

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Governmental Center
Tuesday, August 8, 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

(Commissioner Joseph F. Anderson 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 Mattingly moved, seconded by Commissioner Raley, to accept the agenda as presented. Motion carried.

APPROVAL OF CHECK REGISTER

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

APPROVAL OF MINUTES

Commissioner Mattingly moved, seconded by Commissioner Raley, to approve the minutes of the Commissioners' meeting of Tuesday, August 1, as corrected. Motion carried.

**COOPERATIVE EXTENSION SERVICE/DEPARTMENT OF AGRICULTURE
NUTRIENT MANAGEMENT LAW**

Present: James "Bubby" Norris, Cooperative Extension
Robert Jarboe, Maryland Department of Agriculture
Norman Astle, "

The referenced individuals appeared before the Board to present information regarding the Nutrient Management Law relative to the Poultry Transport Pilot Program. The Program, which is subsidized by the State and poultry producers, transfers poultry litter from farms in Maryland that have an excess of phosphorus to farms that are in need of this nutrient. Other areas of the presentation included regulations that are being developed regarding stockpiling and preventing the litter from getting into the waterways, and efforts to make pellets from the waste for distribution to other areas.

During discussion Commissioner Raley raised concerns regarding the need for safeguards to be in place to protect the waterways. He pointed out that this was a very worthwhile program and would save the farmers the cost of fertilizer, but he wanted assurances that this program would not be detrimental to those who make a living on the water. Mr. Norris and Mr. Astle pointed out that there were spot checks and responses to complaints.

In closing Mr. Norris advised that he would keep the Commissioners informed regarding the status of the pilot program and regulations governing its use.

COMMISSION ON THE ENVIRONMENT

Present: Anthony Pitt, Chair
(Members of the Commission: Larry Greenwell, Jay Hanks, Nancy Smith, Rocky Rowland)
Sue Veith, Environmental Planner, DPZ
Ann Rose, Director, Environmental Health

At the request of the Commissioners Mr. Pitt and other Commission members appeared before the Board to address the following issues:

Appointment of a Water Quality Task Force

Membership would be composed of two types of members—official (voting) and affiliated (nonvoting) and consist of nine members (two from Commission on Environment, five citizens, two government agency representatives). (The Commissioners suggested that a representative from MetComm also be included).

The affiliated members would be those individuals who wish to volunteer their time to accomplish the tasks of the Task Force.

The Task Force would report to the Commission on Environment which would in turn present a report to the Board of County Commissioners.

The Commission on Environment will work with the Public Information Office to develop an advertisement soliciting members to the Task Force.

Application of Sludge in St. Mary's County

Because St. Mary's County is #1 in the State for having sludge applied to farm land, the Commissioners had requested the Commission on Environment to investigate why.

COE has not acted on this issue because it will be having a joint meeting with the Solid Waste Advisory Committee on August 17, during which this issue will be addressed.

After the August 17 meeting, the COE will submit to the Board of County Commissioners a timeframe for submitting a report.

The COE should gather opinions from citizens and farming community regarding benefits, detriments, problems with sludge application; determine whether the sludge from the County's sewage treatment plants are used in the County or shipped out; determine what safeguards and inspection criteria are in place.

That the Task Force work with MetComm regarding levels of arsenic and changes by the State for acceptable levels, as well as the issue of requirements for community wells.

That the Task Force look at making recommendations in the ULDC.

Once the report is completed, the COE should return to the Board with an interim report, which may create additional questions to be researched.

Water Appropriation Permits

Because of the recent water appropriation permit issued by the state for installation of a well to serve First Colony and Myrtle Point, the Commissioners had suggested that this could be an issue addressed by the Water Quality Task Force. The Commissioners suggested that because Commissioner Anderson, who was not present at this time, had raised this concern, that the COE contact him to get specifics.

EXECUTIVE SESSION

Commissioner Mattingly moved, seconded by Commissioner Raley, to meet in Executive Session to discuss a matter of Property Acquisition, as provided for in Article 24, Section 4-210(a)1, respectively. Motion carried.

Property Acquisition

Present: Commissioner President Julie B. Randall
Commissioner Shelby P. Guazzo
Commissioner Thomas A. Mattingly, Sr.
Commissioner Daniel H. Raley
Alfred A. Lacer, County Administrator
Judith A. Spalding, Recorder

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

Time Held: 11:32 a.m. – 12:01 p.m.

Action Taken: The Commissioners discussed a matter of Property Acquisition and gave direction to staff.

(Commissioner Mattingly left the meeting – 12:01 p.m.)

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

COUNTY ADMINISTRATOR

Present: Alfred A. Lacer, County Administrator

1. Draft Agendas for August 22 and 29, 2000
2. **Budget Amendment No. 2001-02**
Department of Public Works (\$3,000)
(to cover overtime costs for inspector's summer paving schedule)

Commissioner Guazzo moved, seconded by Commissioner Raley, to approve and authorize Commissioner Randall to sign Budget Amendment No. 2001-02. Motion carried.

3. **Department of Finance**
FY 2001 Supplemental Appropriation – Workforce Investment Program
(\$611,124)
(follow up to 7/18/00 public hearing)

Commissioner Guazzo moved, seconded by Commissioner Raley, to approve and sign Ordinance No. 2000-20. Motion carried.

4. **Grant Documents**
 - a. Office on Aging
Present: Gene Carter, Director

(1) Grant Agreement - Senior Nutrition; Senior Guardianship; Senior I&A; Senior Care (\$170,801)

(2) Grant Application - Child and Adult Care Food Program (\$39,000)

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

- b. Office of Community Services

Present: Joe Dick, Director, Alliance
Walt Biscoe, Community Services Coordinator

- (1) AmeriCorps VISTA Program Grant Application (\$6,000)
- (2) Communities Cooperating for Crime Reduction (\$1,470)
- (3) Gap Funding for Phase I HotSpot Elements (\$32,350)

Commissioner Raley moved, seconded by Commissioner Anderson to approve and authorize Commissioner Randall to sign the referenced Office of Community Service grant documents. Motion carried.

5. **Department of Recreation and Parks**
Piney Point Lighthouse Keeper's Quarters Lease Agreement
Present: Phil Rollins, Director

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

6. **St. Mary's County Health Department**
Fiscal Year 2001 Core Funding Agreement with the State

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

7. **Metropolitan Commission**
Request for Approval of Construction Laborer Position
Present: Tom Russell, Deputy Director

Commissioner Guazzo moved, seconded by Commissioner Raley, to approve the position as required by Article 113-1(c) of the County Code. Motion carried.

8. **Employment Contract**
Director of Recreation and Parks

Commissioner Guazzo moved, seconded by Commissioner Anderson to approve and authorize Commissioner Randall to sign the Employment Contract for Director of Recreation and Parks, Phil Rollins. Motion carried.

9. **Resolution No. 2000-25**
Lexington Park Revitalization
Resolution Approving the Sale of State Tax Credits to Fund the Creation of the Lexington Park Property Improvement Grant Program
Present: Robin Finnacom, Director, Lexington Park Plan
Nancy Hutson, CDC

Commissioner Raley moved, seconded by Commissioner Guazzo, to approve and sign Resolution No. 2000-25. Motion carried.

10. **Public Information Officer Position**

County Administrator Lacer advised that the County is in a position to make an offer for the Public Information Officer position and requested the Board to authorize Commissioner Randall to sign the contract when it is completed.

Commissioner Guazzo moved, seconded by Commissioner Raley, to authorize Commissioner Randall to sign the Contract upon approval by the Legal Department and County Administrator. Motion carried.

COUNTY COMMISSIONERS' TIME

Airplane Ride

Commissioner Guazzo expressed appreciation to Ned Clarke for the airplane ride over the County and to view other airports in the State, which he did at his offer and at his expense.

Summer Camp Program

Commissioner Raley congratulated the Office of Community Services and the Camp Staff on the success of the Summer Camp Program this year. There were seven camps, with 524 children participating. He pointed out that transportation was not an issue this year.

Firemen's Carnivals

Commissioner Raley urged the public, particularly those new to the County, to attend the various firemen's carnivals throughout the County in order to get a flavor of St. Mary's County.

Catamaran Boat at Solomon's Island

Commissioner Raley referred to an article in the Baltimore Sun about the 85-foot catamaran boat that is being constructed at Solomon's Island for one of St. Mary's charter boat captains, Mr. Scheible.

Birthday Celebration

Commissioner Raley offered special greetings to Louise Crane on her 91st birthday.

Events

Commissioner Anderson reported on the following events:

National Night Out – The Commissioners participated last Tuesday in this event which was a great success, and thanked those who organized the programs.

Fire/Rescue Appreciation Day – Will be held Saturday, August 12 at the governmental Center; approximately 1,000 people are expected to attend.

La Familia – Will be held at the College of Southern Maryland on Saturday, August 12 and is partially sponsored by the Board of County Commissioners as one of the millenium events.

Mosquito Control

Commissioner Anderson stated that the Commissioners have been getting a number of calls about mosquito spraying, and that staff has prepared a briefing on how to request spraying. The number to call is (301) 373-4263. There are two options—for each individual event the cost is \$35; for neighborhood spraying, the residents would participate in a cost-sharing program with the State and County.

Governor's Workforce Investment Board

Commissioner Anderson stated he attended the referenced Board meeting in Howard County. The meeting concerned the issue of technology being recognized as an important economic way of life, and that Maryland science and technology scholarships are available for students with a 3.0 average in state schools. The Maryland Department

of Business and Economic Development has hired a technology coordinator to assist DBED and local jurisdictions further enhance Maryland as a technology leader.

Director of Permits

Commissioner Randall recognized Robin Guyther, the new Director of Permits.

Employee of the Year Recognition

Commissioner Randall stated that for some time the Commissioners have recognized the fact that they cannot get anything done without good staff and staff support, and that the Commissioners depend of the County Administrator and staff to implement the Board's initiatives. In that regard, the Commissioners had requested the establishment of an Employees' Recognition Program, and she thanked the Department of Human Resources for going forward with initiating the program. A form has been distributed and the announcements will be made at the September 8 Wellness Day.

Lexington Park Post Office Recognition

Commissioner Randall announced that there will be a Ribbon Cutting Ceremony for the new Lexington Park Post Office on Wednesday, August 9.

Special Birthday Wish

Commissioner Randall stated that there was a very special young lady who has had a profound influence on who she has become, who has taught her patience, and that young lady is her daughter, Mary Randall who is celebrating her 18th birthday today.

PUBLIC HEARING IMPACT FEE CLARIFICATIONS

Present: Patrick Murphy, Acting County Attorney
Jon Grimm, Director, Department of Planning and Zoning
Robin Guyther, Director, Office of Permits

The Commissioners conducted a public hearing to consider amendments to change, alter, or amend, or clarify the intent of Section 5(H) "Exemptions" of Ordinance of the County Commissioners No. 2000-18, Impact Fees, to include an exemption for an intra-family transfer of an entire parcel of qualifying property; to amend, change, or later the recordation date of the subdivision from a parcel of record or lot of record to a date other than June 1, 2000.

The Notice of Public Hearing was published in *The Enterprise* on July 21 and July 28.

Highlights of discussion included:

- ❖ Grandfathering of property previously transferred to a family member.
- ❖ How to identify previous transfers.
- ❖ DPZ/Permits Office attempted to formulate a document similar to the State's transfer document; however, the State had indicated that the document could not be recorded.
- ❖ Commissioner Randall questioned the relevance of the June 1, 2000 effective date.
- ❖ The rationale for the June 1 date was for tracking purposes and to have some cohesive application for intra-family transfers.
- ❖ Commissioner Guazzo stated she would agree to backdate the effective date to January 21, 2000.

In conclusion the Commissioners directed staff to develop options for the effective date for intra-family transfers for the Commissioners' consideration.

Hearing no comments from the floor, the public hearing was closed. The record will remain open for ten days, after which it will be placed on the Commissioners' agenda for discussion/decision.

WATERSHED ISSUES DISCUSSION

St. Mary's River Watershed Project

Present: Dr. Robert Paul, Director
Dr. Christopher E. Tanner

Drs. Paul and Tanner gave a status report on the St. Mary's River Watershed Project.

Highlights of the presentation included:

Project Objectives (long-term monitoring, community outreach).

Progress (began in 1999 with EPA funding; sampling done biweekly--sampling sites—14 non-tidal and 14 tidal; in data analysis phase and in process of preparing first-year report; second year funding secured through HUD).

Long-term Monitoring (physical and chemical measurements; biology integrity)

Findings (variances in rainfall; results of routine sampling indicated increase in total suspended solids (TSS), increased silt and sediment and which impact and created erosion problems in the River).

Conclusions (TSS is a problem in the River; some non-tidal tributaries have high TSS levels and appear to be impacted by land use, stream discharge and erosion; and that high TSS levels, poor water clarity, and depressed salinity are impact the health of both the non-tidal and tidal organisms in the St. Mary's River Watershed.

Army Corps of Engineers Watershed Study and Contract with ACOE

Present: Sue Veith, Environmental Planner, DPZ
Wes Coveman, ACOE
Steve Kopecky, ACOE

The referenced individuals appeared before the Board to discuss the proposed St. Mary's River Feasibility Study and the Cost Sharing Agreement to perform the Study.

Highlights of the presentation included:

- ❖ DPZ received \$100,000 in the FY 2001 budget to accomplish the ACOE Feasibility Study, which supports Phase I of the study for possible projects that support the County's goals and federal mandates outlined in the *Reconnaissance Study for the Potomac River Basin*.
- ❖ Phase I of the Study includes study options and costs (Environmental Characterization—environmental planning/stormwater management. Phase II includes Study Tasks and Costs (Site Specific Design; Planning and Analysis; Feasibility Study)
- ❖ The study will evaluate the health of the aquatic system, identify problems and opportunities for habitat restoration and protection and provide recommendations to lessen and manage impacts and for streamlining the permitting process for development that impacts wetlands and the St. Mary's River.

- ❖ The Contract with ACOE, which is under review by the County Attorney's Office, is for both Phase I and II; however it includes provisions whether to continue going forward during the process. The Contract will be submitted to the Commissioners upon completion of review by the Legal Department.

Department of Natural Resources
Shore Erosion Control Project

Present: David Burke, Director, Chesapeake/Coastal Watershed Adm.

Mr. Burke appeared before the Board to outline shore erosion control planning efforts and watershed restoration action strategies.

Highlights included:

- ❖ Governor's Shore Erosion Task Force Membership, Purpose (to identify shore erosion in Maryland, its causes, effects, effective solutions, available resources and to recommend a comprehensive plan for implementation).
- ❖ Task Force Duties (identify shore erosion needs, review contributing factors to shore erosion, provide broad spectrum of solutions, clarify local, state and federal roles regarding shore erosion control, make recommendations for a comprehensive action plan for shore erosion prevention, establish five and ten-year plans with target dates and review, and to report findings to Governor and Legislators).
- ❖ Review of shore erosion causes (including storm events, wave conditions, tidal conditions, shoreline character, soil composition, wakes, storm water management).
- ❖ Costs of shore erosion (reduced property values, expenses to repair and replace infrastructure, loss of productive farm land and forests).
- ❖ Environmental impacts of shore erosion (loss of wetlands, land loss, water quality).
- ❖ Examples of erosion (Point No Point from 1848 to 1993).
- ❖ Primary Issues (immediate response capability, regional shore erosion control strategies, cooperative management and implementation, public outreach, long-term funding needs and resources).
- ❖ Implementation (lower than anticipated state funding, pursuit of federal grants and other funding sources, public education and outreach activities).
- ❖ Regional Planning Efforts; County-wide study; Benefits to St. Mary's County (documents need for critical projects, provides a coastal erosion mitigation strategy, and guides state and local capital facilities planning and development).
- ❖ Action Items (letter of support to DNR; consideration of potential local match and in-kind funding sources; designation of a county contact; provide pertinent data and information sources; and provide opportunities for public outreach).

In conclusion the Commissioners directed staff to prepare the Letter of Support as requested.

SHERIFF'S DEPARTMENT RETIREMENT PLAN
DISCUSSION/DECISION

Because the full Board was not present (Commissioner Mattingly had left earlier due to illness), the Commissioners agreed to defer discussion/decision until a later meeting when the full Board is present.

PUBLIC FORUM
6:30 p.m.

Present: Commissioner President Julie B. Randall
Commissioner Joseph F. Anderson
Commissioner Shelby Guazzo
Commissioner Daniel H. Raley
Kate Mauck, Recorder

Absent: Commissioner Thomas A. Mattingly, Sr.

The Board of County Commissioners conducted the monthly public forum. Questions/comments from the audience included:

Linda Dalmas – Represented the Chingville Resident's Association – read a letter from the Association in opposition of the Atlantic Coastal Trucking Company's continuing to operate their business on Chingville Road. Would like to know who is responsible for backing up the fines and otherwise enforcing the letter written by John Grimm, Director of Planning and Zoning. Wants Planning and Zoning and any other agencies to uphold zoning regulations in the County.

Cathie Gardner – Represented the Chingville Resident's Association – outlined previously submitted concerns about Atlantic Coastal Trucking Company. Specifically, the Association does not want any of their concerns to be overlooked in the ULDC process.

Mike Spak – Mr. Spak expressed intense emotion about his concerns with the Atlantic Coastal Trucking Company and his perceived failure of the Board of County Commissioner's response to the issue.

Pam Coerber – Ms. Coerber spoke about her concerns for commuter service at the airport and the potential for expansion. Would like Plan B to be completely eliminated and for Plan A to be altered so that Lawrence Haven Road would not be impacted.

Steve Coerber – Expressed concern about commuter service at the airport. Felt that by accepting money from the FAA, the federal government would then be able to tell the airport what to do, and control within the County would be lost. Mr. Coerber was also concerned about the potential for affecting the Navy's air space.

Patricia Lorence – Felt the Board of County Commissioners were not living up to their campaign promises. Stated that the people of St. Mary's County do not want the airport expansion process to take place.

Clare Whitbeck – Expressed concern for the environmental impacts that could occur to the St. Mary's River, Breton Bay, and eventually the Chesapeake Bay, as a result of airport expansion. Concerns included runoff from construction, flooding at Great Mills, low-flying jets with the accompanying noise, and possible infringement on the Naval Base's airspace. Would like to know what good the community might reap from the possible expansion.

Steve Coerber – Appeared before the Board of County Commissioners a second time to discuss adoption of the Master Plan. Commissioner President Randall outlined what the time frame would be on the study and the processes that would be followed after full analysis has occurred on the potential for airport expansion. She explained that the FAA required the Master Plan completion and that the vote soon to take place would not cover the airport expansion issue, but would simply fulfill the requirement to issue an updated Master Plan.

Dick Myers – Represented the Southern Maryland Kennel Club. Presented the Board of County Commissioners with a pamphlet on the American Kennel Club, which outlined the economic benefits that dog shows can produce for the County.

Ethel Smith – Felt that expansion of the airport would increase the destruction of the rural character of the County.

Fran Schmalgemeyer – telephone call-in – Asked what it would cost the County to fund the airport master plan study. Commissioner President Randall stated that she believed the cost would be: FAA - 90%, MAA – 5%, and County - 5%, and that Mr. Stirling would have the exact figures listed in the budget, which could be easily obtained for Ms. Schmalgemeyer.

Steve Bishop – Pam Coerber spoke on behalf of Mr. Bishop, who could not be in attendance. Mr. Bishop had questions about establishing guidelines on when to say no to airport expansion because of the cost. Commissioner Randall responded that guidelines would be established as a group, after the study is presented to the Board, so that an informed decision could be made.

David Triantos – Suggested that the Master Plan update be submitted as is, in order to fulfill the FAA requirement.

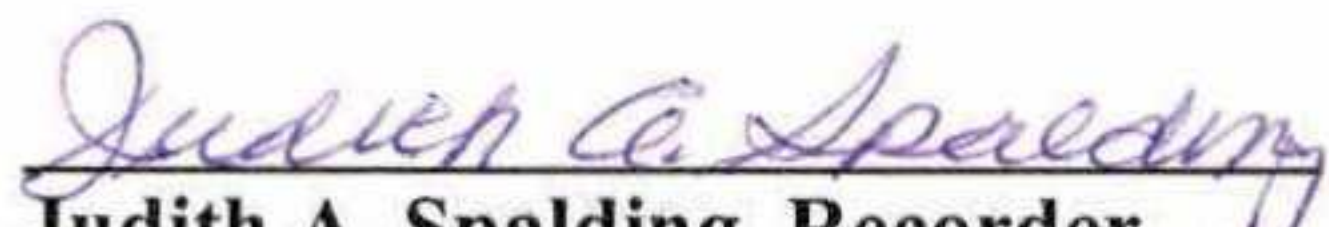
Branch Coleman, Jr. – Expressed concern about cargo traffic with any level of airport expansion. Felt that with other major airports being at or near capacity already, the traffic would come to St. Mary's, which would also impact the road and traffic situation. Saw growth without enough control in the Newport News area in the past, and does not want it to happen here. Suggested that the Master Plan be looked at every five years.

Georgia Wheeler – Everything she has read indicates that people in St. Mary's County are opposed to airport expansion. She has read nothing that indicates any good could come out of a possible expansion.

ADJOURNMENT

The meeting adjourned at 7:25 p.m.

**Minutes Approved by the
Board of County Commissioners on 8/22/00**


Judith A. Spalding, Recorder