

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Governmental Center
Tuesday, July 24, 2001**

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

(Commissioner President Julie B. Randall was not present.)

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 move County Commissioner Time to the morning after approval of the bills and minutes.) Motion carried.

APPROVAL OF CHECK REGISTER

Commissioner Mattingly moved, seconded by Commissioner Anderson, to authorize Commissioner Vice President Guazzo to sign the Check Register. Motion carried three to one with Commissioner Raley voting against because of the "arsenal" items for the Sheriff's Department.

APPROVAL OF MINUTES

Commissioner Raley moved, seconded by Commissioner Anderson, to approve the minutes of the Commissioners' meeting of Tuesday, July 17, 2001, as corrected. Motion carried.

COUNTY COMMISSIONER TIME

Unified Land Development Code

Commissioner Mattingly opened the discussion by describing the County's growth, changes that have occurred since 1634 (becoming a national center for aviation technology; the establishing of the Patuxent River Naval Air Station, BRAC decisions, and the County's preparation of infrastructure to support the growth).

He stated that from comments made at, and subsequent to, the public hearings held July 17 and 18, the currently circulated ULDC draft document is not what the citizens of St. Mary's County want. He therefore indicated that he "cannot and will not support the current draft ULDC" until there are changes; and when that occurs he would seriously consider his support.

Commissioner Mattingly further noted that he and Commissioner Raley came prepared to make the following motion:

Having heard citizen concerns during the two public hearings held July 17 and 18, I move that the document know as the July draft of the ULDC no longer be considered for adoption. During the 60-day comment period the Board of County Commissioners will continue to consider public comment and work to arrive at a new proposed land use document. The County Commissioners will schedule as many work sessions as necessary

to address the over regulation and policy concerns voiced during and since the public hearings. This new document will be presented at a public hearing to occur some time after September 17.

Commissioner Mattingly offered that the motion will be withheld until the full board is present, but indicated that this document is clearly not a document that the community needs or wants. He suggested that there be another public hearing after September 17 (the 60-day waiting period).

Commissioner Raley stated that it was clear to him, after the July 17 and 18 public hearings, that the ULDC as a land use regulation document specifying rigid controls with unenforceable and ridiculous provisions is not acceptable to the people of St. Mary's County. He stated that he did not believe that the current draft ULDC is what the people of the County want, that the Commissioners could not wait for the 60-day period to take the citizens' comments into consideration; and that he was aware of the repercussions, but he believed that this was the right thing to do.

Commissioner Anderson agreed that the Commissioners did not have to wait the 60-day period stating that there were many items in the document that the Board needs to address; however, the Commissioners did agree to keep the record open for 60 days to afford the citizens an opportunity to comment on the pros and cons of the ULDC. Some of the areas that need to be addressed are affordable housing issues, criminal penalties, farming issues; economic development issues, and clarification of certain provisions to avoid "silly" interpretations. He further noted that approximately 400 people attended the hearings with 80 speaking, which is one-half of one percent of the entire population and that all citizens should have an opportunity to comment.

Commissioner Guazzo pointed out that the Commissioners heard well thought out and constructive comments at the hearings and referenced the developers and engineers having used the media to raise issues that need to be discussed and some ridiculous regulations that need fixing. She suggested that these individuals join with the Board to create a better plan. Commissioner Guazzo indicated that the message she heard at the hearings was that the rules for developers and engineers need to be clearly differentiated from the rules for "John Q. Citizen" for permitting needs for improvements or home construction. She pointed out that although there have been calls to "trash" the document, and that is an option, that the citizens have been told that the Commissioners would wait 60 days to all of the Comments. She agreed that there should be another public hearing after the Board works on the draft as comments and concerns continue to come in.

Second District Fire Department

Commissioner Mattingly congratulated the Second District Fire Department on the celebration of its 50th Anniversary.

Commissioner Anderson echoed Commissioner Mattingly's comments and commended those individuals who organized the event.

Advanced Life Support

Commissioner Anderson stated he attended the Installation of Officers for ALS and congratulated them for the hard work they do for the community.

Maryland Association of Boards of Education

Commissioner Anderson reported that he attended the Annual Conference of Maryland Association of Boards of Education in Solomon's and the session included discussion of how boards and committees and work together.

Leadership Maryland

Commissioner Anderson advised that he attended the *Leadership Maryland* meeting at which there was discussion of attracting and retaining quality teachers. Educators and the public sector. The goal was to come up with specific areas for action and put together action plans.

Big Foot Hunt Club/Christmas in April

Commissioner Anderson reported that he attended the Big Foot Hunt Club fundraiser for Christmas in April.

ULDC

Commissioner Guazzo noted that Commissioner Randall has scheduled discussion on the ULDC on the next two draft agendas during which time the Board can discuss process from this point forward and how they will handle the 60-day open record period.

COUNTY ADMINISTRATOR

Present: Alfred A. Lacer, County Administrator

1. Draft Agendas for July 31 and August 7, 2001

(Commissioner Guazzo suggested that the ULDC discussions be held in the morning rather than the afternoon.)

2. Finance Department
Agreement with MD Dept of Agriculture for Control and
Eradication of Noxious Weeds

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

3. Department of Human Resources
Request for Leave without Pay

Present: Dawn Drew, Acting Director, DHR

Commissioner Mattingly moved, seconded by Commissioner Raley, to approve the request for Leave Without Pay for an employee in the Office of Community Services. Motion carried.

(Commissioner Anderson suggested that DHR inform the individual be offered the "donated leave" program.)

4. Appointment Letters
Nursing Center Governance Board

<u>Members</u>	<u>Terms to Expire</u>
Ms. Janice Bonham	07/01/02
Mr. David Densford	07/01/02
Ms. Debbie Knott	07/01/02
Ms. Nell B. Hampton	07/01/03
Ms. Everlyn L. Holland	07/01/03
Mr. Mike Colina	07/01/03
Dr. Kiram Mehta	07/01/04
Ms. Eleanor Tydings-Reynolds	07/01/04
Mr. Ernest C. Williams, Jr.	07/01/04

Commissioner Mattingly moved, seconded by Commissioner Raley, to approve and sign the letters of appointment. Motion carried.

5. Office of County Attorney - Growth Allocation Consent Decree

Commissioner Mattingly moved, seconded by Commissioner Raley, to approve and authorize Commissioner Guazzo to sign Growth Allocation Consent Decree in the Maydel Manor, Eppard Subdivision, Lore's Landing and St. Clement's Woods (Lot 1) matters, to be submitted to the Chesapeake Bay Critical Area Commission. Motion carried.

**HEALTH OFFICER/SHERIFF'S DEPARTMENT
YOUTH SMOKING PREVENTION/CESSATION PROGRAM DISCUSSION**

Present: Dr. Ebenezer Israel, Health Officer
Lieutenant Lyle Long, Sheriff's Department
Dr. Kathleen O'Brien, Walden Sierra
Kathleen Lyon, Director of Student Services
Joe Donick, Alcohol/Drug Abuse Prevention Coordinator
Sonny Burch, Businessperson
Jim Hayden, Businessperson
Dan Schaidt, Juvenile Justice

The St. Mary's County Health Officer, Sheriff's Department and other agencies and businesses met with the Board of County Commissioners to provide follow-up discussion regarding the sale of tobacco to minors and the treatment for minors who smoke cigarettes in the County. In addition, the Commissioners were requested to approve funds earmarked for the Sheriff's Department enforcement funding for FY2002.

The following information was presented and/or discussed:

- Emphasis to focus on educational training to the sellers of cigarettes. It was reported that the measures are not punishment oriented;
- Compliance procedures of regulations were outlined; first set of procedures to be implemented July 2001 through June 2002; second set of procedures to be implemented July 2002 through June 2003;
- Annotated Code of Maryland Courts and Judicial Proceedings Article Subtitle 8/ Juvenile Causes was outlined and discussed;
- A training session was recently held with 32 individuals attending from 27 different business establishments;
- The Sheriff's Department reported that 134 businesses have been contacted with a total of 64 warnings having been given; no other enforcement action was taken;
- The Health Department is looking into the purchase of videos to show to new employees in the business community to help in the educational effort;
- Mr. Burch and Mr. Hayden reported that business owners in the community take this matter very seriously and are in agreement with the recommendations being made at today's meeting;
- Dr. Israel stated that he was looking for a one year approval of the program at this time to cover the July 2001 through June 2002 procedures as outlined;
- Three major areas outside of enforcement to receive focus will be community education, youth outreach and treatment to stop smoking;
- Five-session educational program for minors was outlined;
- Focus will be mainly at the high school level; however, there will be a pilot program implemented at one middle school this year; and
- Prevention efforts have been and will continue to be done with youth at an early age.

The Board of County Commissioners directed the following:

- *Smoking/educational sessions that are currently planned for adults only should be revised to allow for the inclusion of youth to attend with a parent. This should be a family issue and not just an individual issue;*
- *That as much emphasis be put on illegal drug enforcement as has been placed on enforcement of illegal sale of tobacco to minors.*

- *That approval be given only for Fiscal Year 2002 procedures.*

Commissioner Mattingly moved, seconded by Commissioner Anderson, to approve the funding earmarked for enforcement for the Sheriff's Department for the youth smoking prevention/cessation program for FY 2002. Commissioners Anderson, Guazzo and Mattingly voted yea. Commissioner Raley abstained from the vote. The motion carried 3:0:1.

HISTORIC PRESERVATION COMMISSION PRESENTATION OF PROCLAMATIONS TO AWARD RECIPIENTS

The Board of County Commissioners presented project award and service award proclamations to the following individuals and/or businesses for outstanding efforts in the field of historic preservation in the County:

- Crawford family
- Christmas in April
- Martha Barnes Foundation
- Dr. and Mrs. Norton Dodge
- Dr. Roy Guyther
- Dr. Andrea Hammer
- Mr. Aleck Loker

ANNOUNCEMENT OF RESULTS OF BOND BID SALE

Present: Alfred A. Lacer, County Administrator
Elaine Kramer, Director of Finance
Jeannett Cudmore, Assistant Director of Finance
Jim Cumbie, Bond Counsel
Sam Ketterman, Consultant

Mr. Lacer announced that the sale of \$25 million worth of bonds by the County took place within the last hour. The team for the bond sale was introduced and particulars of the sale were discussed. The Board of County Commissioners authorized the sale of the bonds by Resolution in June of this year. It was reported that there were seven bidders for the bond sale, and the successful bidder was Legg Mason/Wood Walker, Inc. The order confirming the award of the sale was signed by the County Administrator and the true interest rate on these bonds is 4.5597 %. Details of the bond symposium attended by the Commissioners, Mr. Lacer and Ms. Kramer were outlined and discussed.

EXECUTIVE SESSION

Commissioner Anderson moved, seconded by Commissioner Mattingly, to meet in Executive Session to discuss a matter of Property Acquisition, as provided for in Article 24, Section 4-210(a)11. Motion carried.

Judith Spalding recorded the executive session:

Property Acquisition

Present: Commissioner Shelby P. Guazzo, Vice-President
Commissioner Joseph F. Anderson
Commissioner Thomas A. Mattingly, Sr.
Commissioner Daniel H. Raley
Alfred A. Lacer, County Administrator
Richard Rohrbaugh, Director, Facilities Management
Janet Parks, Property Manager
Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a)11

Time Held: 11:45 a.m. – 12:20 p.m.

Action Taken: Staff provided the Commissioners with information relative to a property acquisition and the Commissioners gave direction to staff to look into it.

Kate Mauck recorded the remaining meeting minutes:

SMECO PRESENTATION OF CHECK TO ST. MARY'S COUNTY

Present: George Allen Hayden, SMECO

Mr. Hayden presented the Board of County Commissioners with a check from SMECO in the amount of \$8,866.20 for the capital credits return program.

MEDIATION SERVICES OF SOUTHERN MARYLAND

Present: John Roberts, Mediation Services of Southern Maryland
Marie Underwood, Human Relations Commission
Ervin Foster, Director, Mediation Services of Southern Maryland

Ms. Underwood introduced Mr. Roberts and provided details of the efforts he has expended to establish a working model for a voluntary mediation service for St. Mary's County. Mr. Roberts provided additional details as follows:

- Grant funding in the amount of \$20,000 has been provided by a Community Mediation Grant;
- Mediation service program established as of July 1st;
- Service provided to prevent escalating problems; non-confrontational approach to negotiating problems at the lowest level;
- 40-hour training course will be provided for those who enlist in the program to become certified as mediators;
- An Advisory Committee has been established and 501-C-3 status has been approved;
- Patuxent Friends are hosts for Mediation Services and Tomorrow's Child has donated space;
- New Director of the program, Mr. Ervin Foster was introduced. Mr. Foster will provide part-time services to the program;
- Focus will be to educate the community on services provided; and
- Contact info is as follows: P.O. Box 853, Leonardtown, Maryland 20650, e-mail address communitymediationstmarys@hotmail.com, telephone number 301-475-2120. Individuals from Tomorrow's Child will answer the telephone and forward messages to Mediation Services of Southern Maryland.

LOCAL MANAGEMENT BOARD FY2002 COMMUNITY PARTNERSHIP AGREEMENT MEMORANDUM OF UNDERSTANDING

Present: Julia Bates, Executive Director, Local Management Board
Dr. Kathleen O'Brien, Local Management Board Chair

Ms. Bates and Dr. O'Brien outlined details of a Memorandum of Understanding for the FY 2002 Limited Community Partnership Agreement between the State of Maryland, the Board of County Commissioners and the Local Management Board. The agreement has been approved by the County's Legal Department; the term of the MOU is one year. The LMB has received grant funding in the amount of \$850,000 for mental health services, which will not show up in their budget, as it is a regional grant administered by Charles County.

Discussion took place concerning the scaling back of after-school programs in the middle schools due to loss of the 21st Century Grant. The Board of County Commissioners were asked to consider contacting Delegate Bohanan and Congressman Hoyer to request federal funding for these programs.

Commissioner Raley moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner Vice President Guazzo to sign the FY02 Community Partnership Agreement. Motion carried.

**DEPARTMENT OF FACILITIES MANAGEMENT
NEW LEXINGTON PARK LIBRARY PROJECT**

Present: Richard Rohrbaugh, Director of Facilities Management
Gary Whipple, PE, Project Management
Elaine Kramer, Director of Finance
Alfred A. Lacer, County Administrator

Mr. Rohrbaugh presented the Board of County Commissioners with recommendations from the Board of Library Trustees regarding proposed changes to the New Lexington Park Library facility. The changes and costs were discussed in detail. The following information was exchanged:

- Accepting the Library Board's recommendations increases the negotiated price of the library by \$77,892 from \$4,446,057 to \$4,523,948;
- Budget amendment request was in the amount of \$930,000, which includes a contingency fee just over 8%;
- Duct work, sunscreen, brickwork and masonry costs, and storm water management were all discussed in detail;
- Commissioners expressed great concern regarding the variation in estimate pricing by the architectural firm when the bids received were 25% of the estimate pricing.. This funding would create significant financial impact/problems for the County;
- Other options available for the funding of the project were discussed; i.e. Tudor Hall, Nicolet Park and the Kmart/Wal-Mart Connector Road Project. Ms. Kramer reported that approximately \$580,000 was earmarked for Nicolet Park and \$242,000 was earmarked for the Kmart/Wal-Mart Connector Road in FY 2002;
- Reducing the amount of the contingency to no more than 5%;
- Mr. Lacer outlined the process that would ensue should the Board of County Commissioners decide to use other previously allocated funds toward the Library project. If approved today, the contract for the Library could be signed in one week with groundbreaking to occur in August of this year. Additionally, reallocating funds as discussed would require an ordinance process, which could be completed by the September/October timeframe;
- If changes to the design are made, the architect is responsible for the cost of the redesign;
- Cost of the Library would be about \$174 per square foot for the total project and about \$135 per square foot for the building itself;
- If the project were delayed due to redesign, the delay would be approximately six months in length;
- Re-bidding of the project was discussed; and
- If the project moved forward today, it would be expected that the Library would be completed within 12 months; 14 months to include the moving in of furniture/books.
- Request that merits of open bid process versus merits RFP process be discussed at a later date.

After much discussion, the following items were determined by the Board of County Commissioners:

Commissioner Raley moved, seconded by Commissioner Anderson, to transfer \$790,000 into the New Lexington Park Library Project.

Commissioner Raley amended the motion to provide the \$790,000 from funds assigned to Nicolet Park and the Kmart/Wal-mart Connector Road Project, which are budgeted items in the current CIP. Motion carried.

Ms. Kramer was directed to prepare the budget amendment, and Mr. Rohrbaugh was directed to proceed with the signing of the contract and groundbreaking. Mr. Rohrbaugh was directed to provide a dependable timetable for the New Lexington Park Library to the Board of County Commissioners.

Commissioner Raley moved, seconded by Commissioner Anderson, to authorize staff to sign the contract in the amount of \$4,523,948, which is exclusive of the contingency. Motion carried.

Commissioner Raley moved, seconded by Commissioner Anderson, to direct staff to proceed with the process necessary in order to replenish funds for the two projects as discussed. Commissioner Mattingly stated that he would be unable to support the motion as he is not supportive of the Kmart/Wal-Mart Connector Road Project. **Commissioners Anderson, Guazzo and Raley voted yea; Commissioner Mattingly voted nay. Motion carried 3:1.**

DEPARTMENT OF FACILITIES MANAGEMENT COLLEGE OF SOUTHERN MARYLAND, PHASE II

Present: Richard Rohrbaugh, Director of Facilities Management
Gordon Ingerson, Lukemire Grant

Mr. Rohrbaugh and Mr. Ingerson presented Commissioners with a re-design of the College of Southern Maryland, Phase II facility. The following information was presented:

- The re-design of the facility is expected to bring the cost within budget;
- Building was scaled back by approximately 1/8th of the original size; rotunda removed; one less classroom; square footage changed from 47,000 square feet to 40,000 square feet;
- Increased efficiency of the design and functioning of the space is different from original plan;
- Leonardtown Town Council and the College Board have both approved the re-design;
- Parking areas were discussed;
- Bio-filtration storm water management outlined – no fencing, attractive plants will surround area; and
- If re-design is approved, then construction drawings would commence.

Commissioner Mattingly moved, seconded by Commissioner Anderson, to approve the redesigned project plan for the College of Southern Maryland, Phase II. Motion carried.

It was reported that a full report on humidity problems within the existing buildings at the College of Southern Maryland will be provided by next week. *Mr. Rohrbaugh was directed to come before the Commissioners in the future in order to discuss the RFP bidding versus the open bidding process.*

ADJOURNMENT

The meeting adjourned at 4:25 p.m.

**Minutes Approved by the Board
of County Commissioners on 7/31/01**

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