

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Governmental Center
April 11, 2000**

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, Recorder

(Commissioners Guazzo and Mattingly were not present at the beginning of the meeting. Commissioner Mattingly was at the PEPCO Oil Spill Site at Chalk Point.)

CALL TO ORDER

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

ADDITIONS/DELETIONS TO AGENDA

Commissioner Anderson moved, seconded by Commissioner Raley, to accept the agenda as amended (to switch the executive session 10:35 time slot with the Safety Committee Report, Minutes, County Administrator, and County Commissioners time slots). 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.

(Commissioner Guazzo entered meeting – 10:20 a.m.)

PROCLAMATIONS

The Commissioners presented the following Proclamations:

- Retired Senior Volunteer Program Week
- National Volunteer Week (Nursing Center)
- Under Age Drinking Prevention
- National Crime Victims' Rights Week

APPROVAL OF MINUTES

March 28, 2000

Commissioner Raley moved, seconded by Commissioner Anderson, to approve the minutes of the Commissioners' meeting of Tuesday, March 28, 2000, as corrected. Motion carried.

April 4, 2000

Approval of the April 4 minutes was deferred until next week because the Commissioners had not had time to review them.

(Commissioner Mattingly entered the meeting – 10:25)

(Kate Mauck took the following portion of the meeting.)

**ST. MARY'S SAFETY COMMITTEE
(PRESENTATION OF WORKPLACE VIOLENCE PREVENTION POLICY)**

Present: Phil Cooper, Chairman, St. Mary's County Safety Committee
Mary O'Brien, Risk Manager
(Members of the Safety Committee)

Mr. Cooper stated that members of the Safety Committee developed a Workplace Violence Prevention Policy, which was now being presented to the Board of County Commissioners for approval. The workplace environment has changed dramatically over the years in the United States, and workplace violence should be a cause for concern by employers and employees in St. Mary's County as well. The Workplace Violence Prevention Policy was developed through committee involvement and was distributed to all department directors, the St. Mary's County Employees' Association, and to the County Attorney for comment. The Policy includes the four important elements of prevention, reporting, training and follow-up. Training on the Policy is scheduled this month for department directors and supervisors.

Training will occur for all new employees in two segments – an initial overview of the policy and then individual work-site development. Ms. O'Brien will be meeting with each department and will provide training to every current employee within the next couple of months. In addition to the Workplace Violence Prevention Policy, they will be trained on safety issues as well.

Mr. Lacer recommended approval of the Policy. **Therefore, Commissioner Raley moved, seconded by Commissioner Guazzo, to approve the Workplace Violence Prevention Policy. All members voted in favor.**

(Judith Spalding resumed taking the minutes at this point.)

BRIEFING ON PEPCO OIL SPILL AT CHALK POINT

Commissioner Mattingly, upon returning from the oil spill site, reported on the situation and the clean up process. He stated that Congressman Hoyer conducted a briefing at 8 a.m. this morning, and a group did a flyover of the spill area. 111,000 gallons of oil was spilled from a PEPCO broken pipe, and 80 thousand gallons of that has been collected. The spill has spread as far south as Cremona Farm. Contractors and various agencies are at the site working on the cleanup. If anyone has questions or concerns, PEPCO is accepting calls 24-hours a day. Commissioner Mattingly reported that EMA Director Paul Wible and Deputy County Administrator George Forrest are still at the site.

An informational meeting is tentatively being scheduled at the Benedict Fire House.

(During discussion of the agenda later in the meeting, the Commissioners requested that representatives from PEPCO give a briefing to the Board at a future meeting (once the cleanup has been done).

ECONOMIC IMPACT FEES

Present: Patrick Murphy, Acting County Attorney

As a follow up to previous discussions, the County Administrator advised that Mr. Murphy has prepared a draft Ordinance for the Commissioners' discussion prior to scheduling a public hearing. Mr. Murphy advised that he would be getting input from county staff.

Areas of discussion included:

- Whether it was appropriate for the fee to be assessed at the time of recordation as opposed to at the time of building permit issuance;
- The state statute that allows the Commissioners to set a fee for public facilities;
- Setting the fee for public hearing purposes at \$4500;
- Distribution of the \$4500 among schools, parks, roads, solid waste (the Commissioners agreed to delete solid waste and there was discussion whether to put all the solid waste portion of funding to schools or to divide it up by percentage);
- Exemptions (to be consolidated);
- Correspondence from Navy Alliance regarding constitutionality of the impact fees (staff and impact fee study group reviewing this letter and report back to the County Administrator);
- To include "legally adopted child" as a "son or daughter" to the interfamily transfer;
- Whether the fee could be based on square footage rather than on individual homes;
- (Mr. Lacer advised that the Ordinance has to be based on the study and applicability to the numbers recommended by the Study Group; further that the amount could be lower, but not higher than the amount recommended by the group unless another study was conducted.)
- How fees are collected by other jurisdictions (ten counties charge an impact fee, one charges a building excise tax on square footage);
- Setting of the Impact Fee in conjunction with collection of transfer tax, and that instead of so many fees, that it would be better to show it in the tax rate;
- Whether the Commissioners would be meeting all five Tuesdays in May in order to schedule the hearing, to allow required time for the open record, and to make a decision before budget is signed.

After discussion the Commissioners agreed to:

- Delete solid waste as a component;
- Decide on the time of collection after the public hearing (Mr. Grimm was requested to provide information on the impact on the permit process if the time of collection was split (half a recordation; half at building permit issuance);
- Allocate the solid waste portion of funding proportionately, based upon the Impact Fee Study Group's formula, to the other three components;
- Meet all five Tuesdays in May with the following schedule:
 - May 2, 6:30 p.m. - public hearing
 - May 23 - set impact fee rate and property tax rate
 - May 30 - Signing of FY 2001 Budget

COUNTY ADMINISTRATOR

Present: Alfred A. Lacer, County Administrator

1. Draft Agendas for April 18 and April 25, 2000

2. **Budget Amendments**

- a. No. 2000-35 – Public Works (\$5,000)
(Funds to complete body work on vehicles)

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

- b. No. 2000-23 – Various Departments (\$520,426)
(Funds to meet the needs through Fiscal Year end (FY 2000) for various departments (Emergency Communications, County Administrator, Public Information, additional Bond interest, summer camps, and consultant fees for H. C. Wainwright)

Also present: Jeannett Cudmore, Acting Director of Finance

Commissioner Guazzo moved, seconded by Commissioner Anderson, to approve and authorize Commissioner Randall to sign Budget Amendment No. 200-23. Motion carried.

3. **Grant Documents**

- a. **Housing Authority**
Emergency Shelter Grant
(Dept. of Social Services, Three Oaks, Angels Watch)
(Federal Funding - \$60,000 (passed through the State))

Also present: Dennis Nicholson, Director, Housing Authority

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

- b. **Office of Central Services – Grant Application**
Expansion of the Availability and Accessibility of Public Transportation for People with Disabilities Grant Application.

Also present: Jim Haley, Manager, Office of Central Services
George Jarboe, Supervisor, Transportation, OCS

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

Commissioner Anderson requested Mr. Jarboe to provide the Commissioners with information pertaining to funding (how much is available and how much is needed to carry out the program).

4. **Department of Planning and Zoning**

- a. **Ordinance No. 2000-14**
Historic Preservation Property Tax Credits
(follow up to 3/21/00 public hearing)

Also present: Jon Grimm, Director, DPZ

Commissioner Anderson moved, seconded by Commissioner Guazzo, to approve and sign Ordinance No. 2000-14. Motion carried.

The Commissioners requested Mr. Grimm to advise the Town of Leonardtown that this tax credit would not apply to property in the Town unless it adopted its own Ordinance.

b. **Maryland Building Performance Standards (BOCA/1996 and CABO/1995)**

Commissioner Guazzo moved, seconded by Commissioner Anderson, to give authority for DPZ to schedule a public hearing for adoption of the referenced BOCA and CABO. Motion carried.

5. **Department of Public Works
Easement Agreement**

(Between County and SMECO for the relocation of underground electric lines in connection with the South Coral Drive Post Office Project)

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

COUNTY COMMISSIONERS' TIME

Proposed Mechanicsville Post Office

Commissioner Guazzo advised that she met with an official from the Postal Service Real Estate Division regarding plans for the Mechanicsville Post Office (which is actually currently located in New Market). She stated that the Post Office is looking at enlarging the current facility if adjacent property can be acquired, or moving it to another location. There will be a public informational meeting at Mechanicsville Elementary School to get input from citizens. Commissioner Guazzo asked if anyone in the community had property that could accommodate the post office, to attend the meeting.

Waring Property Improvements

Commissioner Raley complimented county staff for the work done at the Waring property.

Carver School Parking Lot

Commissioner Raley indicated that progress is being made on the Carver School parking lot.

Meeting Announcements

- Commissioner Raley announced that the Tobacco Settlement Committee will be meeting at the Governmental Center on May 8, 7 p.m.
- Commissioner Mattingly reported that Friday is the kickoff for the new College of Southern Maryland.
- Commissioner Raley announced that Little League starts Saturday.
- Commissioner Randall advised that the Test Pilot School Reunion is being held Saturday.

Legislative Issues

Commissioner Raley requested information on the Governor's Challenge Legislation (amount of county funds needed to meet the challenge, whether state would be providing aid to certain counties based on wealth requirements; whether a commitment for FY 2001 means a commitment in the future; is it just for teachers or also for other employees).

Commissioner Guazzo requested that since the Prevailing Wage/School Construction Bill passed, that the impact will have to be factored in during budget deliberations.

Commissioner Randall announced that the Bill to extend the County's transfer tax legislation passed in the General Assembly.

(Staff will track whether the Governor signs these bills.)

Persimmon Hills

Commissioner Anderson referred to the Commissioners' letter to MDE regarding Persimmon Hills and stated that to his knowledge, there has been no response. He advised that he forwarded a draft letter to MDE requesting a review and estimate of costs for other methods of handling the crossing issue. He requested staff to research whether MDE ever responded to the County's letter and to prepare the letter to MDE for next week's Consent Agenda.

Homeless Situation

Commissioner Anderson suggested that the Commissioners get an update on the Homeless situation from Deputy County Administrator, George Forrest (affordability and livability issues).

Chesapeake Bay 2000 Agreement

Commissioner Anderson referred to the Lower Potomac Tributary Team's presentation on the Chesapeake Bay 2000 Agreement requesting comments. The Commissioners requested staff to follow through with a response.

Human Relations Breakfast

Commissioner Anderson reported that he attended the Human Relations Breakfast on Saturday at which Phenie Cusic (Helping Hands) and Gwen Bankins were recognized for their contributions to the community.

(Kate Mauck took the following portion of the meeting.)

PUBLIC HEARING

TUDOR HALL FARM (REVISION OF ORDINANCE NO. Z99-01)

Present: Jon Grimm, Director, Planning and Zoning
Patrick Murphy, Acting County Attorney

The Commissioners conducted a public hearing on the revision of Ordinance No. Z99-01 for the Tudor Hall Village Growth Allocation Project, which is located within the corporate limits of the Town of Leonardtown. Advertising concerning the revised Ordinance had occurred on March 24th and 31st as required.

Mr. Grimm provided background information about the revisions, which were requested by the developer. A new Ordinance was prepared in order to remove a "sunset" clause and to delete conditions of certain financial guarantees and arrangements. Mr. Grimm addressed questions that had been previously asked by Commissioner Guazzo. Further discussion took place concerning the growth allocation and Commissioner Guazzo expressed concerns she had about potential problems occurring in the future. The Commissioners reviewed a map of the area and discussed some changes in the wording of condition #2 of the proposed Ordinance. Mr. Murphy suggested a change in condition #3, making it plural. Mr. Grimm offered to make a change to condition #2, which would clarify the issue. After further discussion, the meeting was opened up for public comment.

Clare Whitbeck –stated that she had discussed this matter with her neighbors, and told them that either a beautiful conference center as proposed could occur, or 1,500 homes could be built at Tudor Hall. She was in favor of approval.

Commissioner Randall closed the public hearing, stating that the record would be kept open for written comment for a period of ten days, and after that time, the item will be placed back on the agenda.

NAVAL AIR TEST AND EVALUATION MUSEUM DISCUSSION

Present: Keith Fairfax, Chairman, Patuxent River Naval Air Museum Committee
Gus Eggert, President, Board of Directors
Gary Hodge, Consultant
Andrew Scott, State Highway Administration

Mr. Fairfax provided background information concerning the Patuxent River Naval Air Museum Project Development and provided an update: The project was recently awarded \$250,000 for planning from the State of Maryland; the Board of County Commissioners had placed \$500,000 in the recommended budget for FY2001; and the Navy is moving ahead aggressively to position 20 aircraft in the shape of an aircraft carrier on the site.

Mr. Hodge indicated that the Board of County Commissioners had pledged \$2M over the next three years to go toward this effort. He stated that there were two critical objectives the Committee had worked on extensively over the past two months – funding for the design and permanent exhibits of the facility and securing land for the Museum.

Mr. Hodge further pointed out that all parties have agreed upon terms on the most critical two pieces of land, which, together, will consist of about 3 ½ acres. Documents will be coming to County staff for legal review, and it is anticipated that settlement on the two properties will occur in June. It is expected that the Committee will deliver to the Board of County Commissioners nearly \$3 million worth of assets. Additionally, with cooperation from the State, land acquired will be titled to the County. Rental income from tenants on the properties may occur over the next two years.

In order for the project to be successful, some issues need to be addressed:

- Access – there is currently no optimal solution for access to the Museum site
- Scope of the Project – needs to be determined
- Development of a logistical plan for the transition of the Museum to temporary facilities
- Initiation of a fund-raising campaign - \$3 million is required
- Who will own and operate the facility – current models will be reviewed

The Board of County Commissioners was asked to provide assistance in the following areas:

- Public Hearing be scheduled on the land that was offered at the Airport Industrial Park – it needs to occur as soon as possible
- Have County staff process documents that come before them in the near future in a timely manner, as they will be needed in order to go to settlement
- Work together with the Navy, the State Highway Administration and with the Committee on the access issue at/around Gate 1 of the Naval Air Station
- Approve the \$500,000 in the Recommended Budget for FY2001

A staff administrator will be hired to handle fundraising programs and a formal kickoff of fundraising is anticipated for in early June. Hopefully, major contributions will be flowing in within a short period of time.

Committee members outlined the briefing for the community that will occur on June 5, 2000. Also discussed was the amount of money the Navy has contributed and will contribute over time, even after the Museum is built. The balance of contribution between the local government, the State government, and the private sector is considered to be a true balance.

The Commissioners expressed their concerns for access, the scope of the project, and budgetary difficulties they are currently dealing with. The Committee stated that they will be meeting with Commissioners in the form of work sessions over the next eight months; however, they do not expect to come formally before the Board of County Commissions until December, just prior to the start of the next legislative session. It was suggested that Mike Humphries, Museum Director, be involved to represent the County on various important issues.

Many uncertainties about the project will be remedied by the June 5th public briefing. The actual design process will be incomplete until late this year or early next year. Mr. Lacer stated that the process of scheduling public hearings would begin, as well as the necessary procedures for putting the County's name on the property. He stated two points that are necessary:

- The drafting of a memo assuring property comes to St. Mary's County without qualification
- Determining a line between ownership of the property and operations – future improvements on the land for the running of the facility and the costs that will occur

Commissioner Randall expressed her pleasure with the project, stating that it will be of unending value to the education of the children in St. Mary's County, and will provide a boost to tourism across the County.

(Judith Spalding resumed taking the minutes at this point.)

LIBRARY BOARD OF TRUSTEES ANNUAL REPORT AND STRATEGIC PLAN

Present: Mary Wood, Director
Barbara Conrath, Chair
Fred Powledge, Former Chair
Marianne Chasen, Member
Lorraine Wallace, “
Jacqueline Mervin, “

The referenced individuals appeared before the Board to present the Library Board of Trustees Annual Report for 1999 and the Library's Strategic Plan. The report included Purpose of Library Board (responsibilities, legal powers and duties); Significant Activities of the Past Year (facilities, planning, policy review, budget and finance); Problems and Challenges; and Plans for the Current Year.

The Strategic Plan (2000 – 2003) History (Surveys from 1976 and projected through 2003); Planning Processes (surveys, analysis of strengths, weaknesses, opportunities and threats, adoption of vision and mission statement, identification of service responses, and development and approval of objectives and strategies); Themes from Public Surveys (location, collections, training, cultural programs); Goals and Objectives for Lifelong Learning, Provision of General Information, Provider of Topics and Titles in Current and Popular Formats, and Community Commons (meeting place).

Areas of discussion included budgetary issues (funding levels, per capita funding level, ranking in the State, circulation statistics).

Copies of the reports are on file in the Commissioners' Office.

EXECUTIVE SESSION

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

Property Acquisition

Present: Commissioner President Julie B. Randall
Commissioner Joseph F. Anderson
Commissioner Shelby P. Guazzo
Commissioner Thomas A. Mattingly, Sr.
Commissioner Daniel H. Raley
Alfred Lacer, County Administrator
Patrick Murphy, Acting County Attorney
George Erichsen, Director, DPW
Jim Stirling, Director, OCP
Joan Lolcama, Property Manager
Judith A. Spalding, Recorder

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

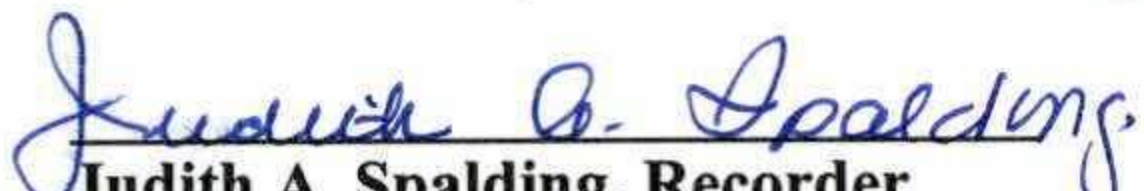
Time Held: 4:05 p.m. – 5:45 p.m.

Action Taken: Staff reviewed with the Commissioners several property issues and the Commissioners gave direction to staff.

ADJOURNMENT

The meeting adjourned at 5:45 p.m.

**Minutes Approved by the
Board of County Commissioners on 4/18/00**


Judith A. Spalding, Recorder