

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Governmental Center
Tuesday, February 26, 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)

CALL TO ORDER

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

ADDITIONS/DELETIONS TO AGENDA

Commissioner Anderson moved, seconded by Commissioner Guazzo, to accept the agenda as amended (to remove Subdivision Regulations from the 2 p.m. discussion; and to add items 2(b) and 6 to the County Administrator list as noted on the revised list). Motion carried.

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

The Commissioners deferred approval of the minutes until next week in order to allow staff time to review the tape of last week's meeting for language requested by Commissioner Anderson to be inserted.

BLACK HISTORY MONTH RECOGNITION

In recognition of Black History Month, Students from Spring Ridge Middle School appeared before the Board and entertained the Board with instrumental selections.

**THE COHEN REPORT ON HOUSING LIVABILITY AND AFFORDABILITY
IN ST. MARY'S COUNTY**

Present: Jim Cohen, University of Maryland, Urban Studies and Planning

Mr. Cohen appeared before the Board to review his report entitled *Housing Livability and Affordability Issues in St. Mary's County: Analysis and Recommendations*. Highlights of Mr. Cohen's presentation included the following options and recommendations:

- Acknowledging the connection between the economic development element and the housing element of the Comprehensive Plan;
- The need for a strategic plan for low-income and affordable housing; affordable housing is an important component to livability code enforcement. The strategic plan should include detailed objectives and strategies that changed as conditions and opportunities warrant, over a five-year period. The County should develop an affordable housing needs assessment and looking at the 2000 Census data would assist in that effort.

- The County should hire or designate a Housing Director, who would be responsible for coordinating the creation of a strategic plan using input of the Fair and Affordable Housing Task Force and the Lexington Manor Task Force, and other related groups.
- Strategies could include a review of mandatory and voluntary inclusionary zoning; creation of a Housing Trust Fund; donation of public land including a community land trust; and *Live Near Your Work Program*.
- There needs to be a clear distinction of the responsibilities and lines of authority of the Housing Authority and the County Commissioners with regard to policies, planning and implementation of affordable housing strategies.

The Commissioners thanked Mr. Cohen for his work in preparing the Report and indicated that the Board has begun to address the short-term and long-term solutions to the affordable housing issues in the County.

HOUSING AUTHORITY – PAST AND PRESENT ROLE

Present: Dennis Nicholson, Executive Director, Housing Authority
Tonja Fraser-Jenkins, Program Manager
Cynthia Phillips, Program Manager

The referenced individuals appeared before the Board to present a report on the role of the Housing Authority. Highlights of the presentation included:

- History (the Housing Authority, currently a five-member board, was established in June 1971);
- Legal Powers (provision of decent, safe and sanitary living accommodations; provides financial assistance with funds from grants or loans);
- Organization and Programs (there are 18 full-time grant funded employees, programs include rental assistance, housing rehabilitation, homeownership/self sufficiency services)
- National Recognition (participation in a National Public Housing Homeownership Demonstration, Project Self-Sufficiency, NAHRO Agency Award of Excellence in Community Revitalization; received the Low Loss Ratio Award, and selected to participate in the "Work Pays" Program)
- Partnerships (partnerships included MDHCD, HUD, DSS, MDHR, United Cerebral Palsy, various county agencies; banks/mortgage companies, Southern Maryland TCCAC, VISTA, Local Management Board, Walden, and many other organizations)
- Commitments (Housing Authority staff is active with a number of organizations— Three Oaks, MAHRA, Mid-Atlantic Housing Assoc., Maryland Affordable Housing Trust Board, Family Center Advisory Board.
- Goals include: redirection of efforts to accommodate the changing policies of DHCD and HUD; expansion of marketing strategy for Housing Authority programs and services; initiation of construction for more affordable rental housing, expansion of community development activities, upgrade of internal effectiveness and efficiency.

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

(The Livability Code discussion will be placed on the agenda at a future meeting.)

PUBLIC HEARINGS – FY '02 SUPPLEMENTAL APPROPRIATIONS

Present: Elaine Kramer, Director of Finance

The Commissioners conducted a public hearing on the following Supplemental Appropriations:

Department of Planning and Zoning

To consider a supplemental appropriation in the amount of \$40,000 in Federal funds for the purpose of Watershed Restoration Action Strategy—Breton Bay Watershed.

State's Attorney's Office - U. S. Department of Justice

To consider a supplemental appropriation in the amount of \$240,000 in State funds for the purpose of funding under the Community Gun Violence Prosecution Program.

State's Attorney's Office – Firearms Enforcement Division

To consider a supplemental appropriation in the amount of \$30,000 in State funds for the purpose of reducing firearms related crimes by coordinating the efforts of the State's Attorney's Office with local law enforcement authorities.

The hearing was opened for comments from the audience; hearing none, the public hearing was closed. The record will remain open for ten days after which it will be placed back on the agenda for action.

COUNTY ADMINISTRATOR

Present: Alfred A. Lacer, County Administrator

1. Draft Agendas – March 5 and 12, 2002
2. Budget Amendments - Facilities Management

Present: Richard Rohrbaugh, Director, Facilities Management

- a. Design of Archives and Bd. of Elections Office (\$40,000)

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

- b. Design of former Lexington Park Library

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

3. Department of Public Works and Transportation
Maryland Comprehensive Transit Plan Operating Assistance Grant Agreements

Present: George Jarboe, Transportation Supervisor

- a. Vehicle Replacement (State Funding: \$58,926)
- b. to provide evening and Saturday service and expansion of full time drivers (State Funding: \$152,050)

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

4. Community Health Advisory Committee
Request for approval of Bylaws

Present: Nancy Luginbill, Chair Bylaws Committee

The Commissioners discussed inclusion of other categories for membership (including other long-term care facilities; e.g., health care facilities in the Lexington Park Development District, and one from the northern part of the County.

After discussion Commissioner Raley moved, seconded by Commissioner Anderson, to approve and authorize Commissioner Randall to sign the bylaws with changes as indicated and upon review and approval of the County Attorney. Motion carried.

5. Department of Recreation and Parks

Present: Phil Rollins, Director, R&P

- a. Grant Agreements (3) for After School Opportunity Fund
(State Funding: Hollywood Teen Center - \$34,500; After-School Programs - \$17,340; Chancellor's Run Park Teen Center - \$10,000)

Also present: Art Shepherd

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

- b. Program Open Space Grant Application
Abell's Wharf Expansion Project (\$449,061 State POS funds)

(Areas of discussion included use of POS funds, concerns regarding acquiring the entire parcel; negotiations with property owner)

After discussion Commissioner Anderson moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner Randall to sign the POS Grant Application. Motion carried three to two with Commissioners Guazzo and Raley voting against. Commissioner Guazzo stated she was not in favor of acquiring the entire parcel; Commissioner Raley stating there were inadequate funds to take care of current park projects.

6. Office of Community Services

Memorandum of Understanding with Alcohol and Drug Abuse Administration for Disaster Relief Funds

Present: Cynthia Brown, Director
Joe Donick, Alliance Coordinator

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

7. Proposed Legislation - Ferry Companies – Franchises
(Requesting direction from the Board)

For the Board's information, Mr. Lacer advised the Board that he was in receipt of draft legislation introduced by Delegates McClenahan and Wood asking for review and comments.

8. Zoning Ordinance Public Hearing: Discussion of Format for Hearing

Present: Jon Grimm, Director

Mr. Grimm appeared before the Board to get direction relative to the format for the Zoning Ordinance Public Hearings scheduled for this evening and tomorrow evening. The Commissioners reviewed the draft agenda and agreed to the following:

Individuals will be limited to three minutes, group representatives five minutes;

The open record period will be three weeks from the final hearing (March 21);

If anyone does not get an opportunity to speak because of lateness of the hour, another hearing date would be announced

(Raaren Burke took the following portion.)

BUSHWOOD WHARF

FOLLOW UP TO FEBRUARY 12 PUBLIC HEARING

Present: Phil Rollins, Director, Recreation and Parks

As a follow up to the February 12, 2002 public hearing, the Commissioners discussed the proposed resolution on the boundary line adjustment at Bushwood Wharf.

It was noted that in the consent agenda, there is a letter to Dr. Boyd requesting that he work with the adjacent property owners in allowing access to the cove. He was requested to work with the County Attorney to reach that end. The Board concurred that Dr. Boyd would be well advised to take the County up on this offer of assistance to keep harmony in the neighborhood.

After discussion, Commissioner Mattingly moved to approve and authorize Commissioner Randall to sign the Memorandum of Agreement, Quit Claim Deed and Acceptance Form, and the boundary line adjustment plat and to approve and sign the Resolution for the disposition of the public land at Bushwood Wharf. Commissioner Anderson seconded the motion. Motion carried.

ROAD ORDINANCE, STORMWATER MANAGEMENT, GRADING, EROSION, AND SEDIMENT CONTROL ORDINANCE UPDATE

Present: George Erichsen, Director DPW&T
Bruce Young, Soil Conservation Service

As a follow up to previous discussion Mr. Erichsen and Mr. Young reviewed revised text of the Road Ordinance and discussed the updated Stormwater Management, Grading, Erosion and Sediment Control Ordinance. (deferred from the February 19, 2002 agenda).

Road Ordinance

The changes to the Road Ordinance since the last meeting are minor.

- added a disclosure statement for private roads assuring future owners that the road is private not public,
- "professional engineer" will be used exclusively,
- eliminated some definitions or moved some to the Subdivision Regulations,
- concurred that over-burdening Board of Appeals be eliminated. Administratively, certain approvals can be made without Board of Appeals approval.

The Road Ordinance will be ready on March 5, 2002 without strike-through for the Board to review. The County Attorney will establish when public hearings will begin. The Road Ordinance, SWM, Sedimentation Control and Grading Ordinances will be presented at public hearing at the same time.

Commissioner Anderson moved the Road Ordinance be readied for public hearing and Commissioner Mattingly seconded that motion. Motion carried.

Stormwater Management, Grading, Erosion and Sediment Control Ordinance Update

Mr. Erichsen explained specific text that was changed or added and discussion followed.

- Regarding overlot grading, it was decided that the approved septic field and well locations be shown on the overlot grading plans.
- It precludes property owners going back to the Health Department or Permits and Inspections issuing a permit affecting another agency.
- Ponding of water is addressed and specifies how it can be controlled.
- Grading is addressed so water is drained away from foundation walls.

Mr. Young addressed the following issues:

- Ref: Page 8, 5.a + b.... private driveways serving multiple lots...with intermittent slopes...require improved surface material

Mr. Young recommended this verbiage be included in the Ordinance to specify developers have approved plans for construction of private drives. Basic gravel does not hold up on sloped driveways. *It was recommended material/gravel be specifically identified.*

The Commissioners recommended that the County Attorney review the document dated February 26, 2002. Further discussion with the Board (put on the agenda) will be necessary, followed by a public hearing.

COUNTY COMMISSIONERS' TIME

Commissioner Guazzo

Along with all the Commissioners, visited a business run by Steve Decker, an agent for Linex. The company is young with a great product. We commend Mr. Decker for his success!

Commissioner Raley

- Wednesday, visited Mr. Decker. Good food!
- Thursday, Soil Conservation meeting. Good food and good people.
- Friday, attended an affair in Wildewood supporting Sotterley. Good food and good people.
- Saturday, attended the installation of 2nd District. Puggy Russell had 50 years of service. Good food and good people.
- Sunday, had dinner with the Mattinglys' at a new restaurant at Cape St. Mary. Good food and good people.
- Good news! George Allen Hayden with SMECO called to offer a \$2000 donation to the Library building fund.
- Received a letter from the residence from Willow Woods. The homeowners are concerned about lack of improvements to the drainage problems at three properties and an intersection.

Commissioner Raley moved, in light of this continuing problem, that the Permits and Inspections office be directed not to release a certificate of occupancy on Lot 46, Section 1, until the grading is in compliance with the approved Erosion and Sediment Control Plan and Building Permit. Commissioner Anderson seconded the motion. Mr. Norris commented that the motion was appropriate. Motion carried.

Commissioner Anderson

Echoed Commissioner Raley's congratulations to Puggy Russell. Congratulations also to the new officers of the 2nd District Fire Department and Rescue Squad. The Optimists' dinner was great with a tremendous crowd. The Optimists do an outstanding job supporting our youth.

In light of the ongoing draught, would like to ask the Commission on the Environment, Water Policy Task Force, and MetComm to come before the Board soon and update us on the progress with the aquifer study. Secondly, with the Affordable Housing initiative, request staff pull together a list of county-owned lands and properties and do an analysis and recommendation for those that could be considered for land donation. An analysis and recommendation would be satisfactory.

Tom Mattingly

Met with the Tri County Council and the GSA issue is moving forward. The Military Facilities Impact report should be finished mid-March. The delegation has done some lobbying to establish a Consumer Affairs office here.

EXECUTIVE SESSIONS

Commissioner Anderson moved, seconded by Commissioner Mattingly, 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
 Judith A. Spalding, Recorder

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

Time Held: 4:50 p.m. – 5:50 p.m.

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


Personnel

Due to time constraints (the Commissioners had a public hearing on the Zoning Ordinance at Chopticon High School), the Board deferred discussion of appointments to Boards and Committees.

ADJOURNMENT

The meeting adjourned at 5:50 p.m.

**Minutes Approved by the
 Board of County Commissioners on 3/5/02**


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