

BOARD OF COUNTY COMMISSIONERS' MEETINGTuesday, March 4, 1986

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

Commissioner President George Aud and Commissioner Richard D. Arnold were not present due to illness.

CALL TO ORDER

The meeting was called to order at 9:35 a.m.

APPROVAL OF MINUTES

Commissioner Dean moved, seconded by Commissioner Sayre, to approve the minutes of the Commissioners' meeting of Tuesday, February 25, 1986. Motion carried.

APPROVAL OF BILLS

Commissioner Sayre moved, seconded by Commissioner Dean, to approve payment of the bills as submitted. Motion carried.

TOBACCO BARN TAX

Present: Robert Jarboe, President, Farm Bureau
 John Hall, President, St. Mary's Farmers Association
 Bradford Reeves
 Ed Swecker, Cooperative Extension Service
 Joseph Mitchell, Director, Dept. of Economic & Community Dev.
 David W. Morgan, Economic Development Coordinator
 Dr. Patricia White, Cooperative Extension Service
 Other interested members of Farm Bureau and Farmers Assoc.

Representatives of the St. Mary's Farmers Association and the Farm Bureau appeared before the Commissioners to request consideration to allow a tax credit for tobacco barns. Mr. Reeves distributed copies of the section of the Annotated Code (Section 9-212) which grants the local governing body the authority to grant such a tax credit. Mr. Reeves went on to cite figures market value, assessments, etc. and indicated that the tax on tobacco barns is unfair and is a hardship for farmers in St. Mary's County. During discussion Mr. Reeves reminded the Commissioners that the Agricultural Task Force, which had been appointed by the Commissioners, had recommended that a tax credit be given.

Mr. Swecker distributed information giving statistics on the cost and price of tobacco since 1983. He stated that the tobacco business in St. Mary's County is declining because of the decrease in price.

Mr. Jarboe indicated that in conversations with representatives of the Assessment Office, allowing a tax credit would mean a decrease of approximately \$74,000 in the County's revenues.

During discussion Commissioner Dean advised, and the Board concurred, that because of the ramifications and impact on the County's budget, the decision whether to grant such a credit would have to be considered during the budget process.

In addressing the long range concerns for tobacco farmers, Commissioner Dean suggested that an Agricultural Commission be formed under the County's Department of Economic & Community Development with perhaps a paid staff person with expertise in the agricultural field. This Commission could assist the County in providing more emphasis on the agricultural community and farming issues. In concluding this suggestion, Commissioner Dean requested input and reaction from the Farmers Association to the idea of establishing such a Commission.

Commissioner Millison pointed out that he would not be able to vote on the issue of a tax credit because he owns seven tobacco barns.

Mr. Morgan and Dr. White advised that there will be a meeting on Wednesday, March 5 in Annapolis by the Maryland Rural Affairs Council on the Relation of Agriculture to Rural Communities. Anyone wishing to attend should contact Mr. Morgan for arrangements.

In conclusion the County Commisioners thanked those present for their informative presentation and stated that the Board will do everything possible to provide assistance.

DEPARTMENT OF RECREATION AND PARKS
BIDS ON SECOND DISTRICT SHELTER BUILDING

Present: John Baggett, Director, Recreation and Parks

Mr. Baggett presented the bid tally sheet for the various contracts for the referenced project and recommended awarding the bids as follows:

<u>Building Structure</u>	
Loffler Construction	\$13,575
<u>Septic System</u>	
Woodburn Excavating	3,800
<u>Concrete</u>	
J. A. Norris	2,900
<u>Masonry</u>	
Randy's Masonry	4,120
<u>Plumbing</u>	
E & M Plumbing	8,475
<u>Electrical</u>	
William C. Mattingly or Leonard Harding Jr.	2,200
<u>Well</u>	
Due to be bid	
<u>Landscaping</u>	
Due to be bid	

Total Cost of
Awards to Date: \$35,070

Commissioner Sayre moved, seconded by Commissioner Dean, to award the bids as recommended. Motion carried.

CDA FUNDING RESOLUTION
SWAREY BUILDERS/COUNTRY SIDE

Present: Joseph Mitchell, Director, Dept. of Economic & Community Dev.
Robert Erickson, on behalf of Swarey Builders

Mr. Mitchell advised that Swarey Builders is requesting approval of a Resolution for a rental housing development, known as Country Side, in Lexington Park, consisting of 59 units to be financed by the Community Development Administration.

In that Commissioner Dean wished to abstain on this matter, the Assistant County Attorney rendered an opinion that a quorum would not be present to vote and that the matter should be deferred until a later date.

DEPARTMENT OF PUBLIC WORKS

Present: John B. Norris, Director

1) COUNTY BRIDGE REPLACEMENT AND INSPECTION

Mr. Norris advised that proposals were solicited for inspection and rating of County bridges that do not qualify as bridges by the state and recommended accepting the proposal submitted by The Wilson T. Ballard Company in the amount of \$2,400 for the following timber/concrete box culverts:

- a) Busy Corner Road;
- b) Sandgates Road;
- c) Millstone Landing Road;
- d) Hermanville Road;
- e) Drayden

Commissioner Dean moved, seconded by Commissioner Dean, to accept the proposal as presented. Motion carried.

2) COUNTRY LAKES
DEED AND ROAD RESOLUTIONS

Mr. Norris presented a Deed dated February 11, 1986 by and between County Lakes and the Board of County Commissioners of St. Mary's County for the acceptance of West Winston Drive and East Winston Drive, Section 2, Country Lakes Subdivision into the County Highway Maintenance System.

Further, Mr. Norris presented the following Road Resolution for the Commissioners' review and approval:

Road Resolution No. R-85-53

Posting East Winston Drive and West Winston Drive in Country Lakes at 25 miles per hour.

Road Resolution No. R-85-54

Designating the following streets in Country Lakes as Stop Streets:

East Winston Drive as it intersects with Yowaiski Mill Road;

West Winston Drive as it intersects with Yowaiski Mill Road.

Commissioner Sayre moved, seconded by Commissioner Dean, to accept the referenced Deed and Road Resolutions as presented. Motion carried.

3) ST. PATRICK'S CREEK DREDGING PROJECT

Mr. Norris advised that the Army Corps of Engineers has postponed the dredging of St. Patrick's Creek because of current unavailability of funds and will reschedule when funds are available. The Commissioners requested that Mr. Norris appeal to our Congressmen to intervene to have this project done.

4) RUBBLE LANDFILL REGULATIONS

As a follow up to last week's discussion regarding a proposed amendment to the Rubble Landfill Regulations, Mr. Norris requested the the Commissioners' concurrence in agreeing to this amendment.

The Commissioners gave their concurrence to amend Item No. 6 to read "with loads of less than one cubic yard may be accepted at no charge" instead of "less than ½ ton will be accepted at no charge."

5) NO PARKING SIGNS AT TOWN CREEK MARINA

(Also Present: Mrs. Lois Watson, Patuxent Beach
Citizens Assoc.)

Mrs. Watson inquired as to the status of the "No Parking" signs that were to be placed along the road near the Town Creek Marina. Commissioner Dean stated that after the meeting on February 21, Mr. Norris was directed to prepare Road Resolutions posting certain areas as "No Parking" areas and would then order the signs. He stated that the Sheriff has agreed to patrol and enforce it.

After some discussion, Commissioner Dean agreed to meet with the Public Works Director in having the appropriate Road Resolutions prepared for presentation next week.

PROCLAMATION NO. 86-01
GIRL SCOUT WEEK

Present: Gina Canobbio, Cadette
Jennifer Henderson, "
Lisa Buszko, Junior
Theresa Gibson, Brownie

The Commissioners presented the referenced Proclamation designating the week of March 9-15, 1986 as Girl Scout Week in St. Mary's County.

FY '87 BUDGET DISCUSSION

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

Mr. O'Dell distributed and reviewed computerized preliminary budget figures for Expenses and Revenues for FY '87 and stated that not all departmental budgets have been received. Mr. O'Dell pointed out because of the elimination of federal revenue sharing and increases in certain fixed costs, the Commissioners will have to make decisions regarding budgetary cuts or increase in taxes.

After some discussion, the Commissioners agreed to continue discussion at next week's meeting.

COMMENDATION
FAMILY OF JOSEPH D. CARTER

Present: Mrs. Ruth Carter and daughter

The Commissioners presented a Commendation to the family of Joseph D. Carter for his inspirational dedication to the community while he was Director of Social Services from 1966 until his untimely death on September 17, 1985.

DISCUSSION REGARDING FLOATING HOME MORATORIUM

Commissioners present: Larry Millison, Chairman, David Sayre and Ford Dean. Commissioners Richard Arnold and George Aud were absent. Staff present included: Frank J. Gerred, Director, Robin Guyther, Planner, and Anita M. Meridith, Recording Secretary.

Mr. Frank Gerred, Director of the Office of Planning and Zoning, briefed the Board on the history of the pending "floating home" issue. On March 11, 1985, the County Commissioners held a joint hearing with the St. Mary's County Planning Commission relative to the houseboat consideration. Having taken the matter under advisement since that date, the Planning Commission on February 10, 1986 forwarded their recommendation to the County Commissioners, suggesting that the definition of floating homes be redefined and that regulations pertaining to control of "live-aboards" in commercially zoned marinas be prepared. Mr. Gerred further explained that the State ban/moratorium expired on February 28, 1986 and that the Planning Commission urged that the County Commissioners establish a further moratorium in this interim period (until formal action by the County had transpired).

Commissioner Sayre led the discussion and addressed his views on the matter to the voluminous audience, present this date. Commissioner Sayre emphasized that he spoke to the issue, and not to any individual or existing operation. Mr. Sayre spoke vehemently against a moratorium and stated, "I feel strongly that we should ban them. That's the only way to get rid of pollution, is doing away with anything that causes pollution." Mr. Sayre urged that St. Mary's County was an established champion and protector of the bay and the environment, as evidenced by the success of the much publicized law suit filed by the County against the State and upper counties. Mr. Sayre was most emphatic in his address, noting, "I will not go any other way than ban them...you can't regulate anything without having pollution." He felt certain that if permitted, the majority of the houseboats would be moored in the small creeks, coves and inlets of the County, calm waters, where there would be no cleansing action associated with the flushing of tides, which would only enhance this grievous polluting situation. Commissioner Sayre acknowledged the fact that there were existing problems now in the Herring Creek area, that an expansion of this alternative type housing in this particularly sensitive area, would create an unalterable negative impact on the shellfish and marine life in this already critically impacted environs. Addressing the issue of "preexisting houseboats" and their rights under the "grandfather clause", Mr. Sayre emphasized, "I don't see how they can defy that law...well, we were here in Herring Creek, Patuxent and all these rivers long before there was houseboats, so, I think the people themselves, we come in under the grandfather clause instead of a houseboat." In conclusion, Mr. Sayre commented, "These floating homes defy everything that the Chesapeake Bay Clean Up Program approves of, they defy everything...we all stand together and my fellow Commissioners here will stand by you, you can guarantee that. I'm not the leader of the group by any ways, but I say ban them, get them to hell out of here, don't want to see them, don't want to see any built."

Commissioner Millison asked whether anyone wished to offer comment.

An unidentified individual spoke to the negative aspects of houseboats, particularly loss of tax revenue, and their impact on a community in Delaware.

Mr. Charles Carruth identified himself as an adjoining property owner in Cedar Cove and stated, "I agree one thousand percent with Mr. Sayre." Mr. Carruth advised that he had discussed this issue in depth with Commissioner Sayre and agreed that an outright ban of houseboats should be imposed, rather than any type of moratorium or regulation. He urged that this was a problem that would only tend to "grow and grow", that the existing Health Department regulations had proved to be "unenforceable" and that he was "dead set against it....I'll fight this thing as high and as large as I have to go with it."

Commissioner Sayre announced publicly that having discussed this matter with the all of his fellow Commissioners, he believed they all took the same stance, however, he was going to ask each individual member of the Board to join with him in formalizing a united vote to ban houseboats. Mr. Sayre welcomed public input with regard to the decree concerning those existing floating homes in the County.

Commissioners Dean and Millison both acknowledged their support of fellow Commissioner Sayre's position.

Commissioner Sayre wished the record to reflect that numerous individuals and organizations had contacted him, voicing their opposition to the houseboat issue. He identified one particular organization as that of the St. Mary's County Watermen's Association, who had, by unanimous decision of its members, voted to forward their recommendation to the Commissioners to effect an outright banning of all houseboats in the waters of St. Mary's County.

In response to inquiry by the Board, Mr. Gerred advised that the proper procedure for the Board at this point would be that the Board proffer a recommendation that the County Attorney draw up the resolution adopting the regulation and if the Commissioners so desired, staff could research the procedure and provide a recommendation relative to the amortization of the existing floating homes and provide a specific time frame for that process.

Discussion ensued and Commissioner Dean felt that should the Board entertain a motion to ban floating homes in St. Mary's County, that inherent in the motion would be the understanding that the staff and County Attorney prepare the appropriate resolution. Additionally, he commented that such issues as the definition of "floating home" would require specific address in the drafted resolution.

Commissioner Sayre moved, seconded by Commissioner Dean, that the County Attorney, in conjunction with the Office of Planning and Zoning, prepare the appropriate resolution, banning floating homes in St. Mary's County, said resolution to be prepared and presented to the Board for further consideration on March 11, 1986.

The Chair called for the question.

Mr. Jack Witten suggested that the Board should consider an amendment to their motion and resolution which would also provide for the removal of all existing floating homes.

Commissioner Sayre advised that he was amenable to an amendment addressing removal of all existing floating homes. Commissioner Millison agreed and suggested that should such a resolution meet with any opposition (removal of existing floating homes), the Board could address the sole issue relative to the banning of all future units at that point.

Mr. Robin Guyther, Planner, Office of Planning and Zoning, advised that technically, the issue before the County Commissioners, was an amendment to the Zoning Ordinance which listed floating homes as prohibitive uses in St. Mary's County and further establishment of a definition for "floating home." He explained that a resolution would therefore, approve the amendment to the Zoning Ordinance which would prohibit floating homes and establish the specific definition for floating homes.

The Chair recognized several other individuals in the audience, who all spoke in opposition to the houseboat issue, urging the Commissioners to enact legislation thereby banning houseboats in St. Mary's County (unidentified spokesperson for the St. Jerome's Citizens Association, Mr. William Hebb, Robert Jarboe - President of the St. Mary's County Farm Bureau and Eleanor Cogen, speaking on behalf of the St. Mary's County Friends of the Chesapeake).

Mrs. Ingrid Hebb suggested that the Commissioners consider drafting a "back-up" resolution, which would continue/extend the moratorium until such time that the resolution and/or appropriate legislation was adopted to ban houseboats in the County.

Motion and second remaining on the floor, Commissioner Millison called for the vote. Motion passed unanimously (amend the Zoning Ordinance to ban houseboats in St. Mary's County).

Following brief deliberation of the Board, Commissioner Dean moved, seconded by Commissioner Sayre, to instruct the County Attorney to prepare the appropriate resolution, thereby extending the moratorium on houseboats in St. Mary's County, for a five (5) year period or until such time that the aforereferenced resolution banning said floating homes in St. Mary's County, was acted upon/adopted by the County Commissioners. Motion unanimously passed.

The Board also requested that the County Attorney address the issue of "grandfathering" of existing houseboats.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator

Commissioner Dean moved, seconded by Commissioner Sayre, and unanimously carried, to meet in Executive Session as follows:

Land Acquisition

with: Frank Gerred, Director, OPZ
John Bagget, Director, R & P
Joseph Densford, Asst. County Attorney

Litigation

with: Frank Gerred, Director, OPZ

Contract Negotiations

with: B. Harris Sterling, Director of Finance

Personnel

with: Billye McGaharn, Director, Area Agency on Aging

The Session was held from 12:30 p.m. to 2:15 p.m.

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) CHANGE OF MEETING DATE - MARYLAND DAY

In that Tuesday, March 25, 1986 is a holiday, Maryland Day, the Commissioners agreed to meet on Wednesday, March 26, 1986.

2) DONATION OF LAND
ADJACENT TO COUNTY AIRPORT

The County Administrator presented a Deed dated December 17, 1985 by and between Joseph A. Waldschmitt and Alice R. Waldschmitt and the Board of County Commissioners of St. Mary's County for the donation of land adjacent to the County Airport on Airport Road.

Commissioner Dean moved, seconded by Commissioner Sayre, to approve and accept said Deed. Motion carried.

3) PERSONNEL
IN-HOME SERVICES COORDINATOR
OFFICE ON AGING

The County Administrator presented a memorandum dated March 3, 1986 from the Personnel Officer recommending the appointment of Bernice Smith to the position of In-Home Services Coordinator, Grade 5-2, in the Office on Aging, effective March 10, 1986. If approved, authority is requested to fill the Benefits Counselor position, Grade 5, vacated by the lateral transfer of Bernice Smith.

Commissioner Sayre moved, seconded by Commissioner Dean, to approve the above requests. Motion carried.

4) ZONING AMENDMENT RESOLUTION
MARYLAND MONEY MARKET
ZONE #84-1306

(Application to rezone Lot 9, Block H, Section 1 of Patuxent Park Subdivision, from R-4, Medium Density Urban Residential, to CL-0, Commercial Limited - Office. Property is located in Eighth Election District of St. Mary's County, on Tax Map 43A.)

The Commissioners have conducted a public hearing and held subsequent discussion, Commissioner Dean moved, seconded by Commissioner Sayre, to approve and sign Zoning Amendment Resolution No. Z-86-03 GRANTING the rezoning. Motion carried.

5) REAPPOINTMENT
COASTAL RESOURCE ADVISORY COUNCIL

Commissioner Sayre moved, seconded by Commissioner Dean, and unanimosuly carried, to reappoint the following individuals to Coastal Resource Advisory Council:

<u>Name</u>	<u>Term to Expire</u>
Frank Gerred, Director, OPZ	January 31, 1988
Mark Milburn, citizen	"
Robin Guyther, OPZ (alternate)	"

AGENDA REQUEST

Present: Bill Hebb
Frank Gerred, Director, OPZ

Mr. Hebb appeared before the Commissioners to advise that he had requested the Office of Planning and Zoning to send him Planning Commission agendas, and he received a letter that this would not be done because of costs. Mr. Hebb referred to the County's open meeting law Section 4-204 regarding Notice of Meetings. In addition, Mr. Hebb stated that he recently received the County Commissioners' agenda which had a notice that no agendas will be mailed in the future in that it will appear in the Friday edition of the Enterprise.

After some discussion it was agreed that Mr. Hebb would receive the Planning Commission and County Commissioners' agenda in the future.

OFFICE OF PLANNING AND ZONING

Present: Frank Gerred, Director, OPZ

1) COASTAL ZONE MANAGMENT CONTRACT

Mr. Gerred advised that the deadline for submission of the Coastal Zone Management Contract to the State is Monday, March 10 and therefore requested the Board's approval on the following relative to the Contract:

- a) For general administrative support (salary and equipment) in the amount of \$18,000;

Commissioner Dean moved, seconded by Commissioner Sayre, to approve the administrative portion of the CZM grant. Motion carried.

- b) For the addition of the Esperanza Drive project in the CZM grant for the installation of a stormwater filtering system in the amount of \$25,000 with the cooperation of the neighbors.

Commissioner Dean moved, seconded by Commissioner Sayre, to approve the inclusion of the Esperanza project. Motion carried.

- c) For the inclusion of the Town of Leonardtown project in the CZM in the approximate amount of \$50,000.

Commissioner Dean moved, seconded by Commissioner to approve the inclusion of Leonardtown's project and further to authorize Commissioner Vice-President Millison to sign the Coastal Zone Management Grant Appllication. Motion carried.

2) COMPREHENSIVE LAND USE PLAN UPDATE

Mr. Gerred reminded the Commissioners of their willingness to proceed with the hiring of an additional planner to assist in the update of the Comprehensive Land Use Plan and implementation of the newly developed regulations. He stated that the date for receipt of the proposals is March 28 and he would like to begin the hiring process as soon as possible.

The Commissioners agreed to defer this matter until next week.

3) APPOINTMENT OF PLUMBING INSPECTOR

As a follow up to last week's discussion regarding the appointment of a Plumbing Inspector as set forth in the February 25 memorandum from the Personnel Officer, Commissioner Dean moved, seconded by Commissioner Sayre, to select Joseph Weiland for the position of Plumbing Inspector, Grade 11, Step 3, effective March 3, 1986. Motion carried.

4) CORPS OF ENGINEER APPLICATION
CHARLES KIMBALL

For the Commissioners' information, Mr. Gerred stated that there had been some controversy with regard to Mr. Kimball's application with the COE. The original application had been withdrawn and the new application for arrangement of pilings had nothing to do with "floating homes."

5) AGRICULTURAL LAND PRESERVATION DISTRICT
VERNA VIRTS BAILEY, ET AL

(Requesting approval to establish an agricultural land preservation district in Clements. The properties contain a total of 422 acres and are located on Md. Rtes. 234 and 242 in the Seventh Election District, shown on Tax Map 24 and 31, as Parcels 17 and 121, zoned AR, Agricultural-Residential.)

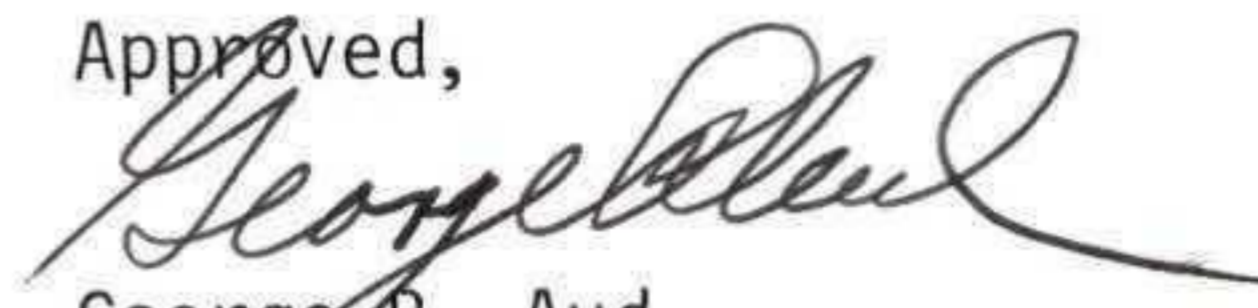
Mr. Gerred advised that the referenced application had been presented to the Agricultural Preservation Committee and the Planning Commission, both of which recommend approval by the Board of County Commissioners.

Commissioner Sayre moved, seconded by Commissioner Dean, to submit the application to the State for the establishment of an agricultural land preservation district as presented. Motion carried.

ADJOURNMENT

The meeting adjourned at 3:05 p.m.

Approved,



George R. Aud
President