

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Governmental Center
Tuesday, March 6, 2001**

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, Administrative Assistant to BOCC (Recorder)
Kate Mauck, Recorder

CALL TO ORDER

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

ADDITIONS/DELETIONS TO AGENDA

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

APPROVAL OF CHECK REGISTER

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

APPROVAL OF MINUTES

Commissioner Anderson moved, seconded by Commissioner Raley, to approve the minutes of the Commissioners' meeting of Tuesday, February 27, 2001, as corrected. Motion carried.

**PROCLAMATION
AMERICAN RED CROSS MONTH**

The Commissioners issued a Proclamation designating the Month of March as American Red Cross Month.

Mr. Jack Duchesne presented the Commissioners with a packet of information on the Red Cross and described some of the many community projects conducted by the Red Cross throughout the United States.

**PROCLAMATION
NATIONAL GIRL SCOUTS WEEK**

The Commissioners presented a Proclamation designating the week of March 12 through 16, 2001 as National Girl Scouts Week.

The Girl Scouts presented the Board with a tray and packets of cookies.

COUNTY ADMINISTRATOR

Present: Alfred A. Lacer, County Administrator

1. Draft Agendas for March 13 and March 20, 2001

2. **Budget Amendments**

Present: Elaine Kramer, Director of Finance
George Erichsen, Director, DPW

- a. #2001-40 – Public Works (\$14,000)
(St. Andrews Maintenance Facilities)

Commissioner Mattingly moved, seconded by Commissioner Guazzo, to approve and authorize Commissioner President Randall to sign Budget Amendment No. 2001-40. Motion carried.

- b. #2001-41 – Public Works (\$25,016)
(St. Andrews Landfill)

Commissioner Guazzo moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner President Randall to sign Budget Amendment No. 2001-41. Motion carried.

- c. #2001-42 – Finance
(To close inactive Capital Projects to one reserve account)

Commissioner Guazzo moved, seconded by Commissioner Raley, to approve and authorize Commissioner President Randall to sign Budget Amendment No. 2001-42. Motion carried.

- d. #2001-43 – Public Works (\$1,000)
(Fuel and Oil)

Commissioner Mattingly moved, seconded by Commissioner Guazzo, to approve and authorize Commissioner President Randall to sign Budget Amendment No. 2001-43. Motion carried.

- e. 2001-44 -- Finance (\$6,500)
(Other Supplies)

Commissioner Mattingly moved, seconded by Commissioner Guazzo, to approve and authorize Commissioner President Randall to sign Budget Amendment No. 2001-44. Motion carried.

3. **Department of Public Works**

Present: George Erichsen, Director

Public Works Agreement for Forest Lake Subdivision, Section 2, 6th Election District, with a completion date of January 1, 2003. The letter of credit has been provided by The Washington Savings Bank in the amount of \$29,000.

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

4. **County Attorney
Naval Air Test and Evaluation Museum**

Present: John Norris III, Deputy County Attorney

(Consideration of an amendment to the July 18, 2000 MOU by and between Patuxent Naval Air Museum Association, Inc. and the Board of County Commissioners of St. Mary's County)

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

5. **Department of Recreation and Parks**

Present: Phil Rollins, Director

a. Request additional funding for the construction of Willows Road Park.

Mr. Rollins advised that there were three items not funded for the Willows Road Park because of the project's budget shortfall. The unfunded items, for a total of \$274,500, are the one mile, hard surfaced pathway around the perimeter of the park (\$54,000); a second restroom/concession facility adjacent to the baseball fields (\$140,000); and lighting of one multi-purpose football/soccer field (\$80,000). The additional funding will come from the Capital Project Reserve.

Areas of discussion included cost overruns (large range of error between projections and actual costs); explanation of source of funding (CIP Reserve); grass versus sod; and lighting of fields.

After discussion Commissioner Guazzo moved, seconded by Commissioner Raley, to approve the additional funds in the amount of \$274,500 for the three items needed to complete the Willows Road project; source of funds to come from the Capital Project Reserve; and for Mr. Rollins to work with the Director of Finance to prepare the appropriate budget amendment. Motion carried.

b. Maryland Historical Trust (MHT)
FY2002 General Operating Support Grant Application

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

The following portion of the meeting was recorded by Kate Mauck:

**PUBLIC HEARING
911 WIRELESS FEE ORDINANCE**

Present: Phil Cooper, Jr., Director, Department of Emergency Communications
Patrick Murphy, County Attorney

The Board of County Commissioners conducted a public hearing in order to consider the imposition of a surcharge for "Wireless Telephone Service" (cellular) as authorized by the Maryland Annotated Code. The public hearing was properly advertised. Mr. Cooper stated that St. Mary's County was the only county in the State of Maryland that had not instituted a surcharge for wireless telephone service.

The following information was presented:

- Annotated Code of Maryland authorizes a fee of up to \$.50 per wireless telephone service account;
- Proposed ordinance would institute a \$.40 fee for County wireless telephone subscribers;
- Fee could be increased in the future up to a maximum of \$.10 more to further offset a portion of operation and maintenance costs of the 911 operation to the taxpayers of the County should the Board of County Commissioners deem it necessary;
- \$75,000 estimate of income that would be generated due the imposition of the fee;
- \$1.00 maximum bill being presented to the Legislature which may affect future incomes generated; and
- To request information from staff on the additional categories per pending legislation.

Commissioner President Randall opened the hearing for public comment. The following individual spoke:

Clare Whitbeck – urged Commissioners to look into how to have the tax reach individual wireless telephone subscribers who do not pay regular monthly bills.

Mr. Murphy responded to questions from the Commissioners regarding the effective date of the Ordinance once signed. He stated that it would become effective immediately; however, the County would need to provide documentation to the Public Service Commission within 60 days, and it would take 60 to 120 days before implementation of the Ordinance would occur.

Hearing no further comments, the public hearing was closed for comment. Commissioner President Randall stated that the matter would remain open for written public comment for a ten-day period. *The matter would then be placed on an upcoming agenda for discussion and a decision.*

The Board of County Commissioners directed Mr. Cooper to check with cellular telephone service providers and also the Public Service Commission to look into how to have the tax reach individual wireless telephone subscribers who do not pay regular monthly bills.

The following portion of the meeting was recorded by Peggy Childs:

UNIFIED LAND DEVELOPMENT CODE WORK SESSION ON ULDC (Revised)

All Commissioners were present. DPZ staff present were Jon Grimm, Director; Planners Jeffrey Jackman and Sue Veith; and Peggy Childs, Recording Secretary.

The Commissioners took no action at this work session, but gave their concurrence for a policy decision to be formalized at the next commissioners' meeting. The decision will be to accept the Development Review Forum's recommendation and dedicate county staff and departments, with a facilitator, to meet away from other county business three days a week beginning on approximately April 4th. This time will be spent modifying the ULDC document to reflect the policy decisions made by the Commissioners and will incorporate staff's and the TRC's recommendations, as well as editorial changes. Departments involved will include Planning & Zoning, Permits & Inspections, Soil Conservation Service, DPW, MetComm, Environmental Health, Public Schools, DECD, including Housing and Agriculture/Seafood/Forestry Specialist, and the Lexington Park Revitalization Coordinator. DPZ staff will contact county departments to schedule the review, which will be conducted over a four-week period, with staff reporting back to the Commissioners in two weeks regarding any policy issues that need to be resolved and the progress made. Additional time will be added to the four weeks, as necessary.

The Commissioners directed staff to provide some flexibility in the ULDC document, making it less rigid while eliminating some of the "murkiness" of the existing ordinance. The Commissioners want the document to be more user-friendly and for a separate chapter to be provided on the Revitalization of Lexington Park. Ms. Randall stated all the plans in the ULDC document need to be looked at separately and distinctly for Lexington Park.

In addition, the Commissioners scheduled meetings on specific topics of the document, as follows:

March 13th

- Limit on Size of Retail Buildings
- Townhouse Regulations
- Central Water recommendation
- Nonconformance with Comprehensive Plan (for discussion as time permits, with decision scheduled later in the process)
- Other items which the Commissioners may identify

March 20th

- Uses/Classifications

March 27th - 2-hour meeting to be held at Carter State Office Building

- Zoning Maps (add breaks between development districts, town and village centers along 235; add TRC recommendations)
- Growth Allocation

April 3rd

- Adequate Public Facilities, to include the Public Schools Growth Management Committee (need copy of Growth Management Report)

April 10th

- Legal Review

These meetings will not be defined as work sessions but as regular meetings, so that decisions may be made by the Commissioners. Commissioner Mattingly stated he still has some concerns regarding the density issue and asked that it be discussed at one of the meetings.

Mr. Grimm said staff will provide a schedule with the Commissioners packet of information by the end of the week and an agenda for each meeting.

The following portion of the meeting was recorded by Kate Mauck:

COUNTY COMMISSIONERS' TIME

Tobacco Buy-Out Program

Commissioner Raley stated that he had a meeting yesterday with Calvert County regarding the Tobacco Buy-Out Program. He outlined potential future concerns about shortfalls that may occur due to conflicts regarding the Program. The State may be faced with an inability to back funding for issuance of future bonds. He outlined complications that may occur due to farmers participating in other parts of the Program, e.g.; Agricultural Preservation. Commissioner Raley also outlined several consequences that could occur because of State regulations during implementation of the Program. He further stated that the County would be setting up a meeting for interested farmers on investment opportunities, providing expert opinions so that they might better understand options available to them as well as to minimize losses and tax consequences.

All Eastern Chorus Concert

Commissioner Anderson stated that he and his wife attended the All Eastern Choral Concert in Pittsburgh this past weekend. St. Mary's County was superbly represented by the following students: Hayden Hammett, Tony Aina, Kelly Perlick, and Bethany Wallace from Leonardtown High School; Olivia Volts, Celia Wells, and Commissioner Anderson's daughter, Sara Anderson from Great Mills High School. He thanked and congratulated Choral Directors Jo Ann Crider from Great Mills and Jamie Fitzgerald from Leonardtown High who each did an outstanding job of preparing these students. Commissioner Anderson also stated the importance of support for the arts in St. Mary's County Schools.

Fourth Annual Business Development Symposium

Commissioner Anderson reported that he recently attended the Fourth Annual Business Development Symposium that was held at the Hollywood Fire Department Hall. A huge crowd was present and the importance of a knowledge-based economy to our County was emphasized at the event.

Departure of Viki Volk

The Commissioners welcomed Mr. Babcock in his role as replacement for Viki Volk as a reporter from *The Enterprise* newspaper covering St. Mary's County Government. Viki has left the newspaper after 16 years of service and well wishes were sent her way in her new challenges working with Jackie Russell at the oyster house.

Model Congress

Commissioner Mattingly stated that he recently attended a Model Congress event, and the students did an excellent job in their debates.

Maryland Day Program

Commissioner Mattingly reminded the Commissioners of the Maryland Day Program to be held in Annapolis on Thursday night. The bus has been cancelled and individual driving arrangements need to be made.

Smart Growth Summit

Commissioner President Randall congratulated the Board of Education and Dr. Richardson on the Smart Growth Summit that she recently attended at Great Mills High School. She stated that it was an excellent program and that it was a pleasure having the Governor attend as well as Congressman Hoyer.

Thornton Commission

Commissioner President Randall reported that she testified in front of the Senate Budget and Tax Committee regarding the Thornton Commission. She stated she had reported that the County is in support of additional funding for special education and transportation; however, the bill presented includes funding for new programs. Commissioner Randall testified that St. Mary's County needs support for the basics first and encouraged the Committee to put off new funding issues until these basic needs are provided for. She further stated that Commissioner Anderson would be testifying on a House Bill in Annapolis tomorrow.

Lexington Park Lions Club Visual Screening Program

Commissioner President Randall reported that she recently attended a kickoff of the visual screening program for preschool children conducted by the Lexington Park Lions Club on the Navy base. Approximately 300 children were screened within two hours time. The screening process should detect amblyopia, or lazy eye, in children at an early age. The program would be branching out to all the public schools and preschool classes in the area.

Southern Maryland Higher Education Center Event

Commissioner President Randall stated that she recently attended a celebration for the partnership between Johns Hopkins University and the Navy Test Pilot School, which was held at the Southern Maryland Higher Education Center. The event was held in celebration of Johns Hopkins University's recent recognition of the Navy Test Pilot School in terms of credits toward their engineering program for Master's Degrees.

St. Mary's County Operating Budget

Commissioner President Randall stated that Elaine Kramer and Judy Spalding had been working with her in order to develop a schedule of meetings to discuss the operating budget. A schedule of meeting dates was presented to each Commissioner.

Birthday Wishes

A birthday cake was presented to Commissioner Julie Randall and Commissioner Joe Anderson in honor of their birthdays this week.

**PATUXENT RIVER NAVAL AIR TEST & EVALUATION MUSEUM
STATUS REPORT**

Present: Keith Fairfax, Museum Committee
Rear Admiral Gus Eggert, “
Gary Hodges, Consultant
Richard Rohrbaugh, Director of Facilities Management

Members from the Patuxent River Naval Air Test & Evaluation Museum Committee appeared before the Board of County Commissioners in order to provide a status report regarding the Museum. Commissioners were asked to consider developing and signing a potential second addendum to the original Memorandum of Understanding between the County and the Museum. The following information was presented:

- Beginning of the vision for the Museum occurred four years ago;
- “Report Card” of accomplishments that have been achieved thus far as well as in-process items were outlined;
- Major obstacle of land acquisition has now been completed;
- Revenue and funding for capital construction were outlined;
- Museum Design illustrated and discussed;
- Access to the New Museum site was discussed (three, perhaps four alternatives);
- Status report on the Museum transition;
- Status report on private sector fundraising campaign – expressed confidence that this was moving along well and that organizational aspects for fundraising are in place;
- Two hearings to occur on March 12th regarding this issue – 11 a.m. meeting with the Lieutenant Governor to revisit the status of this project and 2 p.m. meeting with the House Appropriations Committee on two Bond Bills submitted on this project;
- Lease agreement ready to be signed by Commissioners; and
- Plans are to move into interim facility next week; anticipate opening to public at warehouse site by early April.

Mr. Rohrbaugh outlined his task of spending the money as it becomes available. In his planning for the cost estimate for the project, Mr. Rohrbaugh deemed it necessary to scale the entire project back by 15%, which caused a reduction in square footage from 30,414 square feet to 26,000 square feet. This would bring the total project cost in FY03 to \$5,275,000 and in FY04 to \$2,375,000. Per Mr. Rohrbaugh, all indicators seem to point to an estimate of \$200 per square foot cost on the project. One year was added onto the schedule, and two buildings would be utilized under the current lease: the warehouse, which would continue to be used, and the concrete “Money Market” building, which would potentially be demolished.

Potential difficulties in raising the funding from the State of Maryland within two years time were discussed. It was noted that the Memorandum of Understanding would need a modification, as it would now take three years to raise the State’s portion of the funding for the project. St. Mary’s County’s portion would remain the same; however, it was asked that the balance of funds promised toward the project be released in FY02 as opposed to FY03. This would enable Phase 1 of the construction effort to go forward on July 1st of next year. Further details outlining this issue were presented in a February 7, 2001 letter to the Board of County Commissioners.

Discussion took place concerning problems that might arise should the State not be forthcoming with future anticipated funding. The bidding process was also discussed. Mr. Rohrbaugh indicated that the concrete "Money Market" building should be demolished in 18 months to two years, as the cost to bring up to standard would be more than it could produce as short-term rental space.

The Board of County Commissioners stated that they would consider the issue of language modification in the Memorandum of Understanding.

**PUBLIC HEARING
SUPPLEMENTAL APPROPRIATION
OFFICE OF THE SHERIFF**

Present: Lieutenant Horn, Office of the Sheriff
Elaine Kramer, Director of Finance

Lieutenant Horn and Ms. Kramer stated that a public hearing was necessary on this issue in order to consider a supplemental appropriation of state funds in the amount of \$17,005. The purpose of the supplemental appropriation is to offer local law enforcement agencies the resources necessary to bolster existing ex parte and protective order data and services efforts.

Commissioner President Randall opened the hearing for public comment. There were no individuals present to speak; therefore, the public hearing was closed. *The matter would be placed on the Commissioners' agenda after a ten-day period, during which time, the Commissioners will accept any written public comment on the issue.*

Judith Spalding recorded the remainder of the meeting from this point forward:

AMERICANS WITH DISABILITIES AWARENESS MONTH

In celebration of American with Disabilities Awareness Month the Commissioners presented the following Proclamations:

Mental Retardation/Developmental Disabilities Awareness Month

Present: Harriet Yaffe, Executive Director, Arc
Steve Mattingly, President Arc Bd/Directors

Proclamation designating the month of March as Mental Retardation/ Developmental Disabilities Awareness Month and recognizing the Arc of Southern Maryland for its 26 years of service to the community.

Disability Awareness Month

Present: Arthur Shepherd, Commission for Person's with Disabilities
Cynthia Brown, "

Proclamation designating the Month of March as Disability Awareness Month and promoting the awareness activity *High Hopes for Everyone* which will be held on March 31 at the Leonard Hall Recreation Center. Mr. Shepherd stated the focus will be on abilities rather than disabilities.

CAREGIVERS PENDING LEGISLATION

Present: Harriet Yaffe, Executive Director, Arc
Steve Mattingly, President Arc Bd/Directors
Ceci Price (sister of a client)

The referenced individuals appeared before the Board to request sign a letter to Governor Glendening in support of SB 432 (crossfiled with HB 922), entitled *Developmental Disabilities – Community Supports – Reimbursement*. They stressed the difficulty in hiring well-qualified staff members because the reimbursement rates by DDA are inadequate. The funding formula for community programs is based on \$6.89 an hour for direct care workers. Ms. Yaffe pointed out that there was inequity in the wages paid for state employees doing the same work as community based workers. She stated that this is a very critical situation and one that needs to be addressed in order to provide a positive quality of life for the residents who are dependent on their caregivers.

After discussion the Commissioners gave their concurrence to sign the letter to Governor Glendening in support of SB 432/HB 922.

EXECUTIVE SESSION

Commissioner Guazzo moved, seconded by Commissioner Anderson, to meet in Executive Session to discuss matters 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: 4:41 p.m. – 6:55 p.m.

Action Taken: The Commissioners discussed several personnel matters (contracts and staff assistance.)


Follow Up to Executive Session

Commissioner Raley moved, seconded by Commissioner Guazzo, to direct staff to proceed as discussed in executive session. Motion carried.

ADJOURNMENT

The meeting adjourned at 7:05 p.m.

**Minutes Approved by the
Board of County Commissioners on 3/13/01**


**Judith A. Spalding, Administrative Assistant
to the Board of County Commissioners**