

**ST. MARY'S COUNTY  
BOARD OF COUNTY COMMISSIONERS' MEETING  
Governmental Center  
Tuesday, January 22, 2002**

**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)

*(Commissioner Randall was not present at the beginning of the meeting.)*

**CALL TO ORDER**

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

**ADDITIONS/DELETIONS TO AGENDA**

**Commissioner Mattingly moved, seconded by Commissioner Guazzo, to accept the agenda as amended (to add executive sessions under the personnel and litigation authorities). Motion carried.**

*(Commissioner Randall entered the meeting at 10:10 a.m.)*

**APPROVAL OF CHECK REGISTER**

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

**APPROVAL OF MINUTES**

*(Approval of minutes was deferred until next week.)*

**COUNTY ADMINISTRATOR**

**Present:** Alfred A. Lacer, County Administrator

1. Draft Agendas – January 29 and February 2, 2002
2. Budget Amendments – DECD

**Present:** John Savich, Director, DECD

- a. to cover salary expenses for Economic Development Coordinator position

**Commissioner Mattingly moved, seconded by Commissioner Guazzo, to approve and authorize Commissioner Randall to sign the Budget Amendment. Motion carried.**

- b. to provide funding for the St. Mary's County Holiday Trail ads (\$9,000)

**Commissioner Mattingly moved, seconded by Commissioner Guazzo, to approve and authorize Commissioner Randall to sign the Budget Amendment. Motion carried.**



3. Office of Community Services  
Memorandum of Understanding  
Between County and Housing Authority for the Joe Baker Homework Center

Present: Kelsey Bush, OCS  
Dennis Nicholson, Housing Director  
Toyna Fraser, Housing Office

(Areas of discussion included use of St. Mary's College students as tutors; that children with special needs over the age of 18 should be included in the program.)

**Commissioner Mattingly moved, seconded by Commissioner Anderson, to approve and authorize Commissioner Randall to sign the MOU as with the amendment changing "children of ages 6 – 18" to "primary and secondary school students". Motion carried.**

4. Lease for Space at County Airport

Present: John Norris, Acting County Attorney  
George Erichsen, Director, DPW&T  
John Savich, Director, DECD

Also Present: Steve Bildman, Airpark Sales and Service, Inc.

*(Areas of discussion included reason for a 25-year lease (most leases at Airport are for 25 years and the property reverts to the County at the end of the lease) and that comments are expected from the FAA and the lease provides for those comments to be included in the lease, when received.)*

**Commissioner Anderson moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner Randall to sign the Lease. Motion carried.**

5. Hospital Loan Update

(A letter is expected from St. Mary's Hospital later today; and if not received, Mr. Lacer will come back to the Commissioners to discuss the matter. )

The letter was received, and therefore, there was no need for Mr. Lacer to return to discuss it.

*(Kaaren Burke recorded the following portion of the meeting.)*

#### **REVISED AGRICULTURAL TAX CREDIT PROGRAM AND DRAFT PURCHASE DEVELOPMENT RIGHTS**

Present: Donna Sasscer, Agricultural Specialist, DECD  
John Norris, Acting County Attorney  
Tita Acupanda, DPZ  
ALPD Advisory Board Members:  
George Baroniak,  
Bubby Norris,  
Jim Spence

#### **Five Year Agreement Revisions – Presented by Jim Spence**

The current Tax Credit Program requires 50 acres and the landowner promises not to develop the property for five (5) years. For those considerations, property taxes on land and building are credited back to the owner.

#### **Proposed Revisions**

1. Reduce size from 50 to 30 acres
2. Allow landowners who sold easements prior to the program to participate
3. Define how interest is calculated for violations



- Under the current program, there are 16,794 acres enrolled in the 5 years tax credit program.
- There are 15 landowners that were under easement before the tax credit program was under effect and they were excluded. To include them now, it would cost the county \$6,400.

Ms. Sasscer stated of the 120 property owners involved in the 5-year program, there is only one violation and it is currently being evaluated.

Areas of discussion included whether landowners with parcels less than 30 acres could participate in the program (tax credit as well as the PDR program); the number of acres involved with the 15 landowners before the tax credit; flyers about the tax credit program that are inserted in the tax bills; and whether the Amish community had any interest in the program (some had made inquiries, but none were participating).

After discussion *Ms. Sasscer was requested to look into offering smaller parcels to landowners for the tax credit program and PDR Program; respond with total acreage of landowners who had easements prior to the tax credit program; and to allow the Commissioners an opportunity to review the flyer prior to distribution.*

**Purchase Development Rights Program** – Presented by George Baroniak

- Program funded by increase in recordation fees, and
- 100% County funded and administered

**Criteria:**

- Land must be in the Rural Preservation District with subdivision potential
- It has to be 30 contiguous acres
- Soils must be 50% classed I, II, or III
- Soil conservation or forest management plan must be in effect

**PDR Process:**

- Applications due December 1
- Within 45 days of receiving the application, properties are reviewed
- Recommendations submitted to the Board of County Commissioners
- Applicant has 30 days to accept the offer

**Proposed Ranking System:**

- Emphasis on prime productive soils
- Size of property
- Concentration of preserved land in the same area
- Subjective points

discussion ensued regarding the similarity of the PDR program to the MALPF and whether recordation fees were to provide another tool for greenways or historic preservation purposes; Ms Sasscer stated the majority of the points in this program were based on prime and productive land. However, other values need to be looked at as well. When properties are ranked for MALPF only the facts of the property are considered and nothing else.

**Critical Farms Program** - Presented by Bubby Norris

**Budget**

- The Board budgeted \$250,000 in FY02
- \$350,000 in FY03
- \$400,000 in FY04



**Criteria to Participate**

- Farm must be under contract to purchase
- Other financial considerations can be used
- Applications accepted semi-annually and ranked
- Top ranking properties will be appraised
- Participant needs 25% of the fair market value; County 75%
- Property placed under temporary easement
- County would be repaid through MALPF
- Subjective ranking system:
  - Who will farm property
  - Size
  - % of open land vs. wooded land
  - Soil type
  - Location
  - Development capabilities

**Status of the Maryland Agricultural Preservation Program**

- 3,300 acres currently preserved
- 1,600 acres pending settlement from 2000-01
- In FY02, 26 properties with 2,700 acres await easement offers. The top 80% have been reviewed and 22 are committed. If all 22 owners accept, \$5.6 million would be required in FY02. From State and County monies, available funds are \$2 million. There are other funding sources, however that will be determined at the next Legislative session. The budget for FY03 could be sufficient if the Governor approves Greenprint funding at 100%.
- Progress is slow but each year the applications double and interest continues to grow.

**SOUTHERN MARYLAND RESOURCE AND CONSERVATION BOARD  
UPDATE ON ACTIVITIES**

Present: Mark Rose, Coordinator RC&D  
Tom Tudor, Board Member

The following activities in the 4 county area have occurred in 2001:

- Addition of Anne Arundel County to the RC&D
- Received grant funds for dry fire hydrants
- Co-sponsored a forestry workshop
- Sponsored science fair awards in three school districts
- Outreach at county fairs
- Planned the Mid Atlantic Regional RC&D Conference at the Solomons

The RC&D accomplished the following:

- 4 dry hydrants have been installed (2 in St. Mary's County)
- Assisted in certifying surface water sources in Mechanicsville Fire District
- Participated with the Chamber of Commerce Tourism Committee to promote tourism and historic preservation in Southern Maryland
- Working to provide technical assistance and funding for a Southern Maryland Cooperative for Small Farmers
- Projects over \$2.2 million are underway with the Navy
  - Webster Field erosion control and archaeological surveys
  - Pax River wetland enhancements and Hog Point bridge replacement
  - Shoreline protection at Goose Creek, etc.
  - Floating breakwater plan
  - Heron nesting platform construction
  - Streambank stabilization and sediment control
  - Wildlife Aircraft Strike Reduction



All projects are accomplished through coordination of partnerships at the local, state, and federal level. The RC&D, a non-profit support entity, helps local communities identify opportunities (i.e., obtaining grants) to solve local problems.

*Commissioner Guazzo asked Mr. Rose to provide a listing of the 62 projects currently underway with a one-sentence explanation about the projects. Mr. Rose referred the Commissioner to previous materials already provided to the Board. A presentation from the RC&D will be made twice a year.*

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

**SUPPLEMENTAL APPROPRIATION PUBLIC HEARING  
OFFICE OF COMMUNITY SERVICES  
COMBATING UNDERAGE DRINKING**

Present: Elaine Kramer, Director of Finance  
Cynthia Brown, Director, Office of Community Services

The Commissioners conducted a public hearing on a Supplemental Appropriation for the Office of Community Services in the amount of \$14,000 from the State.

Hearing no comments, the public hearing was closed. The record will remain open for ten days to allow for written comment, after which it will be placed back on the Commissioners' agenda for action.

*(Kaaren Burke recorded the following portion of the meeting.)*

**COMMISSION FOR WOMEN – ANNUAL REPORT**

Present: Ms. Holly South, Chair

**Domestic Violence**

In October 2000 a forum on domestic violence was held and very well attended by the public. It was anticipated the Domestic Violence Coordinating Council would take the issues, such as a women's shelter, into consideration and create a plan to address the issues. Unfortunately the Council has not met since December 2000 and the issues remain open. A coordinated response to domestic violence is required. The Commission for Women recommends that the Board support reinstating the Council, infusing it with some energy, and use the Commission for Women to represent the Board on the Council.

**Membership Challenge**

The Commission for Women needs to reorganize and continue to make an impact and grow. It was requested that the Board provide any feedback or ideas they would like the Commission for Women to focus upon.

Members of the Board recommended the following:

- continue public forums because of the success realized in 2000
- continue involving the community which may draw new membership
- work with the Office of Community Services staff to help facilitate activities
- continue to educate the public about women's issues which raises the awareness of the community

Ms. South thanked the Commissioners and invited them - and the community at large - to attend the Women's History Banquet that will be held on March 8, 2002.

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



## **COUNTY COMMISSIONERS' TIME**

### **Fire Departments/Rescue Squads – Installation of Officers Banquets**

Commissioner Raley noted the many Fire Department and Rescue Squad Installations of Officers celebrations and expressed appreciation to the many volunteers for their service to the community.

Commissioner Randall requested that the Emergency Services Committee develop alternatives for attracting new recruits to the fire departments/rescue squads; and further to encourage employers to do what they can to allow fire/rescue members to respond to emergencies.

### **Need for Books in the School System**

Commissioner Guazzo advised that two individuals concerning the lack of books in the public schools for their children had approached her. The amount of materials required to teach each child has greatly risen. She said that one of the things she has noticed is that there are many homes without books or magazines. Years ago a student was given a book as a "loaner," and she hoped that during budget discussions with the school system, that there be greater emphasis put on students in the middle schools having their own books to take home to read and study.

### **Expression of Appreciation to Rescue Squads/Fire Departments**

Commissioner Mattingly extended expressions of appreciation to the Seventh District, Mechanicsville fire departments/rescue squads, Leonardtown Rescue Squad and Lexington Park Rescue Squad

### **Great Mills Road Project**

Commissioner Randall stated that County staff has worked diligently on the assessment of Great Mills Road in determining compliance with ADA, and that this information should get passed on to the Maryland Department of Transportation. She requested the County Administrator to pass on her personal thanks for getting that done. She publicly thanked the staff on this particular issue

## **FAIR AND AFFORDABLE HOUSING TASK FORCE LEXINGTON MANOR TASK FORCE**

Present: George Forrest, Deputy County Administrator  
Dana Jones, Tri-County Community Action Committee

In Resolution 2001-30 the Commissioners appointed two committees--one to look at affordable housing countywide and another to look specifically at Lexington Manor issues.

Members and county staff were thanked and the following individuals were introduced:

### **Fair and Affordable Housing**

Bill Sturgis  
Jim Baycott  
Dr. Doug Samuels  
Mike McCauley  
Beth Roth  
Barbara Hayden-Potts  
Grace Horton  
Mary Lynn Stone  
Leonard Ames

### **Lexington Manor Task Force**

Lanny Lancaster  
Rona Harding  
Laurie Mellott  
Valentino Johnson  
Bernadette Lewis  
Cheryl Glazer  
Lorenzo Fletcher



Mr. Forrest gave a special thanks to Rise Carter, administrative staff, whose assistance to the groups was invaluable.

Mr. Jones presented the following recommendations:

**Reorganization of the Housing Authority:**

Establishment of  
Housing and Community Development Dept.  
with the following staff

Director of Housing & Community Development  
Policy Person  
Current Housing Authority Staff and Support  
Relocation Specialist  
Technical Support Staff  
Developmental Liaison  
Redevelopment Specialist

Renaming Housing Authority to the  
Housing Opportunities Board

To include one each of the following:

Realtor  
Developer  
Finance Person  
Director, Department of Economic &  
Community Development (ex-officio)  
Legal Representative  
County Commissioner  
(after law is amended  
to allow participation)  
Citizen  
Executive Secretary/Assistant

**Tools**

- *Mandatory* inclusionary zoning; create incentives to make it a “win/win” opportunity for everyone
- Do a “needs assessment” that deals with qualifying market data
- Write a “Housing Plan” which offers technical advice on how to obtain our objectives
- Make maximum use of the ULDC
- Create a House Trust Fund
- Identify surplus property that can be donated to non-profit developers
- Facilitate creation of single-room occupancy (SRO) buildings or convert existing buildings
- Investigate the possibility of surplus public owned land that could be donated to non-profit developers
- Reorganize the current Housing Authority

**Lexington Manor Task Force Recommendations**

By far this was the most difficult task to date. For the tenants who live there, it’s a challenge every day. For the Task Force, it was the lack of cooperation from the owners or the representatives invited to participate. There is no possibility of a “relocation plan” at this point because there is no stock of affordable housing available in the County.

- Make it mandatory that developers planning to redevelop property submit a relocation plan and provide 90 days written notice to tenants prior to their relocation.
- Require developers submit a plan that meets federal regulations prior to the county signing off on any grant issued for revitalizing property.
- The County will enforce all code violations at Lexington Manor.
- The Task Force supports the recommendation of the Fair and Affordable Housing Committee to create a new positions to work with Section 8 and non-Section 8 issues.
- Expand the “Livability Code” enforcement to give staff greater influence over rental property maintenance.
- In cooperation with the Department of Social Services, to create a position using an Americorp volunteer to act as a temporary relocation specialist. TCCAC will fund a portion of this position and Mr. Jones recommended that the Commissioners fund the remaining portion. The position is located in the Office of Community Services.



*Commissioner Anderson recommended that a needs assessment be addressed as soon as possible and a review of this year's budget be done to see if there is a way to get underway and carry over expenses into next year's budget. Included in that should be a review and revision of the Livability Code. Staff also needs to look at the budgetary and organizational impacts immediately of the proposed Housing Opportunities Board. Also, be prepared to make recommendations for legislation to enact required changes for the Housing Opportunities Board.*

Mr. Forrest indicated that he had spoken to Delegate Bohanan about the legislative issues.

*Commissioner President Randall asked that a trip be planned for the Commissioners and staff to look at the communities already involved in mandatory inclusionary zoning. Mr. Jones will make the arrangements.*

Commissioner Guazzo noted one of the tools mentioned was bringing back the "rooming house" or single room's occupancy buildings. The Housing Authority is not using the current stock, and she inquired whether the current stock be looked at and altered to meet the needs. Mr. Jones replied that is included in the redevelopment plan.

The Commissioners thanked everyone for a job well done and for such a concise report.

#### **OFFICE ON AGING – UPDATE ON HOME DELIVERED MEALS AND NORTHERN SENIOR CENTER**

Present: Gene Carter, Director, Office on Aging

##### **Northern Senior Center**

Mr. Carter was happy to report that Delegate Wood advised that funds for the Northern Senior Center were on track and that the overall news is positive for FY02. The Office of Building Maintenance is moving forward on this project.

##### **Home Delivered Meal Program**

An increase in the number of meals has been substantial. In FY99, 39,000 meals were served and it is anticipated that 55,000 may be served in FY02.

<u>Current Status</u>	
# clients beginning FY02	210
\$ needed to serve these clients	<b>\$154,300</b>
\$ actually available:	
Budgeted	\$123,000
Funds Identified	\$ 18,500
<b>TOTAL</b>	<b>\$141,500</b>
 <i>Amt. Still needed:</i>	 <b>\$ 12,800</b>

Areas of discussion included the reason for projection of more meals when there are actually less funds available; attrition rate; the amount of funds to feed the 192 plus the 37 on the waiting list (\$22,000 – Mr. Carter will provide a chart showing decline of clients through attrition); projections and recommendations; criteria for participating in the program; that clients cannot be charged, but can donate towards the meal

In conclusion the Commissioners recommended the budget be addressed to find additional funds – based on needs – for the FY02 meals program. Also, it was recommended that the OOA and the Commission on Aging need to get creative and develop another program perhaps for those who can pay for meals, thereby have two programs running simultaneously. The Commissioners requested that Mr. Carter work with the Finance Office to determine sources of funding for the \$12,800 shortfall, and to determine if there are funds to bring those on the waiting list to the program.



## COUNTY COMMISSIONERS ZONING ORDINANCE DISCUSSION NOTES

All Commissioners were in attendance, as were Jon Grimm and Peggy Childs, of DPZ; and John B. Norris, III, Acting County Attorney.

The Commissioners agreed with *staff's recommendations* for changes to the redrafted Zoning Ordinance document submitted by Ag/Seafood Specialist Donna Sasscer, Planning Consultant Ed Thomas, and Bruce Young of the Soil Conservation District. The recommendations are contained in Mr. Grimm's memorandum of January 18, 2002 and the Acting County Attorney has concurred with those recommendations, which are as follows:

### Donna Sasscer Memorandum dated 1/7/02

- 1) Page 50-3, #3 Animal husbandry – No change.
- 2) 50-4, #6, Farmers Market – Add "P" in RH and RNC zones.
- 3) 50-11, #38, Animal boarding, stable – No change.
- 4) 50-23, #103 Seafood Industry – Add "land and" after "Includes"
- 5) 51-2, Agricultural industry, Major c. Conditional Standards – No change.
- 6) 51-3, Animal husbandry a., General Standards 1&2 – Delete.

### Ed Thomas Letter dated 12/6/01

#### Chapter 27

- 1) Section 27.3.4 – Add the following language: "Grandfathering of a Planned Unit Development as approved by the Board of County Commissioners shall be governed by Chapter 44, Section 44.4.3.b."
  - Also add new text to create a new *Section 44.4.3.b* following line 22, as follows: "Except as provided in the Ordinance adopting the development plan or the exhibits and attachments thereto, nothing contained herein shall affect vesting or grandfathering provisions of an approved development plan. The approving ordinance adopted by the Board of County Commissioners for the PUD shall be the controlling ordinance for the lands incorporated into the PUD for the purposes as set forth herein, including but not limited to phasing, staging and scheduling of the development."
- 2) Section 27.3 – Add the following language to the end of the second sentence: "except as noted in Section 27.4.2, below."
- 3) Page 27-1, line 24 – After "3 years" add "from the effective date of this Ordinance"
- 4) Section 27.4.1 – No clarification needed.
- 5) Section 27.4.2 – No change necessary.
- 6) Page 27-2, lines 15-16 – Change to read: "An annual update of development commenced during the past year and plans for development in the upcoming year shall be presented."

#### Chapter 29

- 1) Page 29-2, line 45, add to end of sentence: "after 30 days notice to the land owner and a public hearing."

### Bruce Young, Soil Conservation Service

- 1) Page 60-2, line 22 – No change necessary.
- 2) Page 60-4, line 3 – Add "with limits of disturbance shown" to end of sentence.

Mr. Grimm said staff is incorporating editorial changes received from the copy editor just today, and that should be finished this week. A printing company is lined up to reproduce the document when we get it to them. Two informational meetings have been scheduled – the first on Wednesday, February 13<sup>th</sup> at Chopticon High School from 6-9 p.m. and the second on Thursday, February 21<sup>st</sup> at Leonardtown High School, also



from 6-9 p.m. Two public hearings have been tentatively scheduled as directed by the Commissioners last week – the first on Tuesday, February 26<sup>th</sup> at Chopticon and the second at Leonardtown High School on Wednesday, February 27<sup>th</sup>. Both hearings will begin at 6:30 p.m. “Stations” will be set up at the informational meetings and manned by planning staff members; i.e., one to address Critical Area issues, etc. Questions that cannot be answered at the meetings will be taken down and answers provided subsequent to the meeting.

Mr. Grimm said staff is currently cross-referencing the changes directed by the Board and are on track. A Press Release should be available for the Commissioners’ approval next Tuesday and the document should be available to the public on Wednesday, January 30<sup>th</sup>, but this will be confirmed by staff at the meeting of January 29<sup>th</sup>. The Comprehensive Plan Amendments must be adopted concurrently with the Zoning Ordinance and Mr. Grimm said he thinks we will have a “good fit” of the two documents. The Subdivision Regulations, Road Ordinance, and Sediment and Erosion Control Ordinance will be reviewed by the Commissioners and adopted as close to the Zoning Ordinance adoption as possible. Mr. Erichsen is tentatively scheduled before the Commissioners with the Road Ordinance on January 29<sup>th</sup>.

### **DPZ WORK PROGRAM**

Mr. Grimm provided the DPZ 2002 Work Program under his memorandum of January 16, 2002 for the Commissioners’ review and concurrence.

The Commissioners discussed breaking the Hollywood Sewer Plan out as a separate item from the Comprehensive Water & Sewerage Plan Update, as was scheduled by staff. Mr. Grimm responded that the Hollywood Plan will require the same 6-month public hearing process as the CWSP and will delay other projects unless staff is provided with other resources.

*Staff was directed to analyze the impact of prioritizing the Hollywood Plan for providing public sewer to the Hollywood Town Center and to provide the Commissioners with a report on how this will impact the timeline for the CWSP Update at next Tuesday's meeting.*

### **EXECUTIVE SESSIONS**

**Commissioner Raley moved, seconded by Commissioner Anderson, to meet in Executive Session to discuss matters of Litigation and Personnel, as provided for in Article 24, Section 4-210(a)8 and 4-210(a)1, respectively. Motion carried.**

#### **Litigation**

**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  
John Norris, Acting County Attorney  
Robin Finnacom, Director, Lexington Park Plan  
George Forrest, Deputy County Administrator  
Judith A. Spalding, Recorder

**Authority:** Article 24, Section 4-210(a)8

**Time Held:** 4:58 p.m. – 5:52 p.m.

**Action Taken:** The Commissioners discussed a settlement issue and gave direction to staff.



**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

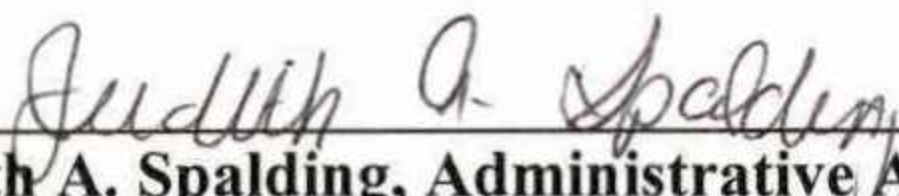
**Time Held:** 5:52 p.m. – 6:35 p.m.

**Action Taken:** The Commissioners discussed employment contracts and gave direction to staff.

**ADJOURNMENT**

The meeting adjourned at 6:35 p.m.

**Minutes Approved by the  
Board of County Commissioners on** 1/29/02

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