

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Governmental Center
Tuesday, October 16, 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, Administrative Assistant (Recorder)

CALL TO ORDER

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

ADDITIONS/DELETIONS TO AGENDA

Commissioner Guazzo moved, seconded by Commissioner Mattingly, to accept the agenda as amended (to add an executive session under the personnel authority in the afternoon. Motion carried.

APPROVAL OF CHECK REGISTER

Commissioner Raley moved, seconded by Commissioner Anderson, to authorize Commissioner President Randall to sign the Check Register, with the exception of the item in the amount of \$58 on page 65, in that Commissioner Mattingly requested clarification. Motion carried.

APPROVAL OF MINUTES

Commissioner Guazzo moved, seconded by Commissioner Mattingly, to approve the minutes of the Commissioners' meeting of Tuesday, October 9, 2001, as corrected. Motion carried.

EXECUTIVE SESSION

Commissioner Raley moved, seconded by Commissioner Anderson, to meet in Executive Session to discuss matter 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
Alfred A. Lacer, County Administrator
Delores Lacey, Public Information Coordinator
Judith A. Spalding, Recorder

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

Time Held: 10:45 a.m. – 12:01 p.m.

Action Taken: The Commissioners reviewed the current status sheet, made nominations, and gave direction to staff.

COUNTY ADMINISTRATOR

Present: Alfred A. Lacer, County Administrator

1. Draft Agendas – October 23 and 30, 2001
2. Department of Public Works

Present: George Erichsen, Director

- a. Public Works Agreement for Woodmark Subdivision, Section 4, 4th Election District, with a completion of August 1, 2003. A letter of credit in the amount of \$108,400 has been provided by the Maryland Bank & Trust Company.
- b. Public Works Agreement Addendum for Tall Pines Subdivision, Section 1, 2nd Election District, extending the completion date to October 1, 2002. The letter of credit provided by the Maryland Bank & Trust Company in the amount of \$111,000 has been reduced to \$33,600.

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

3. Experimental Aircraft Association/Department of Public Works & Transportation Invitation to October 20 Fly-In at Capt. Walter Francis Duke Airport

Present: Sidney Wood, Experimental Aircraft

Mr. Wood appeared before the Board to extend an invitation to the 4th Annual Fly-in at the Capt. Walter Francis Duke Airport on Saturday, October 20, 2001, which had been postponed from September 25 because of the September 11 tragedies. He described the activities planned for the day including aircraft rides for children from age 8 to 17; bi-plane rides for all ages; many aircraft exhibits (including the US Air Force half-scale F-16, MSP Medivac, Army Apache helicopters, Fish and Wildlife Cessna 210, piper cubs) ultra-light trainer, National Guard military exhibits, and rescue equipment demonstrations. There will be also be a pancake breakfast starting at 7:30 a.m.

4. Sheriff's Department – Grant Documents

Present: Sheriff Voorhaar,
Lt. Tim Cameron
Lottie Bell, Fiscal Specialist

- a. \$10,000 Anonymous Donation
(\$5,000 to be used for Crime prevention Program;
\$5,000 toward Awards Program)

Commissioner Guazzo moved, seconded by Commissioner Anderson, to approve going forward with a supplemental appropriation public hearing for the \$10,000 donation. Motion carried.

- a. School Bus Safety Enforcement Program Grant Agreement

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

5. Greater Washington Initiative
(\$2,000 Check Held from Last Week's Bills)

Present: John Savich, Director, DECD

Payment of the referenced check was deferred in order to give Mr. Savich a opportunity to provide input. He stated that he was in favor of participating at the \$2,000 level in this initiative, and that next year, he would evaluate whether this expenditure was a good investment for the County.

After discussion Commissioner Anderson moved, seconded by Commissioner Guazzo, to release the \$2,000 payment to the Greater Washington Initiative. Motion carried three to two with Commissioner Mattingly and Raley voting against.

6. Appointment of New Director of Human Resources

Mr. Lacer presented the employment contract for the new Director of Human Resources, Mr. Randall J. Schultz, stating that his appointment will be effective, Monday, October 22, 2001.

Commissioner Guazzo moved, seconded by Commissioner Mattingly, to approve and sign the Employment Contract as presented. Motion carried.

Kate Mauck recorded the following meeting minutes:

COUNTY COMMISSIONERS' TIME

Maryland Leadership and Law Award

Commissioner President Randall expressed congratulations to the County Attorney, Patrick Murphy, for being a recent recipient of the Maryland Leadership and Law Award. Another winner of the award from the Southern Maryland area was Judge Krug in Calvert County. Mr. Murphy was commended for his excellent work on behalf of St. Mary's County.

Commissioner Anderson also expressed congratulations to Mr. Murphy, stating that he was doing a wonderful job, and encouraged him to keep up the good work.

Service Learning Leadership Commendation

Commissioner Randall reported that the State of Maryland Department of Education recently honored principals for their leadership in service learning. Ms. Carol Poe, principal of Spring Ridge Middle School, was honored for the excellent job she has done with service learning for the students at Spring Ridge. Ms. Poe was congratulated for the special recognition and for the \$200 award she will receive for her school to go toward the service learning program.

St. Mary's County Oyster Festival

Commissioner President Randall, as a member of the Lexington Park Rotary, announced that the Rotary would be sponsoring the Oyster Festival this coming Saturday and Sunday. Lots of fun and good food should be expected at the festival, as well as a lot of out-of-town folks. Typically, 80% of the people visiting the festival are from out of the area. The Commissioners expressed their appreciation to the Rotary for its efforts in putting this event together, which helps to support the tourism industry in the County. Commissioner Anderson pointed out that the Rotary uses some of the funds from the festival to provide scholarships for students as well as for charities.

Retirement Ceremony for Firefighters

Commissioner Mattingly reported that he recently attended a retirement ceremony for two firefighters – Ronnie Jones and Ronnie Mattingly at the Naval Air Station. The ceremony was well attended with approximately 250 people there from Hollywood and the Seventh District. Both gentlemen are to be commended for their efforts on behalf of St. Mary's County. Commissioner Mattingly expressed best wishes to both.

Tri-County Council Retreat

Commissioner Mattingly reported that approximately 35-40 individuals were in attendance at the Tri-County Council Retreat that was conducted last weekend. The dialogue was on regional strategies and the facilitator was excellent. The event lasted from 9:00 a.m. to 3:00 p.m. and the majority of the people were able to stay for the entire day. He reported that good input was given and folks were very open. Follow up on the status of the regional strategy that was done a couple of years ago will be forthcoming.

Emergency Services Efforts Acknowledged

Commissioner Anderson acknowledged the efforts of the Emergency Management people in the community: the State police, Health Department, Patuxent River NAS Security and Emergency Services for the County, for their efforts in the last month and a half. All these individuals have experienced a great deal of stress as they are addressing the needs of the community and country. Many have been working hard and quietly behind the scenes ensuring St. Mary's County is as safe as it can possibly be.

A workshop is being held tomorrow by the Emergency Management Department and the Health Department, which will involve all the appropriate agencies regarding weapons of mass destruction – this is showing a proactive attitude, which is highly commendable. Commissioner Anderson indicated that the security of the County is in very good hands, and that he believes there may be some public informational meetings planned throughout the County to relay to citizens the measures that are being taken on their behalf. Commissioner President Randall stated that she believes this will be an upcoming agenda item, which would then be played on Channel 12, and which would allow the public to view the complete discussion on television.

Commissioner Mattingly reported that he recently spoke with Paul Wible, Director of Emergency Services, and Mr. Wible reported that the few occurrences that have happened in the county have flowed very well through the system.

Commissioner Randall reminded staff to include the issue of mental health in a comprehensive approach to the County's briefings about preparedness. She asked that Kathy O'Brien and Alexis Zoss be included in these discussions, as they have been to briefings on critical incidences and are very qualified to provide input on some of the important issues.

Commissioner Mattingly stated that some of the staff from the EOC and EMA are also qualified to talk about many of the issues that need to be discussed. He stated that he recently spoke with Kathy O'Brien, and she had actually been to New York to tour "Ground Zero." Volunteers from the Red Cross are there now and many folks in the community have been involved in the healing process.

Commissioner Guazzo reported that her husband recently attended a Biohazard and Security Conference in Charles County, which was an area-wide conference. Members of the medical community were present and high-level officials provided a great deal of information. The speakers at the conference indicated that they had a good grasp of the hazards that were discussed; however, it was reported that their big concern was the dissemination of information from jurisdiction to jurisdiction in the area of emergency management systems. The radio-technical part of it was a big problem that needed to be solved. Commissioners discussed this issue and the problems involved in working these problems out.

Southern Maryland Works

Commissioner Anderson reported that Southern Maryland Works, the local workforce development organization, would be sponsoring a metrotech program. This program will provide training for any employer who wants to create a job for a technology-related position. A kick-off meeting for employers to learn more about this will occur on November 1st at the Frank Knox Center. Phil Carlson, Director of this program for the Department of Labor, Licensing and Regulation will be there as well, along with Helen Flower-Fields, Executive Director for Southern Maryland Works. Many of the Board people will also be present in order to provide a good overview of the program.

Commissioner Guazzo's Informational Meeting

Commissioner Guazzo reported that she would be holding, along with County staff, an informational meeting tomorrow night in the Fifth District. Individuals from six of the County's Departments would be present to provide information on identified needs, timelines, availability of government-owned land, etc. The meeting will be held at Lettie Dent Elementary School from 6:30 to 8:30 p.m. Each department will give a ten-minute presentation and a full hour will be provided for questions and answers. Commissioner Guazzo stated that she was sorry the other Commissioners would be unable to attend.

Commissioner President Randall asked Commissioner Guazzo to express to individuals at the meeting the concern the other Commissioners have about the Northern end of the County. The remainder of the Board of County Commissioners would be attending the Navy Alliance Dinner with the Governor and would be unable to attend Commissioner Guazzo's informational meeting.

League of Women Voters

Commissioner Guazzo reported that Commissioner Raley and others joined her last week to discuss the draft Zoning Ordinance and its various components at a panel discussion sponsored by the League of Women Voters. She was a bit disappointed with the attendance, but over the last couple of months people have been showing more interest in zoning issues than was shown in the past. Commissioner Guazzo thanked the League of Women Voters for their sponsorship of the event and expressed her appreciation to those who attended.

Annual Farm-Life Festival

Commissioner Guazzo stated that John and Kitty Parlett once again opened their farm for the annual Farm-Life Festival this past weekend. She attended on Sunday and she outlined the numerous things that were exhibited that illustrated the workings of a self-sufficient farm. The Parlett family was thanked for their efforts and for opening their farm for this wonderful event.

Commissioner President Randall reported that she attended the event on Sunday as well, and had a wonderful time.

Commissioner Anderson reported that he was told that attendance at the event was up over 30% from last year. He pointed out that the event helps to benefit Christmas in April.

Judy Hoyer Center Ribbon-Cutting Ceremony

Commissioner President Randall reported that most of the Commissioners were present at Green Holly Elementary School for the opening of the Judy Hoyer Center Ribbon-Cutting Ceremony. She reported that it was a wonderful event and commended Dr. Richardson and the Board of Education for pursuing the grant for the Center. St. Mary's County was one of the first in the State to get such a center, and it will be a wonderful opportunity for the children in the community.

New Health Director

Commissioner President Randall reported that the County's new Health Director, Dr. Icenhower, has "hit the ground running." He has been well received by citizens in the community and already has the confidence of many of the citizens in the County.

PUBLIC HEARING

HUMAN RELATIONS COMMISSION ORDINANCE

Present: Patrick Murphy, County Attorney
Marie Underwood, Chairperson, Human Relations Commission

Mr. Murphy reported that a public hearing was being conducted today regarding the Human Relations Commission Ordinance. Mr. Murphy stated that the hearing had been properly advertised on October 3rd and October 10th, and copies of the proposed Ordinance were available for public review in the back of the room, as well as at the

County Attorney's office. The proposal is being made in order to repeal and re-enact with amendments Chapter 162A of the Code of St. Mary's County and to authorize the Human Relations Commission to engage in alternative dispute resolutions and to hold closed or executive sessions when dealing with an alternative dispute resolution, grievance or complaint of discrimination and to keep certain matters confidential.

Commissioner President Randall opened the public hearing for public testimony. There was no one present to speak; therefore, the public hearing was closed. The record will remain open for a period of ten days to allow for the submission of written public comment.

After the ten-day period, the matter will be placed on an upcoming agenda of the Board of County Commissioners for discussion/decision.

**EMERGENCY MANAGEMENT/ANIMAL CONTROL
REQUEST FOR FUNDING FOR TRI-COUNTY ANIMAL SHELTER
UPGRADES**

Present: Paul Wible, Director, Emergency Management
Elaine Kramer, Director, Finance Department
David Icoholdz, Charles County Budget Director
Lieutenant Tucker, Animal Shelter

Ms. Kramer announced that a bill totaling \$64,528.24 was recently presented to St. Mary's County for upgrades completed on the Tri-County Animal Shelter. It was reported that the previous Board of County Commissioners signed a Memorandum of Understanding, thereby agreeing to pay 37 ½ % of the upgrading costs that would accrue. Ms. Kramer reported that the amount was not appropriated in the FY 2001 budget, and the funding would have to come out of the 2001 Commissioners' Reserve Fund, if agreeable. Ms. Kramer assured the Board of County Commissioners that this situation would not occur in the future, and that appropriate budgeting would take place.

Much discussion took place regarding the surprise of the billing, the lack of reflection in the 1998 through 2001 budgets for the cost of the upgrades that were agreed to, and the basis for the billing for capital projects. Discussion regarding the crematorium that was recently funded also took place. Mr. Icoholdz outlined how the billing was changed in mid-stream and it was determined that yearly billing should occur in the future. Lieutenant Tucker outlined the history of the shelter and the improvements that had occurred that incurred the costs involved.

Commissioner Guazzo moved, seconded by Commissioner Anderson, to approve the expenditures for the 2001 budget amendment in the amount of \$64,528.24.

Discussion continued regarding this issue. Commissioner Raley expressed his extreme displeasure with the costs of the shelter.

The Board of County Commissioners requested the following from staff:

- *Ms. Kramer was directed to provide a copy of the Memorandum of Understanding to the Commissioners that was signed by the previous Board of County Commissioners;*
- *Ms. Kramer was asked to provide an update on the income from the tower that is located on the property;*
- *Mr. Wible was asked to give a full accounting of the County's use of the Animal Shelter in memo format to the Commissioners. In this memo, provide an update on what percentage the County is actually utilizing the shelter, and provide minutes of the Advisory Board meetings regarding the shelter; and*
- *Mr. Wible was directed to compile and complete a long-term plan for St. Mary's County regarding the shelter and the County's needs.*

Commissioner President Randall called for the vote on the motion. Commissioners Anderson, Guazzo, Mattingly and Randall voted yea; Commissioner Raley voted nay. Motion carried 4:1.

**OFFICE OF THE SHERIFF
REQUEST FOR AUTHORIZATION AND ADDITIONAL FUNDING FOR THE
HIRING OF EMPLOYEES, EXPLOSIVE DETECTION K-9'S AND RELATED
EQUIPMENT**

Present: Sheriff Richard Voorhaar
Lottie Bell, Fiscal Specialist, Sheriff's Department
Sergeant David Zylak, Sheriff's Department

Sheriff Voorhaar and staff provided a briefing regarding a request for funding in order to meet manpower needs, assist with salary adjustment issues, and the pursuance of a contract with the U.S. Marshal Service. The Sheriff stated that his request would be to have preliminary discussions at today's meeting, with follow-up and more in-depth discussion and a decision to occur on October 30th. It was reported that one of the sergeant positions outlined in the request should be eliminated from the request for funding. Much discussion took place regarding these needs, and the Board of County Commissioners requested the following:

- *Staff to place the item on the Commissioners' October 30th meeting agenda;*
- *At the meeting on October 30th, the Sheriff's Department should bring the following information: January to June costs as well as the costs for the full year; information requested earlier regarding other county's courthouse security measures. Include in this report how often judges are in court at the same time;*
- *Lieutenant Zylak to send Commissioner Guazzo an e-mail regarding the whereabouts of the 40 inmates that were transported and on the road on the same day;*
- *Commissioners would like to see a Security Survey Report. The Sheriff's Department stated that this report, which would be coming from the U.S. Marshall Service, might be greatly delayed, given the events of September 11th.*

EXECUTIVE SESSION

Commissioner Anderson moved, seconded by Commissioner Mattingly, to meet in Executive Session to discuss matters of Property Acquisition, Litigation and Personnel, as provided for in Article 24, Section 4-210(a)11, Section 4-210(a)8 and Section 4-210(a)1 respectively. Motion carried.

Judith Spalding recorded the remaining meeting minutes:

Property Acquisition

Present: Commissioner President Julie B. Randall
Commissioner Joseph F. Anderson
Commissioner Thomas A. Mattingly, Sr.
Commissioner Daniel H. Raley
Alfred A. Lacer, County Administrator
Phil Rollins, Director, R&P
Judith A. Spalding, Recorder

(Commissioner Guazzo was not present during this executive session.)

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

Time Held: 4:00 p.m. – 4:15 p.m.

Action Taken: The Commissioners discussed a property acquisition issue relative to the Piney Point Lighthouse and gave direction to staff.

(Commissioner Guazzo entered the meeting – 4:15 p.m.)

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
Patrick Murphy, County Attorney
George Forrest, Deputy County Administrator *(attended from 4:20 – 5:25)*
Jon Grimm, Director, DPZ
Judith A. Spalding, Recorder

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

Time Held: 4:15 p.m. – 5:25 p.m.

Action Taken: The Commissioners discussed several matters of litigation including settlement issues and gave direction to staff.

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
George Forrest, Deputy County Administrator
Judith A. Spalding, Recorder

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


Time Held: 5:25 p.m. – 6:00 p.m.

Action Taken: The Commissioners discussed a personnel matter and the County Administrator will report back to the Board with his findings.

ADJOURNMENT

The meeting adjourned at 6:00 p.m.

**Minutes Approved by the
Board of County Commissioners on 10/23/01**


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