

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Governmental Center
Tuesday, December 18, 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)

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

CALL TO ORDER

The meeting was called to order at 9:05 a.m.

ADDITIONS/DELETIONS TO AGENDA

Commissioner Mattingly moved, seconded by Commissioner Guazzo, to accept the agenda as amended (to add an executive session for personnel). 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 Mattingly moved, seconded by Commissioner Guazzo, to approve the minutes of the Commissioners' meeting of Tuesday, December 11, 2001, (including the Zoning Ordinance Work Session portion), as corrected. Motion carried.

Commissioner Guazzo moved, seconded by Commissioner Anderson, to approve the minutes of the Zoning Ordinance Work Session of October 4, 2001. Motion carried.

(Kaaren Burke took the following portion of the meeting.)

FY 2002-2003 BUDGET DISCUSSION

Present: Elaine Kramer, Director of Finance

Ms. Kramer provided a handout of information compiled from the audit, financial records as of November 30, 2001, State data; information from the revenue estimators meeting, and from estimated Maryland revenue studies.

A synopsis is as follows:

FY 2002 and considerations for the FY2003 budget year.

- Take a conservative approach to the approval of reallocations
- Stick to the plan – stay the course on operating and capital expenditures
- Let unspent encumbrances flow into the fund balance
- Positive revenue should not be fully committed but preserved for fund balance allowing for growth in FY2003

- Identify \$1 to \$2 million in discretionary expenses for FY2002 – to soften any downturns in FY2003
- Focus on position savings and non recurring costs
- FY2003 budget request guidelines will be at 4% which is reasonable - but can flex up or down depending on circumstances
- Quantitatively and qualitatively the next budget round will be critical due to anticipated downturns in the economy

Commissioner Guazzo commented about the debt feasibility study that indicated a prediction of a 5-6% increase in income for the County. St. Mary's County will be fortunate to have a 4% increase this year. *Commissioner Guazzo recommended Ms. Kramer's office track that trend and program it out into succeeding years because the downturn in revenue will mean the County will be paying greater percentages to pay off existing loans.*

Commissioner Mattingly stated that the 911 contract was funded through the operating budget when a part of the contract was for the purchase of long life-span capital items. *Commissioner Mattingly asked Ms. Kramer to look into the feasibility of finding bond authority that could be used to refinance the remaining portion of the contract to relieve the operating budget.*

Ms. Kramer presented the following information:

- Recommend setting aside 6% for the bond rating for 2002-2003 and a "rainy day" fund (\$750,000 as of June 30, 2001; additional \$250,000 2002)
- An excess of revenue over expenditures in 2001 (budgeted \$2.9M but only spent \$1.6M)
- Revenue Estimator's Meeting held December 14, 2001
- FY2003 growth projection will be about half of historical estimates
- Indicators say SMC can expect a 5-6% increase in assessable base
- Income taxes need to be looked at in February or March 2002; it is a plus for SMC to have a defense base
- CPI expectation is 1.8% for 2002
- State reliant on income and state taxes; Counties reliant upon assessment on property taxes
- Outlook for SMC
 - Property tax strong for 2002-2003
 - Income tax needs to be closely monitored
 - Highway user is consistent with State estimates
- 5% growth in assessable base; 6% growth in budget
- The challenge is the assumed 6% increase in budget where the relation of debt service to budget must be closely monitored
- Fund balances
 - Reserve of \$742,000
 - Unused bond authority of \$2.7M (prior to Nicolet and Connector Road project)
- State budget revenues
 - No impact to counties from State level activities anticipated, but no guarantees
 - State Capital projects
 - No defined action plan at present

(Judith Spalding took the following minutes.)

PUBLIC HEARING

SHERIFF'S RETIREMENT PLAN AMENDMENT

Present: Randall Schultz, Director, Human Resources

The Commissioners conducted a public hearing to consider an amendment to the St. Mary's County Sheriff's Office Retirement Plan to add technical language required by the Internal Revenue Service as a prerequisite to issuing a determination letter that the

Plan continues to qualify for favorable tax treatment under federal tax laws. The amendment provides that a Participant's "Compensation" includes any amount deferred by the Participant pursuant to a qualified transportation fringe benefit plan.

The public hearing was opened for comments from the audience. 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 agenda for action.

COUNTY ADMINISTRATOR

Present: Alfred A. Lacer, County Administrator

1. Draft Agenda – January 8, 2002

(During discussion of the draft agenda, the Commissioners agreed to add two additional work sessions on the Zoning Ordinance—January 10 and 17.

Other future agenda items included Space Needs; Report on Meals on Wheels and Northern County Senior Center; appointments to the Watershed Commission; and an update on the Lexington Park Master Plan.)

2. Authorization to approve bills for weeks of December 24 and December 31, 2001 (with request for blanket approval for weeks when Board does not meet)

Commissioner Anderson moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner Randall, or in her absence the Vice President, to sign the bills for the weeks of December 24 and 31, and for those weeks when the Board does not meet. Motion carried.

3. Employment Contract – Director, Lexington Park Plan

Commissioner Mattingly moved, seconded by Commissioner Raley, to approve and authorize Commissioner Randall to sign the Employment Contract for the Director of the Lexington Park Plan. Motion carried.

4. Proposed Concept for "Pathways to Schools" Demonstration Grant

Present: Robin Finnacom, Director, Lexington Park Plan
Vicki Volk, on behalf of Delegate Bohanan

Ms. Finnacom and Ms. Volk appeared before the Board to present a concept for the *Pathways to Schools* demonstration grant from the Maryland Department of Transportation related to the renovation and expansion of the Lexington Park Elementary School. Ms. Finnacom explained the project for the construction of sidewalks and bike and pedestrian pathways on County roads if the construction was related to renovation or construction of schools. This project would link neighborhoods to the elementary school and other public facilities such as the Lancaster Park and the future Library. St. Mary's County was selected to receive a grant from the MDOT to fund the design and construction of the project.

Areas of discussion included acquisition of rights-of-way and costs for easements, curbs and gutters, costs to be applied to the grant request, the County's responsibilities; and specific locations of the pathways in conjunction with the Lexington Park Elementary School.

After discussion Commissioner Anderson moved, seconded by Commissioner Mattingly, to authorize staff to forward the Concept and projected costs for the *Pathway to Schools* project to the Maryland Department of Transportation. Motion carried.

5. Budget Amendments

Present: Elaine Kramer, Director of Finance

- a. Department of Public Works and Transportation
Airport Security (\$141,000)

Present: George Erichsen, Director, DPW&T

Commissioner Raley moved, seconded by Commissioner Guazzo, to approve and authorize Commissioner Randall to sign Budget Amendments (a) for Phases I, II and III (Phase IV to be deferred until there is a more definitive cost). Motion carried.

- b. Permits and Inspections (\$5,000)

Present: Robin Guyther, Director

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

- c. Finance Department
(for Copy Center coverage - \$13,000)

- d. Department of Planning and Zoning Leave Buy Out (\$7,586)

- e. State's Attorney's Office – Contract Services – (\$20,000)

Present: Michael Stamm

- f. Department of Public Works – Comp Time Buy Down

- g. County Administrator – to cover Awards and Recognitions - \$5,000)

Commissioner Raley moved, seconded by Commissioner Anderson, to approve and authorize Commissioner Randall to sign Budget Amendments (c) and (g). Motion carried.

Commissioner Anderson moved, seconded by Commissioner Guazzo to approve and authorize Commissioner Randall to sign Budget Amendments (d) and (f). Motion carried four to one with Commissioner Raley voting against.

Commissioner Mattingly moved, seconded by Commissioner Guazzo, to approve and authorize Commissioner Randall to sign Budget Amendment (e) for the State's Attorney's Office. Motion carried.

6. Department of Public Works

Present: George Erichsen, Director

- a) Public Works Agreement for the Hanover at Breton Bay Subdivision, 3rd Election District, with a completion date of January 1, 2003. The Developers Surety and Indemnity Company have provided a bond in the amount of \$490,000.

- b) Public Works Agreement Addendum for the Emerald Hills Estates Subdivision, 8th Election District, extending the completion date to October 1, 2002. The letter of credit provided by the Maryland Bank & Trust Company in the amount of \$53,000 remains as posted.

- c) Public Works Agreement Addendum for the Aberdeen Subdivision, Section 2, 2nd Election District, extending the completion date to December 1, 2002. The letter of credit provided by the Cedar Point Federal Credit Union in the amount of \$141,900 as been reduced to \$110,700.

Commissioner Guazzo moved, seconded by Commissioner Anderson, to approve and authorize Commissioner Randall to sign Public Works Agreement and Addenda. Motion carried.

7. Amendment to Solid Waste Management and Recycling Plan
(follow up to 12/04/01 public hearing)

Present: George Erichsen, Director, DPW&T

As a follow up to the December 4, 2001 public hearing, Mr. Erichsen reviewed with the Board and responded to the issues raised by Warren Rich at the hearing.

Commissioner Anderson moved, seconded by Commissioner Guazzo, to approve and sign the Resolution for the Solid Waste Management and Recycling Plan. Motion carried.

8. Fiscal Year 2002 Supplemental Appropriation Ordinances
(follow up to November 27 public hearings)

Present: Elaine Kramer, Director of Finance

- a. Capital Projects/Public Facilities (Lexington Park Library)
- b. Capital Projects/Recreation and Parks
(restoration of Nicolet Park Project funds)
- c. Department of Public Works (transporting seniors with disabilities)
- d. Department of Public Works (sewage sludge application monitoring)
- e. Capital Projects/Department of Public Works (Connector Road Project)

Commissioner Anderson moved, seconded by Commissioner Guazzo, to approve and authorize Commissioner Randall to sign the Supplemental Appropriation Ordinances as presented. Motion carried.

9. Department of Recreation and Parks

Present: Phil Rollins, Director, Recreation and Parks

- a. Memorandum of Understanding
with Country Lakes Homeowners' Association for use of Athletic Fields

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

- b. Gymnastics Center Lease

Commissioner Guazzo moved, seconded by Commissioner Raley, to approve and authorize Commissioner Randall to sign the Lease with Patuxent Development Company as recommended by the Recreation Parks Board and staff. Motion carried.

10. Office on Aging
Community Arts Development Grant

(\$4,000 from St. Mary's County Arts Council to support the newly founded Southern Maryland Academic Orchestra Program, which provides young musicians an opportunity to further their music education through the guidance of volunteer older adult musicians.

Present: Gene Carter, Director

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

11. Department of Economic and Community Development
Housing Authority – Maryland Housing Rehabilitation Program – Letter of Intent
Present: Dennis Nicholson, Executive Director, Housing Authority
Sandra Johnson, Housing Authority

Commissioner Guazzo moved, seconded by Commissioner Mattingly, to authorize Commissioner Randall to sign Letter of Intent as presented. Motion carried.

12. Memorandum of Understanding – Tri-County Council
Southern Maryland Regional Strategy – Action Plan for Agriculture

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

13. Letters of Appointment
Boards, Committees and Commissions

<u>Appointments</u>	<u>Terms To Expire</u>
<u>Airport Advisory Committee</u>	
Steve Bishop	12/31/2002
George E. Clarke	12/31/2003
William G. McNamara	12/31/2004
Joseph F. Mitchell	12/31/2002
Patrick V. Murphy, Jr.	12/31/2003
Stan Sweikar	12/31/2003
<u>Commission for the Disabled</u>	
Janet Andrews	12/31/2004
Kathy Sears	12/31/2005
<u>Mental Health and Addictions Advisory Council</u>	
Anne Marie Lazur	6/30/2004
Catherine T. Carroll-Parker	6/30/2004

Commissioner Mattingly moved, seconded by Commissioner Anderson, to approve and sign the referenced letters of appointment. Motion carried.

14. Metropolitan Commission
Resolution for the Issuance and Sale of Bonds

(Requesting approval of a Resolution regarding the issuance and sale of a Bond by MetCom in an amount not to exceed \$660,000, which pledges the full faith and credit of the County. The purpose of the Bond is to finance the Commission's share of the Leonardtown Wastewater Treatment Plant BNR Upgrade Project.)

Present: Steve King, Director, MetCom
Joe Mitchell, Counsel for MetCom

Commissioner Raley moved, seconded by Commissioner Anderson, to approve and sign the Resolution for the Issuance and Sale of Bonds by the Metropolitan Commission. Motion carried.

15. St. Mary's Hospital Bond Issue

Present: Christine Wray, President and CEO, St. Mary's Hospital
Charles Wade, Chair, Hospital Board
Elaine Kramer, County Director of Finance
(Others present included Sam Ketterman, Paul Barber)

As a follow up to last week's discussion, representatives of St. Mary's Hospital and the Hospital Board appeared before the Board to address questions raised by the

Board. Areas of discussion included the County's obligation should the hospital not be able to make payments on the loan, projected use, timeline, and details of the cost estimate for the third floor shelled space.

After discussion Commissioner Anderson moved and Commissioner Mattingly seconded to approve the bond request at \$20 million dollars. Motion carried.

SUPPLEMENTAL APPROPRIATION PUBLIC HEARING

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

County Commissioners for St. Mary's County will hold a Public Hearing at 11:15 a.m. in Room 14 of the Governmental Center, 23115 Leonard Hall Drive in Leonardtown, Maryland on Tuesday, December 18, 2001. To review the following proposals:

Supplemental Appropriation –Office of Community Services

To consider a supplemental appropriation in the amount of \$37,200.00 in Federal Highway Safety funds for the purpose of traffic safety education for summer camps.

To consider a supplemental appropriation in the amount of \$10,000.00 in Federal Highway Safety funds for the purpose of an Alcohol Enforcement Education Workshop in St. Mary's County.

To consider a supplemental appropriation in the amount of \$30,000.00 in Federal Highway Safety funds for the purpose of addressing impaired driving.

To consider a supplemental appropriation in the amount of \$40,000.00 in Federal funds for the purpose of implementation of services to families at risk for or having a history of substance abuse.

(Kaaren Burke took the following portion.)

COUNTY COMMISSIONERS' TIME

Commissioner Raley attended the meeting and the Aegis Award ceremony at NACSEA. Commissioner Raley stated that Steny Hoyer made a strategic move joining NACSEA (Webster Field) with NAVAIR. Happy holidays were extended to all!

Commissioner Guazzo thanked the staff and wished them season's greetings. She pointed out that there will be fireworks on New Years Eve at 9:00 p.m. in Leonardtown. Everyone is encouraged to attend

Commissioner Anderson reported the following:

- The Archdiocese of Washington, DC has agreed to pursue a feasibility study to assess an economic diverse project around the Immaculate Heart of Mary church.
- The Thornton Commission's final report should be ready for review before the end of the year. The County's transportation issues will be addressed in the final report and the County will benefit with additional funds. Delegates Rawlings and Conway are committed to pursue transportation issues in the legislature on the County's behalf.
- Although the County was not successful in obtaining full-day kindergarten (due to capital funding); assurance was received the issue of capital funding will be addressed before the next legislative session. A commission will be formed to report back to the Legislature on capital funding.

- Another watershed grant opportunity is available through the National Fish and Wildlife Foundation and the Chesapeake Bay Program. *Recommend the County participate because of the success with the DNR program.*
- Rock fishing season in Maryland ends 2-3 weeks before Virginia. It would appear the fishing, agriculture, and seafood industries would benefit greatly if the governing regulation was changed to make rock fishing season identical in both states which would enhance a growing section of tourism and address safety and convenience issues for the County's 80+ charter captains.

Commissioner Mattingly offered seasons greetings to all and recommended everyone enjoy their days off. He also recommended everyone visit the Knotts' Flat Iron Road farm light show to get a great dose of Christmas spirit.

Commissioner President Randall offered her thanks and well wishes to the following employees who are leaving County employment:

- Patrick Murphy, Legal Department
- Nancy Hutson, Economic Development
- Jean Goodman, Tourism

Commissioner Randall expressed appreciation to Commissioner Raley for his work on the tobacco buy out program and to Commissioner Anderson for participating with the Thornton Commission.

PUBLIC HEARING – AGRICULTURAL PRESERVATION DISTRICTS

All Commissioners, Donna Sasscer from the Economic Community Development Department, and Patrick Murphy, Legal Department, were present. Ms. Sasscer read the legal notice, published November 30, and December 5, 2001, regarding Agricultural Land Preservation Districts #01-150-009, 0011, 0012, 0013, 0015, and 0016.

Cathy Gardiner, 20457 Rolling Pines Lane

- Questioned if adequate notice was given to homeowners, including those across the road from the property, and
- since litigation is pending on ALPD #01 150 0012, at the owners request, should the legal issue be resolved before a decision is made on the ALPD.

Ms. Sasscer and Patrick Murphy responded that proper notice was given according to department policy. Mr. Murphy responded to the litigation issue that it was an administrative Board of Appeals issue and has nothing to do with establishing an Agricultural Preservation District.

Sandra Brown, 44150 Little Holly Lane

- Questioned that the property description on #1 150 0012 was inadequate,
- that some landowners were not notified as required, and
- the landowner is in litigation with the Court of Appeals,
- that the property did not meet the criteria of an ALPD,
- and that the County will risk commercial activity in the RPD if this ALPD is approved.

Commissioner Guazzo clarified that in the ALPD, landowners promise to preserve their land for agricultural purposes for five years and nothing else. At the end of five years, landowners can petition the State offering their property for easement purchase. The current discussion then is simply to establish the ALPDs.

James Borghardt, 44661 Deerfield Road

- If the Commissioners allow the landowner of #01 150 0012 the ALPD, the Commissioners are acknowledging that farming is a preferred use of land, and,

- the Commissioners will also grant specific nuisance redress for the landowner in his current litigation.

Commissioner Anderson asked Mr. Murphy if the approval of these districts would impact the landowner's litigation specifically. Mr. Murphy stated it would not.

The public hearing was closed.

Commissioner Guazzo moved to approve all the ALPDs offered and Commissioner Mattingly seconded the motion. Motion carried.

PUBLIC HEARING – CRITICAL AREA PLAN UPDATE (DPZ)

All Commissioners were present. DPZ staff present were Jon Grimm, Director; Sue Veith, Environmental Planner; and Peggy Childs, Recording Secretary. Deputy County Attorney John B. Norris, III was also present.

Chesapeake Bay Critical Area Ordinance Revisions

Legal Ad published in The Enterprise on 11/30/01 and 12/7/01

Under cover of his memorandum dated December 14, 2001, Mr. Grimm provided proposed revisions to the existing Article III, Chapter 38.02 Critical Area Ordinance, intended to update, clarify and streamline the Critical Area regulations. Buffer management zones are proposed along the waterfront where the 100 ft. Critical Area Buffer is developed and where development can occur without a variance from the Board of Appeals.

The following is a summary of questions asked and answered:

Page 53, item (2)(a)(ii)c) - The standards for variance have not changed; however, under the revisions, only one set of standards must be addressed for variance approval; i.e., the Critical Area standards.

Page 54, item a.(2)(c) - Afforestation is a requirement of the statute.

Pages 58-59 - Civil penalties in the Critical Area are different from penalties for zoning violations because of the enabling authority and mitigation requirements.

Page 60, item (2)(a) – On adoption of the new Zoning Ordinance this requirement for determination of uses permitted in the IDA on a case-by-case basis, with Critical Area Commission guidance, can be eliminated.

Page 129, Extended property lines – Resolution 91-11 was reviewed in the mid-90s and that Board of County Commissioners made no changes to the Resolution.

Page 164, Private Pier – This definition was taken from the Board's direction for the new Zoning Ordinance.

Mr. Raley noted that St. Mary's was the first county which asked and was authorized to implement administrative variances.

Mr. Anderson said he believes, rather than "minimizing" adverse impacts to water quality, the document should require they be "avoided or mitigated."

Page 47, 4.b.(1) - Original mapping rule - IDA required areas to be a minimum of 20 acres by state statute. However, nothing under the Growth Allocation rules requires 20 acres.

Page 59. 9.a.(1) and Page 137 - Staff will check on 20-acre threshold requirement in the IDA.

Mr. Anderson – Fines or fees-in-lieu? Fines are set locally and are intended to be related to the severity of the violation.

Pages 59-60 – Another example of inconsistency between "improving the quality of runoff" and "reducing the impacts."

Page 61, (h) – Change "shall" to "should."

60% survival rate for plantings – This is a minimum under the statute. The local jurisdiction has the option of being more stringent.

Page 88 – “Manure storage shall be designed to minimize contamination to water bodies” versus Page 118 - “adverse effects avoided or mitigated.” Inconsistent.

Page 139 – Basis for public hearing? Staff to add language from Chapter 42 which sets parameters.

Page 157 – Bona-fide Agricultural Use or Activity, Item C) – This language came from Tax Office 2 years ago. Staff to check current language.

Page 86 – Staff to check on definition of “Vital habitat” versus other “habitat.”

Page 118 defines “private, non-commercial piers” as having 4 or fewer slips without water dependent facility designation. Page 164 associates private piers with single-family homes and states no more than 9 berths and no commercial activity. Staff will reconcile this with Zoning Ordinance rewrite of Chapters 50 and 51.

Page 147, item (g) – Staff to carry forward stricken language to Page 141, after (h), that growth allocation approvals are rezoning decisions discretionary to the County Commissioners.

Page 138, Item c.(5) - Language that a 100-foot buffer is mandatory but a 200-foot or 300-foot buffer may be considered for growth allocation projects. Staff will check local guidelines to see whether this is mandatory or elective.

Staff will provide commissioners with section where the site design application process is set out.

Staff will provide commissioners with a copy of Resolution 91-11 (extended property lines) for their review.

Page 63 – Impervious Surface Trading – The State will allow this to continue with this language. Staff will bring forward language from Article 26.

Page 66, Item (2)(b) – Staff has worked with the Critical Area Commission and did site visits with the CAC. Staff to verify eligible buffer exempt areas and work jointly with CAC to develop this language.

Page 93, item 3.(2) - This provision will allow staff to review applications more quickly.

Page 130, item (b) (i) (f) – Staff to see whether this is in conformance with the ADA.

The hearing was opened to public comment. Attorney Phil Dorsey provided the only public comment, asking that staff delineate the differences between the old text and the proposed revisions and whether accessory apartments will be allowed in the RCA? Mr. Dorsey had a separate document from that provided for the hearing, which began with Page 1. He asked the following:

Pages 17-18 – How did staff come up with the figure on impervious surface for accessory structures?

Page 24 – Let the public know, in dollars and cents, how much this would cost for a 2-acre lot and provide a few examples, so the public can understand it.

Page 25 – Give some examples of mitigation banking (subsection 10).

Can you transfer development rights from one RCA area to another RCA area?

How many acres do we have remaining under growth allocation and how many were lost with the adoption of the Comprehensive Plan? *Staff Response: 1533.2 acres; 0 acres lost due to Comp Plan.*

How much of this Ordinance is state-mandated versus county amendments?

Commissioner Randall closed the public hearing, leaving the record open for 10 days for written comment, with a decision to be scheduled at a future date.

VISTA VOLUNTEER PROGRAM

Present: Cynthia Brown, Director, Office of Community Services
Walt Biscoe, Community Services Coordinator

- The Commissioners presented a Commendation for Michael P. Hurley who has completed his service as a VISTA volunteer at OCS. Commissioner Guazzo issued the commendation to Mr. Hurley with gratitude for his excellent service.
- OCS staff introduced the two new VISTA workers: Stacy Miller who is assigned to St. Mary's College, and Lakina Scriber who is assigned to the HotSpot Community Mobilization Initiative.
- OCS staff requested approval of the Memorandum of Agreement between SMARTCO and County government.

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

Commissioner Anderson asked if there were slots available to fill at VISTA. Mr. Briscoe replied that since September 11 and the Pentagon tragedies, and Governor Ridge heading the Homeland Security initiative, there is a major reconfiguration of Americorp currently underway. Twenty thousand positions in Homeland Security alone will be initiated. A site visit in February 2002, should result in a number of VISTAS allocated to their agency. *Commissioner Anderson recommended when positions become available that they be utilized in the affordable housing initiative.*

EXECUTIVE SESSIONS

Commissioner Anderson moved, seconded by Commissioner Raley, 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, Deputy County Attorney
Jon Grimm, Director, DPZ (*left at 6:05 p.m.*)
Robin Finnacom (*left at 5:25 p.m.*)
Elaine Kramer (*entered at 6:05 p.m. and left at 6:20 p.m.*)
Judith A. Spalding, Recorder

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

Time Held: 5 p.m. – 6:25 p.m.

Action Taken: The Commissioners discussed several matters of litigation (Lexington Manor, First Colony, cable television franchise fee; and other issues, 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: 6:25 p.m. – 6:50 p.m.

Action Taken: The Commissioners discussed the County Attorney's position that will be vacated by Patrick Murphy on Friday, December 21, 2001 and gave direction to staff.

Follow Up to Executive Session

Commissioner Raley moved, seconded by Commissioner Anderson, to grant Commissioner Randall or in her absence, her designee, authorization to sign the Settlement Agreement with Gans Multimedia. Motion carried.

(Peggy Childs took the following portion of the meeting.)

ZONING ORDINANCE WORK SESSION

Chapter 70 – Adequate Public Facilities

Page 70-6, line 45 – Change “tome” to “time.”

Page 70-10, lines 30-33 – Staff to obtain thresholds for distance and size from MetCom and the Development Review Forum and provide two different sections for the commissioners to choose from.

Chapter 71 – Resource Protection Standards

Pages 71-3, lines 7-8 and 71-4, line 7 – Staff to rewrite and reconcile with commissioners intent that TDRs cannot be transferred from sensitive areas. Bring back on 1/8.

Page 71-12, lines 44-45 – Delete “off-site”

Page 71-23, lines 26-46 – Check for conformance to ADA.

Chapter 72 – Forest & Woodland Resources in Critical Area

Page 72-3, lines 35-43 – Staff will check to see if field breaks, or tree lines, fall under this regulation. Policy decision: Continue with regulations in place today.

Chapter 73 – Agricultural Resources in the Critical Area

Page 73-1, lines 15-16 – “minimize” versus “prevent.” The Board may require more stringent provision.

Page 73-2, lines 16-17 – Clarify to state the Buffer shall be allowed to revegetate or regenerate.

Page 74-1, line 45 – Delete “on-site.”

Page 74-2, lines 1-4 – Staff will check to see if this provision can be eliminated. Will give an example if staff finds this does have a practical effect.

Chapter 75 – Forest Conservation

Page 75-1, lines 28-31 – Staff will make sure this was duplicated or relocated before deleting.

Page 75-3, lines 9-10 – Staff will talk with Forest Coordinator and bring back if this does something different than what is in current ordinance.

Page 75-3, lines 41-42 – Staff will double-check amount of fee and will do a global check to remove specific fees from document.

This concluded the discussion on Article 7. Staff will incorporate the changes that relate to the Critical Area in the final draft of the public hearing document.

Zoning Maps

- Map 32, Parcel 330 - incorporate old Bussler Ford site as RCL.
- Map 34, Parcel 27 – change to RMX.
- Map 43, Immaculate Heart parcel – take to public hearing as RMX
- Property next to Howlin Concrete owned by Ben Asher – Yes to Industrial but will have to go through the site plan process to develop.
- Wicomico Shores vacant property, from the numbered lots out to the road – change from RNC to RPD.
- Map 51, Southampton property – ask Lexington Park Master Plan Director and EDC director for input.

January Work Sessions

Wednesday, January 9th at 7:30 p.m., IF NEEDED.

Thursday, January 17th, at 7:00 p.m., IF NEEDED

ADJOURNMENT

The meeting adjourned at 10:00 p.m.

Minutes Approved by the
Board of County Commissioners on 1/10/02

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