

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Governmental Center
May 2, 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 10:00 a.m.

ADDITIONS/DELETIONS TO AGENDA

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

APPROVAL OF CHECK REGISTER

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

PROCLAMATIONS

The Commissioners presented the following Proclamations:

- National Nurses Week
- National Nursing Home Week
- Maryland Home & Garden Pilgrimage

WORKFORCE DEVELOPMENT UPDATE

Present: Commissioner Joe Anderson
Hank Lacey, Workforce Development Network

Mr. Anderson and Mr. Lacey appeared before the Board to provide an update on the status of the Workforce Development and associated programs.

Highlights of the presentation included:

- ❖ Administration of the grant funds will shift from Charles County Community College to the Southern Maryland Workforce Investment Board (SMWIB) as of July 1, 2000; however, because SMWIB is not yet a legal entity with contracting authority, St. Mary's County Government will serve as the administrative entity (details of which will be contained in an agreement);
- ❖ The County will need to assist with bookkeeping, financial management and personnel matters;
- ❖ There are two staff members for SMWIB which will need to be transitioned into the new program;
- ❖ In order to be eligible for Workforce Investment Act funding, a "one-stop shop" (which will initially be set up in Waldorf) is required to be established by July 1.

This will enable employers and job seekers to have a single point of access in the tri-county region. The executive committee will be developing a Memorandum of Understanding for the operation of the "one-stop shop."

LEONARDTOWN WHARF

Present: Phil Rollins, Director, Recreation and Parks
Jim Stirling, Director, Office of Capital Projects

As a follow up to previous discussions, Mr. Rollins displayed maps of the Leonardtown Wharf area, pointing out the boat ramp which the County has an easement for, and the land for which the County has submitted an Option to Purchase to the property owner for consideration. It is a draft agreement, which is being reviewed by county staff and the property owners.

The presentation included:

- ❖ That a needs assessment study indicated a need for waterfront access and boat access needs.
- ❖ That Mr. Stirling will be meeting with an environmental study firm regarding the condition of the property because of the property's prior use as a fuel storage area.
- ❖ Funding for the project, if acquired by the County, will come from available Program Open Space funds and other grant programs; e. g., Brownsfield grant. No county operating or capital project funds will be used to acquire the property.
- ❖ That the Land Preservation and Recreation Plan, adopted by the Commissioners last year, referenced the Leonardtown Wharf site as a possible water access facility.
- ❖ If acquired by the County, the park would be a good project for partnering with the Town of Leonardtown and the public.
- ❖ That no decisions have been made on the acquisition or plans for the property.
- ❖ That if not interested in acquiring the property to make the boat ramp useable, the County should consider closing the ramp.

Areas of discussion included: identification and current use of lots; depth of environmental study; limitations of POS funds (that property must be used for public park, open space and/or recreational use); editorial in *The Enterprise*.

In closing, Commissioner Randall acknowledged receipt of a request by the Town of Leonardtown, that the Town will be put on an upcoming meeting agenda to discuss this project.

APPROVAL OF MINUTES

Commissioner Raley moved, seconded by Commissioner Anderson, to approve the minutes of the Commissioners' meeting of Tuesday, April 25, 2000, as corrected. Motion carried.

COUNTY ADMINISTRATOR

Present: Alfred A. Lacer, County Administrator

1. Draft Agendas for May 9 and May 16, 2000
2. **Budget Amendment No. 2000-40**
Public Works - \$90,000
(to pay tipping fees at Calvert County Landfill)

Commissioner Raley moved, seconded by Commissioner Anderson, to approve and authorize Commissioner Randall to sign Budget Amendment No. 2000-40. Motion carried.

3. **Ordinance No. Z2000-04**
Department of Planning and Zoning
Ordinance for Tudor Hall Village Amendment
 (follow up to March public hearing)

Commissioner Guazzo moved, seconded by Commissioner Anderson, to approve and sign Ordinance No. Z2000-04 changing the conditions for growth allocations for Tudor Hall Village. Motion carried.

4. **County Attorney's Office**
Cable Consultant Contract

Commissioner Guazzo moved, seconded by Commissioner Raley, to approve and authorize Commissioner Randall to sign the Contract as presented. Motion carried.

5. **Metropolitan Commission**
 (Metropolitan Commission Bonds – General Certificate of St. Mary's County)

Commissioner Anderson moved, seconded by Commissioner Raley, to approve and authorize Commissioner Randall to sign the General Certificate for \$835,000 in Metropolitan Commission Water Quality Bonds, Series 199A and Series 199B, as presented. Motion carried.

COUNTY COMMISSIONERS' TIME

Christmas in April

Commissioner Mattingly reported that he drove around the County at the various Christmas in April sites this past weekend and commended the workers and the CIA committee for another good year.

Commissioner Anderson congratulated everyone who worked on the Christmas in April project and reported that he worked on the Drayden School house project.

Superfresh Grand Opening in Leonardtown

Commissioner Mattingly advised that he attended the Ribbon Cutting for the new Superfresh in Leonardtown on Friday.

Visit to Louisiana Oil Spill Site

Commissioner Mattingly stated that he will be going to Louisiana later this month to see the results of a clean up from an oil spill. The trip is being paid for by PEPCO.

Tri-County Council Executive Committee Meeting/Tobacco Settlement Funds

Commissioner Anderson reported on the Tri-County Council Executive Committee meeting. He stated that one of the major issues under discussion is the tobacco restitution funds. \$2.5M has been approved for FY 2000 budget and \$9M for FY 2001. He further advised that \$25,000 has been allocated in FY 2001 for a scholarship program.

Commissioner Raley advised that the TCC Tobacco Settlement Funds Committee will be meeting on May 8 in Room 14 at the Governmental Center at 7 p.m. He encouraged farmers to attend the meeting to learn about available options.

Chalk Point Oil Spill

Commissioner Anderson advised that the oil spill situation was also discussed at the TCC meeting and the Executive Committee recognized TCC's role pertaining to long term implications on the seafood industry, tourism, property values, and the economic future of the region. A meeting has been scheduled with representatives from Charles and St. Mary's Counties.

Commissioner Anderson stated that he and Commissioner Guazzo attended another oil spill meeting at the Benedict Firehouse held May 1, sponsored by Congressman Hoyer. The meeting was held to address the watermen's concerns regarding the quality of seafood. PEPCO has agreed to compensate the watermen who have been prohibited from fishing for loss of income.

Commissioner Anderson suggested that staff contact Stuart Petroleum to request a briefing before the Board on its emergency procedure plans, preventative maintenance, etc.

Commissioner Guazzo stated that concerns had been expressed that the scientific experts had not asked the watermen for the locations where they worked in order to take samples. This has now been accomplished. Another concern is the long-term effects from the oil spill. Commissioner Guazzo advised that she requested the Assessment Team, who will be writing a protocol as recovery of the oil spill develops, to provide appropriate protocol and to have PEPCO provide funding. She pointed out that there was an impact on the food chain.

Commissioner Mattingly advised that DNR has indicated that the sampling was done in the watermen's work areas, and there were no signs of contamination. He further advised that PEPCO has agreed to set up an information site at the library, which will be open four days a week.

FY 2001 Budget Deliberations

Commissioner Anderson indicated that the Commissioners have been working hard on the FY 2001 budget and will be starting the budget deliberation process. He pointed out that the budget and deliberations have implications not only for the upcoming fiscal year, but future years as well, and that the Commissioners have difficult decisions to make. He stated that he hoped that the Sheriff's Department and Board of Education will also be willing to make hard management decisions that will be required to get the County out of this difficult financial situation.

Commissioner Guazzo expressed appreciation to Acting Director of Finance, Jeannett Cudmore and the Finance Department for going "above and beyond" in putting the budget together.

Hewitt's 50th Wedding Anniversary

Commissioner Raley advised that he attended the 50th Wedding Celebration for Francis and Mary Lillian Hewitt and pointed out that these two individuals are good examples of people giving back to this community. He stated that both have served on boards and committees and have played an important role in the community.

Hollywood Elementary Schools

Commissioner Raley reported that he visited the old Hollywood Elementary School and stated that the project is underway. He pointed out that he took the opportunity to visit the new school as well.

Traffic Situation – Route 5 and Great Mills Road

Commissioner Raley advised the Commissioners of a traffic problem at Route 5 and Great Mills Road. He indicated that traffic is backed up for approximately a mile for traffic heading north on Route 5 during the afternoon rush hour. He requested the staff request SHA to take a look at the timing of the light.

Tri-County Commissioners' Meeting

Commissioner Randall stated that she had met with Commissioner Levy of Charles County and they had discussed having a tri-county Commissioners' meeting. She requested staff to follow up on this.

Personal Messages

Commissioner Anderson and the other Commissioners wished Delegate Johnny Wood a speedy recovery.

Commissioner Raley and the other Commissioners expressed condolences to the Bates family, who lost a son over the weekend.

PROCLAMATION

The Commissioners issued a Proclamation designating the week of May 1 – 5 as Life Insurance Week.

EXECUTIVE SESSION

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

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

Time Held: 12:48 p.m. – 1:15 p.m.

Action Taken: The Commissioners discussed personnel issues with the County Administrator and gave him direction.

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 A. Lacer, County Administrator
 Judith A. Spalding, Recorder

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

Time Held: 1:15 p.m. – 2:25 p.m.

Action Taken: The Commissioners discussed a property acquisition issue and gave direction to staff.

6:30 p.m.

PUBLIC HEARING**PROPOSED ECONOMIC IMPACT FEE ORDINANCE**

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, Acting County Attorney
 Jon Grimm, Director, Planning and Zoning
 Kate Mauck, Recorder

The Board of County Commissioners held a Public Hearing on the proposed Draft Impact Fee Ordinance. Mr. Murphy provided a brief presentation on the Ordinance and stated that the notice of public hearing had been advertised on April 14th and April 22nd. The proposed Ordinance indicates the impact fee would be raised from the current amount of \$2,000 to a total amount of \$4,500. Revenue from the fees would be allocated as follows: \$3,105 for schools, \$810 for roads, and \$585 for parks.

Commissioner President Randall opened the floor up for public comment. The following individuals spoke:

Linda Murdock – In support of the full impact fee increase – stated that no studies show any relationship between an increase in impact fees and an increase or decrease in economic development.

Clare Whitbeck – In support of a full impact fee increase to the actual cost of \$6,360; believes the impact fee should be imposed at the time it is needed.

Leonard Greess – Believes the full impact fee increase up to the actual cost of \$6,360 should occur and asked the Board of County Commissioners to explain why the full cost was not being proposed in the draft Ordinance.

Hamer Campbell – Maryland National Capital Building Industry Association – Would like a limit on any increase to the impact fee and is against the fee being applied at the time of recordation; would like other alternatives to be explored.

Ford Dean - Feels the impact fee is unfair, discriminatory and ill advised; indicated that the fee bears no relationship to the price of the home purchased; submitted a letter to the Commissioners for their consideration.

Kimberly Howe – Capital Program Manager, St. Mary's County Public Schools – Commended the Board of County Commissioners for their support of schools and the capital improvement programs currently underway in the school system; in support of revenue enhancements to fund further school capital improvements.

Keith Harless – Feels that a set rate for the impact fee is unfair, and that a variable rate fee based on the cost of the home should be considered; would prefer a rise in the transfer tax as well as the impact fee to spread the cost more evenly.

John Quade – Has repeatedly asked for a copy of an Annual Report from Planning and Zoning. He stated that this report is supposed to be presented to the Planning Commission and then the Board of County Commissioners, and it has not been done for the past two years. Also, feels that real estate taxes on a semi-annual basis would work better than an up-front impact fee.

David Triantos – In support of the full impact fee of \$6,360; indicated that individuals could purchase a used home instead of a new one if they wanted to get around the impact fee.

John Erskine – builder – In support of the \$4,500 impact fee; however, paying at the time of recordation would be a severe hardship to builders.

Guy Curley – In support of the full impact fee of \$6,360, but would like to see it spread out over time with a progressive payment plan. Paying at the time of recordation or even at the time of actually mortgaging a home causes the mortgage company to make more money on interest.

Elaine Dodson - In support of the full impact fee of \$6,360, since the impact is the same on the community whether or not the home is a high or low priced home.

Gerry Nokleby – land planner – Believes tax increases will be necessary in the future in addition to a full impact fee; expressed concerns about collection of the impact fee at the time of recordation; believes the money should be collected at the time the building permit is issued.

Chet Frederick – After living in other areas with some of the same problems, Mr. Frederick feels that school systems should not be paid for by the price of housing. Other alternatives should be reviewed for acquiring revenues.

Billy Fitzgerald – developer – Feels that impact fees are necessary, but up-front fees present a real burden for developers. Planning and Zoning would also have a difficult time processing building permits if they have to go back and check to see if the impact fee had already been paid at the time of recording. Feels a better way to charge citizens would be by utilizing the Consumer Price Index (CPI) issued by the federal government, which shows the annual rate of inflation.

ADJOURNMENT

The meeting adjourned at 7:42 p.m.

**Minutes Approved by the
Board of County Commissioners on 05/09/00**

Judith A. Spalding
Judith A. Spalding, Recorder