

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, July 23, 1985

Present: Commissioner George R. Aud, President
Commissioner Larry Millison, Vice President
Commissioner Richard D. Arnold
Commissioner Ford L. Dean
Commissioner David F. Sayre
Edward V. Cox, County Administrator
Judith A. Spalding, Recording Secretary

CALL TO ORDER

The meeting was called to order at 9:10 a.m.

APPROVAL OF MINUTES

Commissioner Dean moved, seconded by Commissioner Arnold, to approve the minutes of the Commissioners' meeting of Tuesday, July 9, 1985 as submitted. Motion carried.

APPROVAL OF BILLS

Commissioner Millison, moved, seconded by Commissioner Aud, to approve payment of the bills as submitted.

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

- 1) PERSONNEL
OFFICE OF PURCHASING AND LOGISTICS
SECRETARY I POSITION

The County Administrator presented a memorandum dated July 10, 1985 requesting authority to fill the Secretary I position vacated by Cecelia Adams in the Office of Purchasing and Logistics.

Commissioner Aud moved, seconded by Commissioner Sayre, to grant this authority. Motion carried.

- 2) HEALTH INSURANCE FOR RETIRED COUNTY EMPLOYEES

The County Administrator presented a memorandum dated July 10, 1985 from the Personnel Officer recommending approval of interim procedures for the provision of health benefits to retired employees comparable to the State. A copy of the State's regulations have been requested from the State, and once received will be drafted for presentation of approval by the Board.

Commissioner Dean moved, seconded by Commissioner Arnold, to accept the Personnel Officer's recommendation. Motion carried.

- 3) ST. MARY'S COUNTY COMMUNITY DEVELOPMENT CORPORATION
APPOINTMENTS

Commissioner Arnold moved, seconded by Commissioner Aud, and unanimously carried, to make the following appointments to the St. Mary's County Community Development Corporation with terms as indicated:

<u>Name</u>	<u>Term to Expire</u>
Joseph F. Mitchell, Dir. Economic & Community Dev.	For Life of corporation
Dennis Nicholson Community & Housing Coordinator	For life of corporation
Leisl Stark Social Worker	June 30, 1986
Michael Glaser	June 30, 1987
Charles R. Wood Tri-Co. Federal Savings & Loan	June 30, 1987
Dr. Andrew F. Kozak St. Mary's College	June 30, 1986
Catherine R. Herndon	June 30, 1986
James Spence JTPA	June 30, 1987
Phil Cranford 1st National Bank of St. Mary's	June 30, 1987

4) STATE'S ATTORNEY'S OFFICE
CHANGE OF STATUS

The County Administrator presented a request from the State's Attorney to change Mrs. Betsy Fritz to a temporary part-time contract position and further to create a permanent part-time clerical position of 21 hours per week.

Commissioner Dean moved, seconded by Commissioner Arnold, to grant this request. Motion carried.

5) BUDGET AMENDMENTS

The County Administrator presented the following Budget Amendments recommended for approval by the Budget Director with justifications as indicated:

No. 86-06
Clerk of Circuit Court

Justification: To acquire tape recorder system for Clerk of Court through Clerk of Court expense.

No. 86-07
Public Works

Justification: Administrative request by Public Works to adjust accounts for internal control purposes.

Commissioner Arnold moved, seconded by Commissioner Sayre, to approve the referenced Budget Amendments as submitted. Motion carried.

(COMMISSIONER DEAN LEFT MEETING)

6) COASTAL ZONE MANAGEMENT CONTRACTUAL AGREEMENT

The County Administrator presented the Coastal Zone Management Contractual Agreement between St. Mary's County and the Department of Natural Resources (Tidewater Administration, Coastal Resource Division) for FY '86 and requested authorization for Commissioner President Aud to sign said document.

Commissioner Arnold moved, seconded by Commissioner Sayre, to approve and authorize Commissioner President Aud to sign said Agreement. Motion carried.

7) CONFIRMATION OF DECISIONS

The County Administrator advised that confirmation is needed by the Board for certain actions taken by the majority of the Board:

a) Tall Timbers Shore Erosion District #1
Emergency Repairs

Commissioners Millison, Arnold and Sayre had approve the Director of Public Works to expend \$5,000 for emergency repairs to Tall Timbers. Work was done on July 13.

b) Approval of bills

On 7/12/85 Commissioners Arnold, Dean and Sayre approved payment bills; On 7/16/85 Commissioners Aud, Dean and Sayre approved payment of bills.

The Board concurred in the above actions.

8) ANNUAL DEPARTMENT OF TRANSPORTATION MEETING

In that the Department of Transportation has tentatively scheduled the annual meeting with the Commissioners on Thursday, October 17, the County Administrator inquired if the Commissioners would want to change their meeting date that week from October 15 to October 17.

Commissioner Aud moved, seconded by Commissioner Arnold, to change the meeting date to Thursday, October 17.

9) VETERANS MEMORIAL PROPOSAL

The County Administrator advised that a group of veterans from the County have requested that they be allowed to erect a veterans memorial paying tribute to all veterans in the County over all the previous wars. Leonardtown has endorsed the proposal and that it be located at the Governmental Center. The Commissioners gave their concurrence.

10) CORRESPONDENCE

The County Administrator presented the following items of correspondence for the Commissioners' review and approval:

a) Floating Homes

Letter to Mr. Eichbaum, State Department of Health and Mental Hygiene, formally requesting reconsideration of his decision to overrule our local health officer concerning a permit for a holding tank for twelve floating homes at Herring Creek.

b) St. Mary's River Watershed

Letter to Dr. Torrey Brown, DNR, formally request that DNR proceed to effect certain actions relative to the St. Mary's River Watershed.

The Commissioners agreed to sign and forward the referenced letters.

11) PERMIT WAIVER REQUEST
CHURCH OF GOD

The County Administrator presented correspondence from the Church of God requesting waiver of the building permit fee for the construction of a building at the Church of God site. Inasmuch as the request is in compliance with Resolution No. 75-53, the Commissioners agreed to grant this request.

12) RENTAL AGREEMENT
SHERIFF'S DEPARTMENT

The County Administrator presented an Agreement dated July 1, 1985 between Walter Dorsey and St. Mary's County Commissioners for Office #1 for use by the St. Mary's County Sheriff's Department for one year. The Commissioners authorized Commissioner President Aud to sign said Agreement.

PUBLIC HEARING
MARYLAND TRANSPORTATION BONDS
FIRST ISSUE, EIGHTH SERIES

Present: Joseph O'Dell, Director, Budget & Data Services

The Commissioners conducted a public hearing on a proposed Ordinance authorizing St. Mary's County to enter into a Participation Agreement with the Department of Transportation in the amount of \$1,400,000.

Mr. O'Dell explained the transportation bond proposal and reviewed with the Commissioners the projects for which it will be used.

After receiving comments, the Commissioners concluded the public hearing and advised that consideration of approval of the Ordinance would be in two weeks.

(A tape of the hearing is on file in the Commissioners' office.)

(COMMISSIONER ARNOLD LEFT THE MEETING - 10:00 A.M.)

DEPARTMENT OF ECONOMIC & COMMUNITY DEVELOPMENT

Present: Joseph Mitchell, Director

1) COMMUNITY DEVELOPMENT BLOCK GRANT FOR FY '85

Mr. Mitchell presented the Grant Agreement to be submitted to the U. S. Department of Housing and Urban Development for the Community Development Block Grant Program in the amount of \$453,000 for FY '85.

Commissioner Millison moved, seconded by Commissioner Sayre, to approve and authorize Commissioner President Aud to sign said Grant Agreement. Motion carried.

2) AFFORDABLE HOUSING PROGRAM

Mr. Mitchell advised the Commissioners of the Affordable Housing Program through HUD and the State to determine housing needs for lower income families. The State is inviting comments from local jurisdictions to address the issue, and Mr. Mitchell requested authorization to establish a task force in the County to look at recent housing developments in the County to determine if the needs are being met and to make recommendations. The Commissioners gave their concurrence.

3) LOTT ENTERPRISES

Mr. Mitchell reported, for the Commissioners' information, that correspondence was received on July 12 advising that funding has been committed for the Economic Development Bond for Lott Enterprises.

(COMMISSIONER DEAN RETURNED TO THE MEETING - 10:10 A.M.)

DEPARTMENT OF PUBLIC WORKS

Present: John Norris, Director

1) AMENDED RAILROAD RIGHT-OF-WAY AGREEMENT
THOMAS J. WOODBURN

Mr. Norris advised that the referenced railroad right-of-way agreement with Southern Maryland Electric which had been presented on July 9 has been corrected and required Commissioner President Aud's signature.

Commissioner Millison moved, seconded by Commissioner Sayre, to authorize Commissioner President Aud to sign said Agreement. Motion carried.

2) CLEMENTS LANDFILL
BOARD OF PUBLIC WORKS

Mr. Norris advised the Commissioners that the Board of Public Works will be having a hearing on August 14 in Annapolis concerning funding for the geotechnical study of the next area to be occupied at the Clements Landfill.

Mr. Norris stated that the County is trying to convince State to approve the \$40,000 funds as a grant rather than a low-interest loan, and requested one of the Commissioners to attend the meeting with him to testify in this effort.

Commissioner Dean offered to attend the meeting with Mr. Norris.

3) PUBLIC INFORMATIONAL MEETING
STREET LIGHTING IN SOUTHAMPTON SUBDIVISION

Mr. Norris presented the handout which will be distributed at the July 30 public informational meeting concerning the proposal for a street lighting special taxing district in Southampton.

4) TALL TIMBERS SHORE EROSION DISTRICT NO. 1

Mr. Norris advised the Commissioners of the temporary repair work that had to be done at Tall Timbers and showed photographs of the damage that had occurred.

Mr. Norris mentioned that a public hearing will be held in about a month on the establishment of the second shore erosion district which will be incorporated with the south half of the first district.

(COMMISSIONER ARNOLD RETURNED TO MEETING - 10:20 A.M.)

5) ST. GEORGES CREEK DREDGING PROJECT
(DEAUTHORIZATION)

Mr. Norris advised that a Public Notice was received from the Army Corps of Engineers concerning the possible deauthorization of the St. Georges Creek dredging project and a formal response is needed from the County.

Commissioner Sayre moved, seconded by Commissioner Arnold, that the St. George Creek Navigational Project be deauthorized. Motion carried.

6) SOLID WASTE PLAN
ASBESTOS DISPOSAL

Mr. Norris reviewed correspondence from the State Health Department which directs that St. Mary's County's Solid Waste Plan be amended to show how asbestos will be disposed of during the next ten years, and requesting a response to the Waste Management Administration within 90 days. Mr. Norris indicated that correspondence has been prepared advising that St. Mary's County is conducting an extensive review of how solid waste is to be handled in the future and request an extension to address many issues, not just the asbestos problem. The Commissioners gave their concurrence with the letter.

(COMMISSIONER SAYRE LEFT THE MEETING - 10:30 A.M.)

7) CLEMENTS LANDFILL REFUSE
PERMIT RENEWAL

Mr. Norris presented correspondence for Commissioner President Aud's signature addressed to the Waste Management Administration requesting that the existing Refuse Disposal Permit be renewed for the Clements Landfill. The Commissioners gave their concurrence.

8) BID TALLY SHEET
ELEVATOR MAINTENANCE

Mr. Norris presented the bid tally sheet for elevator maintenance for the Governmental Center and Courthouse and recommended that the bid be awarded to Westinghouse Elevator Company in the amount of \$350 per month.

Commissioner Millison moved, seconded by Commissioner Dean, to accept Mr. Norris' recommendation. Motion carried.

9) ROAD RESOLUTION NO. 85-37
OLD THREE NOTCH ROAD

Mr. Norris presented the referenced Road Resolution renaming Vista Road, Route 3183, 6th Election District, as Old Three Notch Road.

Commissioner Arnold moved, seconded by Commissioner Aud, to accept this recommendation and authorize Commissioner President Aud to sign same. Motion carried.

10) ROAD RESOLUTION
WHARF ROAD

Mr. Norris presented the referenced Road Resolution placing a "No Stopping or Standing" sign on Wharf Road in the Seventh Election District.

Commissioner Arnold moved, seconded by Commissioner Dean, to approve and sign said Road Resolution. Motion carried.

11) HIGHWAY NEEDS INVENTORY

Mr. Norris presented correspondence for Commissioner President Aud's signature to the State Highway Administration agreeing with the proposed improvements listed in the State's Highway Needs Inventory and requesting that Chancellors Run Road be included in the next update.

The Commissioners authorized Commissioner President Aud to sign said letter.

12) WHARF ROAD
SURVEY OF CORRECTION OF RIGHT-OF-WAY

Mr. Norris displayed a plat of Wharf Road and indicated that the road is not correctly located in the right-of-way and requested authorization from the Board for the payment of the survey to have the road and right-of-way properly recorded. The Drury family gave the land to the County for the road and had the survey done to properly adjust the road for approximately \$1400.

The Commissioners concurred in the payment of \$1400 as recommended by Mr. Norris.

13) GRADING AGREEMENTS

Mr. Norris presented the following Grading Agreements for the Commissioners' review and approval:

a) Chancellors Run Village

Dated July 10, 1985 by and between Chancellors Run Associates Ltd Partnership and St. Mary's County for Chancellors Village guaranteeing the completion by August 1987. The Agreement is backed by a bond in the amount of \$55,000.

b) Wildewood Mall

Dated July 22, 1985 by and between Wildewood Builders, Inc. and St. Mary's County for Wildewood Mall guaranteeing the completion by July 22, 1986. The Agreement is backed with a \$66,400 Irrevocable Letter of Credit.

Commissioner Millison moved, seconded by Commissioner Arnold, to approve the referenced Grading Agreements. Three Commissioners voted in favor with Commissioner Dean abstaining. Motion carried.

14) PUBLIC WORKS AGREEMENT
CHANCELLORS VILLAGE

Mr. Norris presented a Public Works Agreement by and between Chancellors run Associates Ltd Partnership and St. Mary's County guaranteeing completion of the roads in Chancellors Village by August 1987. Surety in the amount of \$159,000 is attached.

Commissioner Arnold moved, seconded by Commissioner Dean, to approve and authorize Commissioner President Aud to sign said Agreement. Motion carried.

15) ADULT DETENTION CENTER
CONTRACT AGREEMENT

Mr. Norris advised that on April 22, 1985 the Jail Task Force recommended the construction of a new jail and the selection of the architectural firm of Mosely-Hening Associates for the project. Therefore, Mr. Norris presented the Architectural Contract Agreement in the amount of \$399,405 between the Board of County Commissioners of St. Mary's County and

Moseley Hening for the construction of the adult detention center to be located at the St. Mary's County Governmental Center. He stated that the Agreement has been reviewed by the County Attorney and recommended for approval by Sheriff Wayne Pettit. Mr. Norris indicated that the document must be in Annapolis by Friday in order to meet the deadline for the August 14 Board of Public Works meeting.

Commissioner Dean moved, seconded by Commissioner Arnold, to approve and authorize Commissioner President Aud to sign said Agreement. Commissioner Millison voted against the motion. Motion carried three to one.

COMMENDATION
AGNES DELORES JORDAN

Present: Agnes Delores Jordan
Carol Pinckney, Health Department

The Commissioners presented a Commendation to Agnes Delores Jordan for her 15 years of volunteer service to the Community as a registrar for the Child Health Clinic in St. Mary's County. Commendations from the Governor and the State Health Department were also presented.

DOYLES SUBDIVISION
APPEAL OF PLANNING COMMISSION DECISION

Present: Doyle
Dan Guenther, attorney for Mr. Doyle
Frank Gerred, Director, OPZ
Robin Guyther, Planner, OPZ

(Commissioner Millison abstained from participating in this discussion.)

Mr. Guenther advised that the purpose of this meeting was to request an appeal of the Planning Commission's decision regarding the subdividing of his lot fronting on Willows Road into two lots for his son and daughter. The Planning Commission at their meeting of July 22 denied the subdivision of the lots in that the property is zoned R-2 and minor subdivisions are not allowed in this category. Mr. Guenther requested the Commissioners' consideration of overturning the Planning Commission's decision so that his client would not have to go to the expense of a rezoning.

Mr. Guyther indicated that two flag lots could be approved in the R-2 district and would accomplish what Mr. Doyle is trying to do; however, Mr. Guenther objected to this proposal in that it would eliminate a substantial amount of road frontage on Willows Road.

In conclusion, the Commissioners requested Mr. Guenther to present to them the authority in the Zoning Ordinance that would allow them to permit a minor subdivision in an R-2 district.

DONATION OF RECOVERED BICYCLES

Present: Sheriff Wayne Pettit

Sheriff Pettit appeared before the Commissioners to request their approval of a proposal to donate bicycles that are recovered through his department to various civic organizations in the County. These organizations would repair the bicycles and working through Social Services give them to needy children at Christmas.

Commissioner Millison moved, seconded by Commissioner Aud, to accept the Sheriff's proposal. Motion carried.

FRIENDS OF MARGARET BRENT

Present: Dorothy Barclift, Chairprson, Commission for Women
Lois Fields, Chairperson, Friends of Margaret Brent
Other Friends of Margaret Brent
Arthur "Buck" Briscoe, Director, EDC

Representatives of Friends of Margaret Brent appeared befor the Commissioners to share the news that Margaret Brent was one of five women named to the Women's Hall of Fame of Maryland on Sunday. Maryland Commission for Women celebrated its 20th Anniversary this year and established the Maryland Women's Hall of Fame this year to honor women who participated in the founding of Maryland further women's causes.

Ms. Fields stated that a silver cup was presented at the celebration to the Friends of Margaret Brent, and because of his interest and work in honoring Margaret Brent, presented the cup to Mr. Briscoe.

(COMMISSIONER SAYRE RETURNED TO THE MEETING - 1:00 P.M.)

OFFICE OF PLANNING AND ZONING

PUBLIC HEARINGS

1:00 P.M.

The full complement of the Board was in attendance. Members of the Board include: George Aud, President, Larry Millison, Vice-President and Commissioners Ford Dean, David Sayre, and Richard Arnold. Staff present included: Frank J. Gerred, Director, Robin Guyther, Planner, and Anita M. Meridith, Secretary II, Office of Planning and Zoning.

Members of the audience included: Viki Volk, Barbara Lawrence, Charlotte C. Young, I. Hebb, W. S. Hebb, Judy Landau and Charles A. Young.

Mr. Robin Guyther, OPZ, read the Notice of Public Hearing aloud, as advertised on Wednesday, July 3, 1985, in "The Enterprise" Newspaper, a publication of county-wide circulation, providing legal notice for the following public hearing:

ZONE # 85-0519: BARBARA LAWRENCE, ET AL

Requesting rezoning of one acre from R-1, Rural-Residential, to C-1, Commercial. The property is located on the east side of Maryland Route 5, north of Leonardtown (across from the Leonardtown Sunoco), in the Third Election District, shown on Tax Map 32, Block 16, as Parcel 177.

Mr. Guyther briefed the Commissioners on this request, advising that the property, comprised of .76 acres, was known as the Old Cecil's Mill, located outside the Corporate Limits of Leonardtown on Route 5, across from the Leonardtown Sunoco. The neighborhood was established as an area along both sides of Maryland Route 5, approximately 200 ft. deep from Compton Road to the eastern boundary of the former Tennyson Warehouse Building (now houses Gass Printing). Staff advised that former testimony before the Planning Commission, with regard to change in the neighborhood, had been cited as the commercial properties, the gas station, the new bank, pending proposal for new restaurant next to the bank and several new constructions on the opposite side of the road (having occured since 1976). The Planning Commission had subsequently determined that those commercial additions/activities did, in fact, constitute change in the neighborhood, in this instance.

Mr. Guyther emphasized that based on the fact that the area immediately adjacent to this site was entirely commercial, the Planning Commission felt that the subject property was not a desirable residential site, and given the historic use of the property, the Planning Commission recommended that it be rezoned to C-1.

The applicant, Mrs. Barbara Lawrence, added that she felt that the whole complexion of area had changed and should the Commissioners act favorably on her application, this would enable her to do something with the house. Mrs. Lawrence pointed out that the property directly across from her property was incorporated in the Town of Leonardtown, however, her parcel was not. She continued that all of the recent changes in the area, simply did not warrant a family living there.

Mrs. Lawrence provided for the record, the postal receipts from the certified mailings sent to all contiguous property owners, marked Applicant's No. 1. Additionally, she verified that the property had been legally posted.

Staff formally entered the complete Planning Commission record into this case.

The Chair inquired whether anyone present wished to speak to the rezoning request. Hearing no response, the hearing was closed and the matter taken under advisement. Decision pending.

NOTE: THE FOLLOWING TWO PUBLIC HEARINGS WERE JOINTLY CONSIDERED BY THE BOARD

SPEC # 84-0580: BRETON BAY GARDENS

Request to amend the St. Mary's County Comprehensive Water and Sewer Plan to change the water classification from W-6 to W2-D and the sewer classification from S-6 to S2-D for the Breton Bay Gardens property, shown on Tax Map 46 as Parcel 52, located just south of Leonardtown on the west side of Maryland Route 5.

SPEC # 84-0115: WILLIAM E. WINTERS

Request to amend the Comprehensive Water and Sewer Plan to bring existing systems into conformance. The request is to change the plan designations from W-6 and S-6 to W-1 and S-1 on Parcels 53, 54, and 232 on Tax Map 50. The property is located on the east side of Maryland Route 5, Redgate, and includes the site of Winters Sheet Metal and adjoining properties.

Mr. Guyther read the public hearing notice aloud into the record, as published in "The Enterprise" Newspaper, a publication of general county-wide circulation, in the Wednesday, July 3, 1985 issue, providing legal notification for the two aforereferenced requests.

Staff explained that these two proposed water and sewer plan changes were being requested in conjunction with the recent rezonings of these properties. With regard to the Breton Bay Gardens project, Mr. Guyther advised that these designations were necessary in order that the development could move forward. With respect to the Winter's property, the owner has an existing sewer on the site (lagoon), however, the Health Department will not allow him to hook-up/add any more units until such time as the designations are amended. Mr. Guyther advised that in both instances, the Planning Commission and staff recommended approval.

The Chair inquired whether anyone present had any comments. There was no response.

Commissioner Aud moved, seconded by Commissioner Millison, and unanimously passed, to approve the requested amendments to the Comprehensive Water and Sewer Plan for both Breton Bay Garden and the William E. Winters properties, as outlined.

DISCUSSION/DECISION

ZONE # 85-0342: B. F. ASHER

Requesting rezoning of 47 acres from AR, Agricultural-Residential, to I-1, Industrial. The property is located on the east side of Maryland Route 5, Charlotte Hall, behind the Post Office, shown on Tax Map 4, Block 23, Parcels 41 and 286.

Staff recalled that the public hearing on this application was held by the Board of County Commissioners on July 9, 1985. The property is the site of the existing Asher operations (houses asphalt plant, heavy equipment storage and repair, etc.). The applicant has proposed an industrial park on his property. Both staff and Planning Commission recommended approval.

Commissioner Dean moved, seconded by Commissioner Aud, and unanimously passed, to instruct the County Attorney to prepare the appropriate resolution, approving the requested rezoning, based on the facts as incorporated within the Planning Commission's recommendation and the staff's report. Commissioner Dean reflected that the basis for the rezoning was therefore, based on mistake in the original zoning, because of the historic use of the property at the time of the adoption of Comprehensive Zoning and also because of the other commercial activities in proximity to this property. Additionally, Commissioner Dean noted that where the subject property abutted residential properties, that the approval include the requirement for screening.

DISCUSSION - CHESAPEAKE BAY INITIATIVES

Mr. Gerred advised that staff had met with the Commission on previous occasions and had explained what was contained in the Chesapeake Bay Critical Areas Criteria and had subsequently prepared some commentary for the Commissioners' review. He noted that the Planning Commission had voted their concurrence with urging the Commissioners to make favorable comment on the criteria, as developed, with some suggested changes. Additionally, it was the Planning Commission's wish to forward onto the Critical Area Commission, the suggestion that they include a criteria to improve the use of pump outs in marinas (not included in staff's comments).

Mr. Gerred reiterated that staff had reviewed the Critical Area Criteria and with the exceptions of the proffered written comments, were of the opinion that the implementation of the criteria state wide should be in the best interest of St. Mary's County. Mr. Gerred urged that the Commissioners subsequently sign correspondence, which was being prepared, incorporating those comments, to be forwarded onto the Critical Areas Commission.

The Commissioners offered individual commentary with regard to their specific concerns as they related to erosion and environmental controls, monitoring and funding for proposed projects/programs within St. Mary's County.

Commissioner Dean stated that while he generally agreed and supported the concept, as provided in these comments, he felt that the goals merited the effort that was being put forth by the State, however, at the same time, he noted several concerns with the regulations, as written, i.e. that they were complicated, ambiguous at times, and left a lot of interpretation. Thus, he reflected that if ultimately adopted by the General Assembly, the effectiveness of the intent would depend upon the

implementation and the interpretation that would be allowed. Mr. Dean offered, "I can see it being a very, very large task on the part of local governments and state government to implement, enforce, these regulations and monitoring." In summation, he noted that while these points had been addressed in staff's comments, they needed to be strongly emphasized to the State, as the State Legislature would ultimately foster these onto the entire state, but the impact would primarily affect the Southern Maryland and Eastern Shore counties. Thus he felt that there must be a state sharing of the costs and state funds to guarantee its implementation.

Commissioner Dean also felt that the county needed to emphasize the "grandfathering" of the existing lots and referenced the existing laws with regard to vesting. Another major question, which he felt needed to be more fully addressed, was how the three areas were determined by the existing housing density (County will determine for each acre within the 1,000 ft. planning area, its particular category, presuming said determination is based on the average dwelling unit, per acre).

There was lengthy discussion with regard to the 5% rule, understanding that a county would have the option of allowing a 100% expansion of its existing intensely developed area, based on, e.g. finding 5,000 acres in said category, that the County could opt to designate an additional 5,000 acres out of the limited development area. Discussion of this issue ensued and Mr. Gerred offered that a county would be limited to one or the other, not both (either 100% expansion or designating up to 5% of the limited development area as intense development). He continued that there had been some discussion with respect to allowing up to 5% of the resource conservation area to be designated as intensely developed and the Commission was advised that indeed, some of the counties did not have any opportunity to have limited or intense development, and was considering a change to allow every county the opportunity for some development in the critical area.

Commissioner Millison stated that in his opinion, the proffered bill did not go far enough in addressing the real problems of the bay. He felt that several pronounced problems were the washing and flushing out of bilges by many large ocean going vessels within the Chesapeake Bay and the serious erosion of land within the County and the siltation effects of that washing upon the marine life within the waters of St. Mary's County. He urged that serious effort should be put forth to having appropriate legislation adopted which would address these paramount issues. Mr. Millison strongly emphasized that there should be some financial movement on the part of the State, to protect the waterfront properties which are being lost through erosion and that these outlined concerns be incorporated into the Commissioners' letter to the Critical Areas Commission.

Commissioner Sayre echoed Commissioner Millison's concerns, particularly with respect to the erosion and siltation occurring to the marshlands within St. Mary's County. He felt that consideration should be given to adopting legislation which would allow and provide for bulkheading/protecting those marshland areas, as opposed to "just letting it wash into the bay or the river and let it be gone completely." Commissioner Sayre emphasized that the existing Wetlands Bill, as currently written, acted as support to this continued eroding action.

Commissioner Dean wished to add to his previous statement that while he was in favor of the proposed regulations, he did not view same as the final answer to the problem of preservation of the Chesapeake Bay. He stressed that he supported them because he felt that they were a "step toward it" and "an attempt to do something" as opposed to "nothing." He reflected, that as with any regulation, they would require amendment through time. In conclusion, he urged that the Commissioners recommend to the Critical Areas Commission that the 5% Rule apply not just in the limited development area, but also in the resource conservation area.

The Chair recognized Mr. William Hebb. Addressing the Board, Mr. Hebb noted that in view of the discussion this date and the concerns raised by the members of the Board, he would urge that the Commissioners not favorably comment on this document, until the State properly addressed those issues which specifically applied to waterfront properties. He commented that as it stood, the Chesapeake Bay Initiative was arbitrary, capricious in its initiative and was discriminatory against the Tri-County areas, as well as the Eastern Shore in its implementation. In conclusion he felt that all of these issues had not been sufficiently addressed by the Chesapeake Bay Initiatives.

Mr. Charles Young related that in having personally read the criteria numerous times, he felt that the impact upon St. Mary's County was very severe. He felt that under the proposed criteria, the issue of shoreline erosion had not been adequately addressed. He urged that the Commissioners add to their commentary to the Critical Areas Commission that the local jurisdiction be allowed to reserve a consideration of those particular problems, as they occurred on individual pieces of land. He stressed that as it was written, if a property fell within the 100 ft. buffer zone, a property owner literally "could not touch it." Mr. Young stressed that now was the time for the local jurisdictions to make a fight to get as much leeway as they possibly could.

Mr. Gerred advised of the timetable set by the Critical Areas Commission, noting that the deadline for submittal of written comment was July 25th. He will be attending their work session at Wye Island, wherein they will review all comments in order to formulate their final document by November.

Commissioner Dean moved, seconded by Commissioner Arnold, and unanimously passed, that the Commissioners incorporate their concerns, voiced this date into correspondence being prepared for the Critical Areas Commission, coupled with staff's commentary, and authorize the President of the Board to sign said letter on behalf of the entire Board of County Commissioners.

(COMMISSIONER MILLISON LEFT MEETING - 2:20 p.m.)

LEXINGTON PARK TRANSPORTATION PLAN

Present: John Norris, Director, Public Works
Frank Gerred, Director, Planning & Zoning
Joseph O'Dell, Director, Budget & Data Services

Mr. Norris displayed and reviewed the proposed Lexington Park Transportation Plan from Chancellors Run Road to Peggs Road and noted through which properties the new road would go.

The cost to build the first section of this road, from Chancellors Run Road to Jarboesville Run, is approximately \$1 Million. Four subdivisions with approximately 1700 units are planned for this area and it is proposed that a surcharge be imposed on each unit. The County currently charges a \$500 impact fee (\$300 recreation and parks fee and \$200 economic impact fee).

Mr. Norris discuss the proposed schedule for construction of the road as follows:

- FY '86 - Design of the first portion of the highway from Chancellors Run Road to Jarboesville Run at an approximate cost of \$200,000.
- FY '87 - Contract be let for construction of first portion and design commence for remaining portion to Peggs Road.
- FY '88 - Construction of second portion commence.
- FY '89 - Completion.

Mr. Norris stated that the County would take the responsibility of coordinating the design and construction. The method of financing would be for the County to advance funds with the payback from the developers

through the surcharge. The advance could be included in the County's supplemental appropriation ordinance which the Budget Director noted will be subject of a public hearing next month.

After lengthy discussion Commissioner Dean moved, seconded by Commissioner Aud to approve the conceptual layout of the proposed road; that it be included in the Supplemental Appropriation Ordinance hearing; and that the funding for the construction of the road be through a surcharge to the developers estimated to be \$600 per dwelling unit (to be negotiated with developers, Recreation and Parks, Planning and Zoning, and Public Works) Motion carried.

EXECUTIVE SESSION

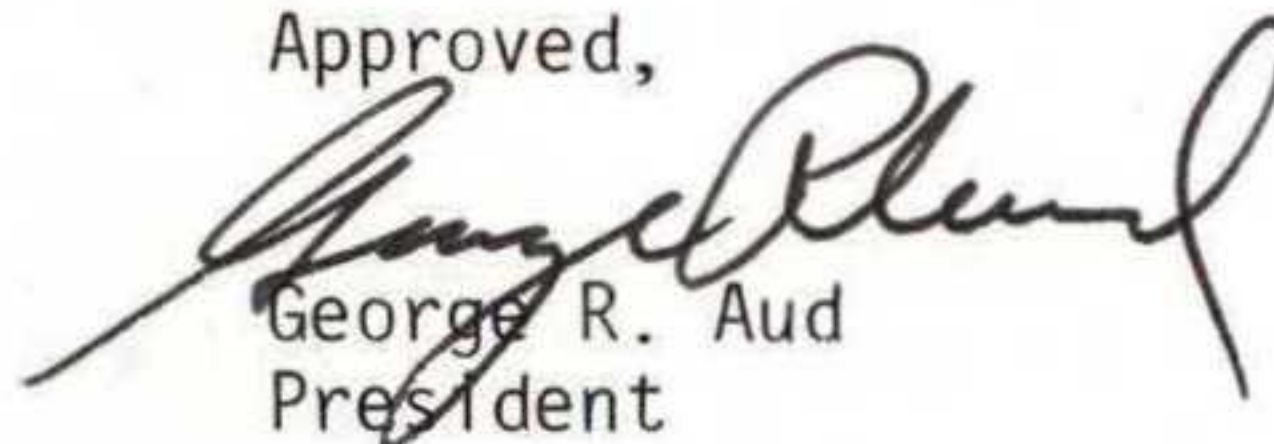
Present: Edward V. Cox, County Administrator

Commissioner Aud moved, seconded by Commissioner Arnold, to meet in Executive Session in order to discuss matters of litigation, property acquisition and personnel. The Session was held from 2:50 p.m. to 3:30 p.m.

ADJOURNMENT

The meeting adjourned at 3:30 p.m.

Approved,

A handwritten signature in cursive script, appearing to read "George R. Aud".

George R. Aud
President