

**ST. MARY'S COUNTY  
BOARD OF COUNTY COMMISSIONERS' MEETING  
Governmental Center  
June 6, 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

**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 amended (add proclamation for Nursing Assistants Week). Motion carried.**

**APPROVAL OF CHECK REGISTER**

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

**PROCLAMATION**

The Commissioners presented a Proclamation designating the week of June 1 – 8, 2000 as National Nursing Assistants' Week.

**AGRICULTURAL LAND PRESERVATION DISTRICTS**

**Present:** Donna Sasscer, Agricultural, Seafood Specialist

The Commissioners conducted a public hearing on the following Agricultural Land Preservation District Applications:

ALPD#00-150-000-3 – John Butterfield, Manor School Road  
ALPD#00-150-000-14 – Laurence Moeller – Manor School Road  
ALPD#00-150-000-15 – Walter and Betty Russell – Manor School Road

During discussion Commissioner Guazzo noted that the referenced properties are contiguous to each other. She pointed out that the Russells are only putting one-half of the property in an ALPD and that it is not an "all or nothing" proposal.

**Commissioner Anderson moved, seconded by Commissioner Guazzo, to approve and authorize Commissioner Randall to sign the letter to the State approving the referenced Agricultural Land Preservation District Applications. Motion carried.**

**NORTHERN COUNTY SENIOR CENTER**

**Present:** Jim Stirling, Director, Office of Capital Projects  
Gene Carter, Director, Office on Aging

Mr. Stirling and Mr. Carter appeared before the Board to review a \$600,000 grant application to the State Department of Aging for a 12,500 S.F. Northern Senior Activity

Center to be located off of Old Maryland Route 5, one half-mile north of the Charlotte Hall Veterans' Home.

Mr. Carter explained the need for the Center, which will provide a full selection of senior programs and services, in the northern section of the County pointing out the growth in the area and the fact that there are no governmental services in this area. In support of a center for the northern end of the County, retired and senior residents of the area led a petition drive, collecting over 3,000 signatures for such a center, which resulted in the establishment of an interim center at the Mt. Zion Methodist Church. Mr. Carter indicated that he is gathering letters of support from elected officials and has received letters from Senator Dyson and Delegate Wood.

Mr. Stirling reported that the project is included in the County's Fiscal Years 2001 (\$96,000 for planning and design) and 2002 (\$1.3M for construction, which includes the requested \$600,000 state grant) budgets.

After review of the vicinity map, concept site plan, and budgetary information, the Commissioners requested Mr. Stirling to:

- ❖ Follow up with the Department of Planning and Zoning regarding state priority funding area designation for the site;
- ❖ Look into long range planning for a secondary access;
- ❖ Provide BOCC with information on potential savings from design-build;
- ❖ Look into identifying a water source for the site;
- ❖ To delete the reference to the lack of commercial and governmental services (that governmental should be deleted); and
- ❖ To verify that the list of equipment to be purchased is complete (and to ensure that computer equipment has been included).

Mr. Stirling advised that he will get this information and will bring the application back to the Board next week for action.

#### **APPROVAL OF MINUTES**

**Commissioner Raley moved, seconded by Commissioner Mattingly, to approve the minutes of the Commissioners' meeting of Tuesday, May 30, 2000, as corrected. Motion carried.**

#### **COUNTY ADMINISTRATOR**

Present: Alfred A. Lacer, County Administrator

1. Draft Agendas for June 13 and June 20, 2000
2. **St. Mary's Public Schools  
Board of Education Grant Award**  
Maryland Technology Academy - \$78,388.30

Also present: Paul Fancella, Supervisor of Instruction, Public Schools

**Commissioner Anderson moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner Randall to sign the letter to BOE approving Grant Award. Motion carried.**

3. **Walden/Sierra, Inc. – Grant Application  
Runaway & Homeless Youth – Basic Center**  
Second Year of 3-year Federal grant (Federal: \$100,000; State: \$149,976;  
County: \$10,000)

Also present: Gary Lynch, Walden

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

4. **Department of Public Works  
Resolution  
(Elimination of Unauthorized Use and Potential Nuisance along Railroad  
Right of Way)**

During discussion of the proposed Resolution, Commissioner Guazzo requested Mr. Erichsen to provide information (photos) showing specific sites where this has been done and demonstrating that Amish buggies would be able to navigate the path. In addition Commissioner Raley requested that the Risk Manager look into this to determine the County's liability should anyone be injured. Additionally staff was requested to provide information on the impact on the "rail to trails" initiative.

5. **Lifting of Moratorium on Contracting Equipment Purchases (Discussion)**

Mr. Lacer recommended to the Board that since the budget process has been completed, that the moratorium on Contracting Equipment Purchases be lifted.

The Commissioners gave their concurrence.

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

**Commissioner Guazzo moved, seconded by Commissioner Raley, and motion carried, to approve and sign the letters appointing the following individuals:**

**Nursing Center Board**  
Everlyn Holland

**Sheriff's Pension System**  
Sgt. Terry Black  
John Horne

Later in the meeting, the Commissioners took action as follows:

**Commissioner Anderson moved, seconded by Commissioner Mattingly, to appoint Nell Hampton to the Nursing Center Board. Motion carried.**

**RECOGNITION OF SICK DAY CLUB MEMBERS**

The Commissioners presented Certificates to the following employees who have accumulated, as of December 31, 1999: 100, 200 and 300 days of unused sick leave.

<b>100-Day Club:</b>	Eugene C. Carter Larry C. Harvey Mary M. Langley Phillip D. Rollins Jennie S. Page Catherine B. Pilkerton Rose Darlene Brown Robert E. Morgan Charles W. Tennyson Francis G. Wood	Terry L. Black Philip Joseph Wayne A. Milam Stephen E. Myers, Jr. Stephen C. Goddard Richard W. Gray Saraha J. Norris Joseph D. Bean Carol H. Gallagher
<b>200-Day Club:</b>	George M. Jarboe Catherine L. Mattingly Deborah M. Zylak	William B. Buckler, Jr. Richard P. Wood
<b>300-Day Club:</b>	Cynthia A. Pilkerton	John O. Thompson

## EXECUTIVE SESSION

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

### Personnel

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

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

**Time Held:** 11:50 a.m. – 2:46 p.m. (with a break for lunch)

**Action Taken:** The Commissioners discussed matters of personnel.

## PUBLIC HEARING TRANSFER TAX

**Present:** Patrick Murphy, Acting County Attorney

The Commissioners conducted a public hearing on an Ordinance to readopt and reenact Article XV, Chapter 267 of the Code of Public Local Laws of St. Mary's County relating to the Real Property Transfer Tax.

Mr. Murphy read the Notice of Public Hearing which was published in The Enterprise newspaper on May 24 and May 31, 2000.

Mr. Murphy explained that the County had been empowered by the General Assembly to establish a transfer tax on real property, and that this authority expires on July 1, 2000. However, the Maryland General Assembly repealed and reenacted Section 138-1 of the Public Local Laws of St. Mary's County to extend the authority of the Board of County Commissioners to impose the transfer tax through July 1, 2005.

The hearing was opened for questions from the audience:

**David Triantos** – Questioned the purpose of the transfer tax. The Commissioners responded that the revenues are used for capital projects, including agricultural preservation and infrastructure.

During discussion Commissioner Guazzo requested that the Ordinance be revised to reflect that the revenues are only to be used for capital projects.

Hearing no further comments, the public hearing was closed; the record will remain open for ten days, after which it will be placed on the Commissioners' agenda for a decision.

## PUBLIC HEARING INCOME TAX

**Present:** Patrick Murphy, Acting County Attorney

The Commissioners conducted a public hearing on an Ordinance setting the County Income Tax Rate at three and one-tenth (3.10%) percent of an individual's Maryland taxable income, which rate has been incorporated into the final approved budget for fiscal year ending June 30, 2001. The new rate will be effective January 1, 2001.

Mr. Murphy read the Notice of Public Hearing, which was published in The Enterprise newspaper on May 24 and May 31, 2000.

Mr. Murphy explained that the Commissioners must conduct a public hearing to increase the income tax rate greater than 2.5% of an individual's Maryland taxable income.

The hearing was opened for comments from the audience:

**Clare Whitbeck** – Stated that the Ordinance will increase revenues by approximately \$600,000 in the next year; however, had the Commissioners enacted the economic impact fee recommended by the study committee, revenues would have been in the amount of \$930,000 (the difference of revenues between the approved \$4,500 and the recommended \$6,360). She stated she strongly objected to having to pay the increase in income tax, but being asked not only to endure the effect of the growth, but being asked to subsidize it as well.

Hearing no further comments, the public hearing was closed; the record will remain open for ten days, after which it will be placed on the Commissioners' agenda for a decision.

## **COUNTY COMMISSIONERS' TIME**

### **Promotion of Rear Admiral Dyer**

Commissioner Randall announced that Rear Admiral Joe Dyer has been promoted and will be the new Commander of the Naval Air System Command as Vice Admiral. She requested staff to draft a letter of congratulations in recognition of his appointment.

### **Tri-County Commissioners' Meeting**

Commissioner Randall reminded the Commissioners about the June 27 tri-county commissioners' meeting, and provided the list of items for discussion received from Charles County (animal shelter, Hughesville bypass, and workforce development update). She requested that if the Commissioners have any additional items to get them to her.

### **Test and Evaluation Museum Forum**

Commissioner Randall stated that she attended the forum on the T&E Museum, which commemorated the 58<sup>th</sup> Anniversary of the Battle of Midway. She complimented the Director of the Lexington Park Plan, Robin Finnacom, for doing a great job in putting this together.

Commissioner Raley also commended Ms. Finnacom for a job well done and for her comments on what the challenges were for this project.

### **Maryland State Special Olympics Equestrian Competition**

Commissioner Randall reported that Saturday was the first time in the history of the County that St. Mary's was represented at the State Special Olympics Equestrian Competition. The participants competed as individuals and as a team. Commissioner Randall thanked the Greenwell State Park officials for their assistance.

Commissioner Raley commended the Special Olympic volunteers for the time and effort they put into their projects and he noted that several individuals went to the Netherlands for a sailing competition and returned with a gold medal as well as other medals.

### **Tri-County Infrastructure Committee**

Commissioner Anderson reported that the referenced committee will be reconvening and that the Committee is requesting items to be brought to it for discussion. He recommended the following items to be included: regional solid waste and sustainable community development plan and that he would like to see any items of interest to the Tri-County Council paralleling its strategic planning efforts.

### **Request for Status Reports**

Commissioner Anderson requested an update on the following:

The proposed ferry from St. Mary's to the Eastern Shore;  
Getting ST Services on a Commissioners' agenda

### **June 13 Public Forum**

Commissioner Anderson advised that at the Commissioners' public forum next week (June 13) the National Association of Retired Federal Employees will be submitting a petition requesting a tax credit for senior citizens. He stated that staff has been directed to investigate the feasibility of the County implementing such a tax credit program and requested the Acting County Attorney to be present at the forum to provide an overview and perhaps recommendations on this issue.

### **Greater Washington Initiative**

Commissioner Anderson referred to the Greater Washington Initiative, a firm associated with the Greater Washington Board of Trade and recommended that St. Mary's County join this organization for a fee of \$5,000 (to come from undesignated reserve fund). The group offers assistance in the area of regional marketing. He stated that Mr. Fairclough, Director, DECD, has been in touch with the firm and will be working with the Finance Office to prepare a budget amendment. Commissioner Anderson noted that this would be a good opportunity to try to improve the County's economy through this group.

### **Economic Impact Fee**

Commissioner Randall stated that following the Commissioners enactment of the Resolution setting the Economic Impact Fee, and that it appears to her that there is a need for clarification in two areas: (1) whether the exemption applies to a family member transferring the entire parcel to a child, or whether it is only a subdivision of a lot in a minor subdivision; (2) whether the exemption applied only to minor subdivisions recorded after June 1, 2000.

Mr. Grimm and Mr. Murphy will put information together to address these issues.

### **Visit to New Orleans Oil Spill Site**

Commissioner Mattingly reported on his visit to New Orleans stating that the group spent four to five hours in the marshland at the location of the oil spill that occurred in May of 1997. The New Orleans spill impacted 8,000 acres of marsh land and water, and there were a lot of similarities to the spill that occurred at Chalk Point. He also pointed out that recovery efforts in Louisiana are similar to those being conducted at Chalk Point and stated that the only indication that there had been a spill was a old piece of boom that had surfaced in the marshland.

### **High School Graduations**

Commissioner Raley referred to the recent high school graduations and congratulated the graduates and their families. He also expressed appreciation to the schools' staff for all the work put into the graduation ceremonies, especially

the staff of Chopticon (which graduation was held outside), because of the smooth way of handling the program when a storm came up.

**St. Mary's County First Annual Fishing Challenge**

Commissioner Raley reported on the upcoming fishing tournament scheduled for August 26 at the Dennis Point Marina in Drayden. He stated that Jean Goodman has done a good job in putting the project together. He noted that the *Enterprise* newspaper published a booklet on the Fishing Challenge and includes an entry form for fishing in the Recreational Division or the Charter Boat Division.

**Lexington Park Rescue Squad Substation Dedication**

Commissioner Raley referred to the dedication of the new Lexington Park Rescue Squad Substation and noted the good job that was done on the building. He stated it was constructed in such a way that he did not believe there would be any impact on the surrounding community.

Commissioner Guazzo echoed Commissioner Raley's comments regarding the new substation stating that it is well planned and well built, and that it has space for training.

**Cable Franchise Status Report**

Commissioner Raley requested County Administrator Lacer to provide the Commissioners with a status report on the Cable Franchise.

**PUBLIC HEARING – 3:50 p.m.**  
**1996 BOCA / 1995 CABO Building Codes**

All Commissioners were present. DPZ staff present were Jon Grimm, Director; Adam Knight, Code Coordinator; and Peggy Childs, Recording Secretary. Also present was Acting County Attorney Patrick Murphy.

For the purpose of amending Ordinance No. 95-42, Article II, Sections 203-11 and 203-12 to include changes made by BOCA 1996 and CABO 1995 and as recommended by BOCA Appeals Board.

Also Present: Jim Weaver and Mike Pellegrino, of the BOCA Appeals Board  
Keith Fairfax, Emergency Services  
Joe Guyther, Fire Prevention Board  
Sam Trice, of MDIA

Legal Ad published in The Enterprise on 5/19/00 & 5/26/00

This hearing was convened by the Commissioners to review changes to the county's BOCA and CABO Building codes under the 1996 BOCA and 1995 CABO Codes, and as recommended by the BOCA Appeals Board. The building codes were last updated in 1995 and periodic updates are made pursuant to the Maryland Building Performance Standard. The next revision will come after the State revises its 2000 or 2001 International Building Codes. The changes include local amendments as appropriate and recommendations from the industry. A following is a summary of questions and issues raised:

**Page 2, 107.1.2, Exemptions – 300 sq. ft. detached sheds**

Still 300 square feet, but now extended to other structures covered by the BOCA Code; i.e., commercial, industrial, institutional and multi-family.

**Page 3, 904.4, 904.7, 904.7.1 - Sprinkler Requirement**

Any non-residential buildings over 12,000 square feet must be sprinklered. This requirement will be removed from the Zoning Ordinance and inserted, more appropriately, in the Code.

Page 3, 202.0, General Definitions – Day Care/Child Care/Dormitory Facilities  
Change threshold from 5 persons to 8 persons, in accordance with State guidelines.

Page 8, 316, 316.1 - Smoke Detectors  
Requiring smoke detectors in accordance with Maryland State fire Code and St. Mary's County Electrical Code.

Considerable discussion was devoted to the smoke detector requirement. Keith Fairfax stated that the requirement is intended particularly to protect the very young, the handicapped, and the elderly, however the Fire Board would like to see one in every sleeping area in residential construction. The Code now requires two detectors in apartment construction – one outside the sleeping areas and one at the basement level. Mr. Fairfax stated he contacted Mr. Tennyson, who sells smoke detectors, who says detectors can be bought in volume for \$15.00 apiece, plus the costs of wiring the building. The wiring is such that if one detector goes off they all go off, providing an instant, overall alarm. Jim Weaver warned, however, that these little increases in construction costs could combine to put “starter” homes out of the reach of first-time buyers.

Sam Trice, Manager of the Middle Department Inspection Agency, submitted several items of concern. The following are Mr. Trice's comments, taken from his submission:

Page 8, 316, 316.1 – Smoke Detectors  
Needed, but some things in the recommendation should be changed.

Page 2, 107.1.2, Exemptions – 300 sq. ft. detached sheds  
Under Federal Floodplain Law any building, regardless of size, must be inspected. Suggest language as proposed to exempt but adding, “except in the floodplain.”

Page 2, 110.1, Service Connections  
Suggest requiring a letter from each utility stating that the electric, gas, water has been turned off.

Page 4, 1301.1, Scope  
Does this mean wood stoves are exempt? (Same as 119.1 of CABO.)

Page 6, 113.1.3 – Foundation Inspection  
Suggest deleting “enclosing space below grade.”

Page 6, 113.1.4 – Correct type. Remove “A” and add quotation marks to “roughed-in.”

Page 6, 113.1.6 – Remove the word “of five digit” from proposed sentence.

Page 7, 115 – Swimming pools, spas and hot tubs.  
Page 325.

Page 7, D105.4 – delete entirely.  
Why?

Page 7, 119.1  
Does this mean if I heat with wood I don't have to comply?

Page 8, 303.4, Stairway illumination – delete entirely.  
99 NEC 210.70.2

Page 8, 303.4.1, Light activation – delete entirely.  
99 NEC 210.70.2.

Page 8, 306, Sanitation – delete entirely.  
St. Mary's County Plumbing Code Ordinance #00-13.



Page 8, 309.3 – Floor surface  
What's wrong with existing wording?

Page 8, 314.7 – Illumination  
99 NEC 210.70.2.

Page 8, 315.4 – Guardrail opening limitations – delete “4 inches” and insert “6 inches.”  
Why not leave in? Most stairs have 4” now.

Page 9, 406.2 - Concrete and masonry foundation waterproofing  
Does this cover foundations with crawl space? Adam Knight says, “no.”

Page 9, 502.1, General  
“Cut full size ...” Assume this means not spliced or pieced together ???

Page 9, 602 – Wall framing  
See 502.1.

Page 9, 602.1 – Identification  
See 502.1.

Page 9, 802.1 – Identification and grade  
See 502.1..

Page 11 – Date of Adoption and Effective Date  
Please don't make these dates the same. Suggest 60 days after adoption.

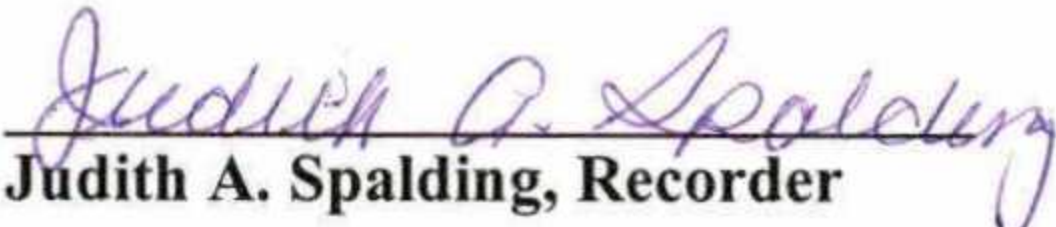
The public hearing was closed at 4:20 p.m., with the record to be held open for 10 days for written comment.

Staff will review comments and questions and provide a report prior to the meeting of Tuesday, June 20<sup>th</sup>.

#### **ADJOURNMENT**

The meeting adjourned at 4:20 p.m.

**Minutes Approved by the  
Board of County Commissioners on 6/13/00**

  
**Judith A. Spalding, Recorder**