundary Line Adjustment Plat for St. Andrews Landfill Property/Barnes Property for signature as per prior Executive Session.

**Commissioner Guazzo moved, seconded by Commissioner Mattingly, to approve and sign the Boundary Line Adjustment Plat. Motion carried.**

- d) Public Works Agreement Addendum for Hidden Acres Subdivision, Section 1, 8<sup>th</sup> Election District extending the completion date to March 1, 2002. The bond provided by the Frontier Insurance Company in the amount of \$68,400 remains as posted.
- e) Public Works Agreement Addendum for Avenmar Subdivision, Section 1, 3<sup>rd</sup> Election District extending the completion date to December 1, 2001. The bond previously provided by the United Pacific Insurance Company in the amount of \$155,000 has been replaced with a bond provided by the Travelers Casualty & Surety Company in the amount of \$155,000.

**Commissioner Guazzo moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner Randall to sign DPW documents (d and e), as presented. Motion carried.**

- f) Grading Permit No. 99-05 Addendum for the Callaway Village Shops & Professional Center, Phase 1, Second (2<sup>nd</sup>) Election District amending the Grading Agreement to include Phase 2. The letter of credit provided by The First National Bank of St. Mary's in the amount of \$68,000 remains as posted.

**After an explanation of Phase II of the project, Commissioner Mattingly moved, seconded by Commissioner Guazzo, to approve and authorize Commissioner Randall to sign the Grading Permit Addendum as presented. Motion carried.**

*(Commissioner Guazzo requested that since there were citizens' concerns regarding the grading in the first phase, that as Phase II goes forward, there be extra inspections.)*

**5. Schedule of Legal Holidays for Calendar Year 2001**

Present: Melvin McClintock, Director, Human Resources

**Commissioner Mattingly moved, seconded by Commissioner Guazzo, to approve Schedule of Legal Holidays for Calendar Year 2001 as presented. Motion carried.**

**6. Boards and Committees  
Letters of Appointment**

**Commissioner Anderson moved, seconded by Commissioner Guazzo, and motion carried, to make the following appointments:**

<u>Appointments</u>	<u>Terms To Expire</u>
<u>Agriculture Preservation Advisory Board</u> William D. Boyd	12/31/2004
<u>Citizens' Review Board for Children</u> Susan Erichsen Judy Christie	NO TERM NO TERM
<u>Commission for Women</u> Thelma Strickland	6/30/2005
<u>Historic Preservation Commission</u> Dawn M. Muir	6/30/2003
<u>Housing Authority Board</u> G. Howard Burch – <i>Reappointment</i> Patricia A. Ball	6/30/2005 6/30/2003
<u>Library Board of Trustees</u> Barbara L. Conrath – <i>Reappointment</i>	12/31/2005

7. **Director, Lexington Park Plan**

Present: Robin Finnacom, Director

- a. Letter to Southern Maryland Electric Re Burial of Utility Lines on Md. Rte. 235

**Commissioner Anderson moved, seconded by Commissioner Raley, to sign the letter to SMECO regarding the burial of utility lines on Rte. 235. The cost to do this project, which is in the amount of \$42,500 has been included in the draft Capital and Operation Budget for Fiscal Year 2002. Motion carried.**

- b. CDBG Application – Request for Authorization to Submit Application

**Commissioner Anderson moved, seconded by Commissioner Raley, to authorize the scheduling of a public hearing on the CDBG Application as requested. Motion carried.**

8. **Option Contract with State Highway Administration  
Relocation of Naval Air Test and Evaluation Museum**

Present: John B. Norris, III, Assistant County Attorney

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

**PROCLAMATION  
KNIGHTS OF COLUMBUS CHARITY BALL**

The Commissioners presented a Proclamation designating January through March 2001 as the 41<sup>st</sup> Charity Ball Drive in St. Mary's County.

**COUNTY COMMISSIONERS' TIME**

**Holiday and New Year Wishes**

The Commissioners wished everyone Best Wishes for a successful new year and hoped that everyone enjoyed the holidays.

**Tobacco Settlement Meeting**

Commissioner Raley reported that the tobacco settlement meeting was held January 4. 631 applications have been sent out and if all were signed and returned, it would represent 6.3M pounds of tobacco off the market.

**"Youth Pursuing the Dream"**

Commissioner Raley announced that on Saturday, from 2-6 at Chancellor's Run Park, the Afro-American Coalition will be sponsoring a youth summit.

**Maryland Transit Authority Public Hearing**

Commissioner Anderson advised that MTA will be holding a public hearing this evening at St. Mary's County Airport to discuss Southern Maryland route-related issues.

**Commissioner Anderson's District Forums**

Commissioner Anderson announced that he will be conducting district meetings. January 17's forum will be held at Valley Lee Firehouse; January 24's will be held at the American Legion Hall. The time is from 7 – 8:30 p.m. He stated that he hoped that these will be the first of quarterly forums.

**Annual Salt and Pepper Dinner**

Commissioner Anderson reported that the Annual Salt and Pepper Dinner will be held on Saturday, January 13 at the Lexington Park Methodist Church.

**Sidewalks and Cross Walks in Great Mills Area**

Commissioner Anderson stated that when DOT made it annual state highway tour he had mentioned the need for sidewalks and cross walks in the Great Mills area, and he thanked Paul Armstrong of SHA for looking into it. Sidewalks are possible; however, since Great Mills is not in a designated neighborhood, the County would be responsible for 50% of the cost. He stated that Great Mills has been "rolled into" the Lexington Park district, and should be separated out, and that this should be a topic of discussion during the ULDC work sessions.

**Commissioner Anderson's Father-in-Law**

Commissioner Anderson reported that his father-in-law had a stroke and was in St. Mary's Hospital. He thanked all the people at the hospital for giving such quality care to his father-in-law as well as others in the hospital.

**Dedication of New Chopticon Gymnasium**

Commissioner Guazzo stated that as improvements are made to the schools, it was a wonderful opportunity to recognize local educators and reported that the new Chopticon High School gymnasium will be dedicated to the late Dr. Julius LeVay, a former principal at Chopticon.

**EXECUTIVE SESSION**

**Commissioner Mattingly moved, seconded by Commissioner Anderson, to meet in Executive Session under the Personnel Authority, 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  
Alfred A. Lacer, County Administrator  
Patrick Murphy, County Attorney  
George Forrest, Deputy County Administrator  
Melvin McClintock, Director, Human Resources  
Judith A. Spalding, Recorder

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

**Time Held:** 1:50 p.m. – 2:40 p.m.

**Action Taken:** The Commissioners discussed a personnel issue and agreed to continue discussion later in the day.

*Kate Mauck recorded the following portion of the minutes:*

**DEPARTMENT OF PLANNING AND ZONING - REHABILITATION AND LIVABILITY CODE COMMITTEE RECOMMENDATIONS**

**Present:** Adam Knight, Chairman, Rehabilitation and Livability Code Committee  
Bob Goodman, MD Dept. of Housing and Community Development  
Jim Cohen, University of MD, Urban Studies and Planning  
Robbie Loker, Department of Social Services  
David Waring, Cherry Cove Land Development

Mr. Knight stated that staff had previously been directed by the Board of County Commissioners to form the Rehabilitation and Livability Code Committee in order to effectively address specific problems with housing in St. Mary's County. The Committee offers a comprehensive approach, and it represents an integration of departments and agencies cooperating in a team approach to address housing problems. The goals of the Committee are to study affordable housing and to develop and implement an action plan. The Committee has been working with the Maryland Community Partnership (MCP), based at the University of Maryland in College Park. A Memorandum of Understanding between the MCP, the Southern Maryland Tri-County Community Action Committee, Inc., and the Board of County Commissioners was presented for discussion and review.

Mr. Bob Goodman provided a brief historical summary as well as detailing the purpose of the Maryland Community Partnership. Mr. Jim Cohen provided the following details on the type of technical assistance the MCP offers:

- ◆ Analysis (including housing needs today and in the future – e.g., an inventory of housing and employing a growth model)
- ◆ Livability code (including review of existing code, proposed amendments to the code, rental property licensing, inspections and enforcement)
- ◆ Landlord issues (including leases, information on maintaining properties and setting up reserve accounts, and arbitration of issues)
- ◆ Tenants (including tenant rights, leases, and arbitration of issues)
- ◆ Financing (including available public and private sector funds available for rehabilitation and new construction, local tax breaks, and use of housing related fines as a revolving loan fund, and home ownership as an alternative to rental housing)

The MCP will have a draft report to the Board of County Commissioners by the beginning of summer, 2001, and a final report will be submitted by the end of the summer.

Ms. Robbie Locker provided a brochure entitled "A Quick Reference Guide to Quality Housing Standards for Prospective Homebuyers and Renters." She stated that two other brochures would be forthcoming, and the goal of all three is to educate the public on affordable housing.

*The Board of County Commissioners made the following requests:*

- ◆ *Recommendations to include measurable results so Commissioners can see benchmarks associated with the recommendations.*
- ◆ *Earlier input/direction so that Commissioners can make decisions on the new Zoning Ordinance. Staff to bring specific recommendations as to how this issue can be addressed in regard to the ULDC.*
- ◆ *Analysis to include whether landlords are absentee or not. If they are absentee landlords, do they hire agents to oversee the homes they own.*
- ◆ *Background information page to be edited as outlined by Commissioner Mattingly.*

**Commissioner Anderson moved, seconded by Commissioner Raley, to approve and sign the Memorandum of Understanding between the Maryland Community Partnership, the Southern Maryland Tri-County Community Action Committee, Inc., and the St. Mary's Board of County Commissioners. Motion carried.**

#### **ST. MARY'S HOSPITAL BOND FINANCING**

Present: Elaine Kramer, Finance Director  
Christine Wray, Administrator, St. Mary's Hospital  
Alfred A. Lacer, County Administrator

Ms. Kramer provided the Board of County Commissioners with a status report on the St. Mary's Hospital Bond Financing/Authority. The Hospital's request is as follows:

- ◆ Authority through a County General Obligation Bond
- ◆ \$20,000,000 financing, with an additional \$1.4 million from the hospital as equity
- ◆ 30 year term
- ◆ To finance a renovation/expansion/upgrade of the hospital facility

Ms. Kramer provided details concerning the Maryland Hospital and Higher Education Facilities Authority (MHHEFA) and outlined several considerations as follows:

- ◆ Hospital issued bonds or debt, as an alternative to County General Obligation Bond
- ◆ Interest rate would be higher than General Obligation Bond
- ◆ Term of bonds at 30 years – typical for a hospital
- ◆ Higher stated issuance costs
- ◆ County General Obligation Bond specifics
- ◆ Timing of the request for bond authority from the Legislature – this session – decision needed by 1-23-2001 to meet legislative deadlines

Ms. Kramer stated that several discussions had occurred with Mr. Ketterman and that clear answers concerning the County's credit rating could not be fully answered until a feasibility study is completed and work has been done with credit agencies.

*Commissioner Guazzo requested the following information be submitted concerning a Calvert County loan in 1998 and a Carroll County \$9 million loan: 1) percentage of interest of loans; 2) length of loans; and 3) their relative debts on the books at the time of the loans; also 4) did Calvert already have a bond rating.*

Discussion took place concerning third agency insurable bonds and limiting of the County's exposure. Mr. Lacer stated that this would add a significant increase to the cost of the bond. A third agency insurable bond would ensure payment if the hospital closed down, etc., and the County would not allow this to occur in any case. Christine Wray outlined the reasons for the expansion and responded to questions concerning any long-term future anticipations of the Hospital.

*It was determined that this issue must be placed on the Board of County Commissioners' agenda by January 23<sup>rd</sup> in order to submit information in time for this year's legislative session.*

## EXECUTIVE SESSION

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

*Judith Spalding recorded the following portion of the meeting:*

### Personnel

**Present:** Commissioner President Julie B. Randall  
Commissioner Joseph F. Anderson  
Commissioner Shelby P. Guazzo  
Commissioner Thomas A. Mattingly, Sr.  
Commissioner Daniel H. Raley  
Alfred A. Lacer, County Administrator  
Patrick Murphy, County Attorney  
George Forrest, Deputy County Administrator  
Melvin McClintock, Director, Human Resources  
Judith A. Spalding, Recorder

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

**Time Held:** 4:53 p.m. – 5:42 p.m.

**Action Taken:** The Commissioners continued discussion of a personnel issue and agreed to take action in open session.

**Follow up to executive session**

**Commissioner Guazzo moved, seconded by Commissioner Mattingly, to direct Mr. McClintock to proceed as discussed in executive session. Motion carried three to two with Commissioners Randall and Anderson voting against.**

*The remaining portion of the meeting was recorded by Kate Mauck:*

**PUBLIC FORUM**

**ST. MARY'S NURSING CENTER GOVERNANCE ADVISORY COMMITTEE**

Present: Dr. J. Patrick Jarboe, Chair, Nursing Center Governance Adv. Committee  
Alfred A. Lacer, County Administrator

Mr. Lacer introduced Dr. Jarboe, and provided background information concerning the appointment of the St. Mary's Nursing Center Governance Advisory Committee. Dr. Jarboe, along with members of the Committee, presented a finalized report to the Board of County Commissioners on the completed study. Input for the report was sought from the staff of the Nursing Home, St. Mary's Hospital, and the Commission on Aging, as well as input provided by the well-versed members of the Committee itself. The following three recommendations were made by the Committee:

- 1) St. Mary's Nursing Center should resume its legal identity as a nonprofit corporation with 501(c)(3) designation.
- 2) The Board of Directors should continue to be appointed by the St. Mary's Board of County Commissioners with due regard to the demographics of the County and the needs of the Center. The Board should be given broad power to independently operate the Center.
- 3) The Board of Directors of the Nursing Center should seek opportunities to establish alliances with other health care agencies in the County, especially St. Mary's Hospital, to assure financial stability, easy access for the residents of the County, and transition from one level of care to another.

Commissioner Guazzo noted that the Board of County Commissioners had received letters endorsing the Governance Advisory Committee's recommendations from the management staff of the Nursing Center and the Nursing Center Advisory Board.

Commissioner President Randall opened the forum for public comment on the Nursing Center.

Since there were no comments on this topic, the regular monthly public forum was conducted. The following individuals spoke:

Pam Coerber - Indicated that affordable housing and low-income housing is a national issue as well as a difficult local issue for St. Mary's County. Ms. Coerber offered assistance from the Lexington Park Focus Group, if they are able to help the County in any way. A Housing Forum will be held by this group on March 7, 2001 from 1:00 to 6:00 p.m. at Camp Maria.

Clare Whitbeck - Spoke on behalf of her husband regarding developer signs throughout the County. The taxpayer is having to pay for the pick up and removal of the signs - suggested an Ordinance modification so the developer or whoever is responsible for the signs would have to pay a removal fee, which should include all costs involved.

Walter Burch - Spoke regarding billboard signs. Mr. Burch provided detailed photographs and presented Commissioners with portions of fallen billboard material. He outlined the history behind continued and ongoing problems with Eller Media Billboards on Route 245 and 235 as well as elsewhere. Mr. Burch asked that Mr. Guyther be instructed to enforce action on the owner of Eller Media Billboards. In addition, regarding small builder signs, Mr. Burch recommended a fee structure for the removal of signs - perhaps \$50 for weekday removal and \$100 for weekend removal.

Commissioner President Randall stated that Mr. Guyther would be responding to Mr. Burch's complaints.

David Triantos – Mr. Triantos asked why a fine had not been imposed regarding the signs if a letter had been sent out stating a fine would be imposed. He suggested that the County not send a letter threatening action if they were unwilling to follow through on the action.

**ADJOURNMENT**

The meeting adjourned at 7:19 p.m.

Minutes Approved by the  
Board of County Commissioners on 1/08/01

Judith A. Spalding  
Judith Spalding, Administrative Assistant  
to the Board of County Commissioners