

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Governmental Center
Tuesday July 30, 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
Donna Gebicke, Administrative Assistant to BOCC (Recorder)

(The Commissioners visited Lexington Park Gymnastics Center and Piney Point Museum's New Buildings prior to the opening of the meeting)

CALL TO ORDER

The meeting was called to order at 2:13 P.M.

ADDITIONS/DELETIONS TO AGENDA

Commissioner Mattingly moved, seconded by Commissioner Raley to accept the agenda as amended. Motion carried.

APPROVAL OF CHECK REGISTER

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

APPROVAL OF MINUTES

Commissioner Guazzo moved, seconded by Commissioner Mattingly, to approve the minutes of the Commissioners' meeting of Tuesday, July 23, 2002, as corrected. Motion carried.

COMMENDATIONS: FLAG DAY

The Commissioners presented commendations to the following organizations for their outstanding and creative efforts in honor of Flag Day, held on June 14, 2002: St. Mary's County Sheriff's Department; St. Mary's County Corrections Office; Maryland State Police; ABATE; Knights of Maryland; U.S. Military Vets Motorcycle Club; U.S. Navy Color Guard, Patuxent River; Leonard Hall Junior Naval Academy; Sons of the Confederate Veterans, American Legion Post 221, and American Legion Post 221 Auxiliary.

Additional honorees who received commendations, but were not in attendance at the meeting, were Civil Air Patrol, Boy Scout Troop #420, and Cub Scout Pack #1786.

COUNTY ADMINISTRATOR

1. Draft Agendas: August 6 and August 20, 2002 *(no meeting on August 13)*
2. Office of Community Services/Commission for Women

Commissioner Mattingly moved, seconded by Commissioner Guazzo, to approve and sign revised bylaws for the Commission for Women with the addition in Article IV, Section 4 (Removal of Officers) of a provision for the officer being removed to be notified *in writing*.

3. Grant Agreements

a. *Office of the Sheriff

- (i.) Approve and sign Grant Agreement (\$55,663) and Budget Amendment (\$7,923) for Local Law Enforcement Block Grant

Commissioner Guazzo moved, seconded by Commissioner Anderson, to authorize Commissioner Randall to sign the grant agreement and budget amendment. Motion carried.

- (ii.) Approve and sign FY03 Tobacco Use Prevention and Cessation Program Letter of Agreement (\$13,452)

Commissioner Mattingly moved, seconded by Commissioner Anderson, to authorize Commissioner Randall to sign the letter of agreement. Commissioner Raley abstained. Motion carried.

Commissioner Guazzo requested a copy of the Tobacco Grant Award year-end report for FY02. Lt. Horne will comply.

- (iii.) Approve and sign the School Bus Safety Enforcement Program Award (\$17,500)

Commissioner Mattingly moved, seconded by Commissioner Guazzo, to authorize Commissioner Randall to sign the safety award. Motion carried.

b. Department of Public Works and Transportation

- (i.) Approve and sign Resolution accepting Dean Forest Court located in the Dean Forest Subdivision, 3rd Election District, and resolutions for a stop sign and 25 mph speed limit.
- (ii.) Approve and sign Resolution posting 35 mph speed limit on FDR Boulevard and First Colony Boulevard, located in the First Colony Subdivision, 8th Election District.
- (iii.) Approve and sign Public Works Agreement Addendum for Avonlea Subdivision, Section 1, 5th Election District, extending the completion date to July 1, 2003. The letter of credit provided by The First National Bank of St. Mary's in the amount of \$28,900 remains as posted.
- (iv.) Approve and sign Public Works Agreement Addendum for Bay Ridge Estates Subdivision, Section 3, 8th Election District, extending the completion date to June 1, 2003. The letter of credit provided by The First National Bank of St. Mary's in the amount of \$66,000 remains as posted.

Commissioner Anderson moved, seconded by Commissioner Guazzo, to authorize Commissioner Randall to approve the public works agreements b.i. through b.iv. inclusive, and sign the relative Resolutions. Motion carried.

4. Lexington Manor Development Rights and Responsibilities Agreement

Commissioner Mattingly moved, seconded by Commissioner Raley to authorize Mr. Lacer to sign the agreement providing for voluntary extension of the moratorium through August 21, 2002. Motion carried.

5. Approve and Sign Statement of Policy: "Complaints and Inquiries – Confidentiality of Complainants and Inquirers"

The purpose of the draft policy was to aid in enforcement of the Livability Code while protecting complainants against possible retribution.

Review of the draft policy included discussion on potential unintended circumstances of the policy, whether or not the policy should be department-wide, and whether records should be opened after a period of time once complaint is resolved.

Commissioner Guazzo requested a copy of the July 31, 1998, approved policy entitled, "Department of Planning and Zoning for SMC, DPZ Inquiries," referred to in the draft confidentiality policy.

The Commissioners agreed not to adopt the draft policy as presented. Commissioner President Randall directed staff to schedule a status report on the newly adopted Livability Code and discussion of the Confidentiality of Complainants Policy on the Commissioner's meeting agenda after 120 days.

6. Livability Code Complaint Procedures

Commissioner Randall recommended that the complaint procedures item be returned to the Board for consideration/action in one month. The Director of Permits and Inspections will provide recommendations for changes to the current procedures for the Board's review.

PUBLIC HEARING: AMORTIZATION OF RESIDENTIAL MULTI-FAMILY DWELLINGS WITHIN THE AICUZ

Present: John Norris, County Attorney
Jon Grimm, Director, Planning and Zoning

Mr. Norris indicated there was notice of the public hearing published in the July 17, and July 24, edition of *The Enterprise* newspaper. The purpose for adopting this Ordinance is to recognize property rights and the important mission of the Naval Air Station that has been protected by the air installation compatible use zone for a number of years. The purpose of this Ordinance is not to identify those units that are affordable housing units, but to protect them from amortization and to accomplish the objectives of the Zoning Ordinance in deleting non-conforming, non-complying uses and in that method to support the base and its missions with aircraft.

PUBLIC HEARING

Laurie Mellot, Lexington Park, asked what is a reasonable amount of time for the elimination of 2-4 family/multi-family dwellings. What is the recent assessed value of the dwellings at Lexington Manor – not just the land? Define "neighborhood." Will the amendments be done with a public hearing? How does one file for an exception to the AICUZ? Who can file? What about the AICUZ occupancy certificates?

Bob Lewis, 19089 Point Lookout Road, Lexington Park, asked if this document was justified. On bad advice, the Board of County Commissioners appealed the Board of Appeals decision on Club Properties. Would we be here today if Club Properties had not made a bid to redevelop Lexington Manor? Recommends this document be refused in its entirety.

Gloria Daniels, Lexington Manor asked what is a fair and equitable manner and under what circumstances would the AICUZ be zoned for the purpose of elimination. Would a Certificate of Occupancy come from the property owner or Housing Authority? Disappointed that the document was not available until July 29 and could not get it in Spanish until July 30. The document is hard to understand.

Jimmy Coontz, Lexington Manor the AICUZ doesn't really exist but is a smoke screen. After all these years, how many people have been hurt in Lexington Manor?

David Triantos, Medley's Neck stated the document needs to be in plain language. You want to phase out the flattops but then you are saying that anybody in affordable housing won't be moved out until comparable housing is found in the neighborhood. There is a shortage of affordable housing. Dangers of aircraft are not supportable.

Tammie Vitale, Progressive Southern Maryland, P.O. Box 388, Solomons stated that the document talks about fairness and equality but it does not actually exist. The document only addresses one incompatibility in the AICUZ while others exist. If you get rid of multi-family dwellings, take the churches, business, etc. as well. The scuttlebutt is that Cedar Cove negotiated with the Navy to get out of APZ1 solely because the developer had the money and contacts to do so.

The public hearing closed at 4:02 p.m. The record will remain open for ten (10) days to receive written testimony, after the ten day period, the matter will return to the Board of County Commissioners agenda for a decision.

COUNTY COMMISSIONERS' TIME

Commissioner Anderson

- On July 25, St. Mary's County Government hosted a meeting between representatives from local government and visitors from Russia. St. Mary's College has a new Center for Democratic Studies, and one of their first efforts was to bring groups from Russia to study the way issues are handled within a democracy. The group was particularly interested in environmental issues at the local, state, and federal levels. The session will be aired on Channel 12 in the near future. Want to commend St. Mary's College for bringing these groups together and thank SMC's Public Information Office and Deputy County Administrator George Forrest for making the visitors welcome.
- Lexington Manor must be cleaned up. The Health Department has done what they can do. Vacant buildings are not being boarded up. The Livability Code must be enforced. It is incumbent upon the Board of Commissioners to set a time certain for these matters to be taken care of.

Commissioner President Randall suggested that Dr. Icenhower (Director, Health Department) and Robin Guyther (Director, Permits and Inspections) return to the Board on August 6 to discuss illegal dumping in Lexington Manor and related health issues.

Commissioner Guazzo

- The upcoming primary election will be held September 10. As a result of the new splits in voting precincts, there is confusion in the community as to where the new boundaries and polling places are located. It is important to get this information out to the public.

It was suggested to send a letter to the Board of Elections asking that they advise the Board on the location of new precincts and polling places. The Board will offer to assist the Board of Elections to get the word out.

- The Chamber of Commerce held their business-after-hours at the Piney Point Lighthouse on July 24. The Branch Bank and Trust and Oakwood Lodge were co-hosts.
- Permits and Inspections have been working with the owners and Sheriff's department with the dumping problem at Lexington Manor. The vacant places at Lexington Manor are being boarded up on a schedule and hopefully the vandalism will stop.
- The Office of Community Services needs to be commended for assisting the Lexington Manor Survival Team write a successful grant. The Governor's office will fund for up to \$5,000 under the Neighborhood Crime Watch Prevention Program.

Commissioner Mattingly

- Received an email regarding the Department of Commerce surveying 300 federal laboratories throughout the country to identify exemplary practices and partnering for economic development. The Naval Air Warfare Center Aircraft Division was identified as one of ten laboratories in the country being cited as an example. NAWCAD has partnered with Patuxent Partnership since 1996.

Commissioner Raley

Several months ago this Board passed the Zoning Ordinance. It was anticipated there would be inconsistencies that could not have been realized when the Ordinance was first enacted. Several inconsistencies related to private road requirements and minimum road standards have been brought to my attention. With the Director of Planning and Zoning's assistance, and the Board's concurrence, we need to move ahead with the process to identify and remedy property owners' problems.

The Commissioners requested that the Director of Planning and Zoning identify and present to the Board in August any technical corrections to the Comprehensive Zoning Ordinance and the Subdivision Ordinance that may be needed to properly implement board policy or to clarify implementation of that policy.

- Happy birthday to Mrs. Anne Raley and to Mrs. Dennie Mattingly.

Commissioner Raley moved, seconded by Commissioner Anderson, to enter Executive Session at 4:27 p.m. Meeting was adjourned.

EXECUTIVE SESSIONS

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

Personnel

Present: Commissioner President Julie B. Randall
 Commissioner Joseph F. Anderson
 Commissioner Shelby P. Guazzo
 Commissioner Thomas A. Mattingly, Sr.
 Commissioner Daniel H. Raley
 Donna M. Gebicke, Recorder

Authority: Article 24, Section 4-210(a)1

Time Held: 4:35 p.m.-5:05 p.m.

Action Taken: The Commissioners discussed Boards and Committees and gave direction to staff.

ADJOURNMENT

**Minutes Approved by the
 Board of County Commissioners on 8/6/02**

Donna M. Gebicke
**Donna M. Gebicke, Administrative Assistant
 to the Board of County Commissioners**