

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Governmental Center
Tuesday, February 5, 2002**

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)

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

CALL TO ORDER

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

ADDITIONS/DELETIONS TO AGENDA

Commissioner Raley moved, seconded by Commissioner Anderson, to accept the agenda as amended (to add adoption of the Commissioners' meeting schedule for 2002 at 10:20 a.m.). Motion carried.

APPROVAL OF CHECK REGISTER

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

APPROVAL OF MINUTES

Commissioner Mattingly moved, seconded by Commissioner Anderson, to approve the minutes of the Commissioners' meeting of Tuesday, January 29, 2002, as corrected. Motion carried.

**BLACK HISTORY MONTH RECOGNITION
LEONARDTOWN ELEMENTARY SCHOOL**

In recognition of Black History Month, students from Leonardtown Elementary School read a number of poetry selections to the Commissioners.

COUNTY ADMINISTRATOR

Present: Alfred A. Lacer, County Administrator

- 1. Draft Agendas – February 12 and 19, 2002
- 2. Boards and Committees
Letters of Appointment

Commissioner moved, seconded by Commissioner , to approve and sign letters of appointment. Motion carried. Appointments are as follows:

<u>Agriculture Preservation Advisory Board</u>	<u>Terms To Expire</u>
George Baroniak - <i>Reappointment</i>	12/31/2006
James B. "Bubby" Norris – <i>Reappointment</i>	12/31/2006
Henry A. Virts	12/31/2002

Cable Advisory Committee

Timothy R. Thomas 12/31/2005

Commission on Aging

Edward J. Dowgiallo, Jr. 6/30/2004

Commission on the Environment

Denise A. Canter 12/31/2005

Development Review Forum

Bernard F. Beavan – *Reappointment* 12/31/2004

Edward R. Curley, III – *Reappointment* 12/31/2004

Emergency Services Committee

Danny Davis – *Hollywood Volunteer Fire Dept. Rep.* NO TERM

Library Board of Trustees

Fred Powledge - *Reappointment* 12/31/2006

Lorraine B. Wallace – *Reappointment* 12/31/2006

Metropolitan Commission

Robert B. Gant – *Reappointment* 12/31/2006

Joseph Gilbert Murphy 12/31/2006

3. St. Mary's Public Schools

Present: Elaine Kramer, Director of Finance

(Request to include the following grant awards in the BOE FY 2002 Budget:

- * Gifted and Talented Education Incentive Grant - \$64,000

Commissioner Anderson moved, seconded by Commissioner Mattingly, to approve and sign the letter to the Board of Education approving inclusion of the grant into the FY 2002 Budget. Motion carried.

- * Environmental Education Grant - \$5,000)

Commissioner Anderson moved, seconded by Commissioner Mattingly, to approve and sign the letter to the Board of Education approving inclusion of the grant into the FY 2002 Budget. Motion carried.

4. Office of Community Services

FY 2002 Supplemental Appropriation Ordinance (\$14,000)

(follow up to 1/22/02 public hearing)

Present: Joe Donick, Prevention Coordinator

Commissioner Mattingly moved, seconded by Commissioner Anderson, to approve and sign the Supplemental Appropriation Ordinance. Motion carried.

5. Department of Recreation and Parks

Chaptico Park Farmstead Plat

Present: Phil Rollins, Director

Commissioner Mattingly moved, seconded by Commissioner Raley, to approve and authorize Commissioner Randall to sign the Farmstead Plat. Motion carried.

6 Office on Aging – Home-Delivered Meals Funding Report

Present: Gene Carter, Director

As requested by the Commissioners, Mr. Carter appeared before the Board to present an update on the Home Delivered Meals program funding shortfall issues. He stated that there were sufficient funds in his budget for the remainder of Fiscal Year 2002 to take care of those individuals currently being served as well as those on the waiting

list. Mr. Carter pointed out, however, that the problem of insufficient funds will resurface in Fiscal Year 2003, and that he will include a request for additional funds in his FY 03 budget; that he will provide the County Administrator and Director of Finance with projections of clients, home-delivered meals, and that the Commissioners can, during budget deliberations, decide the level of spending on this program.

Commissioner Randall requested that Mr. Carter provide a five-year projection, not only for the Home-Delivered Meals Program, but other OOA programs as well taking into consideration anticipated significant growth of the elderly population in St. Mary's County.

The Commissioners directed that Mr. Carter go forward with the program as outlined for this fiscal year and that FY 03 funds will be discussed during budget deliberations (including the use of carryover funds and possible state funds).

7. Emergency Communications
Execution of Motor Vehicle Administration User Agreement

Present: Phil Cooper, Director

(The Agreement allows MVA data to be provided to government entities through a communications link between the Maryland Department of Public Safety and Correctional Services and the MVA.)

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

8. Department of Public Works
MOU with Sheriff to occupy portion of Airport Terminal Building

Present: George Erichsen, Director
Sheriff Richard Voorhaar

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

INTRODUCTION OF NEW EMPLOYEES

Present: Randy Schultz, Director, Department of Human Resources
Dawn M. Drew, Deputy Director of Human Resources

Staff from the Department of Human Resources reported that there have been seventy-nine employees hired by St. Mary's County since June 15, 2001, and introduced those employees who were able to attend today's meeting.

MEMORIAL SERVICE FOR JOHN FRANCIS WATHEN

The County Commissioners and County Administrator conducted a memorial service for John Francis Wathen, an employee of Recreation and Parks who passed away on November 19, 2001.

(Commissioner Guazzo entered the meeting – 1:30 p.m.)

(Kaaren Burke recorded the following portion of the meeting.)

PROCLAMATIONS

National Children's Dental Health Month

Present: Dr. William Icenhower, Health Officer
Mary Novotny, Health Department

The Commissioners presented the proclamation declaring the month of February 2002 as National Children's Dental Health Month.

Vocational Education Week (Future Business Leaders of America (FBLA))

Present: Principals and students from the Leonardtown, Great Mills and Chopticon High Schools

The Commissioners presented the students the referenced proclamation establishing February 11-17, 2002, as *Career and Technology Education Week* in St. Mary's County.

POTASSIUM IODIDE REPORT

Present: Dr. William Icenhower, Health Officer, St. Mary's County

Dr. Icenhower stated that on February 1, *The Enterprise* printed an accurate article on Potassium Iodide that he felt the Board might read as a follow up on to this presentation.

It is recommended that Potassium Iodide be taken – especially in young people – within two hours of any type of nuclear disaster. Upon taking this pure Iodine, the thyroid gland is flooded and will block out radioactive iodide that causes Thyroid cancer. Potassium Iodide is a safe chemical compound found in salt, vitamins, and over the county medications.

The Nuclear Regulatory Agency has offered to pay for Potassium Iodide tablets to cover only the population living within a 10-mile radius of the nuclear power plant. The State of Maryland has made a request for the tablets, and they should be available within a month. Dr. Icenhower recommended the following:

- schools be the first to get the tablets
- that one tablets be kept at home, and one at the office
- that it be readily available

There was discussion about making the tablets available to all people in St. Mary's County, not just those within the 10-mile radius zone. Dr. Icenhower stated a plan would be solidified on availability and distribution issues.

Commissioner President Randall requested Dr. Icenhower provide an update to the overall health and mental health services needs assessment and return to the Board with a long range plan in the near future.

AFFORDABLE HOUSING REPORT

Present: John Norris, Acting County Attorney

As a follow up to the January 22 presentation by the Fair and Affordable Housing Task Force, Mr. Norris reviewed with the Board the recommendations and pointed out those that would require legislation.

Recommendations from the Committee

- Change the name from the St. Mary's County Housing Authority to the Housing Opportunities Board.
- Appointment of an ex-officio county employee and commissioner to the Board.
- Increase appointments from five to seven members.

Initiating the Changes

- A change of name can be effected through an amendment to the Articles of Incorporation, which requires the approval of the Housing Board, and does not require legislation.
- Adding a county employee as an ex-officio member can be done. There is no prohibition in state law for a county employee to be appointed as long as they are not employed by that same Board. If the Commissioners wish to specify who shall be members of the Board, it would require an amendment to the Authority's Articles of Organization and resubmitted to the Secretary of State.
- Article 44A of the State Code is that an employee of local government who is not an elected official and who is not an employee of the Authority may be selected and appointed as a member of the Housing Authority.
- St. Mary's County adopted - in Ordinance 90-24 - 5 members. State law precludes increasing the number of members without obtaining a Legislative change. Likewise, a local elected official cannot be a member of the Board in an attempt to keep the elected and appointed officials separate.

Considering Friday, February 8, 2002, is the deadline to submit requests to the Legislature, it was concluded that the Board proceed with increasing the size of the Housing Opportunities Board from 5 to 7 members. In addition the Commissioners indicated concurrence to change the name to the *Housing Opportunities Board*.

Commissioner Anderson moved that the County Attorney and staff draft appropriate legislation to increase St. Mary's Housing Authority members from 5 to 7 and forward it to the State Delegation. Commissioner Raley seconded the motion. Motion carried.

Commissioner Anderson opened discussion suggesting the following needs be addressed with urgency:

- The proposal for a new department and budget implications
- needs assessment and livability code revisions
- address low income end of spectrum
- that the Housing Authority return to the Board prior to the Zoning Ordinance public hearings begin to make additional recommendations

Commissioner President Randall recommended that Mr. Nicholson and the two program managers in the Housing office give the Board a presentation on the programs currently offered to include vouchers, rental assistance programs, housing units availability, new plans, etc. She recommended that the presentation be given on the last Tuesday of this month.

COUNTY COMMISSIONERS' TIME

African American History Month

Commissioner Anderson attended an outstanding annual African American History Month celebration at Chancellors Run on February 2, 2002. Congratulations on a job well done!

On Sunday, February 3, Commissioners, Anderson, Raley, and Mattingly attended a Museum Division program at Great Mills High School in honor of African American History Month. The Great Mills Chamber Chorus sang, the St. Peter Clayber Gospel Choir sang and Freddie Cole, Nat King Cole's brother, performed a concert. Kim Cullins should be congratulated for her efforts in bringing excellent talent into St. Mary's County. A good time was had by all!

90th Birthday Celebration

Later on Sunday, February 3, Commissioner Anderson went to St. Mary's City to celebrate Maureen Hogaboom's 90th birthday. Ms. Hogaboom has been a quiet force within the community for many years. Best wishes!

Retirement Celebration

Commissioner President Randall represented the Board at a retirement ceremony on base for Denny Distler who was the highest-ranking civilian at NAVAIR with 34 years of federal service.

Hollywood Growth Area

The Maryland Department of Planning has not recognized Hollywood as a priority growth area even though it has received that designation by the Board of Commissioners. *Commissioner Randall recommended that Mr. Grimm, DPZ, and his staff approach the Department of Planning and identify the problems and how they can be addressed and resolved then report back to the Board on their findings. It is a concern that the Department of Planning's sentiment could preclude needed support in Hollywood in the future.*

Appeal of School Projects to Board of Public Works

Last Wednesday, January 30, 2002, Lt. Governor Townsend sat in for the governor at the Board of Public Works meeting. The purpose was to appeal funding for Margaret Brent Elementary, the number of students at Carver Elementary, and the gym at Ridge Elementary. The request was reasonable – an added \$4.5 million – and the presentation was very good. The results will be known in May 2002.

ROAD ORDINANCE WORK SESSION

Present: George Erichsen, Director, Department of Public Works

As a result of the last Board meeting, Mr. Erichsen requested that the process to prepare an independent Road Ordinance move forward for public hearing in the general format submitted to the Board on October 30, 2001.

From reviewing the Draft discussion, dated February 5, 2002, the following items were questioned:

Commissioner Guazzo (with responses from Mr. Erichsen):

- Page 10-5 – line 11. “Storm water run off from public roads shall be collected and conveyed.” Is that for existing and proposed roads? *Will defer to Mr. Grimm for an answer.*
- Are entrances on private roads or public roads from intersections of existing roads addressed? *There is a 750' separation or jogs on opposite sides of the road.*
- Between 10-10 to 10-11 two lines left off when document was copied.
- Page 10-15 line 34 needs to be more definitive.
- Page 10-17 line 9 “Shared driveways and private roads shall share easements immediately adjacent and parallel to the private right-of-way...” *See item 3. for explanation. Will use terminology “both sides.”* Line 25 refers to shared private driveways...” Should a maximum distance for a private drive be established in a subdivision? *Some standards for private driveways will be left to owner's discretion including the length of the driveway.*
- For farmstead private roads should there be a recorded maintenance agreement? *10-16, line 27, addresses issue but will add farmsteads.*

- Page 10-18, line 34, entrance width shall be 18' for the first 25'. Is this paved surface? *Yes. Refer to chart on the next page. Will clarify the minimum width to include 2' shoulders. Language will be cleared up.*
- Will your department own the storm water facility management? *There is a provision that addresses this issue.*

Commissioner Raley:

- Page 10-11 regarding bike paths or walking paths. Are they a requirement for public roads? *Unless it was part of a bikeway system, it would not be required. There is no bike way or trails plan in place. There was a transportation plan that addressed this issue but it was put on hold. There is now an opportunity to look at it again in limited scope.*
- Page 10-15, lines 30-31, when there are lots of 25 or more, there are two entrances/exits to a public road. Sometimes there is limited road frontage. Could there be a requirement to loop their road around? *Existing wording precludes the loop. A provision will be added.*

Commissioner President Randall recommended that DPW return to the Board as quickly as possible for final review and approval and then begin the public hearings.

EXECUTIVE SESSION

Commissioner Anderson moved, seconded by Commissioner Guazzo, to meet in Executive Session to discuss a matter of Litigation, as provided for in Article 24, Section 4-210(a)8. Motion carried.

Litigation

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
 John Norris, Acting County Attorney
 Phil Rollins, Director, R&P
 Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a)8

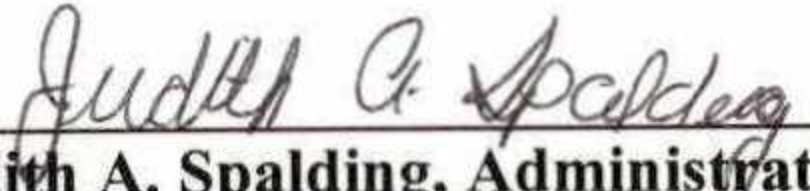
Time Held: 3:55 p.m. – 5:35 p.m.

Action Taken: The Commissioners discussed a settlement issue relative to a matter of litigation and the status of other litigation matters.

ADJOURNMENT

The meeting adjourned at 5:35 p.m.

**Minutes Approved by the
 Board of County Commissioners on 2/12/02**



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