

BOARD OF COUNTY COMMISSIONERS' MEETINGTuesday, July 21, 1987

Present: Commissioner W. Edward Bailey, Vice-President  
 Commissioner Robert Jarboe  
 Commissioner John Lancaster  
 Commissioner Rodney Thompson  
 Edward V. Cox, County Administrator  
 Judith A. Spalding, Recording Secretary

CALL TO ORDER

The meeting was called to order at 9:00 a.m.

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to approve the minutes of the Commissioners' meeting of Tuesday, July 14, 1987 and the Special Meeting of Wednesday, July 15, 1987. Motion carried.

APPROVAL OF BILLS

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

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) USERS' FEE SEMINAR

The County Administrator reported that there will be a seminar entitled "Users Fee - Towards Better Usage" to be held in Washington, D. C. on July 30 and stated that perhaps that some of the staff and Commissioners may be interested in attending.

2) BUDGET AMENDMENTS

The County Administrator presented the following Budget Amendments recommended for approval by the Director of Finance:

No. 87-53  
Office on Aging - STTAP

For purchase of new equipment - \$9,314

No. 87-54  
Director of Finance

To adjust funding of midyear relocation.

No. 87-55  
Public Works (Landfill)

Transfer necessary to fund accounts for FY '87 - \$18,300.

No. 87-56  
Public Works

Transfer necessary to fund accounts for FT '87 adjustments

No. 87-57  
Finance/Personnel

To adjust funding for salaries and fringe.

No. 87-58  
Finance

To allocate budget amount for services performed by Metropolitan Commission for first three quarters of FY '87.



No. 87-59  
Sheriff's Department

To transfer funds to cover potential county costs to fund prior service of Sheriff's Department employees.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve and authorize the President of the Board to sign the Budget Amendments as presented. Motion carried.

No. 88-1  
Finance/State's Attorney

To fund personnel actions approved by County Commissioners on June 30, 1987 - \$14,335.

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to approve Budget Amendment No. 88-1. Motion carried.

3) ROAD CONSTRUCTION AGREEMENT  
RICHARDSON ROAD

The County Administrator advised that the Board of County Commissioners had agreed to accept 110 feet of Richardson Road which had not been previously taken into the County's Highway Maintenance System. Mr. Richardson was to submit a check for the County to pave the 40' wide, 110 foot portion of the road. He stated that a check in the amount of \$1300 has been received and therefore requested approval of the Road Construction Agreement dated May 17 between the County Commissioners and Riverside Farms, Inc. and accept of a Deed dated May 7 by and between Riverside Farms, Inc. and Board of County Commissioners.

Commissioner Thompson moved, seconded by Commissioner Jarboe, to approve the Construction Agreement and accept the Deed as presented. Motion carried.

4) CORRESPONDENCE TO LEGISLATIVE DELEGATION  
TALL TIMBERS SHORE EROSION DISTRICT

The County Administrator presented correspondence addressed to the Legislative Delegation requesting assistance in helping the County secure an interest-free loan from the Department of Natural Resources for the property owners at Tall Timbers for cost overruns.

The Commissioners agreed to sign and forward the letter as presented.

5) PERSONNEL  
LEAVE WITHOUT PAY REQUEST

The County Administrator presented a memorandum dated July 17, 1987 requesting change of status from full time permanent status to permanent part time and leave without pay for Kathleen Tennison (Department of Recreation and Parks) until she returns to work after the birth of her child.

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to approve the request as presented. Motion carried.

(COMMISSIONER O'DELL ENTERED THE MEETING - 9:40 A.M.)



6) PERSONNEL

The County Administrator presented the following items of Personnel for the Commissioners' review and consideration:

a) Request for Training and Educational Assistance Revision

Memorandum dated July 20, 1987 from Personnel recommending certain changes to establish monetary limitations and service requirements so all eligible employees have the opportunity to take advantage of the Educational Program.

The Commissioners agreed to defer a decision until next week.

b) Site Manager  
Office on Aging

Memorandum dated July 21, 1987 from Personnel recommending the appointment of Catherine B. Pilkerton and Helen A. Thompson as permanent part-time Site Managers, G-1, effective on or about July 27, 1987.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to accept this recommendation. Motion carried.

c) Bus Driver  
Office on Aging

Memorandum dated July 21, 1987 from Personnel recommending the appointment of Frances A. Hammett, Mary M. Johnson, and Joseph P. Torney as permanent part-time Bus Drivers, G-1.

Commissioner Lancaster moved, seconded by Commissioner Bailey, to accept this recommendation. Motion carried.

d) Central Communications Operator II

Memorandum dated July 21, 1987 from Personnel recommending the appointment of Dorothy M. Russell to the Central Communications Operator, Grade 9, Step 6 position, to be effective on or about July 27, 1987.

Commissioner Bailey moved, seconded by Commissioner Thompson, to accept this recommendation. Motion carried.

e) Central Communications Operator I

Memorandum dated July 21, 1987 from Personnel recommending the appointment of Thomas A. Mattingly, Jr., and Richard A. Corcoran as part-time Communications Operator, G-8, for the Civil Defense Office, effective on or about July 27, 1987.

Commissioner Bailey moved, seconded by Commissioner Thompson, to accept this recommendation. Motion carried.

7) REGIONAL TOURISM FOR SOUTHERN MARYLAND

The County Administrator reminded the Commissioners of the presentation last week regarding the establishment of a Regional Tourism Program for Southern Maryland. He stated that the County's Tourism Advisory Council would like to submit a report prior to the Board making a decision. The Commissioners requested Mr. Cox to obtain the report by next week's meeting.



AIRPORT LEASE: COUNTY COMMISSIONERS - LESSOR  
AIRPARK SALES AND SERVICE, INC. - LESSEE

Present: Dan Guenther, Attorney, Airpark Sales & Service, Inc.  
Joseph Densford, Assistant County Attorney

The County Administrator reviewed with the Commissioners the comments received from Assistant County Attorney Densford and Public Works Director Norris relative to the proposed Airpark Sales and Service lease. The principal components involved a necessary adjustment to the Airport Master Plan, several legal technicalities, and the question of restroom facilities and the ability of the site to support a septic system. Assistant County Attorney Densford and Attorney Guenther representing the Lessee discussed the above concerns and indicated that there should be no problem with the amendment to the Airport Master Plan that the Lessee is in agreement with the legal issues raised.

The principal question requiring resolution is the ability of the site to support a septic system, and the Health Department is currently working on that issue. Mr. Guenther requested the approval of the Lease by the Board of County Commissioners contingent upon the above conditions being satisfied. Assistant County Attorney Densford expressed opposition to such conditional approval and recommended that the conditions be satisfied prior to consideration of approval being given by the County Commissioners.

Mr. Cox was directed by the County Commissioners to contact the Health Department to determine the possibility and timing of resolving the septic system issue and report back to the County Commissioners on July 28 at which time the County Commissioners will decide an appropriate action.

AIRPORT LEASE: ST. MARY'S COUNTY COMMISSIONERS - LESSOR  
ST. MARY'S HANGAR ASSOCIATION, INC. - LESSEE

As a follow up to previous discussions, the County Administrator presented correspondence from the St. Mary's Hangar Association forwarding two leases, each containing the revisions negotiated; one containing limit on profits and the other containing limits. The lease is for land use to construct a tee hangar at the County Airport.

After discussion Commissioner Lancaster moved, seconded by Commissioner Bailey, to approve the Lease by and between the St. Mary's County Commissioners and the St. Mary's Hangar Association, Inc. as revised and which includes a profit adjustment statement. Motion carried.

FEASIBILITY STUDY  
WICOMICO SHORES GOLF COMPLEX

Present: John Baggett, Director, Recreation and Parks  
Randy Worls, Consultant, American Institute for Leisure Resources  
Members of the Chaptico Recreation Corporation  
Members of the Wicomico Shores Advisory Committee

Mr. Worls appeared before the Commissioners to review the Feasibility Study of the Wicomico Shores Golf Complex, which was completed in June. A synopsis of the study was provided to each of the Commissioners, and Mr. Worls explained that the study included an analysis of the financial, statistical and operational data of the site; a staffing levels review of the golf course and restaurant operation; an analysis of the present maintenance of the golf course and grounds; and an evaluation of all facilities.

During his presentation Mr. Worls pointed out that four options were available to the Commissioners:

1. To leave operation as it is, as a Sub-s corporation being operated by a Board appointed by the County Commissioners;



2. To make the facility a pure county facility and operated directed under the auspices of the County with the Department of Recreation and Parks responsible for its operation.

3. To find a concessionaire to operate the entire complex.

4. To sell the facility and retain any financial benefit by the sale.

Mr. Worls indicated that it was the recommendation of American Institute for Leisure Resources that the Chaptico Recreation Corporation be dissolved and that the complex be a complete county facility. He stated that should the Commissioners choose this option, the other options would remain open to them.

At this time Mr. Worls reviewed the further recommendations of the Institute--Golf Complex Manager, Cash Controls, Pro Shop, Driving Range, Golf Carts, Food and Beverage Operation, Liability Insurance, etc., as well as financial and statistical projections.

Mr. Baggett advised that the Chaptico Recreation Board of Directors and the Advisory Council met on July 15 at which time the Board voted to make the facility a separate division of the Department of Recreation and Parks.

After discussion, the Commissioners agreed to take the recommendations under advisement.

CHAPTICO RECREATION CORPORATION  
INCOME AND EXPENSE STATEMENT

Present: Edward V. Cox )  
John v. Baggett )  
Joseph Mitchell )Chaptico Recreation Corp.  
Joseph Densford )  
Mel Reed (ex-officio) )  
  
James Beaven )  
James Bannagan )  
Hal Bishop )Chaptico Advisory Committee  
Bert Fenwick )

On behalf of the Chaptico Recreation Corporation, Mr. Baggett presented the Income and Expense Statement for the period ending June 30, 1987. He reviewed the repairs needed for Wicomico Shores and indicating that with the income realized from the facility, it will not be necessary to borrow money from the County to fund these repairs. Mr. Baggett further noted that he will be making application for grant funds from Waterway Improvements (DNR) and Program Open Space.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator  
John Norris, Director, Department of Public Works  
Joseph Densford, Assistant County Attorney

Commissioner Thompson moved, seconded by Commissioner Jarboe, to meet in Executive Session in order to discuss a matter of land acquisition. Motion carried. The Session was held from 11:20 a.m. to 11:55 a.m.



SENATOR MIKULSKI'S STAFF VISIT

Present: Dean Kenderdine  
Dan Thompson

The referenced staff members of Senator Mikulski appeared before the Commissioners to reinforce the Senator's visit of a couple months ago and to introduce themselves as contact persons for the Senator. Current legislative issues were discussed including the recently passed Highway Bill, the Elementary and Secondary Education Act (still in Committee) and the Spousal Impoverishment Bill.

The Commissioners thanked Messrs, Kenderdine and Thompson for their interest in the County and advised that they would contact them when needed.

OFFICE OF PLANNING AND ZONING

The full complement of the Board was present: Joseph P. O'Dell, W. Edward Bailey, Robert Jarboe, John G. Lancaster and Rodney Thompson. Staff present included: Frank J. Gerred, Director, Robin Guyther, Planner, and Betsy Anthony, Recording Secretary, Office of Planning & Zoning.

EVAPOTRANSPIRATION SYSTEM

Mr. Gerred distributed a copy of a letter he had received from Mr. Richard W. Walters, Assistant Professor of the Department of Civil Engineering from the University of Maryland. Since the previous Board of County Commissioners had approved funding of Tasks III and IV, the letter was to inform the Commissioners that with the modification of the existing facilities for monitoring activity of Task III would be eliminated. Because of the reduction of travel to the facilities, they anticipated that the project cost would be reduced by about \$1,000. Mr. Gerred indicated that he felt there was not a need for further action pertaining to this matter.

TEST WELL BRIEFING

Mr. Gerred addressed the Commissioners on the suggested test wells to be located in the vicinity of Charlotte Hall. The previous Board of County Commissioners requested that he speak with Mr. Harry Hansen of Maryland Geological Survey to find out if the adjoining neighbors were interested in proceeding with the test well in that general vicinity. Mr. Gerred distributed copies of a letter from Mr. Harry Hansen and a copy of the project proposal. He explained that Calvert and Charles County were not interested at this time with the proposal. St. Mary's County would share a portion of the cost with the Maryland Geological Survey (\$34,475) and the Power Plant Research (\$25,000) leaving the county with the balance of \$59,475. The question needing to be discussed was whether the county wanted to continue with the test well in the Charlotte Hall area.

Commissioner O'Dell informed the other Commissioners that they should add the item to the pending list for reference at a future date. He stated that the county did not have in their budget, at this time, the funds for the project.

Commissioner Thompson asked why private enterprises would not have a definite interest in that type of project, and Mr. Russell, Director of Environmental Health, explained that they could have an interest but that the private companies were very busy.

The Commissioners concurred that they would make a decision soon.



PATUXENT RIVER FARMS

Mr. Guyther informed the Commissioners that the project was part of the undeveloped area north of Town Creek and at the end of Myrtle Point Road. When the property was rezoned, one of the conditions for the rezoning was that the developers would either rebuild Myrtle Point Road or build a new road to the project. The State Highway Administration, which was aware of the requirement, had become involved. SHA had determined that Route 4, at some point in time, might become a dualized highway. If it becomes a dualized highway, it would be a requirement to have cross-overs 3000 feet from each other. State Highway felt that when Route 4 becomes dualized, it should be moved from a rural classification to an urban classification. Mr. Guyther indicated that he had prepared a draft letter to Mr. Hal Kassoff, Administrator of State Highway Administration, formally requesting that the State Highway Administration allow an access to Route 4 for a road as shown on the attached plan. The road will be constructed by the developer of Patuxent River Farms and will be constructed to County standards. It will be incorporated into the County highway system and be owned and maintained by the County. Adjoining properties would be allowed access to this new road.

Commissioner O'Dell asked if there would be potential additional access points provided to Route 4, and Mr. Guyther informed him that what SHA was saying was that in some point in time Route 4 will become dualized and will have criteria for cross-overs.

Commissioner Bailey asked if the State would go along with it if the County does, and Mr. Gerred explained that they would if the Commissioners recommend approval.

Mr. Guyther addressed the fact that a portion of Myrtle Point Road would have to be reconstructed. He used a copy of the site plan to indicate the present dangers of the road at this time. He pointed out the location of the new Myrtle Point Road, where the old road is currently located, where the reconstruction would be and where the new road would begin.

Commissioner O'Dell asked Mr. John Norris, Director of Public Works, how the road would be constructed. Mr. Norris explained that he was still in the preliminary stage with the developers, but that the road standard would be based on the traffic volume. He indicated that he would like to have the opportunity to review the plan.

Mr. Guyther informed the Commissioners that the reason OPZ got involved was because the applicant felt that DPW would not act as quickly as they wanted them to.

Mr. Norris indicated that they did not have enough information to make a decision at that time.

Commissioner O'Dell asked Mr. Norris, assuming he could get all the information he needed, how long would it take him to make a decision. Mr. Norris explained that he would make a commitment, if he could receive all pertinent information, to make his decision in one week. He explained to Commissioner O'Dell that the type of information needed was technical and that he would provide that information to the applicant.

Commissioner O'Dell informed Mr. Norris that once he had received the pertinent information, he was to make his decision within one week.



LONGVIEW BEACH SPECIAL TAXING DISTRICT

Present: John Norris, Director, Department of Public Works  
Viola Gardner, Property Owner, Longview Beach  
James Washington, Property Owner  
Al Lacer, Attorney representing Mrs. Gardner and Mr. Washington  
Other property owners in Longview Beach

Relative to the proposed Special Taxing District for certain roads in Longview Beach (public hearing for which was held July 7, 1987), Mr. Lacer explained that he has been retained by the referenced individuals. Mrs. Gardner at last week's meeting presented a petition with 56 signatures requesting that Hill Top Road be included in the District. Mr. Lacer presented correspondence to the Board and indicated that his clients have expressed a number of concerns regarding the district:

1. That not all property owners were fully informed or did not understand the nature of the taxing district when they voted on it. It was unclear to them what streets were to be included in the District;
2. That homeowners whose properties are not located on the streets to be improved will have to pay an annual assessment fee equal to those homeowners on the paved streets.
3. That not all the lots were counted for the purposes of determining the votes necessary to approve the Taxing District.

Mr. Norris explained that the hearing held on July 7 was for certain roads and in order to change that, the process would have to be reinitiated with new petitions, public hearing, etc. He indicated that many meetings were held with the Longview Beach Citizens Association, and it had been determined that the proposed district, which includes the main collector roads, was the most feasible and at an affordable cost. He stated that as more lots are built on additional funds would go into the district, reducing each property owner's assessment. Mr. Norris further pointed out that a special district could be established at a later date for Hill Top and other roads.

In closing Mr. Lacer reiterated the concerns and stated that he questioned whether the majority of the property owners did vote because unimproved lots had not been included in the voting process. He stated that Mrs. Gardner will be required to pay for this taxing district when she does not live on the road and if a special taxing district is established for Hill Top, she will be required to pay another assessment. He stated that the property owners questioning the district are withdrawing their consent.

During discussion Commissioner O'Dell expressed the opinion that he felt the issues raised should be considered by the Board prior to making a decision.

Commissioner Lancaster stated that he felt the process was done in a fair manner and the majority of the property owners were in agreement and sign the petition for the District. Therefore, Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve the establishment of the Special Taxing District for Longview Beach as presented at the July 7, 1987 public hearing and to sign Resolution No. 87-10 establishing the District. Commissioner O'Dell voted against motion. Motion carried four to one.



DEPARTMENT OF PUBLIC WORKS

Present: John Norris, Director

1) PROJECT NO SM 88-1-5  
PAVEMENT MARKINGS

Mr. Norris presented the bid tally sheet for the referenced project and indicated that one bid was received; i.e., Allied Striping, Inc., in the amount of \$45,000. Mr. Norris recommended that the Commissioners award the bid to Allied Striping, Inc. as submitted.

Commissioner Jarboe moved, seconded by Commissioner Bailey, to award the bid as recommended. Motion carried.

2) MD. RT. 246 (FROM RT. 5 TO SARATOGA DRIVE)

Mr. Norris presented correspondence for the President of the Board's signature addressed to the State Highway Administration stating that the County concurs with SHA's recommendation to proceed with the next phase of work for the reconstruction of Md. Rt. 246. The letter further states that of the four alternatives presented Alternative 2 and Alternate 4 were of major interest to the County.

Commissioner Thompson moved, seconded by Commissioner Bailey, to authorize Commissioner O'Dell to sign the letter as presented. Motion carried.

3) TANNERS CREEK SHORE EROSION DISTRICT

Mr. Norris advised that correspondence dated July 9, 1987 was received from the Tanners Creek Citizens Association requesting repairs to the stone revetment and requested authorization for Public Works to do the repairs acting as a District Council for that Shore Erosion District with the costs being charged to the District.

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to approve DPW making the necessary repairs as recommended by Mr. Norris. Motion carried.

4) IRREVOCABLE LETTER OF CREDIT

Stark Drive - Golden Corral

Mr. Norris stated that on July 25 the \$29,000 Irrevocable Letter of Credit will be due for the road that services the Golden Corral, Stark Drive. He indicated that with the exception of a couple of work items, all work is completed. Mr. Norris requested authorization to make claim on the Letter of Credit if a Cashier's Check representing the amount of work to be done is not received.

Grading Permit No. 86-07  
Golden Corral

Grading Permit No. 87-01  
Flower of the Forrest

Mr. Norris advised that the Irrevocable Letter of Credit is due August 1 for Grading permits No. 86-07 in the amount of \$15,700 and for Grading Permit No. 87-01 in the amount of \$75,000 and requested authorization to call the Letters of Credit if they are not formally and officially extended.

Commissioner Thompson moved, seconded by Commissioner Jarboe, to authorize the Director of Public Works to call the Letters of Credit, if necessary, as outlined by Mr. Norris. Motion carried.



5) ST. MARY'S ACADEMY PROPERTY

In response to comments made at last week's public forum by a representative of Long & Foster Realty, Mr. Norris stated for the record that he does not today nor intend to in the future have any interest in the St. Mary's Academy property, Academy Hills property or other land. Mr. Norris stated that the individual is a licensed real estate agent and should have checked the records. He advised that the matter is in the hands of the Attorney.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator

Commissioner Jarboe moved, seconded by Commissioner Thompson, to meet in Executive Session order to discuss a matter of Personnel. The Session was held from 3:30 p.m. to 3:50 p.m.

JOINT PUBLIC HEARING OF THE ST. MARY'S BOARD OF COUNTY COMMISSIONERS' AND PLANNING COMMISSION HELD JULY, 21, 1987, at 7:30 P.M., IN THE LEONARDTOWN MIDDLE SCHOOL, LEONARDTOWN, MARYLAND.

CRITICAL AREAS LOCAL PROGRAM AND DRAFT COMPREHENSIVE PLAN

Board of County Commissioners present: Commissioner Bailey, Commissioner Thompson, Commissioner Jarboe, and Commissioner Lancaster.

St. Mary's Planning Commission members present: Chairman Joseph M. Gough, Jr., Mr. Al Gough, Mr. Jim Spence, Mr. Keith Fairfax, and Ms. Hope Swann (arrived during the meeting).

Office of Planning & Zoning staff: Mr. Frank J. Gerred, Director, Mr. Robin Guyther, Deputy Director, Mrs. Betsy Anthony, Recording Secretary, Mrs. Patricia Guy, Data Management Technician, Ms. Laura Clarke, Planning Technician, and Mr. Jeffrey Jackman, Planner.

Other individuals present included: John W. Quade, Jr., Rudy Baliko, Mildred Fletcher, Steve Skaklec, Brian Haskell, Ann B. Haskell, F. Williams, Mark Milhum, Fred J. M. Williams, Bert Abell, Joseph B. Carroll, Jr., W. Edward Bailey, Jim Spence, John L. Onglinsky, Frances Eagan, Ray Mathieson, Belva Mathieson, Gene Piotiowki, Robert G. Dean, Jr., John G. Lancaster, Ron & Joanne Pyle, W. C. Dutton, Jr., Martin P. Forrest, Paul Chesser, Joch F. Witten, Ed Cox, Greg Van Meter, John B. Norris, Fred & Ethel Bishop, Virginia Cox, George Klear, N. J. Hanks, Charlotte Young, Jim Kenney, D. Jarboe, Darri Jarboe, Charles A. Young, Mary & Louis Grande, Margaret Kern, Julie King, L. R. Richardson, Roy Van Housen, Madeline A. Gatean, Betty Robrecht, Jean Waikart, Dan Armitage, Patrick Wm. O'Donnell, Susan A. Greenwell, Carolyn Watson, Steve Bunker, Jean Marsh, Gill Darya, III, Billy Fitzgerald, Elliot Marshall, Clayton Culliam, Thomas Barnes, John Slade, Patricia McGuire, Mary Owens, Mary Whetstine, A. G. Rea, Larry O'Brien, Libby Dufresne, Steve Magoon, Ren Serey, Dick Meyers, Elinor Cofer, Viki Volk, P. Jones, Barbara Haskell, J. M. Jarboe, Jack Perdue, J. Scott Ridgell, Mr. & Mrs. Thomas Kohut, Web & Mary Bell, W. D. McGrath, Mr. & Mrs. Williams, Del. Johnny Wood, Jr., Ed Yates, Charles P. Osborne, Catherine W. Barnes, George S. Barnes, A. H. Pembroke, H. N. Redmond, and Arthur K. Amrei.

PUBLIC HEARING

Chairman Joseph M. Gough, Jr., of the Planning Commission, read the public hearing notice aloud into the record, as published in "The Enterprise" Newspaper on June 26, 1987 and July 1, 1987, a publication of general county-wide circulation, providing legal notification.



Commissioner Bailey informed the audience that questions and comments would be taken after Mr. Frank Gerred, Director, Office of Planning & Zoning, gave his presentation.

Chairman Gough addressed the audience indicating that they were gathered to discuss the mandate that the State of Maryland had imposed on the various jurisdictions that border the Chesapeake Bay. All of the counties were being given the opportunity to adopt local legislation to comply with the State legislature's mandate that was aimed at protecting the Chesapeake Bay and surrounding property.

Mr. Frank Gerred, explained the schedule that the Comprehensive Plan was following. On August 6, 1987, all counties across the State are suppose to submit to the Critical Area Commission a local program based on the criteria developed by the Chesapeake Bay Critical Area Commission. In order to submit a program by that time, it was felt that the hearing should be held as soon as possible. He explained that he felt it would be better to proceed somewhat slower to be able to submit a much better program and that by doing that, they would probably miss the August 6 deadline. Mr. Gerred explained that the program was done in two phases: (1) what is existing and (2) what is proposed. He referenced a map of the county indicating three items of importance. These regulations and accompanying map describe the areas defined as Intense Development Districts, Limited Development Districts and Intensive Development Districts, as defined in the Chesapeake Bay Critical Area Criteria. These districts superimpose additional developmental regulations in addition to any existing regulations:

1. Intense Development District - excludes non-maritime heavy industry, extraction of natural resources, sanitary landfills and solid waste or hazardous waste collection facilities. Additionally, design requirements require stormwater management to improve the quality of water leaving the site after development or redevelopment.
2. Limited Development District - is to be similar in character to the existing development and can include marinas. Density is between four units per acre and one unit per five acres.
3. Resource Conservation District - is limited to one dwelling per 20 acres and agricultural and aquacultural uses.

Additional site use requirements for water quality were imposed throughout the Critical Area. A natural vegetative buffer of 100 ft. was the general requirement and a 25 ft. filter strip or "Best Management Practices" was required for agricultural uses. While the Critical Area Criteria allows designation of additional limited development district or intensive development district none was proposed at the moment. The following resources had been mapped or inventoried so that salient, significant or required protections can be provided:

1. Agricultural Lands;
2. Non-Tidal Wetlands;
3. Tidal Wetlands;
4. Forest Resources;
5. Sand and Gravel Resources;



6. Tributary Streams;
7. Threatened and Endangered Species;
8. Anadromous Fish and Spawning Streams;
9. Plant and Wildlife Habitats;
10. Steep Slopes; and
11. Soils with Development Constraints.

Mr. Gerred explained that the map displayed did not allocate any of the county's allowed 5% growth of the Resource Conservation District.

The Chairman gave background information on the 5% expansion that was being permitted under the law to be released for more intensive development, but it was not being recommended for release at the present time by the Planning Department and he believed that the Planning Commission would support their recommendation. The legislation was something he felt the county would have to live with for generations, and because of the long duration of the effect, the Chairman believed that it was most appropriate not to rush into taking advantage of the small opportunity that the State had permitted to release some of the critical area for more intensive development. He felt that it would be proper for the county to take its time in deciding where it would allocate the 5% of the approximately 35,000 acres of county land that borders the Chesapeake Bay and its tributaries.

Mr. Gerred informed the audience that once the designation of the districts were made, the critical area criteria called for the Resource Conservation Districts to have a limited development of one dwelling unit per 20 acres. In the Limited Development District, the county was constrained to limit the development to four units per acre or to maintain the character of the area that exists. In the intensive development district, commercial, industrial, or high density residential will be allowed with some constraints regarding water quality coming off of a site after development. Other requirements would be buffer zones, filter strips, and 100 ft. setbacks.

Hearing open to the public for questions and comments.

Mr. John Quade asked if anyone had been in contact with Governor Schaffer on the pending matter, and Mr. Gerred replied negatively. Mr. Quade informed Mr. Gerred that he felt it would be wise to do so.

Mr. Gene Rae explained that everyone had a good understanding of what was required by St. Mary's County. He asked what would be required from the people who live "upstream" from the county. He stated that he failed to see where St. Mary's County contributed to the spoiling of the Chesapeake Bay or its tributaries. He asked Mr. Gerred what was being required of the areas further up the county that were the main cause of the spoiling of the Bay. Mr. Gerred indicated that his question had been frequently asked by others. Larger cities and counties have the same requirements as St. Mary's County. Mr. Rae asked if Mr. Gerred's office could make available the requirements to the public, and Mr. Gerred informed him that the information would be available through the Office of Planning & Zoning.

The Chairman indicated that all of the jurisdictions of the state had a minimum response that they must make to the state law. They could go beyond it, but there were certain minimum standards that must be adopted by counties that border the Chesapeake Bay. The state will not tell each county how to implement the regulations. He felt that it might be important to think about what the legislation would not do. The staff was not planning to recommend to the County Commissioners that the county's non-residential waterfront land be rezoned. If anyone had waterfront property that was zoned commercial, it would continue to be that. The same would apply to residential as well as land zoned for aquatic use.



Mr. Rudy Baliko informed the members that he wanted to look at 68% of the area which was forested, asking what the rights would be included in the forestry plan. Mr. Gerred indicated that there would be a requirement on timber management plans for areas that had timber, however, that regulation had not yet been written. There would have to be sediment and erosion control for harvesting. Mr. Baliko asked when the forestry ordinance was proposed, would it be county wide or just in the critical area. Mr. Gerred replied that he did not know, for that was not a decision that he would make. Mr. Baliko informed everyone that he thought the plan was a bad one.

Ms. Virginia Cox indicated that she knew the project was of utmost importance and a lot of laws would be put into effect. Her main concern was who was going to monitor the interjection of laws and who was going to pay to have it done. She also asked if the project was federal, state, or local, and Mr. Gerred informed her that it was a state project and that the implementations of the forestry and agricultural section will be largely left for the Department of Natural Resources and the Maryland Forestry Service. The county will receive money for implementation purposes which is estimated at about \$130,000 for the next budget year.

Mr. Bruce Haskell inquired about the type of zoning that would apply for a person owning an amount of acreage which would be zoned as one dwelling unit per acre. Under the RCA it would be one dwelling unit per 20 acres which would significantly change the density of the property and change the market value of the land. He asked if anyone had discussed about how to compensate property owners in that regard. Mr. Gerred informed him that the county's effort would not include a compensation plan for that requirement. The State Critical Area Committee discussed if there could be compensation, and they have not made a decision. The committee encouraged anyone in that category to join the Agricultural Land Preservation Program.

Mr. J. Scott Ridgell asked if the Commission members had an opportunity to review the package which was distributed and was it the package being used, and Mr. Gerred felt the members had not had a full amount of time to review the package and that it would be revised.

The Chairman informed the audience that there were three elements of the program to be reviewed. Several weeks ago the Planning Commission received a package containing a basic ordinance for the members to individually review. The Planning Commission along with the public, had an opportunity to review the maps that had been applied for the county. The Critical Area Program had not yet been reviewed. The Chairman felt it was necessary to discuss the process which would take place in the county. At the end of the public hearing, the staff would make a report of its findings to the Board of County Commissioners and Planning Commission. In August there will be another public hearing conducted about the matter, and at that time the hearing process would be concluded. The staff would prepare its report, present it to the Planning Commission for review, the Planning Commission would hold another public hearing, and then make their public recommendation to the Board of County Commissioners. The Board of County Commissioners would conduct another public hearing at a regularly scheduled hearing and adopt the final plan to comply with the regulations.

Commissioner Bailey informed Mr. Ridgell that the other Commissioners had received their packages in their boxes the same day of the meeting and had not had a chance to review them.

Mr. Gerred explained that after the Commissioners adopt a plan, it would then be sent to the Chesapeake Bay Critical Area Commission (CBCAC). The CBCAC would hold a public hearing in St. Mary's County on the local program and make their comments to the County Commissioners. Once those comments are received, the review would begin over again.



Mr. John Quade asked what would the additional cost be for the farmers in the community and what would the final impact be on those farmers (referenced page 21, section d of the St. Mary's County Critical Area Program). Mr. Gerred indicated that Mr. Quade's point had already been made to the Senate and House of Delegates hearing committees. The state did not have a figure as in terms of cost.

Commissioner Jarboe informed the audience that were he was president of County Farm Bureau, state agencies were very active in the program. The program was state mandate legislation and the county had the opportunity to try and control what happens without the state taking over. He felt strongly against it saying that the land had been devalued. Commissioner Jarboe indicated that he was familiar with the situation because he had been previously involved with it.

Delegate John Slade indicated that he needed to clarify a comment made by Mr. Quade about the Southern Maryland Delegation opposing the critical area bill. At the time the bill was presented to the general assembly during the 1984 session of the legislation, the bills were referred to the House of Environmental Matters committee. The committee did a considerable amount of redrafting of the bills and then the bills received general consensus. After research was done, it was apparent that the Bay was dying and it would have been best to use the opportunity to do something about it. Governor Hughes once said, "how we use our land effects the quality of our water." There are a lot of things in the bill that were being proposed. He said all of the St. Mary's County Delegation voted for the bill in its final form.

Ms. Williams, of Calvert County, indicated that she and her husband came to the hearing to get facts straight before going to Calvert County's public hearing. She informed Mr. Gerred that she was going to fight the bill and take it "all the way."

The Chairman felt that Ms. Williams comments were misdirected since the meeting was not for arguing. The county was trying to accommodate the mandate that had been given to them.

Mr. Gerred informed the audience that the maps being reviewed were still in the draft stages and were subject to changes.

NOTE: The Chairman called for a 15 minute break to allow the audience to view the maps.

After allowing the audience time to view the maps, Mr. Gerred reviewed the summary of the critical area delineation and regulations as he reviewed the maps.

Mr. Rudy Baliko asked if an individual had sold a tract of timber, if it was in the critical area or not and the bill becomes effective, will there be grandfathering in the matter. Mr. Gerred said that the critical area process would allow for grandfathering for events that had occurred prior to the regulations being in effect. Mr. Baliko indicated that with the individual sale of timber, many people had to sell because of financial reasons, and he asked if that would be taken into consideration when the Forestry Board reviewed the timber sales in the area. Mr. Gerred recommended that he come to the sessions that pertained to forestry and asked that he give input into the matter. The forestry regulations that will be required under the critical area program had not been written to staff's satisfaction.

Mr. Gerred explained that there were provisions in the regulations for existng small lots and how to go about providing for them. There are provisions in dealing with things that are in transition at the time that the regulations are adopted. It appears that the Advisory Committee and the Planning Commission will accept the minimum standards for those kinds of situations.



Mr. Jack Witten asked what the formula was being used to determine the density, and Mr. Gerred indicated that the formula was taken from the critical area criteria using a 20 acre base area to calculate density.

The Chairman stated that what he thought would be helpful was to have copies of the regulation and the implemented plan distributed around the county. It was his feeling that the maps were that part of the regulation that were least likely to be changed. There will be a good chance that a substantial change would be seen in the ordinance and regulations.

Mr. Jack Witten suggested that the maps displayed should be signed and dated so that the public would know if they had seen the maps previously.

Ms. Elinor Cofer stated that she dealt with women's groups and felt it necessary to refute what a gentleman spoke about earlier dealing with farmers. There were many women who were supporting the critical areas and were solidly behind the committees involved.

Ms. Vici Volk asked about the 5% and when it would be delineated and asked the Chairman if he had a projection as to when the county would map the 5% or make those decisions. The Chairman indicated that it would be done sometime in the future.

Mr. Charles Young asked what the source of the third draft was, and Mr. Gerred informed him that it was from the consulting firm Wallace, Roberts, Todd (WRT).

Ms. Ann Haskell explained that she did not feel that all the women were behind the critical areas. She felt that Ms. Cofer should not have spoken for all women because there were many areas that she did not agree with.

Mr. Larry O'Brien asked what process would be available to the public (after the plan had been adopted) to have themselves reclassified if it was found that they had been incorrectly classified. Mr. Gerred explained that the process was being adopted under the development regulations of the Zoning Ordinance. Those regulations had an adoption of an amendment process built it them. The procedure would probably be similar to the rezoning process currently used by the county. Anytime a change is made to the regulations or classifications, that change must be submitted to the Critical Area Commission and they must comment back to the Board of County Commissioners and Planning Commission in regards to the change.

Hearing no further comments or questions, the public hearing was closed and the meeting was adjourned at 9:10 p.m.

#### ADJOURNMENT

The meeting adjourned at 3:50 p.m.

APPROVED,



W. Edward Bailey  
Acting President

The joint public hearing  
was approved by the Planning  
Commission on August 10, 1987.