

ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Governmental Center
February 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
George Forrest, Deputy County Administrator
Judith A. Spalding, 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 Raley, to accept the agenda as presented. Motion carried.

APPROVAL OF CHECK REGISTER

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

(Commissioner Raley questioned the bill from the Department of Planning and Zoning for \$8400; Finance staff will provide Commissioner Raley with an explanation.)

PROCLAMATIONS

The Commissioners presented the following Proclamations:

- ❖ Vocational Education Week
- ❖ Children's Heart Disorder Awareness
- ❖ National Children's Dental Health Month

(Kate Mauck took the minutes from this point.)

DEPARTMENT OF PLANNING AND ZONING

Present: Jon Grimm, Director, DPZ

1) Reorganization Status Report

Also present: Al Lacer, County Administrator
Frank Taylor, Chairman, Planning Commission
Sonny Burch, Chairman, Development Review Forum

Mr. Lacer introduced the topic of the reorganization of the Department of Planning and Zoning and stated that he would be involved in the process. A timeline has been planned out, and Mr. Grimm provided a status report on the restructuring process. Members on the team involve not only members of County staff, but also Mr. Taylor, Mr. Burch and other citizens as well, forming a broad-based representation. Two meetings have been held so far, with another one scheduled tomorrow. Mr. Grimm's memo of February 2, 2000 detailed the nine steps or components to be covered during the reengineering process.

Both Mr. Taylor and Mr. Burch reiterated that the committee has a good cross-section of individuals on it, and the committee member are working very well together, with the focus

of the committee being service to the customer. Marjorie Marsh and Jim Stirling were added to the task force because of communications and co-locations issues. The goal is to have a one-stop shop, with all agencies located together so applicants do not have to travel all over the county to process permits.

Inspection issues were addressed, as well as possible dual training of inspectors, so that three different agencies won't have to perform three different inspections. If one inspector is cross-trained, he or she would perhaps be capable of performing a one-time, all-inclusive inspection. The goal is to streamline and avoid duplication in this process. Also discussed was the percentage of time staff members may work on different tasks, and possible consolidation of positions, without creating short-comes in any one work area. Shared spaced was discussed; however, careful attention must be paid to this area so as to provide a good citizen experience while at the same time promoting staff morale. A process may be instituted involving separation of major and minor permits. Mr. Grimm asked the Board of County Commissioner to give clear guidelines concerning their expectations of this task force.

The Commissioners expressed gratitude to staff members and citizen members for the work being done on this committee. Commissioner Randall stated that responsiveness to citizens is critical. The citizen may only come in face-to-face contact with the county government once, during the permit process, and this may be the only opportunity the county governmental is given to provide a good impression on that citizen. The process is currently cumbersome and must be revised. Mr. Grimm stated that February 29 is the department's budget review date, and the Commissioners agreed that he should schedule another of these updates with the Board of County Commissioners after March 1.

2) Draft Electrical/Plumbing And Gas Code Ordinances

Also present: Patrick Murphy, Acting County Attorney
Adam Knight, Current Permit Coordinator
Harry Knight, Past Permit Coordinator

Mr. Grimm stated that proper procedures had been followed for the draft Ordinances – in November, the Board had received written comment, and the open record period was now complete. The Ordinances incorporate updates to the current Code as well as incorporating additions so as to be uniform with the State of Maryland Code.

Discussion ensued concerning individual property owners that secure permits to do their own work. Mr. Murphy distributed information giving a brief overview of requirements and exemptions for individual property owners completing their own work. There was discussion about whether an owner must also be a resident of the dwelling to qualify for exemption in the State Statutes. Mr. Lacer gave input on a tracking process that can be instituted to insure someone is a bona fide resident of a property seeking a permit versus someone who is building one home at a time in a subdivision for resale and is trying to get around the proper permit process. Mr. Lacer stated that the certification process should be properly indexed and tracked, so that a red flag would be raised should the individual's name come up during future permit processing.

Mr. Knight answered questions about the process for permits involving septic tanks. Some counties do random spot inspections without notice. Mr. Knight also answered questions about the cost of additional inspections. He stated that there is no additional fee for failing an inspection the first time, only if there is repetition of the violation. Should it be re-inspected and it fails by the third time, then a re-inspection fee is due.

There were questions raised about having a Metropolitan Commission representative on the Board, although it is not addressed in the by-laws of MetComm. It was pointed out that a representative of MetComm has been on the Board for a few years, and when the Ordinance is adopted, MetCom will be updating their by-laws.

There were no comments provided from the Electrical Board on the Electrical Code Ordinance proposed. The same inspection process is not followed for electrical work done by a homeowner as it is for plumbing. The Ordinance for this Board was simply a clean-up

effort. Both Ordinances will come before the Board of County Commissioners under County Administrator time at next week's Board meeting.

ACTING DIRECTOR, TRI-COUNTY COUNCIL INTRODUCTION/PROJECT UPDATE

Present: Robert Swann, Acting Director, TCC

Mr. Swan stated that he had been quite busy since the General Assembly is in session; he is typically in Annapolis at least three days per week. Mr. Swann stated he was pleased with progress made by the Southern Maryland Economic Development Association, of which Martin Fairclough, Director, DECD, is also a member. He further pointed out that he was also pleased with the Economic Development Coordinators from the other two counties, and that it may be the first success of the regional strategies.

The first meeting concerning the tobacco settlement was held yesterday (February 7), with Commissioner Raley attending as St. Mary's representative on the Southern Maryland Agricultural Development Commission, and the Commission broke up into subcommittees, including an Infrastructure Committee, on which Commissioner Raley is the Chair. The next meeting is planned for March 6 in Prince Frederick, with the next one after that to be held in St. Mary's County, and then the following one will be held in Charles County. Mr. Swann will be back tonight before the Board of County Commissioners for the Public Forum on the Tobacco Settlement Discussion.

Mr. Swann offered his services in meeting with State agencies and touching base with various legislators. After thanking him for progress and efforts made, Commissioner Randall asked Mr. Swann to meet with Mr. Lacer and Mr. Forrest concerning contacts with various individuals in Annapolis.

(Judith Spalding resumed taking the minutes from this point forward)

COUNTY COMMISSIONERS' TIME

Items to be Addressed by the Commissioners at Future Meetings

Commissioner Guazzo requested that the following items be added to future agendas:

- ❖ Ethics Commission to discuss Ethics Financial Disclosure Requirements (simplifying the requirements and whether it was necessary for some of the boards listed should have to file financial disclosure forms).
- ❖ Impact Fee Discussion.
- ❖ Discussion of reserving sewer capacity to the development districts, town centers, village centers.
- ❖ Commissioner Raley suggested that the Local Management Board grant for after school program come back before the Board, as well as a joint meeting with the Solid Waste Committee.

Tri-County Council Agricultural Development Commission

Commissioner Raley stated he attended the first meeting of the referenced Commission and that he had been selected as Chair of the Infrastructure Subcommittee. He stated that tobacco was a \$20M cash crop, and the Governor has committed funds to the tri-county area. The Commission will be developing a plan to utilize the funds, particularly to help those who need it most, the farmers.

Board of Education Budget

Commissioner Raley indicated that the County is operating without a Finance Director, the Finance staff is working hard to put the budget together, and the job is made harder by not having yet received the Board of Education's budget.

Sidewalks/Snowstorms

Commissioner Anderson pointed out that there has been a large amount of snow in the County this year, and he stated that it has come to his attention that there is a need to get the sidewalks cleared. He said there are issues as to responsibility for clearing, and it is something that should be addressed by the Board.

Tri-County Council Executive Committee

Commissioner Anderson reported that he attended the referenced committee meeting and wanted to bring some items to the Commissioners' attention:

- ❖ Issue of Affordable Housing, Livability, and Homelessness – That Tri-County Council agreed to look at this issue on a regional basis; that the County Administrators and community services and housing departments put together a regional conference to address this issue. Commissioner Anderson pointed out that the Tri-County Council will support his effort.

- ❖ Issue of Regional Airport – That St. Mary's County is in the process of updating its Airport Master Plan, and that it was critical for the County to take its plan to the region (working with Charles and Calvert Counties and a presentation to Tri-County Council);

Workforce Development Board

Commissioner Anderson advised that the Southern Maryland Workforce Development Board has put together a draft five-year strategic plan for the region and has almost completed the draft operational plan. He referred to the area's low unemployment rate pointing out that there was a real workforce issue in that there are businesses in the area in need of hi-tech and other workers. He stated that this issue needs to be addressed in order to attract businesses to the area.

Second District Volunteer Fire Department Annual Installation

Commissioner Anderson reported that he and Commissioner Mattingly attended the referenced installation on Saturday at which four fire fighters (Michael Scrivner, James Gardner, Michael Wilson, and John Guy) were honored for heroism during a Hurricane Floyd incident. A citizen was also honored for assisting in the rescue.

Year 2000 Census

Commissioner Mattingly advised that the Coordinator for the Year 2000 Census will be visiting the County, and he has expressed concern that the County is behind in the census process. Commissioner Mattingly pointed out that this could mean a loss of dollars coming into St. Mary's County, and if part time help is needed to assist in this effort, then it should be provided.

Meeting with Secretary Lewin, Department of Business and Economic Development

Commissioner Randall advised that she, along with Martin Fairclough and Delegate Bohanan, met with Secretary Lewin on February 4. The main focus of the meeting was to discuss funding issues, and it was noted that \$360M was distributed by this agency over the last five years, with only \$1.7M coming to St. Mary's County. Commissioner Randall stated that Secretary Lewin indicated that the amount for the County has increased since he has been Secretary, that he was most supportive of St. Mary's County, and that the County will be seeing more involvement and projects supported. Commissioner Randall further noted that Secretary Lewin intends to support the Naval Air Test and Evaluation Museum in Lexington Park and that he would bring this to the Governor's attention.

MACO Legislative Committee Meeting

Commissioner Randall reported that she attended the first MACO Legislative Committee meeting in Annapolis last week. She requested the Commissioners to review the weekly MACO Courthouse News to look at the legislative items that will be discussed in the Committee meetings. If any Commissioners have questions or comments about any item, they should contact her.

MACO Education Committee

Commissioner Randall reported that there will be no education "bridge" funding this year. She stated that the Governor has indicated that some counties are not doing their fair share in terms of costs of education. She pointed out, however, that St. Mary's County is not one of them in that the County is 16th in terms of wealth, and 8th in the state in funding education.

Month of March – Disabilities Awareness Month

Commissioner Randall noted that March is Disabilities Awareness Month and she would like to schedule status reports from county staff on efforts that have been made to hire individuals with disabilities. She also requested a status report from the Department of Recreation and Parks on bring facilities into compliance with ADA, and particularly how the \$200,000 that was budgeted in FY 2000 has been used in this effort. The Commissioners agreed to schedule these items for March 14, which will also include activities during the public forum.

Expression of Appreciation to Commissioners

Commissioner Raley expressed appreciation to the other four Commissioners for all their time and efforts in attending meetings in Annapolis and their building of network and good relationships with state officials.

COMMENDATIONS – VISTA WORKERS

Present: Cynthia Brown, Director, Office of Community Services
VISTA Workers

The Commissioners presented Commendations to the following VISTA Workers: Patricia Marie Tippet, Tammy J. Joy, Rosalyn L. Campbell, Polly Davis, and George Donely

APPROVAL OF MINUTES

Commissioner Mattingly moved, seconded by Commissioner Guazzo, to approve the minutes of the Commissioners' meeting of Friday, January 28, 2000 (rescheduled from January 25 because of snowstorm), as presented. Motion carried.

COUNTY ADMINISTRATOR

Present: Alfred A. Lacer, County Administrator

1.
 - a. Draft Agendas February 15 and 22, 2000
 - b. Revised FY 2001 Budget Review Schedule
(the schedule was revised and Finance submitted a final version)
2. **Budget Amendment No. 2000-23
Emergency Communications (\$25,344)**
(funds needed to meet operational needs of Emergency Communications Department)

(Because of questions raised by the Commissioners regarding funding issues, the Commissioners deferred action on this budget amendment. County Administrator Lacer stated he would get further details of this request and report back to the Board.)

3. **Office of Capital Projects
Assignment of Lease – Catalinas Trailer on Waring Property**
(Lease executed by Thomas Waring, prepared by Robert Gray, which assigns the rights in the lease of the land on which Catalinas trailer is located, to the Board of County Commissioners)

Also present: Jim Stirling, Director, Office of Capital Projects

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

4. **Boards and Committees**
Letters of Appointment

Commissioner Mattingly moved, seconded by Commissioner Raley, to approve the appointments as follows and to sign the letters as presented. Motion carried.

<u>Citizen Review Panel for Child Welfare for St. Mary's County, Maryland</u>	<u>Terms To Expire</u>
Frank Clinton	NO TERM
Susan Copsey	NO TERM
Jeanne Schmitt	NO TERM

Sheriff's Department Pension Plan Board of Trustees

Deputy David D. Alioto – Reappointment	12/31/2002
Deputy Edward A. Willenborg – Reappointment	12/31/2002

Tri-County Community Action Committee

Nancy Hutson	6/30/2002
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5. **Banneker/Loveville Sewer Line Project**
Restricted Access Agreement

(between the Board of County Commissioners for St. Mary's County, the Metropolitan Commission and the Board of Education providing for denied access sewer line intended to provide sewer services to Banneker (and those properties authorized by MDE) consistent with the requirements of the Maryland Department of the Environment)

Commissioner Guazzo moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner Randall to sign the Restricted Access Agreement as presented. Motion carried. All parties have signed (the document.)

6. **Callaway Area Study**

Also present: Jon Grimm, Director, DPZ

In that the Commissioners voted last week not to impose a temporary moratorium for the Callaway Village Center, Mr. Lacer noted that there were now no time constraints in completing the study of the Callaway area; therefore, he and Mr. Grimm recommended that a nine-month study period (to include public hearing and adoption) would be appropriate. He further suggested that a community-based advisory group be formed (not to exceed 10 members), which he recommended be in place by the first of March. Mr. Grimm suggested membership include resident of area, businessperson, community civic representation, institutional representation (churches), and other individuals having a geographic affiliation with Callaway.

In conclusion the Commissioners agreed with the proposal and directed staff to develop a scope of work (meetings, length of service, interaction with consultant and staff) for the volunteer group, after which the Commissioners will consider appointments to the advisory committee.

7. **Mechanicsville Fire House Substation**
Text Amendment to Zoning Ordinance

Mr. Lacer advised that a joint hearing with the Planning Commission has been scheduled for Monday, February 14, 2000 on the application by the Mechanicsville Fire House to allow a substation in an RNC Zone. In light of the text amendment adopted by the Commissioners to allow the Board to hear non-zoning issues without going through Planning Commission, he inquired whether the Commissioners wanted to keep with the joint meeting or reschedule it to come before the Board of County Commissioners. If it is to remain on the 14th, at least three Commissioners need to be in attendance. It was the consensus of the Board to keep the joint hearing as scheduled.

In that it would be a conditional use, Mr. Grimm noted that the project will also have to go through the Board of Appeals process.

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

**BOARD FOR THE COMMUNITY COLLEGE AT ST. MARY'S
RECOMMENDATIONS: FUTURE OF ADVISORY BOARD ONCE COLLEGE OF
SOUTHERN MARYLAND IS FORMED**

Present: Robin Guyther, President, Board for the Community College at St. Mary's
Dr. Paul Manchak, Vice President, Board for the Community College at St. Mary's
Jane Sypher, Dean, Community College at St. Mary's
Charlotte Young, Community College Board Member

Mr. Guyther came before the Board of County Commissioners to present recommendations regarding the future of the Community College at St. Mary's Board (CCSM Board) in view of the creation of the College of Southern Maryland that is scheduled to take effect on July 1, 2000. Members to the College Advisory Board are to be nominated from the community and selected by the Dean of the St. Mary's Campus.

Dr. Manchak explained the process that has occurred to create a smooth short-term and long-term transition, which has been mapped out. A committee formed to map this out has reviewed and evaluated all aspects of the operation of the current Advisory Board and requirements of the new Bill. It has consulted with the Board of Trustees as well as the staff of the Community College, various community members, and the Calvert Advisory Board.

The first recommendation submitted is for the dissolution of the current Board, and to reconstitute it as the Advisory Board to the Dean of the St. Mary's Campus. The responsibilities ascribed on fiscal and accountability issues would then be subsumed under the Board of Trustees as of July 1, 2000. At the December meeting, it was voted unanimously to adopt this recommendation. The current Advisory Board would be dissolved and reconstituted for the campus at Leonardtown. The Board of Trustees would need to have two representatives from St. Mary's County, with more representation to be added in the future.

The second recommendation concerns the need for continuance of an Advisory Council. It was requested for the new Board of Trustees to be allowed to form an Advisory Council to assist the Dean at the Leonardtown campus. Ms. Sypher stated that they are looking to establish the Advisory Council to include the present members and also to select community leaders to add to the Council. Also needed would be a member from the Board of Education and a member from the Board of County Commissioners. The Board of Trustees would work with the Board of County Commissioners and the Advisory Council would work directly with the Dean.

The current President and Vice President have been asked to be sitting members of the Board of Trustees. They will have full participation except for voting rights. The Board of County Commissioners was encouraged to find two well-qualified individuals to give a good representation for St. Mary's County. Commissioners were also invited to join the Community College on April 14, 2000 for a day-long event to visit all three counties and to end in St. Mary's with a celebration of the new campus.

(Judith Spalding resumed taking the minutes from this point forward)

EXECUTIVE SESSION

Commissioner Mattingly moved, seconded by Commissioner Raley, to meet in Executive Session to discuss matters of Property Acquisition, Personnel, as provided for in Article 24, Section 4-210(a)11 and 4-210(a)1, respectively. 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
Al Lacer, County Administrator
Phil Rollins, Director, R&P
Jim Stirling, Director, OCP
Judith A. Spalding, Recorder

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

Time Held: 3:20 p.m. – 6:40 p.m. *(with a break from 5:10 p.m. – 5:25 p.m.)*

Action Taken: The Commissioners discussed two property acquisition issues, gave direction to staff and agreed to take action in open session on the Chaptico Park property

Personnel

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

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

Time Held: 6:40 p.m. – 6:45 p.m.

Action Taken: The Commissioners discussed an appointment to a Board and gave direction to staff.

Follow Up to Executive Session

Commissioner Guazzo moved, seconded by Commissioner Raley, to accept staff's recommendation regarding the Chaptico property and to sign the Letter of Intent. Motion carried.

PUBLIC FORUM

At this time the Commissioners conducted the regular monthly public forum, accepting questions and comments from the audience and via telephone calls.

Tobacco Settlement Discussion

Present: Robert Swann, Acting Chair, TCC
Hagner Mister, Deputy Secretary, Dept. of Agr.
Philip Gotwals, Consultant

Prior to the question/answer period, the referenced individuals appeared before the Board to review the Tobacco Settlement issues and to present options available to farmers in this regard. Tri-County Council has been designated to receive the money for Southern Maryland and will disburse the funds with the assistance of the Agricultural Development Commission. However, a plan must be in place. \$2.5M will be available in April to start the program, with another \$9M available in July for implementation. Four programs (subcommittees) have been established: a direct buyout of the farmers growing tobacco; a transition plan; agricultural land preservation and infrastructure development.

Areas of discussion included the fear that funds will not last throughout the program if many of the farmers chose the buyout option; that the funds will be closely watched; that the Agriculture Development Commission considers the funds as the farmers' money; that there will be an MOU between State and Tri-County Council setting forth how dollars will be spent; program must be in place before the dollars are spent; that there is currently an ongoing

program (side agreement), which was negotiated between tobacco growers and tobacco companies for economic damages; however, this group is not part of that program.

At this time the floor was opened to questions from the audience:

Bubby Norris – Expressed concerns that the funds will not last, and if not he believed any contracts with farmers should be made null and void; indicated that there was not enough advertisement about this meeting.

Jamie Raley – Expressed concerns regarding transition program, pointing that Maryland tobacco is mostly an export market; that because other crops are not always a guaranteed income source, tobacco helps even out income; stated that the timing for the program was not in alignment with tobacco planting—that the funds should have been made available; questioned whether Amish farmers were included (no Amish farmers have signed up for the program); and requested Commissioners to take action on the farmers' request for drought disaster relief. (The Commissioners had sent correspondence to the Governor requesting assistance, but have not yet received a response.)

Kenneth Booth – Expressed concerns regarding accountability and documentation regarding the disbursement of funds (General Assembly has controls in place to assure accountability); also concern about make up of committee and that Commissioners from each county should be involved.

Joseph Wood – Stated he signed up for the settlement and received a partial payment from the State, but has not gotten settlement for his minor children; (settlement funds will be disbursed either to the parents or to the child); questioned whether funds were taxable income (there is no tax exemption for these funds);

(Telephone calls were received from two individuals: Jay Dee Lacey regarding help for farmers; and from Dan Bellere questioning the use of tobacco settlement funds.)

The floor was opened for questions and comments from the audience on other issues:

Sandra Wheeler – Referred to the Needs Assessment Study done by Health Department and Office on Aging and pointed out a common thread through the study was that health care delivery services need to be better coordinated and requested the Commissioners to take a look at the study and to address this issue.

Kenneth Booth – Expressed concerns regarding the agriculture tax credit program, stating that there had to be at least 50 acres (including contiguous property owners) in order to be eligible for the credit, and suggested that consideration be given to farmers with less than 50 acres.

Minnie Russell – Inquired about an article she read about changes in the critical area, that septic systems will have to be upgraded at a great cost to the individual. Commissioner Guazzo responded that the Governor is concerned about too much nitrogen leaching into the rivers and bay. She stated it is in the talking stage with the legislators, and there is a question of whether this requirement will be for new systems only or for existing systems as well. Commissioner Guazzo encouraged people to write letters indicating it would be a hardship.

Jay Hanks – Stated that the Commission on Environment is looking into the septic issue.

Telephone calls were received on the following issues: clearing of sidewalks in front of businesses; whether Commissioners have a backup plan if Charles and Calvert refuse to take St. Mary's trash (Commissioner Randall pointed out that there is a signed agreement with Calvert to take the County's trash for 18 years; there is also an agreement with Charles for emergency pickup.)

ADJOURNMENT

The meeting adjourned at 8:35 p.m.

Minutes Approved by the
Board of County Commissioners on 2/22/00

Judith A. Spalding
Judith A. Spalding, Recorder