

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Governmental Center
Tuesday, June 12, 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)
Kate Mauck, Recorder

CALL TO ORDER

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

ADDITIONS/DELETIONS TO AGENDA

Commissioner Raley moved, seconded by Commissioner Mattingly, to accept the agenda as amended (to delete St. Mary's Hospital Wellness Unit). Motion carried.

APPROVAL OF CHECK REGISTER

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

APPROVAL OF MINUTES

Commissioner Anderson moved, seconded by Commissioner Mattingly, to approve the minutes of the Commissioners' meeting of Tuesday, June 5, 2001, as corrected. Motion carried.

COUNTY ADMINISTRATOR

Present: Alfred A. Lacer, County Administrator

1. Draft Agendas for June 19 and 28, 2001
2. **Budget Amendments**
 - a. **No. 2001-60**
Facilities Management (\$3,750)
(to cover operating costs of the Money Market Building)

Commissioner Mattingly moved, seconded by Commissioner Raley, to approve and authorize Commissioner Randall to sign Budget Amendment No. 2001-60. Motion carried.

- b. #2001-61 – Facilities Management/Building Services (\$35,000)
(emergency repairs to water system at So. Md. Regional Library)

Also present: Lynne Brady, Building Services

Commissioner Raley moved, seconded by Commissioner Anderson, to approve and authorize Commissioner Randall to sign Budget Amendment No. 2001-61. Motion carried.

3. Office of Community Services – Grant Documents

Present: Walt Biscoe

- a. AmeriCorp*VISTA – St. Mary’s College (Grant Modification)
(Federal Funding: \$13,996; State: Inkind from St. Mary’s College)

Also present: Carol Locke-Endy, St. Mary’s College
Kristopher Lindh. “

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

- b. Alcohol and Drug Abuse Prevention Program; summer of Safety, Arts and Reading Camps, Program, Alliance Newsletter; salaries
Grant Application Renewal (Federal: \$91,355)

Also present: Joe Donick, Prevention Coordinator

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

Commissioner Randall requested that the OCS Prevention Coordinator work with Dr. Israel and Sheriff to develop recommendations on how OCS can be included in the youth smoking prevention and cessation program; and to get information from other jurisdictions on implementation of this program.

4. Walden/Sierra – Grant Application
Runaway and Homeless Shelter
(Federal: \$100,000 for third year continuation award)

Present: Kathleen O’Brien, Director

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

5. Public Schools
Assignment and Assumption Agreement assigning Purchase Option Contracts for properties on Moakley Street

Present: Brad Clements, Building Facilities, SMPS
Joan Lolcama, Property Manager
Elaine Kramer, County Director of Finance
Dr. Richardson, Superintendent of Schools
BOE/Public School Representatives

After highlights and discussion of the Agreement, Commissioner Mattingly moved, seconded by Commissioner Anderson, to approve and authorize Commissioner Randall to sign the Assignment and Assumption Agreement. Motion carried.

6. Boards and Committees
Appointment letter

Commissioner Mattingly moved, seconded by Commissioner Anderson, to appoint Mr. Ed Bergin to the Recreation and Parks Board for a term to expire December 31, 2004. Motion carried.

**PUBLIC HEARING
STORM WATER MANAGEMENT ORDINANCE**

Present: Jon Grimm, Director, DPZ
John Groeger, Deputy Director, DPZ
John Norris, Deputy County Attorney

The Commissioners conducted a public hearing on the proposed updated Stormwater Management Ordinance, which will replace Article IV, Sections 40.3 and 52.3 of the St. Mary's County Zoning Ordinance to conform with COMAR Title 26, Department of the Environment, Subtitle 17, Water Management Chapter 01, Stormwater Management.

- ◆ Legal Ad published in *The Enterprise* May 25 and June 1, 2001.
- ◆ The Planning Commission conducted its hearing on May 14, 2001, and signed a Resolution recommending adoption to the Board of County Commissioners on June 11, 2001.
- ◆ Highlights of the overview and Commissioners' comments included:

Mr. Groeger reviewed the differences between the proposed Ordinance to the current Ordinance; reviewed the differences between the proposed Ordinance and the State's model Ordinance;

- ◆ Areas of discussion by the Commissioners included:
 - the removal of Section 77.8.6 (over lot grading), which the Planning Commission recommended, and indicated that it could be addressed during ULDC discussions.
 - the need for clarification of 77.3.b and .c regarding exemptions and the need to meet other requirements.
 - clarification of 77.4 (waivers) and 77.5 (redevelopment) regarding issue of "quantity control" and "quality control" waivers; that there should not be any negative impact on water quality.
 - the possible impact of 77.4 and 77.5 in the Lexington Park Revitalization and Redevelopment area—that staff work with the Director, Lexington Park Plan, Robin Finnacom, to test these provisions at two specific parcels that would be classified as redevelopment, and bring results back to the Board.
 - requirements for small project (less than 5,000 square feet).
 - various references to "may" that should be "shall."
 - vegetation survival rate of at least 50%; trees, shrubs and wetland plantings; and bioretention
 - timing and requirements for issuance of grading permits.
 - to have process for individual homeowners requiring a permit made clear in order to lessen impact on them.
 - appeal process.

In response to some of the Commissioners' inquiries, Mr. Stewart explained the following:

- that the over lot grading issue was the only contentious discussion at the Planning Commission's public hearing, and it was the consensus of the Commission that rather than holding the entire document up, that this matter be addressed during the ULDC process.
- that land clearing will require stormwater management
- that there would need to be a delineation for steep slopes even for small projects.

After comments and questions by the Commissioners, the hearing was opened for comments from the audience.

William Mehaffey – Regarding Section 77.8, that drainage system design standards should not be in the Ordinance, rather, that technical issues should be included in a design manual; reviewed his letter of June 12 addressing such concerns as giving the Director of DPW&T ability to create different criteria for projects without establishing policy; minimum stormwater management criteria; storm event frequency criteria; and grandfathering issues.

Jonathan Blasco – Clarification needed regarding type of pipe materials for storm drainage systems.

Clare Whitbeck – Expressed appreciation to the Board for moving forward with the SWM in that it will make things safer; however, expressed pointed out that she was unable to obtain a copy of the proposed plan until shortly before the hearing and requested that it be continued to June 19. Mr. Grimm responded that copies have been available since the Planning Commission hearing as well in the draft ULDC.

David Triantos – agreed that the bioretention system is the preferred method.

Pat Mudd, DH Steffens – expressed concerns regarding the grandfathering clause and requested that consideration be given to projects that have gone through TEC.

Herb Redmond, DH Steffens – expressed the need for equitable grandfathering; drainage issue for individual lots.

Hearing no further comments, the public hearing was closed; the record will remain open for ten days for written comment, after which the proposed stormwater management plan will be placed back on the agenda.

(Kate Mauck recorded the following minutes)

(Commissioner President Randall was absent from the meeting from this point forward. Commissioner Vice President Guazzo chaired the remainder of the meeting.)

SOUTHERN MARYLAND REGIONAL TRAIL/BIKEWAY SYSTEM STUDY DRAFT FINAL REPORT AND REGIONAL SYSTEM MAP

Present: Howard Chang, Chief of Transportation, Tri-County Council
 Jennifer Toole, Planning Director, Sprinkle Consulting, Inc.

Mr. Chang and Ms. Toole appeared before the Board of County Commissioners to present the draft final report and regional system map for the Southern Maryland Regional Trail and Bikeway System Study. The Study is a regional transportation planning project, funded by the Maryland Department of Transportation.

The Study has been focusing on the development of an environmental friendly and technically sound regional plan for the creation of a regional multi-use trail and bikeway system throughout the Southern Maryland Region, with connection to most of the existing and planned future local trails in Calvert, Charles and St. Mary's Counties.

This regional trail and bikeway system will eventually tie into the vast pedestrian and bicycle trail system already in existence throughout the State of Maryland and in other parts of the metropolitan Washington area.

The major topics covered in the presentation were as follows:

- Reasons why bicycling and walking are important to Southern Maryland;
- Summary of public input;
- Recommendations.

The following recommendations were outlined in detail:

- Begin immediate implementation of several key trails in Southern Maryland. Three Notch Rail Trail in St. Mary's County is recommended at the 1st phase;
- Implement a demonstration project in each county that illustrates how quick, low-cost improvements can enhance bicycle and pedestrian access;
- Commence a funding campaign for trails and bikeways;
- Conduct bike touring demonstration projects and implement a bicycle tourism strategy;
- Conduct an analysis to develop alternatives for crossing the Patuxent River, either via a new structure or by retrofitting an existing bridge in Benedict;
- Building support for the regional bikeways network among elected officials, citizens, agency staff and local business leaders; encourage inter-county cooperation on implementation projects;
- Coordinate regional planning activities with federal, state and local trail and bikeway planning efforts;
- Establish policies and services at the local level to support bicycle transportation and bicycle tourism;
- Coordinate regional trails and bikeways projects with other on-going planning and improvement efforts, such as Hughesville Bypass, Waldorf Sub area Plan, Prince Frederick Loop Road, U.S. 301 Implementation, the Cross County Connector, Chapman's Landing, and the Lexington Park Transportation Plan;
- Education and enforcement.

Mr. Chang requested that the Board of County Commissioners consider writing a letter of support to the Maryland Department of Transportation regarding this issue. *Commissioners directed staff to prepare a letter of support for their signature to Secretary John Porcari regarding the Southern Maryland Regional Trail and Bikeway System Study.*

Commissioners were invited to attend the ribbon cutting ceremony on June 20th at 10:00 a.m. to introduce the Commuter Bus Route 903 from Charlotte Hall to Washington, D.C.

(Peggy Childs recorded the following minutes:)

BEN OAKS SUBDIVISION WATER CATEGORY CHANGE DISCUSSION / DECISION

All Commissioners were present except for Commissioner Randall. Commissioner Guazzo chaired the meeting. DPZ staff present were Jon Grimm, Director; and Peggy Childs, Recording Secretary.

Requesting a water category change from NPS (No Planned Service) to RW (Rural Water).

The property contains 385.48 acres, is zoned RPD, and is located on MD 5/235 in Mechanicsville; Tax Maps 9 & 13, Blocks 15 & 3, Parcels 56 & 9.

Owner: J. D. Murray of Bay Mills Construction

Present: Mike Rodevick of Barrett Associates, Inc., and Attorney Anthony Brown

The Commissioners held a public hearing on this requested water category change on May 8, 2001. Although there was public comment at the hearing, no written comments were received during the 10-day open record period, which closed on May 18th.

Commissioner Mattingly said he would like to see this issue resolved. He said the Commissioners' position has been that, if we are going to have large subdivisions, they should be served by community water so that fewer holes will be punched in the aquifer. He said the benefits from a public safety standpoint for fire and rescue, and improved insurance rates. Mr. Mattingly said the developer could proceed with individual well and septic anyway, and the only issue on the table is the water category change, and we need to get this issue behind us.

Commissioner Guazzo stated that some of the commissioners have problems with the subdivision itself, which is proposed on very erodible soils, but agreed that that is not the issue today; it is solely the water category change.

Commissioner Raley said he had accepted an invitation from a Ms. Zimmerman, who lives in this area, to walk the site, and it is bad land for a subdivision – the soil is sandy, the terrain is terrible, and there are wetlands on the property. He said it is a shame that this project is going in at this location, but that is not the issue today.

Commissioner Anderson stated maybe something should go in on this property but not at this density. He asked where the subdivision is in the review process? Mr. Grimm replied that Sections 2 and 3 of Valley Woods have received preliminary approval and the 5 lots of Persimmon Hills Section 1 have final approval. These lots are vested under the current ordinance and for stormwater management. The remaining 93 lots will not be vested until they receive preliminary approval.

Commissioner Mattingly moved to approve the water category amendment from NPS to RW as requested. The motion was seconded by Commissioner Raley.

During discussion, Commissioner Anderson stated the Commissioners' decision today has nothing to do with whether the plan gets its preliminary approval, adding that it will be up to the Planning Commission to make the right decision. He agreed that the developer did take a major step in addressing some of the Commissioners' safety concerns, but said to him the bottom line is that the subdivision will have a negative impact on the environment and the Patuxent River watershed at the density proposed, and we are not in a position to allow negative impacts on the watersheds.

Commissioner Guazzo noted that the developer procured additional land to provide a separate entrance for a portion of the subdivision, which greatly relieved the Persimmon Hills property owners. She said she would vote for the motion because it is better to have community water for this size subdivision. It will also allow better stormwater management because it will give them more room to place a septic system on these lot without having to consider a well-restricted area.

**Commissioner Guazzo called for the vote and the motion passed by 4-0.
Commissioner Randall was not present.**

(Kate Mauck recorded the following minutes:)

PROCLAMATIONS

The Board of County Commissioners issued the following Proclamations:

- National Nursing Assistants Week – June 7 through June 14, 2001
- Life Insurance Week – June 11 through June 16, 2001
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COUNTY COMMISSIONERS' TIME

Minority Business Alliance 19th Annual Banquet

Commissioner Guazzo reported that the Commissioners were present at the Minority Business Alliance's 19th Annual Banquet, which was held on Saturday, June 9th at the

Hollywood Volunteer Firehouse. Commissioner Mattingly congratulated the members of the Minority Business Alliance for all the work that they do in the community.

Southern Maryland Newspapers

Commissioner Guazzo reported that the Commissioners were present at the Meet the Publisher, Editors and Managers of Southern Maryland Newspapers event that was held on Sunday, June 10th at Porto Bello in Drayden.

Chamber of Commerce Annual Membership Dinner

Commissioner Guazzo reported that the Commissioners were present at the Chamber of Commerce Annual Membership Dinner, which was held on Monday, June 11th at St. Mary's College. Commissioner Mattingly stated that the Chamber is to be congratulated for the successful year they have had. They currently have 622 members, with approximately 100 members having been added just this year. He expressed best wishes and hopes for a successful year to Gary Bell, the new president, and appreciation to Frank Goldbach, outgoing president. Commissioner Anderson echoed this sentiment.

Visit by Secretary David Iannucci

Commissioner Guazzo stated that four of the Commissioners were able to meet with Secretary Iannucci, Department of Business and Economic Development, just prior to the Chamber of Commerce dinner, at which he was the featured speaker. It was a very good exchange, and they were able to discuss their top-three wish list and felt that it was a very productive meeting.

High School Graduation Ceremonies

Commissioner Mattingly reported that several of the Commissioners were present at various high school graduation ceremonies throughout the County last week. Congratulations were expressed to the 2001 graduates, including those that would graduate at tonight's GED ceremonies. The Commissioners will be unable to attend the GED ceremony, as they must conduct their evening public forum.

Commissioner Anderson offered congratulations to Dr. Lymas at Great Mills High School for successfully making it through her first year as principal there.

Tri-County Council

Commissioner Mattingly reported that the Tri-County Council would next meet on Wednesday, June 13th at 5:00 p.m. at the Southern Maryland Electric Cooperative Public meeting room in Hughesville.

Flag Day

Commissioner Mattingly reported that Flag Day will be held this Thursday, June 14th at 6:30 p.m. on the lawn of the Governmental Center. The public is invited to this enjoyable event.

Soap Box Derby

Commissioners reported that the fun and eventful Annual Soap Box Derby will be held on Saturday June 16th at 9:00 a.m. on the hill in Leonardtown.

Commissioners departed the Governmental Center at 2:44 p.m. in order to conduct a 3:00 p.m. public hearing at the Governmental Center Annex/Former Temporary Courthouse.

3:00 p.m.

**PUBLIC HEARING
PROPOSED AIR INSTALLATIONS COMPATIBLE USE ZONE (AICUZ)
BUILDING PERMIT ORDINANCE**

Present: Alfred A. Lacer, County Administrator
Patrick Murphy, County Attorney

The Board of County Commissioners conducted a public hearing regarding the proposed Air Installations Compatible Use Zone (AICUZ) Building Permit Ordinance. Mr. Murphy stated that the public hearing had been properly advertised on May 25 and June 1, 2001. A copy of the public notice was entered for the public record.

Mr. Murphy outlined the reasons for the proposal of the Ordinance, and he also provided information regarding what the Ordinance would and would not do. It was pointed out that the term "six (6) months" in the proposed Ordinance should correctly be stated as "180 days".

In essence, the Ordinance would impose a limited and temporary moratorium on the issuance of zoning and building permits for, or related to, two-family and multi-family residences in the AICUZ, for a period not to exceed 180 days from the date of the enactment of the Ordinance. This would allow the County time to study fair housing issues and for a task force to develop a plan for the replacement of low-cost housing that may be eliminated at the Lexington Manor community, which is within the AICUZ.

Mr. Murphy responded to several questions from the Board of County Commissioners regarding this issue and what affect the moratorium might have on major versus minor building repairs. He stated that there is currently no special consideration in the Ordinance for exceptions due to "act of God" types of events or disasters.

Commissioner Vice President Guazzo opened the public hearing for public testimony and the following individuals spoke:

Louis D. Grasso, Club Properties, Inc. – Expressed opposition to the proposed Ordinance. Mr. Grasso outlined reasons why he feels the moratorium would be illegal and unconstitutional, with the ultimate purpose of leading to a condemnation of the property.

Lori Mellott – Against the AICUZ Ordinance. Doesn't understand why only two-family dwelling units are being targeted, when other single-family homes and businesses are just as likely to be hit by a plane at from the Naval Air Station.

Nancy Johnson – Ms. Johnson does not believe the June 8th letter from the Board of County Commissioners stating that they are concerned about safety and affordable housing for the residents of Lexington Manor. She agreed that renovation is necessary, but many individuals who live there make less than \$15,000 per year and would be unable to afford even a small increase in rent. She feels that social status is the real reason behind the Ordinance.

Jimmy Coontz – Has been a resident at Lexington Manor for seven years it is his home. He and many of the other residents are on a fixed income and/or elderly and cannot afford even a \$300 addition to their rental payments. He is unwilling to give up a yard to care for and enjoy and pay additional costs for moving a pet. Mr. Coontz requested that if this must be done, that it be done to everyone who lives within the AICUZ and not just those whose homes are located in Lexington Manor.

Anne McCauley – Entered her protest for the destruction of Lexington Manor. Doing away with the properties would destroy a unique and progressive development from the 1940's and World War II era. She stated that Lexington Manor is eligible for historic registration and would therefore be potentially eligible for 25% restoration cost funding.

Anne Rutherford – Asked if Cedar Point and Cedar Cove were also to be regarded as two-family or multi-family dwellings. Asked Commissioners to join in on the meetings that had already been held by citizens in the County looking into this issue, instead of creating a new task force to duplicate the work. Also asked if residents of Lexington Manor will be asked to serve on both of the task forces. Ms. Rutherford expressed her distrust that Commissioners would listen to their task forces, as they have rejected the recommendations of other task forces in the past.

Kirby Lemesh – Expressed his opinion that the Ordinance is a foregone conclusion and that it is one part of a plan to create the demise of Lexington Manor.

Edwin Dukes – Mr. Dukes lives in Spring Valley Apartments, and he is a St. Mary's County Homeless Advocate. Asked if people are moved from Lexington Manor, will the County subsidize the extra rent for another place. St. Mary's Caring is now available and widely used by many individuals who live in Lexington Manor. Grocery stores provide pastries and bread products that are available at St. Mary's Caring for pickup by the residents. People are usually depressed because of depressed conditions, so what is really needed is to fix up the houses.

Cary Robinson – Mr. Robinson is a resident and was, for a period of time, disabled and had to live off of Social Security, which was very difficult. He is now trying to catch up on thousands of dollars of medical bills, and cannot possibly afford a \$300 to \$400 increase to move out of Lexington Manor.

Doug Ritchie – Mr. Ritchie stated that he could have predicted that this day would come. He stated also that one-half of the individuals living in the County make \$30K or more and approximately one-fourth of the individuals make about \$12K and have trouble with finding affordable housing.

Clare Whitbeck – Indicated that the Navy was a very important element that was missing from today's public hearing. Ms. Whitbeck read a portion of an OPNAV Instruction, which outlined the requirement for meetings between the Department of the Navy with local government and/or citizens regarding issues that affect them. She asked where the Navy was.

Commissioner Vice President Guazzo asked everyone who actually lived in Lexington Manor to stand; eleven individuals stood. Commissioner Anderson asked for a continuation of this public hearing to occur at the beginning of tonight's public forum on affordable housing. This would allow any individuals from Lexington Manor that were unable to attend the daytime hearing to be present and speak in the evening instead.

It was determined that the first 45 minutes of the evening public forum would be set aside as a continuation regarding this issue. Staff was directed to provide a separate signup sheet for this topic.

It was announced that the evening public forum would be held at the Chancellor's Run Activity Center and that busing would be provided by the County from Lexington Manor.

Eleanor Abell recorded the following minutes:

PUBLIC HEARING - RECORDATION TAX

Present: John B. Norris, Deputy County Attorney
Elaine M. Kramer, Finance Director
Jeannett Cudmore, Deputy Finance Director
Eleanor Abell, Recorder

The Board of County Commissioners conducted a public hearing to consider a proposed ordinance to increase the recordation tax pursuant to the authority granted under Maryland Annotated Code, Tax-Property article §12-101, Et. Seq. and designating a portion of the revenue thereby generated for the purchase of development rights that will preserve agricultural lands.

This proposed ordinance would increase the recordation tax rate set in 1969 currently at \$3.30 per \$500 of consideration payable or of the principal amount of the debt secured for an instrument of writing through the Clerk of the Circuit Court. With approval of the requested ordinance, the tax rate would be brought up to \$4.55. The ordinance would not propose to change the exemptions granted under the state law as the County has been pre-empted in the in the field. The proposal is to take the recordation tax to \$4.55 of that increase, \$.50 would be allocated to the Purchase Development Rights (PDR) program that has been proposed to the commissioners in rough draft. The remainder of increase would be allocated, pursuant to the Commissioners previous direction, to the Board of Education for educational and capital projects.

Discussion followed regarding:

- Dedication and allocation on a continuous basis of \$465,000 to the Purchase Development Rights program.
- Direct \$695,000 that would result from the recordation tax increase to the Board of Education's operating budget subject to: a) proposed budget by the Board of Education, and b) alternate approval by the Board of County Commissioners.
- The increase breaks down to \$1.25 to the recordation tax, for a total of \$4.55 with a dedicated amount of \$.50 on a continuing basis to the PDR program; with the remainder, \$.75 of increase to general operating revenues, this year will be allocated to BOE purposes. In future years, another decision will have to be made to discuss other uses of excess funds beyond the first \$.50.
- The \$1.25 increase would be recorded and effective July 1, 2001 would result in \$1,160,000 Million of increased revenue of which \$.50 would go to the PDR Program (\$465,000) would be used to set up capital projects for PDR, subject to final approval of the supplemental appropriation the balance of \$695,000 would be generally allocated to the Board of Education for use in the 2002 budget.
- The \$1.25 increase on the recordation for a \$130,000 house would add about \$325 dollars. For a one-month of delay, 1/12 reduction in the amount of revenue that would be generated in 2002 roughly about \$95,000 for each one.

John Norris made reference to HUD I statements and calculations for settlement closings. Commissioner Raley stated 30, 60, 90 days would not necessarily affect the transaction. John Norris gathered estimates of \$325, or 1/100 of increased costs, causing a minor amount of impact.

The hearing was opened for public testimony at 4:26 p.m. The following citizens spoke in reference to the increased tax rate:

Diedrich Dirks, 21421 Lilypond, Leonardtown, MD: Concerned with affordable housing and the impact of high closing costs on his business. It increases the cost of purchasing homes and providing affordable housing.

Commissioner Guazzo requested a memorandum on the subject. John Norris said on a mortgage or deed of trust, unpaid principle amount has no recordation fee under State Code. A refinance is not subject to additional recordation tax. When additional monies are needed or requested over the mortgage amount, these are subject to the tax.

Emily Jackson, P.O. Box 97, St. Mary's City, MD: Thanked the Commissioners for additional funding to the school system and asked if they could fund additional monies and consideration of their needs.

Doris Jones, 41555 Oxen Ct., Leonardtown, MD: Asked if the County is planning on doing away with the 1% transfer costs and is in opposition of the tax.

Joey Watkins, 43725 Blake Creek Rd., Leonardtown, MD: Indicated the increased tax is warranted and would best serve the school system. A list of needs at Piney Point Elementary was shared and the Commissioners were asked to consider using the fund for the Board of Education.

Sheryl Uhall, 20892 Chestnut Ridge Dr., Leonardtown, MD: Special education paraprofessional at Piney Point Elementary asked to consider request for special education needs through the school system and theirs.

Marilyn Crosby, 46285 Cecil Road, Lexington Park, MD 20653: Is not opposed to the tax increase. Piney Point needs special education staff and equipment at the school and could use the money to fund it.

Wanda Twigg, 24264 N. Patuxent Beach Rd., California, MD: EASMC President, indicated there is a teacher shortage it needs to be looked at and the people who support them. Asked the Commissioners to fully fund education and wants to see the educational part of the budget at 50%. She wants taxes raised to support the school system.

Virgil Bandwetz, 39437 Golden Beach Rd., Mechanicsville, MD: Opposes tax, and feels it is counterproductive. Stated it is a bad idea, taxation without representation by existing Commissioners.

Sheriff Voorhaar, Sheriff's Department: Stated additional burdens have been placed on the Sheriff's department and asked the Commissioners to reconsider what the BOCC can do to help them. He would appreciate additional consideration and relief with the situation.

Philip Dorsey, Leonardtown, MD: Thanked the Commissioners for approximate \$50 Million for the Board of Education and along with the \$20 Million for capital projects. He supports the purchase development rights program. There was money set aside on an installment basis in the 2001 budget for the PDR project. There is no need to raise taxes, there were funds available to support the PDR. Obviously BOE supports the increase so they get the majority of the tax benefits.

Annie Dixon, St. Mary's City, MD: Has the impression the money is going to the Board of Education for long-term funding. She understands it to be for one year, then the money goes into the general fund. Indicated it was a short-term solution to the Board of Education. She wants someone to address this.

Commissioner Guazzo asked Elaine Kramer to address the question regarding maintenance of effort. The key depends on amount of increase carried and non-excludable costs. No additional funds for maintenance of effort 2002 over 2001 budget. Costs cancel each other out. It depends on corresponding changes excludable in future years.

Commissioner Mattingly clarified the first year setup and how a portion of funding goes to the Board of Education as well as the general fund for the PDR program.

Doug Richie: Commented the web page for assessments shows many uninhabited dwelling units in the county. If taxes are levied, the county will wonder why grown is less. Lower the tax rate to help the economy. Suggested putting the tax on median income and take it off the little guys.

Debbie Weeks: Chopticon High School Band Boosters: Thanked the Commissioners for their support. School system cannot continue to support bands and they need new uniforms. She supports new tax and any money for the school board.

David Triantos: Compared teachers salaries in Calvert and St. Mary's Counties saying Calvert was higher. Obtaining money through taxes is not the way to go. Try taxing by more evenly spreading it out.

Kevin Igoe: White Marsh Elementary School Principle: Thanked the Commissioners for their continued effort to fund the Board of Education. Money only funds the basic needs. They need more qualified people to assist in providing education and special instructional areas and be able to take students to the next level.

Linda Lytle, California, MD: Stated the Board of Education and Sheriff's Department both have difficulties. Real estate closing costs are the highest in the State of Maryland. There are other ways to bring money into the county without increasing the tax base.

Cathy Wiggins, Margaret Brent Middle School: Thanked the Commissioners for supporting education with the budget. Additional funds would allow for needed extras at the school like safety and security initiatives. She asked for additional funding for the school system.

Paul Fancella: Esperanza Middle School: Additional funding for library media needs were asked for. Thanked the Commissioners for the budget allocation. He is in support of the tax in order to support public education.

Commissioner Raley asked if the County elected to enact this increase in the recordation fee, how much this increase the closing costs for the average sale of a house in St. Mary's County? He requested information be provided to him. Commissioner Raley questioned whether this should be enacted to take effect on July 1st. In the 10 day period, could there be some analysis what effect dollar wise it have to delay the implementation of the increase would it be 1, 2, or 3 months the longer the decision is made.

The public hearing closed at 5:17 p.m. setting recordation tax for oral testimony. The record will remain open for 10 days.

(Kate Mauck recorded the remaining minutes:)

7:00 p.m.

PUBLIC FORUM

Commissioner Vice President Guazzo opened the evening public forum, stating that individuals from the Willow Woods Community would speak first. After that time, a continuation of the afternoon public hearing regarding the AICUZ Ordinance would occur. Upon completion of that topic, the public forum regarding affordable housing and any other topics would resume.

The following individuals spoke regarding the Willow Woods Community:

Gil Naru – (Lot 82 owner) - Spokesman for the Willow Woods Community – Mr. Naru outlined information that had been submitted by portfolio (including photographs) to the Commissioners regarding serious water problems in the community. Commissioner Raley and Commissioner Mattingly had visited the site and witnessed the various lots that were in question. Letters have been sent to the Director of Planning and Zoning, Permits and Inspections, and the Department of Public Works and Transportation;

however, the problems have not been resolved. The Health Department has become involved and has completed one mosquito spraying, with another to occur in the future.

Commissioner Guazzo stated that the County would look into this situation; find possible remedies from staff; and would contact Mr. Naru.

Greg Blew – (Lot 42 owner) – Outlined water drainage problems at the intersection of Robert Leon Drive and Willows Drive with drainage located on only one side of the road. Additionally, Mr. Blew stated that water that was originally standing on lot 44 moved to lot 45 when lot 44 was built upon. The water problem moves toward the intersection as building continues. The builder has attempted to solve the problem through grading, but it does not solve the problem permanently.

Roy Stolle – (Lot 43 owner) – A portion of the standing water from lot 44 is on the back of his lot, behind his home. The problem is almost continual, and has now become an odor problem as well as a safety hazard to young children. There are no grids over the drainage for the stormwater management areas, and cattails are growing in the standing water, which provides evidence of a continual water problem. At the entranceway, the transformer box fills up with water, and additionally, water freezes on the street during the winter, which is a driving hazard.

Leonard Sayers – (Lot 44 owner) – Stated that the builder, Mr. Brook, provided a line draining out his basement; however, the line travels uphill. Mr. Sayers reported that he has heard there is no settlement barrier in place.

Commissioners directed Ms. Peggy Lewis, DPW&T, to check into the safety hazards involved with the transformer box located at the junction of Robert Leon Drive and Willows Drive (Lot 47).

7:35 p.m.

**PUBLIC HEARING (continuation from 3:00 p.m.)
PROPOSED AIR INSTALLATIONS COMPATIBLE USE ZONE (AICUZ)
BUILDING PERMIT ORDINANCE**

Commissioner Vice President Guazzo reconvened the public hearing regarding AICUZ that had been conducted earlier in the day. The following individual spoke:

Mike Lugenbill – Department of Social Services – Mr. Lugenbill suggested that the Ordinance is probably singling out one group of tenants within the AICUZ and that the Department of Social Services is also located within the AICUZ. Mr. Lugenbill asked that Commissioners consider shaping the Ordinance so that landlords within the zone can perform necessary repairs. Commissioner Guazzo asked Mr. Norris, Assistant County Attorney, to respond to this concern. Mr. Norris stated that repairs would be allowable that do not require a building permit. No structural elements would be permitted.

Commissioner Vice President Guazzo closed the public hearing for public testimony at 7:40 p.m. The matter will remain open for written public comment for a period of ten days, after which time, it will then be placed on a future agenda for discussion and a decision by the Board of County Commissioners.

**PUBLIC FORUM
AFFORDABLE HOUSING ISSUES (continued)**

Commissioner Vice President Guazzo stated that a continuation of the previous public forum would now occur. The following individuals spoke:

Susan Joyce – Ms. Joyce stated that there are approximately 60 individuals that qualify for housing assistance due to being severely mentally and/or physically disabled. The COMAR requires that the government provide this assistance. She runs a service called Shelter-Plus Care, which helps people who are returning to the County after incarceration due to misdemeanors. The State helps by supplementing their rent, but only up to a fair market rent, and the market is completely saturated. They are unable to find low-income housing that is affordable. The major problem for lower-income individuals is finding a place to live, and many must live on a bus line to meet their transportation needs.

Alexis Zoss – Executive Director, Mental Health Authority, St. Mary's County – Ms. Zoss stated that affordable housing is the number one concern of the mentally ill. Many times, when housing has been situated, their illness is reduced or even eliminated. Housing is a major stress factor for them. When housing is located, they often then begin to seek employment, which is helpful to the County.

Todd Ferrara – Mr. Ferrara is a member of a group of individuals attempting to move forward with an indoor multi-purpose sports recreation complex. He outlined efforts the group has made to have a zoning text change in the ULDC, which would allow for the complex to continue. Mr. Ferrara urged Commissioners to move forward in their efforts to approve the ULDC, as additional delays will cost money. Also requested that a public/private partnership be developed and asked Commissioners to consider providing some security/risk reduction assistance, as well as some other possible ways to make this project a success. Without help from the County, Mr. Ferrara sees no reason to continue in the search for capital.

Clare Whitbeck – Complained that staff at the Governmental Center were not very helpful in providing copies of the Ordinance and Exhibit A regarding the AICUZ Ordinance and suggested that this be looked into. Additionally, Ms. Whitbeck quoted from the Annotated Code of Maryland, outlining laws regarding executive sessions. She stated that a Commissioner referred in an earlier meeting that a topic had been discussed in executive session that is unallowable by law. Ms. Whitbeck stated that there are no exemptions for discussion regarding the Fair and Affordable Housing Task Force, and asked Commissioners to conduct this topic in open session.

Commissioner Mattingly addressed Ms. Whitbeck's concerns, stating that remarks had been taken out of context, and the accusations made were unfounded and undeserved. He suggested that she take the matter to the St. Mary's County Ethics Commission if she felt there was a need to do so.

Commissioner Raley outlined reasons that executive sessions are conducted. Additionally, he stated that Mr. Lacer, as County Administrator, is also an attorney, and he carefully guards the topics covered while Commissioners meet in executive session.

Commissioner Guazzo outlined steps that citizens can take if they are concerned that government officials are not properly conducting matters in open and/or closed session.

Michael Benele - Mr. Benele stated that he is from the Southern Maryland Center for Life and he works for/with people with disabilities. It's very hard for people with disabilities to get an apartment because of stereotypes. Affordable housing is very difficult to find, and rights are denied because the disabled are sent to places that are run down and in need of major repairs. Mr. Benele feels that Section 8 recipients have a right to live in a good home or apartment.

Monica Bankens – Ms. Bankens lives in Fox Chase Village Apartments. She is having a very difficult time, having been originally from the County, and then returning here after achieving her Master's Degree. She worked previously for the Department of Social Services and was accustomed to assisting others in need of help. Due to a car accident injury, she now must be a recipient of Section 8 housing. Her son is failing to thrive and his doctor has informed Ms. Bankens that she must remove her son from the neighborhood in order for his condition to improve. The Sheriff's Department is there nearly every day, and children beat up other children. She is unable to live where she needs to. Suggests some sort of public/private partnership to assist in this issue. Asked

for the County to increase partnerships with homeowners and apartment complexes so that more choices are available. She will be unable to remain in the County if the situation continues.

Mick Donaware – Mr. Donaware is a student in St. Mary's County and spoke in favor of an indoor recreation complex. The closest place to go to for in-line hockey is Fredericksburg, Virginia. Teens also need more in the way of social experiences to be provided in the County, and such a place would help to provide that. Additionally, a pro-shop should be included in any complex that might be built.

ADJOURNMENT

The meeting adjourned at 8:15 p.m.

**Minutes Approved by the
Board of County Commissioners on 6/28/01**

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