

BOARD OF COUNTY COMMISSIONERS' MEETINGTuesday, July 19, 1988

Present: Commissioner Carl M. Loffler, Jr., President
 Commissioner W. Edward Bailey
 Commissioner Robert T. Jarboe
 Commissioner John G. Lancaster
 Commissioner Rodney Thompson
 Edward V. Cox, County Administrator
 Judith A. Spalding, Recording Secretary

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

APPROVAL OF MINUTES

Commissioner Lancaster, moved, seconded by Commissioner Jarboe, to approve the minutes of the Commissioners' meeting of Tuesday, July 12, 1988. Motion carried.

APPROVAL OF BILLS

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

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) LETTER TO ST. MARY'S COUNTY LITTLE LEAGUE

The County Administrator presented correspondence addressed to Mr. Zwick of the St. Mary's County Little League expressing congratulations for accomplishments as District Administrator.

The Commissioners agreed to sign the letter as presented.

2) BUDGET AMENDMENT NO. 88-04
DETENTION CENTER

The County Administrator presented the referenced Budget Amendment recommended for approval by the Director of Finance with the following justification: To reverse budget authority for detention center for bills sent to the State for payment.

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

3) REASSIGNMENT OF DOROTHY BRISCOE

The County Administrator presented a memorandum dated July 15, 1988 from the Personnel Office recommending the reassignment of Dorothy Briscoe to the Special Activities Coordinator position, Grade 5, in the Department of Economic & Community Development, effective July 1, 1988.

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

4) RESOLUTION NO. 88-20
CLOSING OF PARK PLACE

The Commissioners having conducting a public hearing on June 7, 1988 on the closing of Park Place (County Route 3140) in Town Creek Subdivision, Section 5-A, Commissioner Thompson moved, seconded by Commissioner Bailey, to approve and sign Resolution No. 88-20 declaring Park Place closed as a public street. Motion carried.

5) REVISED GRANT PROPOSAL
ALCOHOL DRUG ABUSE PREVENTION GRANT

On behalf of the Office of Community Services, the County Administrator presented the revised grant for the referenced program for FY 1989 amending the March 1988 grant application.

Commissioner Jarboe moved, seconded by Commissioner Lancaster to approve the revised grant proposal as submitted. Motion carried.

6) PUBLIC WORKS AGREEMENT
SAN SOUCI ESTATES, SECTIONS 3, 5, AND 6

On behalf of the Department of Public Works, the County Administrator presented a Public Works Agreement dated July 14, 1988 by and between J. Laurence Millison and St. Mary's County guaranteeing the completion of improvements in San Souci Estates, Sections 3, 5, and 6, Eighth Election District, by July 1, 1989. The Agreement is in the value of \$500,000 and is backed by a Letter of Credit with Maryland National Bank.

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Loffler to sign the Public Works Agreement as presented. Motion carried.

7) ADDENDUM TO PUBLIC WORKS AGREEMENT
WILDEWOOD PARKWAY/ASPEN LANE

On behalf of the Department of Public Works, the County Administrator presented an Addendum to the Public Works Agreement by and between Paragon Builders, Inc. and the Board of County Commissioners of St. Mary's County extending the deadline for completion of improvements to October 1, 1988 for Wildewood Parkway and Aspen Lane. The Letter of Credit is reduced to \$7,000 with Maryland Bank & Trust.

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to authorize commissioner Loffler to sign the Addendum as presented. Motion carried.

DEPARTMENT OF ECONOMIC & COMMUNITY DEVELOPMENT
ON BEHALF OF PROGRAMS

Present: Joseph Mitchell, Director, DECD

Mr. Mitchell appeared before the Commissioners to request the Board's authorization for Commissioner Loffler to sign a letter to the Community Development Administration relative to the "On Behalf Of" Program. Mr. Mitchell explained that each year the State requests the jurisdictions to reallocate back to the State the funds granted by Congress for this program so that the State can issue bonds on behalf of St. Mary's County.

After discussion Commissioner Bailey moved, seconded by Commissioner Lancaster, to authorize Commissioner Loffler to sign the letter to CDA transferring to CDA for use in issuing housing bonds on behalf of St. Mary's County, pending review by the Assistant County Attorney. Motion carried.

FARMERS' MARKET

Present: James Owens

Mr. Owens appeared before the Commissioners to express disappointment in the lack of participation for the two Farmers' Markets in the County--in St. Mary's City and on Great Mills Road. He stated that the market, which has been operating for three weekends, has corn, tomatoes, cantaloupes available, but there have been very few buyers. Because many farmers are now raising produce in lieu of tobacco, the poor market has hurt them. The Commissioners agreed to contact Martha Daughdrill of Economic & Community Development to discuss this situation.

COMPREHENSIVE PLAN - FARMERS' PETITIONS

Present: James Owens
James Beavan Sr.

The referenced individuals appeared before the Commissioners to express opposition to certain aspects of the Comprehensive Plan; i.e., the one house per ten acres and the one house per five acres for cluster development on farms. Mr. Owens referred to the petitions that had been submitted to the County Commissioners which according to Mr. Owens contained approximately 800 signatures. He stated that this provision would limit development of farm land. Mr. Beavan expressed concern that the restrictions on farm land would decrease the value of some land and increase the value of other and suggested the use of the transfer development rights (TDR) system for farm land.

In closing Commissioner Loffler pointed out that the Commissioners are just beginning the review process, that time will be allowed for public input during the public hearing process, and the farmers' concerns will be heard.

Another issue of concern expressed by Mr. Owens was the installation of water and sewer lines which the plan indicates stopping at Hermanville Road. He stated that property owners have been told that they cannot hook up to those lines.

Commissioner Loffler explained that the line was installed for restricted use for St. Mary's College; however, the Board would look into this matter.

ST. MARY'S COUNTY NURSING CENTER PROJECT

Present: John Norris, Director, Department of Public Works
Larry Abell, FSI

Mr. Norris appeared before the Commissioners to present an update of the problems regarding the nursing home construction project and to correct the record certain misconceptions as presented in a local newspaper.

Mr. Norris began by review the history of the project, establishment/dissolution/establishment of the nursing home board, hiring of the architect and contractor, etc. He stated that the services of the architect, Gaudreau, was terminated; however, a clause in the contract allowed Gaudreau to maintain the drawings. A release or settlement was never reached. In order to set the record straight, Mr. Abell pointed out that there never was a contractual arrangement with FSI and the County to perform services for the Nursing Center contrary to published reports.

Mr. Norris continued by stating that the County has taken on an aggressive role in this situation and possibly has saved hundreds of dollars. For the Commissioners information, he pointed out that the maintenance problems for the most part are minor and are being corrected, others are design problems.

After reviewing each of the problems and the necessary corrective measures, Mr. Norris affirmed that that there were no safety problems that would impair the health and comfort of the patients at the Nursing Center.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator
Charles Wade, Director of Finance
Joseph Densford, Assistant County Attorney

Commissioner Bailey moved, seconded by Commissioner Thompson, to meet in Executive Session to discuss matters of personnel and property transaction. Motion carried.

Personnel

Held from 9:45 a.m. to 10:10 a.m.

Property Transaction

Also Present: John Norris, Director, Public Works

Held from 10:10 a.m. to 10:35 a.m.

TWO-COMPARTMENT SEPTIC TANK POLICY

Present: Tom Russell, Director, Environmental Hygiene

Mr. Russell appeared before the Commissioners to explain the policy, effective July 1, 1988, for two-compartment septic tanks. The policy was necessitated increased septic tank problems because of neglected maintenance. In explaining the system, Mr. Russell addressed the fact that one of the disadvantages was the \$200 increased cost; however, he indicated that this was offset by its advantages.

In closing Mr. Russell reported that he has received positive comments except for one negative one.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator

Commissioner Thompson moved, seconded by Commissioner Lancaster, to meet in Executive Session in order to discuss a matter of Personnel. Motion carried. The Session was held from 11:15 a.m. to 12:15 p.m.

WORK SESSION
COMPREHENSIVE PLAN

Present Robin Guyther, Acting Director
— Jeff Jackman, Planner
— Laura Clarke, Planner
— Anita Meridith, Office Supervisor
— Betsy Anthony, Recording Secretary
— Tony Redman of Redman/Johnston Associates, Ltd. (Consultant).

Members of the audience included: Mary Whetstine, N. Jay Hanks, Dick Myers, Jim Marsh, Pamala Johnson, Floyd Williams, Elinor Cofer, Karl Sandler, Claire Mulford, Michael Whitson, Daniel Guenther, Leonard Greers, Viki Volk, and F. Elliott Burch, Jr.

Mr. Guyther addressed the Commissioners and provided them with the history of the Comprehensive Plan process as well as information regarding the Citizens' Advisory Committee.

Commissioner Loffler inquired as to the purpose of the committee for making the development areas a better place to work. Mr. Guyther explained that the committee had set up two development areas: Lexington Park and Leonardtown and had set aside guidelines for each area. The committee looked at the location of direct access to the major highways in the development areas (i.e. businesses fronting both Rt. 235 and Chancellors Run Road would gain access to Rt. 235 from Chancellors Run Road). He explained that the plan was not only for the location aspect of businesses but was also for capital improvement and that the capital improvement program should be considered conjunctive to the Comprehensive Plan. Mr. Guyther felt that the program was geared around the Lexington Park area. He explained that the Leonardtown area was completed in concert with the Leonardtown Commissioners who felt that the town needed to be expanded. Commissioner Loffler asked if that meant the town was looking toward annexation, and Mr. Guyther replied affirmatively.

Mr. Guyther explained that Town Centers were proposed in Charlotte Hall, Mechanicsville, New Market, Piney Point, and Hollywood. These areas were intended to be secondary growth areas provided with community facilities, as needs evolved. Correspondingly, the Plan would also have Village Centers designated at locations near key intersections. The villages of St. Mary's County were proposed for Bushwood, Callaway, Chaptico, Clements, Loveville, St. Inigoes, Ridge, and Valley Lee.

Mr. Guyther explained how the Critical Area Law applied to the Comprehensive Plan. The critical area, as an element of the land use plan, categories all land use within the designated area and sets standards and restrictions for new developments. The categories and restrictions were consistent with the state laws and include Resource Conservation Areas (RCA), Limited Development Areas (LDA), and Intensely Developed Areas (IDA).

Mr. Redman explained the aspects of the Neighborhood Conservation District. Future development within these districts will be compatible with established densities and patterns.

Commissioner Loffler was most concerned with what he saw happening with the plan. He felt that it did not show enough flexibility for growth in later years. He asked if the plan would allow the St. Mary's County Government to direct the growth of the county, and Mr. Redman replied affirmatively. Mr. Redman reiterated that there were, as illustrated in the plan, places for development: Development Districts, Town Centers, and Village Centers. It was anticipated between now and the year 2000 that approximately 17,000 people would be living in the county (5,800 home sites). He stated that he would not have felt comfortable working with a committee who had set aside just enough land for those 5,800 homes, because without flexibility for location the market would be hampered. Mr. Redman emphasized that the plan would be reviewed again in five years and should be tested to see if it had worked.

Commissioner Loffler asked what would happen if the Commissioners were to impose a impact fee on all new residential or industrial development in the Lexington Park area, and Mr. Redman explained that it would cause the developers to build elsewhere and would put pressure on the Town Centers and Village Centers.

Reviewing the overall map, Commissioner Loffler asked about the sewer system for St. Mary's City indicating that the St. Mary's County Metropolitan Commission had considered trying to make available approximately 3,000 additional hook-ups. Mr. Guyther explained that the previous Commissioners did not take action on that, but MetComm had agreed to widen the sewer lines so that the additional hook-ups could be accommodated. Commissioner Loffler suggested that the staff should look into it.

Ms. Mary Whetstine, a member of the Citizens' Advisory Committee, offered an explanation of the boundary lines for the Plan map. Referring to boundary line at Hermanville Road, she explained that the Patuxent Naval Air Station had requested that the line not proceed any further than Hermanville Road because it would interfere with the base's AICUZ zone for aircraft.

Commissioner Loffler asked about the rural area set aside for the Plan, and Mr. Redman explained that it was to distinguish between the rural and urban sectors of the county.

Commissioner Loffler asked if people had written letters requesting rezoning of their property, and Mr. Guyther affirmed that over 100 such requests had been received could be evaluated after the plan was adopted.

Mr. Jim Burch indicated that the committee had worked on the commercial section of the county, and one of the biggest problems was determining what was available. Mr. Redman explained that the section of the plan pertaining to the future availability of commercial land was the most difficult to determine.

Commissioner Loffler asked if the plan could accommodate impact fees being charged to specific areas, and Mr. Redman explained that the impact fees would help. He indicated that, along with impact fees, the plan provided for the chance to use the TDR concept which would offset the price of an impact fee.

Mr. Redman previewed the three alternative density concept plans for the Agricultural Protection District with the assistance of visual aid (charts providing density alternatives). The first option was for 105 acre lots with 50% of the site maintained in open space/agricultural use. Another option reviewed was the 12 3.3 acre lots with 60% of the site being maintained as open space/agricultural use. The last option pertained to 20 1.5 acre lots with 70% of the area dedicated to open space/agricultural use.

Commissioner Bailey questioned Mr. Redman about the Critical Area Concept with farms, and Mr. Redman explained that if a 100-acre farm was located within the critical area, then the farmer could use enough land to build five lots.

Mr. John Bohanan, Jr. commented on Commissioner Loffler's question regarding the amount of land to be set aside for future development. He felt that being a member of the committee, he had learned that the county needed to make a change in the development procedures. One of the committee's concerns dealt with the plan's impact on the county within a 15 - 20 year time span. Mr. Bohanan felt that, if the sprawl pattern continued in the county, the county would have to either increase property tax or decrease the level of service provided to the residents. He explained that the two factors that the committee reviewed regarding the plan were what kind of quality development was the county looking for in the future and the cost of sprawl development. Mr. Bohanan explained that the sprawl development might be nice for the present growth of St. Mary's County, but in 10-15 years the county would begin to feel the impact.

Mr. Redman indicated that the addition of impact fees to the plan was a valid idea, but the county would need a strong commitment for growth management.

Commissioner Loffler indicated that the plan seemed to have flexibility because Mr. Redman had stated that the plan would be reviewed in five or ten years to see if it was functioning correctly.

Commissioner Jarboe inquired as to changing the density requirement from one unit per five acres to one unit per three acres, and Mr. Redman explained that it would be an increase of approximately 60% in the development potential in the area.

Commissioner Jarboe referred to the agricultural density concept plan and asked what would happen to the remaining land and what the land could be utilized for. Mr. Redman indicated that the property owner could either consider selling the remaining land or consider the option of partnership.

Hearing no further questions or comments from the Commissioners, the meeting was then opened for public discussion.

Ms. Mary Whetstine indicated that the county had quite enough residential land to cover three times what would be needed in the next 20 years.

Ms. Elinor Cofer commented the St. Mary's County should compare itself with other counties and should appreciate the fact that it was surrounded by water. She felt that the residents of the county had a responsibility to try and preserve the land for future generations.

Mr. Jay Hanks felt that the TDR concept needed to be reviewed seriously, and Commissioner Loffler commented that he had not found where TDR's worked. Mr. Hanks indicated that the plan did not define how much land it would take for density and where that program started. Mr. Redman explained that it had been envisioned for the plan to begin in the Town Centers and gradually move to the Village Centers.

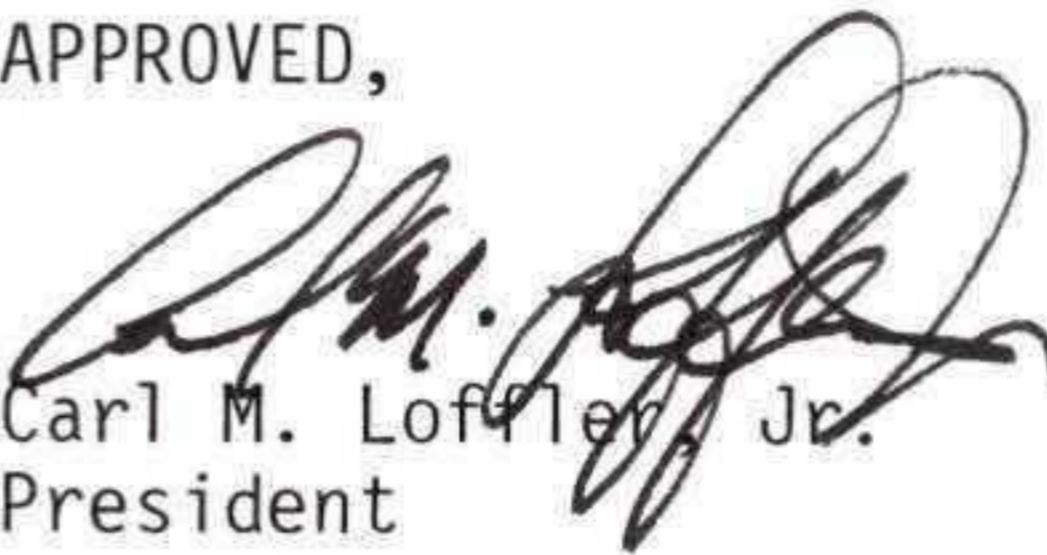
Mr. Floyd Williams reiterated Commissioner Bailey's comments regarding the development rights of the farmer and stated that he strongly agreed with his comment.

Hearing no further discussion, the meeting was informally adjourned at 3:10 p.m.

ADJOURNMENT

The meeting adjourned at 3:00 p.m.

APPROVED,

A handwritten signature in black ink, appearing to read "Carl M. Loffler, Jr.", written over the printed name.

Carl M. Loffler, Jr.
President