

**BOARD OF COUNTY COMMISSIONERS' MEETING**

Tuesday, September 18, 1990

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

CALL TO ORDER

The meeting was called to order at 9:05 a.m.

APPROVAL OF MINUTES

Commissioner Lancaster, moved, seconded by Commissioner Thompson, to approve the minutes of the Commissioners' meeting of Tuesday, September 11, 1990. Motion carried.

APPROVAL OF BILLS

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

CENSUS '90

**Present:** Mary Pat Agostinelli, Administrative Officer  
Mary Gibson, Planner, OPZ

The referenced individuals appeared before the Commissioners to advise the Commissioners that preliminary estimates have been received from the Bureau of the Census. These preliminary figures appear to show an undercount of population and housing units. Miss Agostinelli stated that the County needs to appeal these preliminary figures, and in order to document the figures, the County's inspectors conducted a survey in areas where development has occurred since 1980.

Ms. Agostinelli presented an Information Release relative to the above. The County Administrator presented correspondence addressed to the Bureau of Census indicating that the 1990 preliminary census indicates an undercount and requested the Commissioners signatures.

The Commissioners agreed to sign and forward the letter.

COUNTY ADMINISTRATOR'S ITEMS

**Present:** Edward V. Cox, County Administrator

- 1) HUNTING QUARTER PUD, PHASE TWO  
CONCEPT DEVELOPMENT PLAN

As a follow up to previous discussions the County Administrator presented the Concept Development Plan for the referenced project that had been required by the applicant prior to the Commissioners making a decision. He stated that the decision discussion will be scheduled for next week.

2) DRUG TESTING FACILITY

The County Administrator presented correspondence addressed to the Chief Executive Officer of St. Mary's Hospital expressing appreciation for his cooperation regarding the establishment of a drug testing facility in the County.

The Commissioners agreed to sign and forward the letter.

3) ENERGY TAX - PUBLIC HEARING

The County Administrator presented a memorandum dated September 14 from the Director of Finance suggesting that a public hearing be scheduled to amend the County's Energy Tax Ordinance. The purpose would be to change the collection from Southern Maryland Electric from the 21st of the month to the last day of the month in order to facilitate their accounting system.

The Commissioners agreed to schedule the hearing on October 2.

4. SEWAGE SLUDGE UTILIZATION PERMIT

The County Administrator presented correspondence from the Maryland Department of Environment forwarding a Sewage Sludge Utilization Permit Application for the application of sewage sludge on agricultural land located within one mile of St. Mary's County. County Administrator Cox recommended that the Commissioners not require a public hearing in the County on this application.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to not require a public hearing as recommended. Motion carried.

5) MIDDLE STATES COMMITTEE VISIT

The County Administrator presented correspondence addressed to the Visiting Committee of the Middle States Association of Colleges and Secondary Schools welcoming the Committee to St. Mary's during their visit to Great Mills High School.

The Commissioners agreed to sign and forward the letter

6) RESPONSE TO PAMELA CHANEY  
HEALTH DEPARTMENT - PERSONNEL ACTION

The County Administrator presented a response to Ms. Pamela Chaney relative to the Health Department's decision relative to her employment status. The letter indicates the County's concurrence with this decision.

7) RESOLUTION NO. 90-16  
NON-TIDAL WETLAND

As a follow up to last week's discussion the County Administrator presented the referenced Resolution which supports the efforts to develop a clear definition of a Non-Tidal Wetland.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve and sign Resolution No. 90-16. Motion carried.

8) NURSING HOME BED INVENTORY

The County Administrator presented correspondence addressed to the Maryland Health Resources Planning Commission responding to August 13 and 24 correspondence relative to the 1990 Nursing Home Bed Inventory and needs projection. The letter indicates that the number of additional beds needed in St. Mary's County is underestimated by the report and states that supporting statistics will be provided upon completion of the County's feasibility study.

Commissioner Bailey moved, seconded by Commissioner Thompson, to approve and sign the letter. Motion carried.

9) SOUTHERN MARYLAND EDUCATIONAL NEEDS ASSESSMENT

The County Administrator presented correspondence addressed to the University of Maryland University College responding to October 28 correspondence and indicating the Commissioners' concurrence with the statements of need and recommendations. The letter urges the University of Maryland System Chancellor and Board of Regents to adopt the recommendations of the task force.

The Commissioners agreed to sign and forward the letter.

10) LEASE AND OPERATING AGREEMENT  
COURTYARD DEVELOPMENT, INC.

The County Administrator presented the Lease and Operating Agreement for St. Mary's County Airport between Courtyard Development, Inc. and Board of County Commissioners for the construction of a 60 foot by 70 foot hangar with a lean-to. The document is recommended for approval by the Airport Commission and approved as to legal sufficiency by the County Attorney.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Loffler to sign the Agreement as presented.

11) AMENDMENT TO RESOLUTION NO. Z90-03  
SAMUEL B. BURCH, JR.

The County Administrator presented the referenced Amendment to Resolution No. Z90-03. Z90-03 had been approved by the Commissioners with a condition that "the subject property be served by a joint use well to the Magothy Aquifer." However, upon application for the permit from the Water Resources Administration, WRA informed the applicant that water shall be taken from one of two wells. Therefore, the County Administrator recommended that in order to accommodate the State's action an amendment should be made to Z90-03 which reads "that the property be served by a joint use well to the Magothy or to the Aquia Aquifer as approved by the State of Maryland Department of Natural Resources, Water Resources Administration."

Discussion ensued regarding this change. Commissioner Loffler questioned why WRA required use of the Aquia Aquifer rather than use of the Magothy Aquifer. He indicated the willingness of the applicant to use the Magothy and the well depth problems experienced by residential uses of the Aquia. Commissioner Bailey expressed support for the amendment because although the applicant was willing to comply with the condition, WRA required use of the Aquia and testified adequate water supply existed in the aquifer.

Later in the meeting after considerable discussion Commissioner Thompson moved, seconded by Commissioner Bailey to approve and sign the amended Resolution No. Z90-05 as presented. Commissioner Loffler voted against the motion. Motion carried. four to one.

DEPARTMENT OF PUBLIC WORKS

Present: Dan Ichniowski, Public Works

1) PEGG ROAD EXTENSION

Mr. Ichniowski presented correspondence addressed to Senators Sarbanes and Mikulski requesting support of the Pegg Road Extension project from Chancellors Run Road to Md. Rt. 235 which will improve the traffic flow in and out of the Naval Air Station.

The Commissioners agreed to sign and forward the letter.

2) ADDENDUMS TO PUBLIC WORKS AGREEMENTS

Mr. Ichniowski presented the following Addendums to Public Works Agreements for the Commissioners' review and consideration:

- Wilderness Cluster

By and between Redgate Ventures Partnership and the Board of County Commissioners extending the deadline for completion of Wilderness Cluster Subdivision, Section One, 3rd Election District to November 1, 1990. The Addendum is backed by a reduced Letter of Credit with International Fidelity Insurance Company in the amount of \$129,000.

St. George's Hundred

By and between St. Mary's One Limited Partnership and Board of County Commissioners extending the deadline for completion of St. George's Hundred Subdivision, 8th Election District to September 25, 1991. The Addendum is backed by a Letter of Credit with Maryland Bank and Trust Company in the amount of \$32,000.

DEPARTMENT OF TRANSPORTATION  
ANNUAL SIX-YEAR PLAN PRESENTATION

The Department of Transportation conducted its Annual Six-Year Plan to the Legislators, County Commissioners, Leonardtown Council and other interested individuals.

A tape of the proceedings is on file in the Commissioners' Office.

WALDEN-SIERRA PROJECT

Present: Dan Ichniowski, Director, Public Works  
Kathy O'Brien, Director, Walden  
Sue Gelrud, President, Walden  
Ziegfried Wolfe, DHMH  
Brian Dubey, DHMH

As a follow up to previous discussion Mr. Ichniowski advised that Walden had prepared four different schematic plans for the Sierra Project which is to be constructed on the Walden site on St. Andrews

Church Road. The original plans called for a 4,400 square foot facility; however, because of the State's space requirements, a larger facility is needed. An increase in size has created an increase in cost.

Mr. Ichniowski distributed a handout setting forth the particulars of the four schematic drawings and indicated that Plan #1 is the most desirable. Mrs. O'Brien stressed the need for adequate space to house 14 adolescent girls and two counsellors. \$45,640 would come from the Walden addition project, which has been cancelled in favor of using the old Sierra House for office space. An additional \$45,000 would be needed from the County for a total of \$45,640.

Mrs. O'Brien stated that Walden as it has done in the past, will reimburse the County for its share of the building costs through rental payments at the rate of \$1200 per month.

During discussion Commissioner Loffler raised a question regarding the County's Capital Program and indicated that although this is a worthwhile project, the County must look at all projects to determine priorities.

In conclusion the Commissioners suggested that Mr. Ichniowski work with the Director of Finance to determine a source of funds.

**INFORMATION RELEASE**  
**YOUTH CRISIS HOTLINE**

Present: Kathy O'Brien, Director Walden/Sierra

Mrs. O'Brien distributed an Information Release which states that Walden/Sierra had joined Governor Schaefer in proclaiming "Youth Crisis Hotline Day" in Maryland in recognition of the establishment of the nation's first too-free 24 hour, statewide telephone line for young people in crisis. Walden/Sierra, having established a 24-hour hotline in 1973, has one of the oldest hotlines in Maryland

**PROCLAMATIONS**

The Commissioners presented the following Proclamations:

**NATIONAL LUPUS AWARENESS MONTH - OCTOBER**

Designating the month of October as National Lupus Awareness Month in St. Mary's County.

**CONSTITUTION WEEK**

Present: Carolyn Billups

Designating September 16-22 as Constitution Week in St. Mary's County.

**ADULT DAY CARE WEEK**

Present: Gene Carter, Director, Office on Aging  
Bernice Smith, Office on Aging  
Norman Breslauer, Commission on Aging  
Rev. Rona Harding, "  
Carol Wells

Designating September 17-21 as Adult Day Care Week in St. Mary's County.

TOOTSIE ROLL MONTH FOR THE MENTALLY RETARDED

Designating the month of October as Tootsie Roll Month on behalf of the Mentally Retarded citizens of St. Mary's County.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator  
Joseph Densford, County Attorney  
Jon Grimm, Director, Planning and Zoning  
Jim Weber, Chief, Permits & Inspections

Commissioner Thompson moved, seconded by Commissioner Jarboe, to meet in Executive Session to discuss a matter of litigation. Motion carried. The session was held from 12:10 p.m. to 12:45 p.m.

SHIPPING POINT ELDERLY HOUSING PROJECT  
MARKET FEASIBILITY ANALYSIS

Present: Gene Carter, Director, Office on Aging  
Eileen Rosenthal, Director of Housing, Md. OOA  
Bernard Smink, Md. Office on Aging  
Jerry Doctrow, Legg Mason  
Janet Henry, "  
Michael Krause, "

Representatives of the Maryland Office on Aging and the firm of Legg Mason appeared before the Commissioners to present a preliminary market feasibility analysis of the Shipping Point Elderly Housing Project. The Shipping Point property, located in the Seventh District, was willed to the State by Mrs. Bruce Colton for use as a housing project by the elderly.

Mr. Doctrow reviewed the study highlighting the site and area analysis, demographic analysis, competitive analysis/housing supply, housing preferences of the elderly, demand analysis, and recommended development strategies. Recommended strategies include:

- To develop affordable rental housing, a sheltered housing project and a nursing home as distinct, but related components.
- To use public/private joint venture approach
- To have support from local government, other state agencies, and senior state officials essential for the project's success.
- To have a project implementation checklist provided in the text.

Discussion ensued regarding a balanced mix of housing, not just low income, use of the waterfront, and the costs for public water and sewer facilities.

After discussion it was agreed that Legg Mason would take the comments from this meeting, rework the details, including costs, of the project, and return to the Commissioners at a later date.

**OFFICE OF PLANNING AND ZONING**

Present: Jon Grimm, Director,  
Peggy Childs, Recording Secretary

**PUBLIC HEARINGS - 3:00 P.M.**

**ALPD #90-1011 - JOHN BEVINS MORRIS**

Requesting establishment of an Agricultural Land Preservation District (ALPD) Agreement and Sale of Development Rights Easement for this property in the 1st Election District, containing 230 acres, zoned RPD/RCA, located on the west side of Jutland Road, approximately 2 miles west of Route 5 off of Beachville Road; Tax Maps 67/70, Block 21, Parcel 61.

Mr. Grimm noted this public hearing was advertised as required by law, notice having appeared in The Enterprise newspaper on August 29, 1990 and September 5, 1990, and stated the request has been reviewed by the Agricultural Land Preservation Advisory Board and the Planning Commission, both of whom have recommended approval, as does staff, based on the following reasons:

- (1) The property meets State and County program criteria for ALPD establishment and easement sale.
- (2) Agricultural preservation and preserving "rural character" are major components of the Comprehensive Plan.
- (3) This property is a productive, viable farm.
- (4) Funds are available to implement the easement acquisition.

Mr. Grimm opened the hearing to public comment. Hearing none, the public portion was closed. The Commissioners having no questions regarding the application, Mr. Grimm noted it would be appropriate for the Commissioners to make a decision at this time; the application will then be forwarded to the State Foundation for final approval.

Commissioner Bailey moved for approval and forwarding to the State; the motion was seconded by Mr. Lancaster and passed by unanimous vote.

**SPEC #89-1911 - CHARLOTTE HALL BUSINESS PARK**

Requesting a water category change from W-6 to W-3 for this property containing 36.39 acres, zoned C-Commercial, located in the 5th Election District on the south side of Golden Beach Road, approximately 150 ft. east of Maryland Route 5; Tax Map 1, Block 22, Parcel 124.

Owner: SBC Development Company

This public hearing was also advertised in The Enterprise on August 29, 1990 and September 5, 1990. Mr. Grimm reviewed the staff report, noting that the property was rezoned from AR to C-2 in 1989, under the new Ordinance the zoning is C-General; staff and the Planning Commission recommend approval, but staff points out the outstanding issue that the rezoning by the County Commissioners was based on the

provision that water service to the site be from the Magothy Aquifer. The Water Resources Administration presentation to the Planning Commission on September 10, 1990, however, stated that the Aquia Aquifer is adequate for this and other major water uses and that is their preference, but indicated their willingness to explore specific policies regarding the Aquia vs. Magothy Aquifers.

Commissioner Loffler opened the hearing to public comment; however, none were made.

The water source for this property was a major discussion issue. Commissioner Loffler stated access to the Magothy Aquifer was a major reason for his voting in favor of the rezoning, saying he keeps hearing that 2" wells are the problem, but he has heard that people are having problems in the northern end of the County with other types of wells, and the whole purpose for that condition was to not affect that water supply and, since the State has not denied access to the Magothy he would like to see that continue as a requirement. If we take this to the shallow aquifer, Commissioner Loffler said, he would want to reconsider the rezoning.

Mr. Cox pointed out the Water Resources' position that there is adequate water supply from the Aquia, but Commissioner Loffler replied that County professionals, i.e. MetComm, says there is a problem in that part of the County and if the applicant is willing to access the Magothy he thinks it important that we follow through with that requirement.

Mr. Grimm stated he had signed a follow-up letter today to State officials indicating the desire of the Metropolitan Commission, OPZ, and the Health Department to meet with them to pursue a policy for the northern end of the County similar to the one in the southern end of the County that high yield water users access the deeper aquifer. WRA's statement at the September 10th presentation to the Planning Commission was that they feel the Aquia is adequate, but they would entertain such a dialogue.

Commissioners Bailey, Jarboe and Thompson disagreed with Commissioner Loffler, stating that WRA are the experts; Commissioner Bailey said he put in two 2" wells himself and the problem was not the water supply but the wells, because they drilled another one right beside them but had to put in a 4" well with a pump to get to the water, and he is in an area that is not a growth area. Commissioner Thompson said he had thought it a good idea to go to the deeper aquifer, but if the State approved the higher aquifer he certainly would not deny a building permit or change the rezoning, because water is a science, and the State should know more than anyone else about what is down there.

Mr. Cox stated that the approval of the water category change simply means that the applicant may file for a permit to WRA to withdraw that water, and if they approve the Aquia, what recourse does the applicant have? Mr. Cox said he believes the rezoning condition was made on the assumption that there was not adequate water supply in the Aquia, but it has to be based on some reliable fact, and the people entrusted with that decision is the Water Resources Administration, who disagree with that assumption.

Commissioner Jarboe said he agrees entirely, and said he believes the problem people are having are with their wells; if they added a 20" pipe they could pump to the water, and added he considers the State more of an expert than the Commissioners. Commissioner Loffler stated the State has not said they would deny the access to the Magothy



and he thinks the County should require it. Mr. Grimm said as he understands it the water withdrawal request has been made to the State and is on hold pending this water category change at the local level, and WRA has indicated they believe the Aquia to be adequate for this and other large quantity users, but they would be willing to pursue a policy change based upon large users going to the deeper aquifer; they did not indicate whether they would approve or disapprove the application before them.

Commissioner Loffler closed the public hearing. Mr. Grimm said he would provide the Commissioners with minutes of the WRA presentation as well as handout materials provided. Commissioner Loffler stated the record would remain open for a 10 day period, and he thought it would be a good idea for people in the northern end of the County to respond with their concerns. Commissioner Thompson said he does not think that is necessary.

**SPEC #84-0663 - SUMMIT HILL, SECTION 2**

Requesting a water category change from W-6 to W-3 for this property containing 168.8 acres, zoned RPD/RCA, located in the 5th Election District on the south side of Oaks Cooksey Swamp Road, approximately 2.7 miles east of Route 5; Tax Map 2, Block 15, Parcel 32.

Owner: Helen Thomas

This legal ad was published in The Enterprise on August 29, 1990 and September 5, 1990. Mr. Grimm stated the subdivision request has been through the TEC and the Planning Commission has granted concept approval. MetComm states that a central water system is feasible and staff and Planning Commission recommends approval. There are no other outstanding issues.

Mr. Grimm opened the floor to public comment.

Commissioner Jarboe asked how much water this subdivision would use. Commissioner Loffler said that is a good question, and asked what aquifer the subdivision will access. Mr. Grimm said he does not know, MetComm had not raised the question, but he would look into it. There is an existing well on the property.

The public hearing was closed; the record will remain open for 10 days with a decision by the Commissioners in two weeks.

**SUPPLEMENTAL WATERSHED AGREEMENT NO. 2**

**TERMINATION OF WATERSHED PROJECT**

Present: Al Stuart, District Conservationist

Mr. Stuart appeared before the Commissioners to get the Board's approval of the referenced Agreement between St. Mary's Soil Conservation District, St. Mary's County Commissioners, and the Maryland Department of Natural Resources. The Agreement amends by watershed work plan by deleting multi-purpose structure No. 2 and floodwater retarding structures Nos. 3, 4, and 5 because these structures are no longer environmentally defensible or economically feasible.

During discussion County Administrator Cox pointed out that the signing of this document agreeing to the deletions may preclude the County from trying to resurrect the project at a later date.

In conclusion Mr. Stuart stated that he would look into this and return to the Board with a determination.

COUNTY COMMISSIONERS' TIME

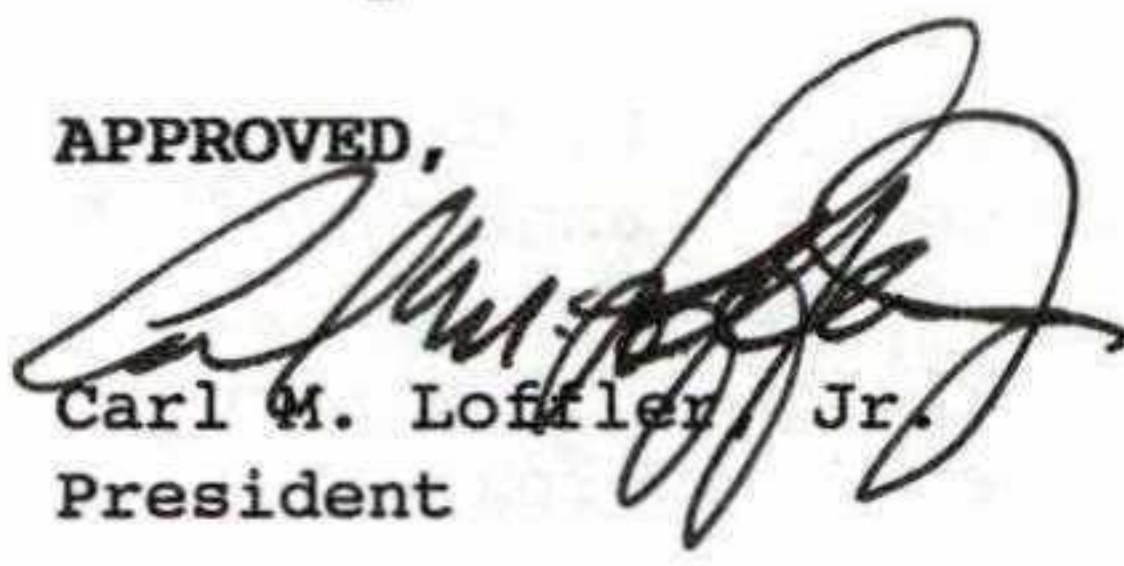
MOTOR VEHICLE/STATE HIGHWAY FACILITIES

Commissioner Jarboe requested, and the Board concurred, that the County Administrator prepare correspondence for the Commissioners' signatures that would request the Motor Vehicle Administration to coincide opening of the MVA facility with the opening of the State Highway Administration. The letter is also to request MVA to expand services from two days a week to five days and, as soon as possible, provide a full-service facility.

ADJOURNMENT

The meeting adjourned at 4:00 p.m.

APPROVED,



Carl M. Loffler, Jr.  
President