

**ST. MARY'S COUNTY  
BOARD OF COUNTY COMMISSIONERS' MEETING  
Governmental Center  
March 7, 2000**

**Present:** Commissioner Thomas A. Mattingly, Sr., (Acting Chair)  
Commissioner Joseph F. Anderson  
Commissioner Shelby P. Guazzo  
Commissioner Daniel H. Raley  
Alfred A. Lacer, County Administrator  
George Forrest, Deputy County Administrator  
Judith A. Spalding, Recorder

(Commissioner President Julie B. Randall was not present.)

**CALL TO ORDER**

The meeting was called to order at 10:00 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 Anderson, to authorize Commissioner Vice President Mattingly to sign the Check Register. Motion carried.**

**AGRICULTURAL LAND PRESERVATION ADVISORY BOARD**

**Present:** Jim Conrad, Chair  
Donna Sasscer, Agricultural Seafood Specialist

**ALPD Public Hearings**

The Commissioners conducted a public hearing on the following applications for the establishment of Agricultural Land Preservation Districts and Sale of Development Rights Easement

- ALPD #99-2460 – Glenn R. Taylor for a total of 70.727 acres located on Oscar Hayden Road, 7<sup>th</sup> District, Tax Map 38, Block 22, Parcel 235.
- ALPD #99-2415 – James K. Raley for a total of 88.4 acres located on Oscar Hayden Road, 7<sup>th</sup> District, Tax Map 38, Block 21, Parcel 270.
- ALPD #99-2416 – Pete Griffin for a total of 33.1 acres located on Oscar Hayden Road, 7<sup>th</sup> District, Tax Map 38, Block 21, Parcel 42.
- ALPD #99-2417 – John Cheseldine for a total of 26.14 acres located on Oscar Hayden Road, 7<sup>th</sup> District, Tax Map 38, Block 21, Parcel 260
- ALPD #99-2267 – Al Watson for a total of 254.89 acres located on Bay Forrest Road, 1<sup>st</sup> District, Tax Map 63/64, Block 01, Parcel 64.

During discussion Ms. Sasscer advised that if the referenced ALPD's were approved, the county's match would be \$150,000 (using the county's transfer tax funds). Commissioner Raley questioned Ms. Sasscer on whether there were sufficient funds available to take care of these, and she responded that there were.

Hearing no public comment, the hearing was closed.

**Commissioner Guazzo moved, seconded by Commissioner Anderson, to approve the referenced ALPD Applications as presented. Motion carried.**

**Annual Report**

Also present: James Beaven  
James "Bubby" Norris  
Bernard Johnson

Representatives of the Agricultural Land Preservation Board appeared before the Board to present the group's annual report.

Mr. Conrad explained the establishment and purpose of the ALP Advisory Board stating it was established by legislation in 1977. The purpose of the Board includes advising the Board of County Commissioners about the establishment of agricultural land preservation districts and for the approval of purchase of easements by the Maryland Agricultural Land Preservation Foundation; assisting in the review the status of agricultural districts and land under easements; and to promote preservation of agriculture within the County by offering information and assistance to farmers with respect to establishment of districts and purchase of easements.

Problems and challenges included

- ❖ Funding issues to handle additional easement applications;
- ❖ Financial Disclosure requirements;
- ❖ Tax Credit Program (participants in the ALPD are prohibited from participating in the tax credit program);
- ❖ The issue that only landowners with 50 or more acres can participate in the tax credit program;
- ❖ Proposed legislative changes regarding agricultural transfer tax collected on woodland and is submitted to the State;
- ❖ Proposed establishment of a critical farms program with a \$1M revolving loan fund.
- ❖ That the proposed impact fee of \$5,000 would create a hardship on low income families; that commercial properties be included;
- ❖ That consideration be given to five lots or more for families.
- ❖ Use of tobacco settlement funds.

Plans for the current year include:

- ❖ Pursuing changing current tax credit program to include landowners with 30 or more acres and to allow landowners under easements to receive the tax credit;
- ❖ Pursuing a Critical Farms Program;
- ❖ Co-sponsoring a land preservation conference with Charles County on March 31.

A copy of the report is on file in the Commissioners' Office.

**SUPPLEMENTAL APPROPRIATION  
PUBLIC HEARINGS**

Present: Jeannett Cudmore, Acting Finance Director  
Jim Haley, Manager, Office of Central Services  
George Jarboe, “

The Board of County Commissioners of St. Mary's County conducted public hearings on supplemental appropriations as follows:

**Supplemental Appropriation – Office of Central Services**

To consider a supplemental appropriation in the amount of \$134,926.00 in State grant funds from the State of Maryland, Department of Transportation, Mass Transit Administration, for the purpose of providing operating assistance for rural area public transportation for St. Mary's County, Maryland.

**Supplemental Appropriation – Office of Central Services**

To consider a supplemental appropriation in the amount of \$203,608.00 from the State of Maryland, Department of General Services, for the purpose of reimbursing St. Mary's County for payments provided for security guard and janitorial services at the Carter State Office Building for FY 2000.

Hearing no comments, the public hearing was closed; the record will remain open for ten days for written comment, after which the Ordinances will be placed on the agenda for consideration by the Board.

*(Kate Mauck took the following portion of the meeting.)*

**PATUXENT TIDEWATER LAND TRUST  
UPDATE OF 2000 RURAL LEGACY PROGRAM**

Present: James Conrad, Chair, Agricultural Preservation Advisory Board  
Donna Sasscer, Agricultural Seafood Specialist

Mr. Conrad provided an update on the 2000 Rural Legacy Program (RLP) to the Board of County Commissioners. In April of 1997, the Maryland General Assembly approved the RLP as a major element of the smart-growth initiative of Governor Glendening. During the application process, St. Mary's County was awarded a \$3 million dollar grant; in FY99, a \$1.5 million grant was received, for a total of \$4.5 million dollars from the State, which is being held for easement purchases. Another \$250,000 was received in matching funds from the County.

Mr. Conrad provided maps of the first two easements that the County is attempting to purchase: Cremona Farm and the old Parlett Family Farm. The County is very close to making an offer on these properties, and is in the final stages of a complicated process. There are a number of other smaller properties that will be pursued at a later date.

Mr. Conrad reported that there is not enough funding now to complete the purchase of the first round of properties. There was discussion concerning matching funds and how they are counted. The first two properties are at least \$1 million short, and it could possibly go up to a \$3 million shortfall. They will need approximately \$6 to \$7 million dollars for the other properties. In addition, when the RLP members met with the State, there were some issues/concerns raised by the State:

- Improvement of County land use policies
- Status of the SMECO property
- Negotiating for large parcels with limited funding
- Lack of commitment of local matching funds

The final application to the State will be submitted by April 3<sup>rd</sup>. The Board was asked to provide another letter of support to go out with the application. The application would be submitted to the Board of County Commissioners the week prior to the April 3<sup>rd</sup> deadline. The Board of County Commissioners was also asked to consider maintaining at least the same level of matching funds. Also, it was requested that the Commissioners tour the properties involved, and perhaps go with the Rural Legacy Board when they make their presentation to the State.

In addition, the State currently has \$25 million budget for Rural Legacy, and the Governor is recommending a \$10 million increase. If counties adopt the State guidelines for building renovations, then they would be in line to receive some of the extra \$10 million in State funding for Rural Legacy.

*(Judith Spalding resumed taking this portion of the meeting.)*

## COUNTY COMMISSIONERS' TIME

### Primary Election Day

Commissioner Raley urged everyone to get out and vote today.

### Census 2000

Commissioner Raley emphasized the importance of all citizens to participate in the Census process in order for the County to get its eligible funding from the federal and state governments. Every person not counted results in a loss of \$1,000 per year for ten years.

Commissioner Mattingly reported that Rick Boyd of *The Enterprise* had been contacted requesting a strong article stressing the importance of the Census during the coming weeks.

### Great Mills High School

Commissioner Raley reported the following

- ❖ Expression of sympathy to family and friends of the young man who graduated from Great Mills, was attending Towson State University, and had recently been stricken with a serious illness and passed away.
- ❖ Expression of congratulations to the Chopticon High School Girls Basketball Team for winning the SMAC championship and congratulations to the Great Mills High School Girls for prevailing over the SMAC Champion in the first round of playoffs.
- ❖ Expression of congratulations to the Great Mills High School Boys Basketball Team for advancing to the playoffs and winning the first game.

### Expression of Encouragement

Commissioner Raley reported that Eunice Leopold, music teacher at Leonardtown High School was readmitted to the hospital and expressed words of encouragement to her and her family.

### Read Across America Program

In recognition of *Read Across America*, Commissioner Guazzo advised that she read to the Sixth Grades at Esperanza and at Margaret Brent.

Commissioner Guazzo pointed out that while at Margaret Brent she realized that the school was in great need of upgrading, particularly that the open classroom need to be closed as has been done in the other schools. She stated that this was very important and she did not realize that this project had been set aside for other projects.

*(Kate Mauck took the following portion of the meeting.)*

## ANIMAL CONTROL – DOG ATTACK REPORT

Present: Al Lacer, County Administrator  
Paul Wible, Director, Emergency Management Agency  
Patrick Murphy, Acting County Attorney  
Tony Malaspina, Animal Control Supervisor

Mr. Lacer introduced the topic, stating that County staff would be providing a status report concerning dog attacks and dog fighting after several concerns in recent weeks in the County.

Mr. Wible stated that there are two pending cases, and that Mr. Malaspina was working on both. He also stated that the County is not considering banning any certain breed of dog, because any breed can be vicious.

Mr. Malaspina outlined the two cases he is currently working on--the first case took place in Shannon Run, where both a woman and her child were attacked. One dog was chained; one was not. The chained dog was deemed dangerous due to several displays of aggressiveness. In order for the owner to take possession of the chained dog again, she must meet certain criteria: provide a kennel with a chain-link fence, concrete flooring, chain link roof, and locking gates; also the dog must be muzzled at all times when out of the fence and must be on a leash no more than six feet long. The second dog that actually did the attacking will be euthanized on March 10<sup>th</sup>, unless the owner appeals it.

The second situation occurred in Beverly Estates. Mr. Murphy obtained a court order to take the animal away from the owners. The animal is now held at the County Animal Shelter, and it has been deemed dangerous. If this owner desires to have the dog back, he must fulfill the same obligations as outlined earlier. Mr. Murphy has spoken with the owners and they have agreed to the terms.

Mr. Malaspina reported that there is an average of 250-300 animal attacks reported per year, with 17-25 animal kills by dogs. The recent attack in Mechanicsville was exceptionally viscous. The current Ordinance needs to be strengthened, such as dogs being on a leash, dogs remaining on their own property, stiffer fines being imposed, etc. How owners keep and care for dangerous breed animals should also be addressed. Approximately six months ago, review began on the Ordinance; however, it is only worked on as Animal Control has the time.

Mr. Murphy reported that the County's response to the situations was swift and handled well. The attack and court order issues were unprecedented in the County. He also agreed that the Ordinance needs to be updated and improved.

During discussion Mr. Lacer suggested the establishment of a task force to work on updating the Ordinance looking at strengthening the laws in the area of animal control. There was also discussion with Mr. Murphy about State laws concerning fines and jail terms. Staff issues were also addressed – the Animal Control department is approximately one hundred calls behind. The Board of County Commissioners stated that they would take a careful look at staffing for this department during their budget deliberations.

*(Judith Spalding took the following portion of the meeting.)*

#### **APPROVAL OF MINUTES**

**Commissioner Anderson moved, seconded by Commissioner Guazzo, to approve the minutes of the Commissioners' meeting of Tuesday, February 22, 2000, as corrected. Motion carried.**

**Commissioner Anderson moved, seconded by Commissioner Guazzo, to approve the minutes of the Commissioners' meeting of Tuesday, February 29, 2000, as presented. Motion carried.**

#### **COUNTY ADMINISTRATOR**

Present: Alfred A. Lacer, County Administrator

1. Draft Agendas for March 14 and 21, 2000
2. **Budget Amendments**
  - a. No. 2000-27 – Department of Public Works (\$76,900)  
(snow removal costs and overtime)

Also present: George Erichsen, Director, DPW

**Commissioner Anderson moved, seconded by Commissioner Guazzo, to approve and authorize Commissioner Vice President Mattingly to sign Budget Amendment No. 00-27. Motion carried.**

- b. No. 2000-28 – Department of Public Works (\$14,500)  
(to cover additional cut and fill costs due to erosion of the embankment/material testing for Half Pone Point Rd.

Also present: George Erichsen, Director, DPW

**Commissioner Guazzo moved, seconded by Commissioner Anderson, to approve and authorize Commissioner Vice President Mattingly to sign Budget Amendment No. 00-28. Motion carried.**

- c. No. 2000-29 – County Administrator/County Commissioners (\$5,760)  
(payment of contract services)

**Commissioner Anderson moved, seconded by Commissioner Raley, to approve and authorize Commissioner Vice President Mattingly to sign Budget Amendment No. 00-29. Motion carried.**

- d. No. 2000-25 – Office of Capital Projects (\$135,000) (along with accompanying Resolution)  
(Reallocate funds to address established requirements for space to support Adult Day Care Center)(renovation of Old Hollywood Elementary School)

Also present: Jim Stirling, Director, OCP  
Gene Carter, Director, OOA

**Commissioner Guazzo moved, seconded by Commissioner Anderson, to approve and authorize Commissioner Vice President Mattingly to sign Budget Amendment No. 00-25 and to approve and sign Resolution No. 00-24. Motion carried.**

### 3. Department of Public Works

- a) Public Works Agreement Addendum for Hickory Hills North Subdivision, 8th Election District, extending the completion date to July 1, 2001. The bond provided by the United Pacific Insurance Company is being reduced from \$51,000 to \$34,000.
- b) Public Works Agreement Addendum for Sycamore Hollow, Wildewood Subdivision, Phase 2, 8<sup>th</sup> Election District, extending the completion date to January 1, 2001. The letter of credit provided by The First National Bank of St. Mary's in the amount of \$7,200 remains as originally posted.
- c) Public Works Agreement Addendum for Pepper Ridge, Wildewood Subdivision, Phase 1, 8<sup>th</sup> Election District, extending the completion date to February 1, 2001. The letter of credit provided by the Mercantile Safe Deposit & Trust Company in the amount of \$47,000 remains as originally posted.
- d) Public Works Agreement Addendum for Cherry Laurel Parkway, Wildewood Subdivision, 8<sup>th</sup> Election District, extending the completion date to February 1, 2001. The letter of credit provided by The First National Bank of St. Mary's in the amount of \$23,000 remains as originally posted.
- e) Public Works Agreement Addendum for Cedar Cove Subdivision, Section 4, 8<sup>th</sup> Election District, extending the completion date to March 1, 2001. The letter of credit provided by the Maryland Bank & Trust Company in the amount of \$51,000 remains as originally posted.
- f) Public Works Agreement for Pepper Ridge, Wildewood Subdivision, Phase 3, with a completion date of February 1, 2001. The letter of credit provided by First National Bank of St. Mary's is in the amount of \$173,200.

**Commissioner Raley moved, seconded by Commissioner Guazzo, to approve and authorize Commissioner Vice President Mattingly to sign the Public Works Addenda (a through e) and the Public Works Agreement (f) as presented. Motion carried.**

**4. Grant Documents**

- a. Office of Central Services  
DOT Capital Grant Agreement  
(federal - \$208,240; state - \$13,530; local \$13,530)

Also present: Jim Haley, Manager, Office of Central Services  
George Jarboe, “

**Commissioner Raley moved, seconded by Commissioner Anderson, to approve and authorize Commissioner Vice President Mattingly to sign the Grant Agreement. Motion carried.**

- b. Recreation and Parks – St. Clements Island Potomac River Museum  
Maryland Historical Trust Grant Application  
(Grant Request - \$22,600; in-kind services - \$1,865; and Foundation of Friends - \$1,000)

Also present: Michael Humphries, Museum Director

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

**5. Property Tax Assessment Appeal Board  
Letter of Nominations**

<i>To replace James A. Forrest, Sr.</i>	<i>To replace Doris C. Bean</i>	<i>To replace John M. Dixon</i>
Andrew McWilliams	Brian F. Dean	Bernard F. Beavan
Roy H. Alvey	Bruce R. Raley	Heath E. Warren
William A. Callis	Kenneth F. Boothe	George J. Fortunato, Sr.

**Commissioner Raley moved, seconded by Commissioner Anderson, to approve forwarding the referenced nominations to the State. Motion carried.**

**6. Mosquito Control Program  
(Request for approval of aerial spraying operations)**

After discussion regarding giving residents adequate notification, the Commissioners agreed to defer action on the request in order to get additional information and input from Health Officer, Dr. Israel and from the Department of Agriculture. This will come back to the Commissioners with the appropriate department/agency representatives in attendance.

**7. Communications Tower Draft Ordinance**

Also present: Patrick Murphy, Acting County Attorney

(Decision whether to go forward with public hearing on the tower draft Ordinance)

The Commissioners gave consensus to proceed with scheduling a public hearing on the tower draft Ordinance.

8. **McIntosh Subdivision**

Mr. Lacer advised that the Planning Commission considered the Phasing Plan for the referenced proposed subdivision, located on the former Thiokol site, and with four of the seven members present, voted three to one to approve it.

Commissioner Guazzo indicated that this is an 800-acre parcel located in a rural area and stated that county departments had recommended deferring a decision until the State made its final ruling. This is an issue of public safety and subdivisions should not go forward until State approvals are in place. She asked that the Commissioners forward a letter to the Planning Commission to request giving this significant part of the rural area a more thorough review with all members present and that the Planning Commission consider staff's recommendations.

**After discussion Commissioner Guazzo moved, seconded by Commissioner Anderson, to direct staff to draft a letter for the Commissioners' signatures to the Chair of the Planning Commission requesting reconsideration and re-examination of the application for the McIntosh Subdivision. Motion carried.**

*(Kate Mauck took the following portion of the meeting.)*

**FOLLOW-UP TO PUBLIC HEARINGS**

- a) **Text #00-240-00001  
Mechanicsville Fire Department Substation  
(Text Amendment to Add "Fire and Rescue Squads")**

Present: Al Lacer, County Administrator  
Jon Grimm, Director, Planning and Zoning

A Public Hearing was held on this matter on February 14, and the appropriate ten-day open record period took place, with no new information coming in during that time. In addition, Mr. Murphy, Acting County Attorney, has approved the Ordinance.

**Commissioner Guazzo made the motion to approve the Zoning Ordinance Amendment for Fire and Rescue squads being added as a conditional use (CU5) in the RNC zone of Table 2.6 of the St. Mary's County Zoning Ordinance. Commissioner Raley seconded the motion, and all members present voted in favor.**

- b) **Southern Maryland Higher Education Center  
(Property Disposition)**

Present: Jim Stirling, Director of Capital Projects

Mr. Stirling reported that a Public Hearing was held on this subject on February 22, and the appropriate ten-day period of open record was completed with no additional comment received during that time. This matter involves the conveyance of property from the County to the State of Maryland. A boundary adjustment will hold back some of the land for the eventual adjustment of Airport View Drive.

**Commissioner Anderson moved that the Board of County Commissioners approve conveyance of the property to the Board of Governors and the Southern Maryland Higher Education Center, and to authorize Commissioner Randall to sign the deed on behalf of the Board of County Commissioners, and for all the Board of County Commissioners to sign the plat. Commissioner Raley seconded the motion, and all members present voted in favor.**



c) **Historic Preservation Plan  
"Painting A Self-Portrait"**

Present: Kirk Ranzetta, Planner, DPZ

Mr. Ranzetta, stated that a Public Hearing was held on this subject on February 22<sup>nd</sup>, and the record had been open afterward for the appropriate ten-day period, with no additional comments having been submitted.

**Commissioner Anderson made the motion to approve the Resolution for the adoption of the Historic Preservation Plan. Commissioner Guazzo seconded the motion, and all members voted in favor.**

In addition, Mr. Ranzetta, stated that the Historic Preservation Plan would be published for public viewing. **Commissioners requested that they be given a copy of the draft prior to its publishing.**

**ADJOURNMENT**

The meeting adjourned at 3:20 p.m.

**Minutes Approved by the  
Board of County Commissioners on 3/14/00**

*Judith A. Spalding*  
**Judith A. Spalding, Recorder**