

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Governmental Center
Tuesday, June 11, 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 Mattingly was not present at the beginning of the meeting.)

CALL TO ORDER

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

ADDITIONS/DELETIONS TO AGENDA

Commissioner Anderson moved, seconded by Commissioner Guazzo, to accept the agenda as amended (to add Item #9 (Employment Contract)) to the County Administrator's List. Motion carried.

APPROVAL OF CHECK REGISTER

Commissioner Anderson moved, seconded by Commissioner Guazzo, to approve the bills (with the exception of the bill for Raley's Country Store) and to authorize Commissioner President Randall to sign the Check Register. Motion carried.

Commissioner Anderson moved, seconded by Commissioner Guazzo, to approve payment of the bill for Raley's Country Store. Motion carried 3-0-1 with Commissioner Raley abstaining.

(Commissioner Mattingly entered the meeting - 10:20 a.m.)

APPROVAL OF MINUTES

Commissioner Anderson moved, seconded by Commissioner Guazzo, to approve the minutes of the Commissioners' meeting of Tuesday, June 4, 2002, as corrected. Motion carried.

**RECOGNITION OF RETIREMENT
CHARLES "RUSTY" MALONE**

The Commissioners presented a framed picture of local lighthouses to Charles "Rusty" Malone in recognition of his recent retirement from the Sheriff's Office.

**COMMENDATION
JOSEPH COOPER**

The Commissioners presented a Commendation to Joe Cooper in recognition of his outstanding service to the citizens of the County as an active member of the Bay District Fire Department and the Southern Maryland Volunteer Firemen's Association.

COUNTY ADMINISTRATOR

Present: Alfred A. Lacer, County Administrator

1. Draft Agenda – June 25, 2002 (There will be no meeting July 2, 2002)
2. Grant Agreements

- a. Lexington Park Plan

Present: Robin Finnacom, Director

Requesting approval of Grant Agreement for Streetscape/Lexington Park Property Improvement Program for \$5,000.

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

- b. Walden/Sierra

Present: (Kathleen O'Brien, Director

Modifications to Memoranda of Understanding, due to award of supplemental funding by the Alcohol and Drug Abuse Administration for Regional Technology Grant.

Commissioner Anderson moved, seconded by Commissioner Guazzo, to approve and authorize Commissioner Randall to sign the MOU Modification to the Grant as presented. Motion carried.

- c. Office on Aging

Present: Gene Carter, Director

Title III, Notification of Grant Awards and related Budget Amendments

Commissioner Anderson moved, seconded by Commissioner Guazzo, to approve and authorize Commissioner Randall to sign the Notification of Grant Awards as presented. Motion carried.

- d. Office of Community Services

Present: Cynthia Brown, Director

Grant Award for the Workforce Investment Act Program (funding for the Summer of Safety, Arts, and Reading Program) from the Department of Labor, Licensing, and Regulation (\$22,500).

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

3. Budget Amendments

- a. Office of Community Services

Present: Cynthia Brown, Director
Kelsey Bush

- Modification to Pirate's Club (\$12,446) Youth Prevention Grant
- Modification to Twilight Club (\$8,700) Youth Prevention Grant

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

- b. County Administrator
To fund bringing on board a new hire three weeks prior to current employee's departure.

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

- c. Sheriff's Office
Present: Lottie Bell
Sgt. Burris

Allocation of portion of 1999 Local Law Enforcement Block Grant funds

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

- d. Recreation and Parks
Present: Phil Rollins, Director
Mike Humphries, Museum Director

To move funds from the St. Clements Island Museum Expansion project to the Piney Point Lighthouse Museum and Park Expansion project. (\$50,000)

Commissioner Guazzo moved, seconded by Commissioner Anderson, to approve and authorize Commissioner Randall to sign the Budget Amendment. Motion carried.

(Commissioner Mattingly suggested that Mr. Rollins use in-house talents from Recreation and Parks and Facilities Management to work on the project.)

4. Stuart Property Acquisition

Present: Phil Rollins, Director, R&P

- Amendment to Purchase Agreement (extension of settlement date)
- Reduction of Purchase Price Agreement

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

5. Facilities Management

Present: Richard Rohrbaugh, Director

Letter of Intent to assure the MHEC that the county intends to provide the local share of funds necessary to complete the Wellness Center, CSM, Phase III, Leonardtown Campus.

(During discussion the Commissioners requested that the Letter of Intent be amended to include language that funds for this project have been budgeted in FY '04; to indicated that the Resolution as referenced in the letter, will be submitted by the College of Southern Maryland Board of Trustees.)

Commissioner Guazzo moved, seconded by Commissioner Mattingly, to approve and sign the Letter of Intent, with the amendments as requested. Motion carried.

6. Lease of the SMC Fairgrounds for E-Cycling event
(to be held on June 15, 2002 and containers to sold on October 5, 2002)

Present: Rick Tarr, Recycling Coordinator
Janet Parks, Property Manager

Commissioner Anderson moved, seconded by Commissioner Guazzo, to approve and authorize Commissioner Randall to sign the lease as requested. Motion carried.

(The Commissioners suggested that the E-Cycling event be scrolled on Channel 12.)

7. St. Mary's County Health Department
Core Public Health Services Funding Agreement

Present: Dr. William Icenhower, Health Officer

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

After the motion, the Commissioners discussed the tobacco fertilizer and "dirty bombs" and requested Dr. Icenhower return later in the summer to give a briefing (to report on which states the fertilizer is coming from; and if those states have regulations) and an update on the "dirty bomb" issue.

8. Metropolitan Commission

Present: Tom Russell, Deputy Director, MetCom

(to obtain approval to add one new position for Vac Con Operator to MetCom. (\$22,876 for FY03; the County Code requires that any new MetCom position must be approved by the Board of County Commissioners.)

Commissioner Mattingly moved, seconded by Commissioner Anderson, to approve hiring the new Vac Con Operator. Motion carried.

(Donna Gebicke recorded the following portion of the meeting.)

METROPOLITAN COMMISSION – HOLLYWOOD WATER & SEWER PROJECT DESIGN CONCEPTS

Present: Thomas Russell, Assistant Director
Maurice Daley, Engineer
Jon Grimm, Director Planning and Zoning

MetCom Assistant Director Tom Russell provided a status report on the Hollywood Water and Sewer Project and on the need to obtain state and/or federal grant assistance to make the project affordable to the users. Mr. Russell also recognized Jon Grimm and his staff for their work in helping to prepare the report.

The report included preliminary design concepts, cost estimates for water and sewerage construction, users charge estimates, public sewer and water systems survey results, and documentation for state and federal grant acquisition.

Problems indicated in the status report included the excessive construction cost estimates for phase I, a predicted slow growth rate, inadequate existing pump station and a required new 12" forcemain to Town Creek Drive. No loans or grants for the project can be requested without obtaining Priority Funding Area approval. Discussion included agreement by the Commissioners that cost estimates for the project were too high.

Recommendations:

- Reduce Phase I scope to "backbone system" to reduce cost
- Obtain Priority Funding Area (PFA) approval from State.
- Consider reducing size of town center to further reduce costs and obtain PFA approval.
- Seek special Federal grant assistance. System qualifies for "disadvantaged" funding.
- Delay public meeting until probability of grant can be determined and send draft letter as presented to property owners to explain project status.
- Assist and support MetCom with requesting special grant assistance.

The Commissioners gave approval for MetCom to send the letter as drafted to property owners. In addition, the Commissioners suggested that MetCom conduct an informational public meeting to provide a project update to property owners. MetCom will work with Commissioner Mattingly and staff to organize the meeting.

In order to obtain priority funding approval, the Commissioners directed Planning and Zoning staff to work with Maryland Department of Planning to determine what needs to be done to have the "comment area" removed that MDE placed on the project.

MINIMUM LIVABILITY CODE

Present: John B. Norris, III, County Attorney
Robin Guyther, Director of Permits and Inspections
Adam Knight, Deputy Code Office

County Attorney Norris summarized revisions to the draft St. Mary's County Minimum Livability Code and requested approval from the Board of Commissioners to schedule and advertise a public hearing on the Code.

Following discussion on the Code, Commissioner Mattingly moved, seconded by Commissioner Anderson, and motion carried, to direct staff to schedule and advertise a public hearing on the Code and to approve the draft Code with the following changes:

Revisions:

1. **Include building code language regarding disability requirements for smoke detectors.**
2. **Identity, address, and phone number of complainants must be provided (Enforcement section, page 5).**
3. **Review document for spelling and other edits.**

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

COMMENDATIONS – ST. MARY'S COUNTY PUBLIC SCHOOLS

- Gloria G. Bryan, a third grade teacher at Lettie Marshall Dent Elementary School, Mechanicsville, was the recipient of "The Washington Post 2001 Agnes Meyer Outstanding Teacher Award."
- Larry M. Brabec, a sheet metal instructor at the James A. Forrest Technical Center, Leonardtown, was the recipient of the "St. Mary's County 2002-2003 Teacher of the Year Award."

DEPARTMENT OF PLANNING AND ZONING

Present: Jon Grimm, Director Planning and Zoning
John Norris, County Attorney

Integrated Strategic Planning Progress Report

This project is a melding of three processes:

- working with the County's Comprehensive Plan (growth management strategy)
- working with other community elements (i.e., economic development, environment, housing, and other considerations that are non-land use based), and
- systems integration and organizational efforts

The culmination of these updates and progress reports on the transition to an integrated system of strategic planning will include a definitive timetable for phased implementation. Capital and operating budgets will be looked at – especially for long-term capital projects. Over the summer a database development will begin based on geographic information. The Centerline Project, which will conclude in June, maps all the county roads and has a direct link to the emergency response process. In September the budgeting process will begin for the next fiscal year.

On June 19, 2002, there will be a retreat held with the Planning Commission to make certain they are in line with the Strategic Planning effort because they have statutory responsibility with respect to making recommendations about comprehensive planning and capital programs.

When completed, the Department of Planning and Zoning will return to the Board with the Strategic Plan for their review and approval. It may take the form of an update to the Comprehensive Plan with timelines for the actions that carry out the plan and who is responsible for the action. There should be specific goals in the Comprehensive Plan with dates of conclusion, i.e., "in 2015, health needs of SMC citizens will be met."

Start with the Comprehensive Plan, adopt organization strategic planning as a Board initiative, and also address systems planning initiatives. It is objective driven, data related, and evolutionary.

Callaway Area Plan

Mr. Norris explained the case filed in Circuit Court for St. Mary's County is pending a written order expected from the Judge soon. It was an appeal of an Ethics Commission complaint that alleged that the Citizens Advisory Committee for Callaway had not followed the Ethics Ordinance and challenged the Citizens' Advisory Committee report on Callaway. The Judge verbally ordered that the Board of County Commissioners could not consider the committee's plan that had been put together for Callaway, because he felt that committee members' should have been required to file Financial Disclosure Statements (FDS) and they were not. In the Planning Commission's recommended plan, they took all public comment including the Citizen's Advisory Committee recommendations.

Commissioner President Randall expressed her desire to send back the plan developed by the Citizens' Advisory Committee to the Planning Commission. The process was flawed - not through willful intent by anyone involved - but because the Board of County Commissioners did not understand at the time the Committee was formed, that a FDS was required.

What needs to happen next:

- *Send letters of apology to the Planning Commission and members of the Citizen's Advisory Committee, explaining that an FDS should have been asked for in the beginning, and that the Board apologizes for the time and effort everyone put into the plan and regrets they cannot consider their recommendations.*
- *Letter to the Planning Commission requesting an independent analysis of the Callaway area to include the existing Callaway area in terms of boundaries, plus the piece of property that will have the proposed Lexington Park Christian School on it (not the entire parcel of the school).*

The Commissioners gave their concurrence to the referenced actions. The Planning Commission would not need to convene another committee since the data is current. Public hearings will be necessary to acquire citizens' input. The consultant, ERM, is still under contract to the County; however, every effort will be made not to spend additional funds on the Plan.

Commissioner Guazzo moved, seconded by Commissioner Raley that the Board of County Commissioners declines to consider the proposed Callaway Plan because of an inherent flaw in the process of creating the Plan. Motion carried.

Commissioner Anderson moved, seconded by Commissioner Guazzo, to direct the Planning Commission to go through the process required to independently arrive at a Callaway Area Master Plan that can be forwarded to the Board of County Commissioners. The Board recommends the Planning Commission relook at the size of the Callaway Village Center and include a portion of the parcel that the Lexington Park Christian School would occupy. Motion carried.

For the record, County Attorney, John Norris, stated that the County may have defenses to the action that has been brought. The Board's actions today will remove the appearance of any impropriety.

COMMISSIONERS' TIME

Commissioner Mattingly asked Mr. Lacer to follow up with Phil Rollins about Maryland Rock about a possibility of leasing an adjacent property to our existing boat ramp that will be renovated in the fall of this year. Maryland Rock is prepared to move forward.

Congratulations graduates!!!

Commissioner Guazzo, along with other Commissioners, attended the Chamber of Commerce annual meeting. The Chamber has rebuilt themselves over the past few years to become an integral assistant to County agencies. They are to be commended!

EXECUTIVE SESSIONS

Commissioner Anderson moved, seconded by Commissioner Raley, 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
Delores Lacey, PIO Coordinator
Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a)1
Time Held: 3:25 p.m. – 5:50 p.m.
Action Taken: The Commissioners reviewed the latest status sheet and gave direction to staff.

(Kaaren Burke recorded the following portion of the minutes)

PUBLIC FORUM

June Nicholas, BOD, Westbury Community Association, 45970 E. Quincy Terrace, Lexington Park, voiced her objections to build affordable housing in Westbury citing: (1) IGC isn't performing or maintaining the common areas, (2) suggests the County build affordable units or repair and purchase older homes to sell to lower income, (3) Westbury is already a hot spot for crime and adding low income housing may increase the problems.

Edward Stachyra, 21521 Rominger Court, was told at the time he purchased his single family home that the builder, Select Homes, would only build single family dwellings in Westbury.

Chadwick Hixson/Brande Boudreau, 21523 Rominger Court, wrote their concerns. They were told that the area directly behind their home was owned by the State of Maryland.

Joel Republica, 21557 Searfoss Court, voiced concern that his property value would go down if affordable housing were allowed in Westbury. It would be difficult to resell the house. IGC has done a poor job with the streets and entryway and have a poor track record.

Gia Viray, 21560 Searfoss Court, stated she has pride of ownership of her Westbury home. If the apartments are built behind her, then she may not be able to sell their home. IGC misled them and they cannot be trusted.

Franc Ablen, 21547 Searfoss Court, voiced his complaint about the poor management track record of IGC and that they do not keep their promises.

Jimmie Coontz, 47002 East Rennell Circle, stated that Westbury has enough problems and perhaps apartments should not be built in Westbury. However, affordable housing is still necessary in St. Mary's County. The Livability Code is very much appreciated, however, enforce it with fines. No one should have to live in poor trailer parks or in places like Lexington Manor.

Joe Gass, 41144 Living Water Lane, Mechanicsville, reminded the Board about the issues of the public library and to protect children from pornography and to fund Leonardtown and Charlotte Hall Libraries with the same software now. Since the Board only has six months in office, he's concerned two year extensions on employment contracts could make difficult choices for the new Board members. Buying out employment contracts could be costly to the County.

Robert Thibeaut, 21468 Cameron Court, moved into his neighborhood in 2000 and since then, IGC has dropped the ball on their commitment to the area.

Scott Stewart, 21461 Cameron Court, echoed the sentiments of his neighbors. The developer had a plan and it was a good one. Homebuyers made investments in their community. IGC needs to be held to their original plan.

Neil and Jo'Ann Benar, 21470 Cameron Court, stated when he bought his home he specifically asked if there were going to be townhomes and apartments built near his home. He was told Westbury was a single family home PUD. There are a high percentage of renters already in the community.

Virgil Whitlow, 21463 Cameron Court, echoed the same concerns as his neighbors. IGC must be accountable for their actions.

Donnita R. Moore, 21500 Warwick Court, has a historical problem with IGC that persists. Pegg Road sector already supports affordable housing.

Vince Clark, Lot 12, has issues with IGC and accountability. On June 18, he will be in arbitration on items not completed by IGC since 1999. Community issues need to be satisfied with IGC before anyone can start on affordable housing.

Melvin McClintock, 21384 Carmel Woods Drive, said that affordable housing needs to be spread throughout the county – not in one community. IBC should take the tax credits and build houses that resemble the community – row houses will not prosper.

Don Bernard, Warwick Court, purchased his home in 1998 and enjoys the County. He knows about apartment living and doesn't want to live like that again.

Luranda Johnson, Westbury, has lived in Westbury for five years. IGC has no integrity or honesty. The area is a hot spot, a drug haven, because of all the apartments already there. Wildewood has no low income houses being built there.

Mark Oddie, Lot 11, has lived in the neighborhood since 1994. The problems experienced today were the same in 1994. Recently his son's bike was stolen off the front lawn!

Allen Nelson, Lot 500-9, are in the process of selling their home now. The realtor stated the housing values in Westbury have not risen as they have in Wildewood. Do not depress the situation further with low income apartments.

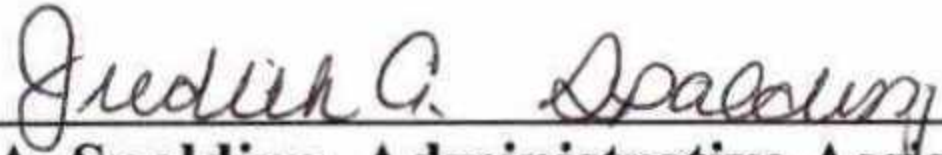
Diane Barry, 21493 Warwick Court, feels comfortable in her neighborhood but learning it's a hot spot concerns her. Originally, she lived in the "flat tops" and was able to save for homeownership.

Tim Jonaman, 500-8, reiterated that IGC is a problem. First the HOA must be solvent. More apartments will increase traffic and speed on Peggs Road.

ADJOURNMENT

The meeting adjourned at 7:55 p.m.

**Minutes Approved by the
Board of County Commissioners on 6/25/02**


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