

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, April 16, 1991

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

(Commissioner Thompson was not present at beginning of meeting.)

CALL TO ORDER

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

APPROVAL OF MINUTES

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve the minutes of the Commissioners' meeting of Tuesday, April 9, 1991, as well as the Planning and Zoning portion of the County Commissioners' minutes of March 19, 26, April 2, and April 9, 1991. Motion carried.

APPROVAL OF BILLS

Commissioner Bailey moved, seconded by Commissioner Lancaster, to authorize Commissioner Loffler to sign the Check Register as presented. Motion carried.

COUNTY COMMISSIONERS' MEETINGS

Commissioner Jarboe requested that the Commissioners' agendas for the third Tuesday of each month not go beyond 4:30 to 5:00 p.m.

Commissioner Jarboe further requested that the Commissioners resume the district tours to be held on the fourth Tuesday.

DEPARTMENT OF DEFENSE
MILITARY BASE CLOSURES/CONSOLIDATIONS

Present: Joseph Mitchell, Director, Economic & Community Development
Charles Wade, Director of Finance

Mr. Mitchell distributed information regarding the April 12 announcement by the Secretary of Defense relative to military base closures and consolidations throughout the country.

Mr. Mitchell noted that the Naval Electronics Systems Engineering Activity (NESEA) in St. Inigoes is proposed to be closed over a period of six years; however, the Patuxent River Naval Air Station is scheduled to receive additional facilities. The property at NESEA is proposed to be transferred to the Naval Air Warfare Center to be based at Patuxent River.

Mr. Mitchell referred to the Commissioners' action of last week with regard to a "Fast Track" project for a warehouse to be located at NESEA. He stated that the Navy wants the project to continue.

Mr. Wade pointed out that it was his understanding that the military base closures and consolidations list will be finalized by October.

Mr. Mitchell referenced other sources of information regarding this matter, and Commissioner Loffler suggested that rather than depending of newspaper articles, that staff rely on information from the Navy.

In closing Commissioner Loffler suggested that the Navy be contacted to provide the County with information as to what the community needs will be with regard to new people coming into the area.

PROCLAMATIONS

The Commissioners presented the following Proclamations:

National Crime Victims Rights Week

Present: Jeanie Copsey, State's Attorney's Office

Designating the week of April 21-27, 1991 as National Crime Victims Rights Week.

Big Brothers/Big Sisters Week

Present: Beth Lewis
Laura Clark

Designating the week of April 21-27, 1991 as Big Brothers/Big Sisters Week.

Medical Laboratory Week

Present: James Neal
Dr. Juanita Cockburn

Designating the week of April 14-20, 1991 as Medical Laboratory Week.

Child Abuse Prevention Month

Present: Al Barthelme
Jeanie Copsey
Rosie Lamela

Designating the Month of April as Child Abuse Prevention Month

Cancer Prevention Month

Present: Mike Dugan

Designating the Month of April as Cancer Prevention Month.

Alcohol/Drug Abuse Prevention Month

Present: Walt Biscoe, Prevention Coordinator

Designating the Month of April as Alcohol/Drug Abuse Prevention Month.

LENGTH OF SERVICE AWARDS

The County Commissioners presented Length of Service Award pins as follows:

15 Years of Service

John H. Bond, Jr., John G. Capado, Leon F. Daye, William C. Gatton, Patricia M. Guy, Walter Wise, William M. Wood, Jr.

20 Years of Service

Linda M. DeLozier, Thomas L. Oliver, Donald W. Purdy

MARYLAND'S MOST BEAUTIFUL PARENT PROGRAM

Present: Dr. William Marek, Health Officer
Becky Stevens, Community Services Coordinator
Judy Landau Pedersen, Public Information Specialist

The referenced individuals appeared before the Commissioners to "kick-off" the Maryland's Most Beautiful Parent Program. The Program, cosponsored by the Governor's Maryland You Are Beautiful Program, Department of Health and Mental Hygiene, Office for Children, Youth and Families, and local sponsors, will recognize and celebrate outstanding parents or any adult responsible for the care of children. All qualifying nominees will receive a certificate of recognition with a grant winner to be chosen from among county nominees and honored at state-wide ceremonies.

COURT PSYCHOLOGIST

Present: Judge John Hanson Briscoe
Judge Marvin Kaminetz
Frank Sullivan, Mental Health Services

As a follow up to previous discussion, the referenced individuals appeared before the Commissioners to discuss the need for a Court Psychologist position and to explain how it will be achieved. Judge Briscoe indicated that the court system needs the position in order to carry out its responsibilities.

Judge Kaminetz pointed out that the judges had requested Mr. Sullivan to study the needs of individuals go through the court system; i.e, types of services, what agency would provide that service, and follow up.

Mr. Sullivan stated that the study indicated that the public sector could not handle all of the cases and emphasis was placed on placing these individuals in the private sector. A Request for Proposals (RFP) to provide evaluation and determination of appropriate agency is being prepared. Mr. Sullivan advised that there will be no cost to the County.

In closing Judge Briscoe pointed out that with the use of fees, the program should more than pay for itself.

COUNTY ADMINISTRATOR'S ITEMS

Present: Edward V. Cox, County Administrator

1) ST. CLEMENTS ISLAND-POTOMAC RIVER MUSEUM BOARD

The County Administrator presented correspondence dated April 10 from the President of the Museum Board requesting that the Board be designated as the overall coordinator of work at the Piney Point Lighthouse.

Commissioner Bailey moved, seconded by Commissioner Jarboe, to approve this request. Motion carried.

2) MARYLAND BUILDING CODE FOR THE HANDICAPPED

The County Administrator advised the the Maryland Building Code for the Handicapped has been enacted and presented an Information Release to alert the public to its existence and requirements.

Commissioner Jarboe moved, seconded by Commissioner Bailey, to authorize the County Administrator to distribute the Information Release as presented. Motion carried.

3) **CHRISTMAS IN APRIL**

The County Administrator presented a memorandum from the Public Information Specialist requesting the Commissioners' consideration in waiving permit fees for the Christmas in April home rehabilitation projects.

Commissioner Bailey moved, seconded by Commissioner Jarboe, to approve waiving the permit fees as requested. Motion carried.

4) **CHILD SUPPORT ENFORCEMENT GRANT APPLICATION**

The County Administrator presented the referenced Child Support Enforcement Grant Application to be submitted by the St. Mary's State's Attorney's Office to the Maryland Department of Human Resources in the amount of \$74,594. The grant is for the period July 1, 1991 - June 30, 1992.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Loffler to sign the grant application as presented. Motion carried.

5) **RESOLUTION NO. 91-10
IMPACT FEE (AMENDMENT)**

As a follow up to last week's action, the County Administrator presented the referenced Resolution amending Resolution No. 89-21 to provide that the impact fees are payable upon either the issuance of the Certificate of Occupancy or one year from issuance of building permit, whichever first occurs. Effective date of the Resolution is May 1, 1991.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve and sign Resolution No. 91-10 as presented. Motion carried.

6) **CORRESPONDENCE TO SUBURBAN MARYLAND
BUILDING INDUSTRY ASSOCIATION**

As a follow up to last week's meeting, the County Administrator presented correspondence addressed to Suburban Maryland Building Industry Association indicating the Commissioners' approval to allow payment of the impact fee at the time of issuance of the Certificate of Occupancy or one year from issuance of building permit, whichever occurs first.

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

7) **INFORMATION RELEASE
OLDER AMERICANS' MONTH**

The County Administrator presented an Information Release regarding the observance of Older Americans' Month which will be celebrated on April 30 with the Board of County Commissioners and local seniors at a lunch to be held at the Elk's Lodge on Chancellor's Run Road.

The Commissioners agreed to distribute the Information Release as presented.

8) **RESOLUTION NO. 91-12
LAW ENFORCEMENT ACTIVITIES SURROUNDING NONVIOLENT
CIVIL RIGHTS DEMONSTRATIONS**

The County Administrator advised that under the National Affordable Housing Act, the Department of Housing and Urban Development requires local jurisdictions to adopt a policy regarding law enforcement activities surrounding nonviolent civil rights demonstrations in order to apply for any Community Development Block Grant funds. Therefore, County Administrator Cox presented Resolution No. 91-12 establishing such a policy for St. Mary's County.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve and sign Resolution No. 91-12 as presented. Motion carried.

9) **QUALITY SERVICE AWARD APPLICATIONS**
KMP PEAT MARWICK

The County Administrator advised that KMP Peat Marwick is soliciting applications for a Quality Service Award and St. Mary's County is submitting two applications: (1) Quality Financial Management Practices relative to efforts by the St. Mary's County Revenue Task Force; and (2) Public Information Specialist.

Commissioner Lancaster moved, seconded by Commissioner Bailey, to approve and authorize Commissioner Loffler to sign the applications to be submitted to KMP Peat Marwick. Motion carried.

10) **RAILROAD RIGHT-OF-WAY AGREEMENT**
HUGHESVILLE WAREHOUSE

The County Administrator presented an Easement Agreement between the Board of County Commissioners of St. Mary's County, Southern Maryland Electric and Hughesville Warehouse, Inc. for use of a portion of the railroad right-of-way behind the existing Hughesville Warehouse for purposes of an underground drain field.

Commissioner Lancaster moved, seconded by Commissioner Bailey, to approve and sign the Agreement. Motion carried.

11) **AFFORDABLE HOUSING "HOME PROGRAM"**

The County Administrator advised that the National Association of Counties is implementing a nationwide and immediate "write-in" campaign to members of Congress in order to secure \$2 Billion in funding for the new federal matching grant program for "The HOME Program" affordable housing program. The program provides highly flexible funding for local housing programs. Maryland Association of Counties and the National Association of Counties has requested the county's endorsement of the program.

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to endorse the postcard campaign as described. Motion carried.

12) **RESOLUTION NO. 91-11**
COMMISSION FOR THE DISABLED

As a follow up to previous discussion, the County Administrator presented Resolution No. 91-11 establishing a Commission for the Disabled.

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to approve and sign Resolution No. 91-11 establishing the Commission for the Disabled. Motion carried.

COUNTY COMMISSIONERS' ITEMS

Naming of Regional Park

In response to the April 8 memorandum from the County Administrator, Commissioner Jarboe suggested that the naming of the Regional Park be handled by the Recreation and Parks Board and that recommendations be submitted to the County Commissioners.

Naming of Senior Center at Regional Park

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to name the new Senior Center at the Regional Park the Grace W. Loffler Senior Center. Commissioner Loffler did not participate. Motion carried.

Felix Johnson Property

In response to the April 8 memorandum from the County Administrator, Commissioner Jarboe recommended that the \$94,000 for demolition and asbestos removal at Felix Johnson be handled in the Fiscal Year 1992 budget.

The County Administrator suggested that this be an item of discussion in Executive Session regarding property disposition.

DEPARTMENT OF PUBLIC WORKS

Present: Dan Ichniowski, Director

1) MARYLAND QUALITY ASPHALT PAVING AWARD

Also Present: George Jarboe, DPW
Willie Buckler, "

The referenced individuals appeared before the Commissioners to present the Maryland Quality Asphalt Paving Award that had been given to St. Mary's County for its work on Morganza Turner Road.

(Commissioner Thompson entered the meeting - 10:25 a.m.)

**2) PUBLIC WORKS AGREEMENT
ADDENDUM TO PUBLIC WORKS AGREEMENT**

**Public Works Agreement
Mattapani Boulevard**

Mr. Ichniowski presented a Public Works Agreement dated February 8, 1991 between Fairland Market, Inc. and St. Mary's County guaranteeing completion of Mattapani Boulevard, Eighth Election District by February 1, 1992. The Agreement is backed by a Letter of Credit with First National Bank of St. Mary's in the amount of \$171,600.

**Addendum to Public Works Agreement
Cook Hill Run**

Mr. Ichniowski presented an Addendum to a Public Works Agreement between Henry Fowler Jr. and St. Mary's County extending the deadline for completion of improvements in Cook Hill Run, Fifth Election District to June 15, 1991. The Addendum is backed by a letter of Credit with Maryland National Bank in the amount of \$35,300.

Commissioner Bailey moved, seconded by Commissioner Thompson to approve and authorize Commissioner Loffler to sign the Agreement and Addendum as presented. Motion carried.

3) CHARLES COUNTY COMMUNITY COLLEGE PROJECT

Mr. Ichniowski presented correspondence addressed to the Secretary of Department of Natural Resources forwarding copies of deed descriptions for the state's acquisition of property along Indian Bridge Road for the community college site.

Commissioner Jarboe moved, seconded by Commissioner Thompson, to approve and sign the letter as presented. Motion carried.

4) **SHERIFF'S DEPARTMENT VEHICLE AND IMPOUNDMENT SITE**

Mr. Ichniowski displayed plans of the Governmental Center pointing out the proposed site for the Sheriff's Department vehicle and impoundment lot. The 1700 square foot lot is proposed to be located across the drive from the new storage facility and will have 70 to 75 parking spaces.

Commissioner Jarboe moved, seconded by Commissioner Bailey, to approve the site as presented for the vehicle and impoundment lot. Motion carried.

5) **PARKING AT GOVERNMENTAL CENTER**

The Commissioners discussed with Director of Public Works Ichniowski the parking problems at the Governmental Center noting that often times there are no spots for county employees or visitors. Mr. Ichniowski stated he would prepare recommendations for consideration by the Board.

DRUG SCREENING PROGRAM PROPOSAL

Present: Mary Pat Pope, Administrative Officer
Sharon Bradley, Health Department
Sheriff Pettit
Dr. William Marek
Bob Richardson, Parole and Probation
Kathy O'Brien, Walden

The referenced individuals appeared before the Commissioners to present a proposal for a Drug Screening Program at the St. Mary's County Health Department. Mrs. Pope explained the advantages of having quality drug screening capabilities locally: Getting quick responses at a reasonable cost, eliminating having to transport specimens, ensuring integrity of chain of custody, and assuring confidentiality. Mrs. Bradley listed the agencies that would be using this service: Parole and Probation, Juvenile Services, Walden, Sheriff's Department, Marcey House, and Health Department.

Mrs. Pope distributed a handout showing expenditures and revenues for the program for FY '91 and '92. The funding proposal assumes the hiring of a Substance Abuse Screening Technician (Grade 14). Expenses for the balance of Fiscal Year 1991 total \$9,530; expenses for Fiscal Year 1992 are projected to be in the amount of \$49,211. Mrs. Pope requested the Board's consideration to make a loan to the program in the amount of \$9,530 for start-up costs for FY '91. Revenues will be generated through user fees, and the proposed budget for FY '92 includes reimbursement to the County for the referenced loan.

After discussion Commissioner Jarboe moved, seconded by Commissioner Lancaster, to request the Director of Finance to determine a source of funds in the amount of \$9,530 for Fiscal Year 1991. Motion carried.

Commissioner Thompson moved, seconded by Commissioner Bailey, to authorize the advertisement of the Substance Abuse Testing Technician, Grade 14. Motion carried.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator

Commissioner Bailey moved, seconded by Commissioner Thompson, to meet in Executive Session to discuss a matter of personnel and litigation. Motion carried. The Sessions were held as follows:

Personnel - Held from 11:30 a.m. to 11:50 a.m.

Also Present: Sheriff Pettit
Lt. Phil Cooper

Litigation - Held from 11:50 a.m. to 12:30 p.m.

Also Present: Joseph Densford, County Attorney
Jon Grimm, Director, Planning and Zoning

(Mr. Hugo DeCesaris entered the meeting at 12:15 p.m.)

ANNUAL REPORTS

The following Annual Reports for 1990 were presented to the Board of County Commissioners:

Tri-County Residential Alternatives for Youth, Inc.

Present: Michael Whitson, President
Dennis Scott, Director

The referenced individuals appeared before the Commissioners to present the 1990 Annual Report for Tri-County Residential Alternatives for Youth. Mr. Scott explained the Board's purpose and discussed the Loretta House in St. Mary's County and the TRIAD House in Prince Frederick. He also reviewed the major fund-raising events of the Board--the Tudor Hall Lawn Party and the Chaptico Classic Road Race. Other activities include open houses at Loretta House and the TRIAD House.

During presentation of the Report, Mr. Scott distributed a Tri-County Continuum of Care for Adolescents going from most restrictive to least restrictive.

Tri-County Youth Services Bureau

Present: Sam Bauman, Director
Mary Ann Miller

The referenced individuals appeared before the Commissioners to present the 1990 Annual Report for the Tri-County Youth Services Bureau, citing its purpose, activities of the past year, challenges and plans for the current year.

In closing Mr. Bauman and Ms. Miller requested the Commissioners' continued funding support for Tri-County Youth Services Bureau.

Commission for Women

Present: Peggy Howard
Janet Hanke
Nancy Hutson
Susan Borneman

The referenced individuals appeared before the Commissioners to present the 1990 Annual Report for the Commission for Women. Mrs. Howard reviewed the Commission's history,, purpose and goals, significant activities of the past year, problems and challenges encountered or expected, and plans for the current year.

Copies of the reports are on file in the Commissioners' Office.

PUBLIC HEARING

REVISIONS TO ST. MARY'S PUBLIC ETHICS ORDINANCE

Present: Charles Mander, Chairman
Jan Baldwin
Virginia Sapp
Joe Densford, County Attorney

Present in Audience: Grace Horton, Paul Chesser, Leonard Greess

The Board of County Commissioners conducted a public hearing on revisions to the St. Mary's Public Ethics Ordinance. Mr. Mander reviewed each of the proposed changes which he pointed out were for clarification and simplification purposes.

The Commissioners raised questions regarding:

- Requirement for listing identity of any other person with a interest in the property.
- Requirement for listing number of shares of stock
- Requirement to list each property having a mortgage.

Commissioner Loffler referred to an April 10 memorandum from the County Administrator suggesting the Commissioners' consideration to change the list of officials and employees required to file financial disclosure statements:

Delete (14) Assistant County Attorney
Delete (24) Chief, Permits & Inspections
Delete (25) Plumbing Inspector
Change (20) Area Agency on Aging Director to
Director, Office on Aging
Change (21) Director, Civil Defense to
Director, Emergency Management Agency
Add Building Authority Commission members

The hearing was opened for comments from the audience:

Grace Horton referenced recommendations by the League of Women Voters presented to the Commissioners on March 5: That the Commissioners consider a more active role for the Ethics Commission; Whether Ethics Commission has authority to undertake an investigation on its own motion.

Mr. Mander replied that the Commission does have authority to undertake investigations on its own. Investigations are done by the Attorney to the Board.

Leonard Greess - (1) Inquired whether the County Ordinance follows the State Ordinance regarding self-initiated investigations and referenced Section 4, Paragraph g. He recommended that this statement should be separated out in its own paragraph. (2) Inquired whether the Ethics Commission has guidelines to determine under what circumstances it would consider an investigation or was it open-ended subject to the opinions of the members of the Commission. Commissioner Loffler responded that there were no guidelines.

Paul Chesser - (1) Expressed concern about deletion of inspectors in being required to file financial disclosure statements. He stated that because of their control in the building process, they should be required. (2) Inquired whether the Ethics Commission investigate and turn the information over to the State's Attorney if they believe there has been criminal activity. Mr. Mander responded that if there was criminal activity, the Commission must inform proper court authorities.

The Public Hearing closed at 3:41 p.m.

Commissioner Loffler requested that a list be prepared of inspectors in county government who are responsible for signing documents.

The Commissioners will discuss the amendments in two weeks.

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

OFFICE OF PLANNING AND ZONING

Present: All Commissioners
Ed Cox, County Administrator
Joe Densford, County Attorney
Dan Ichniowski, Director, DPW
Peggy Childs, Recording Secretary, OPZ

(OPZ Director Jon Grimm was not present due to a personal emergency.)

Also Present: Edmund Wettengel
Attorney Jim Kenney
Cindy Greb
Mike Wettengel
Tommy Wettengel
Edwin Thomas, Consultant
Attorney John J. Delaney, of Linowes & Blocher

**REOPENING OF PUBLIC HEARING
SPEC #89-1819 - WILDEWOOD PUD**

Requesting a water category change from W-6 to W-3D and sewer category change from S-6 to S-3D. See property below.

ZPUD #89-1819 - WILDEWOOD PUD AMENDMENT (Also 78-166)

Requesting review of revised plans and documentation for Planned Unit Development rezoning. The intent of the application is to extend the current Resolution and present development standards to the land to be incorporated into the existing Wildewood PUD. The land to be incorporated contains 347.88 acres, is zoned RL and Industrial, and is located on Lawrence Hayden Road, adjacent to the existing Wildewood Planned Unit Development; Tax Maps 33/34, Block 18, Parcels 82 & 166.

Owner/Applicant: Edmund W. Wettengel / Paragon Builders

County Attorney Joe Densford stated that the hearing was being held for further discussion of the following issues of primary importance to a resolution of this matter by the County Commissioners:

- (1) Utilization of Lawrence Hayden Road
- (2) School Site
- (3) Standards of 1978 Ordinance being deviated from in the proposed PUD.
- (4) Adequate Public Facilities - 1978 or 1990?
- (5) Private road/private driveway issues
- (6) Deviation from 1990 Standards?
- (7) Clarification of Item 5 of Planning Commission Recommendation

Dan Ichniowski, Director of DPW, addressed the Lawrence Hayden Road and private road/private driveway issues, stating that, with the submission of the current development plan there will be an upgrade of the original traffic study that will look at the effects of the additional traffic on the interior roads, in addition to the other improvements required - a second turn lane from northbound 235 into Airport Road and a third lane of traffic on 235 in the northbound direction around Airport Road, and in the southbound direction along the frontage of the shopping center. The Comprehensive Plan calls for Lawrence Hayden Road to be upgraded to a 4-lane highway at some point in the future, he said, however if Wildewood acts alone to use Lawrence Hayden Road and it is not upgraded in accordance with the Comprehensive Plan, DPW feels something should be done to the road to provide a secondary access. This will be included in the results of the study,

which will be completed prior to January 1, 1992, and the developer has included language to that effect in the development document. No more than 5% development in the new area will be allowed until the study is completed.

Commissioner Loffler pointed out the developer has stated that he is not interested in Lawrence Hayden Road; however Mr. Ichniowski stated he thought that is something that should be looked into, and the traffic impact analysis will do that. It is possible that an alternate route could be discovered or other improvements made and the study would indicate upgrading of the road would not be necessary, but he said he thinks the County should at least make the tie-in. However, he said, we are talking 20 years into the future. Commissioner Loffler stated if an upgrade of the road would be required it would constitute a major change to the development plan, and would have to come back before the Commissioners for approval.

Regarding the private drives issues, he said the County Road ordinance allows up to 5 single family residences on a private drive and the Subdivision Regulations allows minor subdivisions (up to 8 units) on a private road partially built to the County's minimum standard; there are no specific requirements except that they must meet the width requirements of the Ordinance and the minimal surface requirement of 6" of gravel. The proposed PUD calls for eight units on private drives with a 20 ft. entrance requirement at the County road section, 16 ft. wide for six to eight units, 12 ft. wide for two to five units. Maximum length for private drives is 1,000 ft., with 300 ft. being the desirable length. There were several roads noted on the Plan which exceed 300 ft. and must meet additional requirements. DPW feels that eight units on these private drives is suitable.

Some development clusters indicating 30-50 units with private parking facilities (Figures G, I & F) would not be allowed and have been eliminated from the Plan, Mr. Ichniowski said; the others are similar to what is being done in the rest of the County today and provide adequate turn-arounds for standard vehicles. Recently incorporated into County standards are the "T" or "Y" turn-arounds in accordance with AASHTO (American Association of State Highway and Transportation Officials) Standards.

School Site - Mr. Densford continued that the first two sites offered by the developer were rejected by the Board of Education; a third site at the southern part of Wildewood has been offered which would require acquisition of a 600-800 ft. access from the proposed school to St. Andrews Church Road at approximately \$100/foot. That has not been worked out yet, but Mr. Densford said it is his understanding that the Board will discuss the offer at their meeting on April 30, 1991. The developer would like a restriction to keep non-Wildewood buses from traveling through the subdivision, if the site is accepted.

1978 Development Standard Deviations - Mr. Densford said the differences were minimal, and they have managed to close the gap on almost all of them. The developer has agreed to provide 75 ft. setbacks as required by the Ordinance, and OPZ has said the movie theater could be allowed; everything else has been worked out so there are no other deviations.

Adequate Public Facilities - The 1978 Ordinance contains no standards by which to judge whether adequate public facilities exist, so Mr. Densford said the County's position is that the '78 Ordinance should apply but the '90 Ordinance standards should be used. This has been accepted by the developer. The Planning Commission recommended that a site be conveyed by the developer for fire/rescue station, and that has also been agreed to. Commissioner Loffler asked whether the request for exemption of fees for the retirement community and the request for waiver of Recreation & Parks fees, which are substantial, is still contained in the document.

Deviation of 1990 Standards - 1990 standards not applicable as application was filed well in advance of August 1, 1990.

Commissioner Loffler stated it is implied in the Plan that the 1978 Ordinance would apply to any adjacent land acquired for the PUD. Mr. Kenney replied that would require an amendment to the PUD which would require the Commissioners' approval, it is not automatic. Commissioner Loffler stated that needs to be clarified in the Plan. Commissioner Thompson asked whether boundaries of the cluster will be provided. Cindy Greb replied that there would be an exact boundary recorded for each development envelope; within that boundary would be shown the different types of cluster unit that would be used.

SWM meets the current Ordinance requirements, Mr. Ichniowski said, and the varying private driveway widths are acceptable in this PUD; however, he said he believes applying them to other applications should be looked at and suggested perhaps a group consisting of a member of the County Commissioners, member of the Planning Commission, OPZ Director, DPW Director, and another party could sit down and review all of those requirements - Minor Subdivisions, Private Drives, and Cluster Developments, to see if these should be adopted as County standards, but there is no problem with them from a public health and safety aspect.

Joe Mitchell, Director of DECD, spoke regarding the fiscal impact of the development, stating the development has provided a positive cash flow to the County, the town houses and condominiums attracting professionals drawn to the County by the defense contractors and, by and large, not generating a lot of school age children. Mr. Mitchell said the project also helps the County control growth, as it allows development where the County wants it to be and is of the type and character that the County wants. He said he would like to see more PUDs and he would ask that the Commissioners look carefully at the request, as the developer appears to be very interested in making the project work, and appears to have made some concessions to do it.

The Chair opened the hearing to public comment, limiting comments to 2 minutes with an opportunity to speak again if time allows.

Gene Rea, a County resident, said Article 66B of the Annotated Code of Maryland states that language introduced in the description of a PUD shall not conflict with other ordinances of the County, referring to the request for waiver of fees, and asked the Commissioners to consider that before granting the requested exemption. On that basis, he said if he can prove that his subdivisions did not bring children into the County he should also get his money back.

Larry Chase, a resident of Wildewood since 1986, said Wildewood had provided what he needed, and he was so impressed he bought three other homes since. From what he has seen, he said, he thinks the developer has done a good job, and he would hate to see them not have the opportunity to continue.

Ray Wood, speaking for the Otis Wood family who have a farm adjoining the Wildewood property asked where the development will be in relation to his farm, stating perhaps a fence could be considered between them to keep out hunters which he felt could converge on their farm. Mr. Wettengel stated it is 2-1/2 miles from his office to Lawrence Hayden Road, but they only build 80-100 homes per year, and development along that road is probably 20 years away.

Jack Buffington asked the number of residences currently allowed on a private drive, stating there are ten homes on his road. Mr. Ichniowski reiterated the Road Ordinance allows five and the Subdivision Regulations allow up to eight, and Mr. Cox added that that was allowed by the Planning Commission as an experiment in the Wildewood Subdivision. Commissioner Loffler said today's standards do not allow 10, nor is it a request in this Plan.

Eve Palmer, a resident of Hickory Nut Subdivision in Wildewood, stated after the Commissioners' original public hearing on March 12, 1991 she had submitted many exhibits and she hoped the Commissioners had gone through the issues so they could be addressed. She said Mr. Grimm has indicated to her, over a long period of time, that he fully agrees with Ms. Palmer in the things she has said, and that they go to the County Attorney when there is a point of confusion. Ms. Palmer said she is still concerned regarding the PUD approval itself, and asked the County Commissioners to walk through the Zoning Resolution for the PUD, stating there are no detail plans or site plans, and asking where are the remaining 597 acres of the 1,100 acres of the existing subdivision; they are totally unaccounted for in the drawings submitted.

Ms. Palmer said there must also be PUD zoning within the PUD, and it seems that it has been primarily 3.5 and 5.0 units per acre except for Section One, or Neighborhood One, which has very low density, and which has been removed from the PUD. Ms. Palmer asked again about the total non-existence of site plans, stating without them there are no guarantees of amenities or open space; she said she would also like to have a definition of "site plan", "open space" and "County right-of-way".

Commissioner Loffler stated to Ms. Palmer that her two minutes were up, and said at the public hearing Mr. Grimm stated he had responded to Ms. Palmer and he did not agree with the things she is saying. Mr. Densford replied that he had nothing to add to the definitions of the Zoning Ordinance. Mr. Cox responded to Ms. Palmer that, according to Mr. Grimm's statement, the County feels that the subdivision is in legal compliance with the 1978 Zoning Ordinance.

Richard Bonewitz, 1279 Hickory Nut Drive, Wildewood, said he moved there in 1978 with the U. S. Navy, and thinks Wildewood is one of the key developments in the County. He said moved out of Wildewood to Hollywood in 1982 but moved back to Wildewood in 1990 because of what Wildewood offers himself and his children. Mr. Bonewitz said he thinks we look too far into the details and legal ramifications and not at what we really have, and suggested someone needs only to drive south on 235 and compare developments there to Wildewood; he said he thinks we want more of Wildewood, because that's what brings people to the County.

Gene Rea spoke again, in support of Ms. Palmer, asking that the Commissioners give her more time to explain, and asked specifically to see a site plan for the PUD. Commissioner Loffler explained that site plans in a PUD are prepared as a final document. Mr. Rea said he has been to all the offices involved, and there are no site plans. Commissioner Bailey stated that, in a PUD, site plans are done as you build. Mr. Rea said he had to prepare site plans for his subdivisions, and there should be site plans for the PUD. Commissioner Loffler said there is a difference as to how a PUD is prepared - as the PUD is developed an envelope is described and goes before the Planning Commission; it is then delineated and, after the detail of the construction is finalized, comes back in the form of described lots. That is in the document, he said, and the planning staff has stated that they are satisfied with that portion of the PUD; the Commissioners approve the concept of the PUD and the policies of the Plan. Mr. Rea responded that there are billions of dollars in the United States tied up in subdivisions that have failed and that could happen here, and he thinks the Commissioners should get into the nitty-gritties, such as a site plan.

Ms. Palmer spoke for the second time regarding the exhibits she had distributed to the Commissioners. She said there must be a Development Plan and there must be a site plan which conforms to the development plan, with every detail on them, for the individual neighborhoods before the developer is allowed to get a building permit or break ground for the foundation of the first home. She said the homeowners paid for amenities that they did not receive, and they cannot be guaranteed them unless they

have a site plan. Commissioner Loffler said he would ask the developer if he has submitted them during his time period. Ms. Palmer asked Commissioner Loffler who is enforcing the regulations - the developer or the County? Commissioner Loffler replied Mr. Grimm is not here to speak for himself, but he has already answered that question.

Ms. Palmer continued, asking Mr. Ichniowski for his definition of a County road right-of-way. Mr. Ichniowski responded that a (County) road right-of-way is the boundary of the property that is taken into the County, that the County possesses, that is around a public road used for public use. There are all different sizes, he said, and are listed in the County Zoning Ordinance. Ms. Palmer said a lot of the residents seem to think the County rights-of-way are open space and asked Mr. Ichniowski how much money the Department of Public Works has saved over a period of 12 years from lack of maintenance of the County roads and rights-of-way, as the homeowners are paying all of the fees. Commissioner Loffler stated that is not a relevant question to the public hearing, and asked Ms. Palmer to be seated.

Commissioner Loffler asked if anyone else wished to comment, and, seeing no hands, closed the public comment portion and asked the developer for his presentation.

Attorney Jim Kenney entered into the record, as #A-1 and #A-2, two volumes of certified notices to surrounding property owners, and stated they do not plan to repeat their presentation of March 12, 1991, but would be willing to answer any questions. Introduced as #A-3 was a letter to the County Attorney dated April 15, 1991 from Attorney John Delaney, providing some "basic precepts of PUDs as set forth in relevant case law and legal treatises." Introduced as #A-4 was the resume of Mr. Ed Thomas, offered as an expert in the field of planning.

Commissioner Loffler asked Mr. Kenney if he feels his client's PUD is in compliance with Article 66B; Mr. Kenney replied that they did and that they had asked for a further opinion from Mr. Delaney, who Mr. Kenney described as "the Dean of the Land Use Bar in Maryland", who he said was on hand to answer any questions. He said there have been no specific challenges to their legal documents, although there have been questions raised in the public forum, which the Commissioners have heard today and on other occasions.

Ed Thomas stated he was present as a planning consultant, and that he works part-time in the State Office of Planning, being very heavily involved in the Growth Commission, the 2020 activities, and many meetings here in the County and in Annapolis. Mr. Thomas said he had never met Mr. Wettengel until he was telephoned by Rick Collins of Collins and Kronstadt; Mr. Kronstadt is the Chairman of the State Planning Commission. He said Mr. Wettengel had asked him to review the Plan in regard to the County Ordinance and offer his comments to the Commissioners.

Mr. Thomas said Wildewood speaks for itself, responding to County public policy. He said the PUD has been under review by County staff for 16 months, undergoing a very deliberate evaluation; e.g., the Plan tells you how adequate public facilities will be addressed. He said he had toured Wildewood today, and, after 3 days of rain, if anything were wrong in the development one would have seen it today. If water quality was not addressed you would have seen sand on the road and all kinds of disturbance from what nature has done in the last 3 days; you would see the water brown if stormwater management was not adequate, he said, and he saw none of that, the water drain at the shopping center was black - this is good because it means it was catching what is coming off the parking lot. Wetlands - Mr. Thomas said the beavers frolicking around indicated to him it was a live wetlands.

Mr. Thomas said the County has put in place an innovative, modern land development mechanism that is followed by a lot of jurisdictions, with the enforcement and amendment procedures to enforce it, and in addition to County agencies there are three State agencies involved. Finally, he said, go look at Wildewood and its positive contributions to the County, because it is a model in terms of what the Commissioners are approving; it is particularly attentive to the land and the environment, and it follows the County Plan and regulations. Mr. Thomas said he has worked with 66B for 25 years at least, and this Plan and the County regulations are very much compatible with 66B, and he finds no problems or inconsistencies.

Attorney John Delaney, of Linowes & Blocher, testified that he has been aware of what is happening in St. Mary's County in terms of land use and planning for a good many years. He said Maryland is regarded as a pace-setter in land use planning, along with California, New Jersey, and Massachusetts - characterized as such by planner and lawyer Norman Williams, who wrote American Land Planning Law, because of its innovative land use regulatory techniques. Maryland is regarded as a leader in the "floating zone" concept, he said, and this is a classic example of a floating zone; there is no question in his view that PUD Zoning is a valid form of land use regulation in an advanced form - it has been upheld by the courts and is one of the reasons why Maryland is so highly regarded.

Mr. Delaney said he is not a planner but has been involved as an attorney in the land use field for many years on both sides of the spectrum, and the Wildewood development is one that he thinks the developer and the County can take a great deal of pride in.

Commissioner Thompson asked the developer to explain to her at what point, within the cluster, he goes in for his building permit, and if at that point he has a site plan and the boundaries of the lots finally surveyed. Mr. Wettengel responded that they go out and cut out a section of land, maybe 35 acres; then they do all the environmental studies, with stormwater management / water quality analysis, sediment control and erosion plans, road plans, water and sewer, and everything that you would normally do on a site plan for a subdivision - 100 year floodplain, covenants and restrictions, roads, and you know where everything is. Under Section 40.02, Mr. Wettengel said, you can have more than one building permit on a principal lot; when you have two or three building permits you do a final record plat and subdivide the pieces of property based on the road frontage, wetlands, and the best use of the piece of ground preserving the natural features. Only at that point can you tie in the total pedestrian access, which is recorded with the plat. And that works with the entire system, Mr. Wettengel said, for eight houses you might have five houses on the first plat, and three on the second. There is no restriction on a normal site plan that they don't cover, he said, they just don't have it all on one piece of paper; without it they could not get VA, FHA or title company approvals - all of that has to be done prior to your ever thinking about subdividing a piece of property.

Mike Wettengel responded to Commissioner Loffler that Mr. Baggett has a list of recreational facilities in Wildewood with a dollar value assigned to each. Commissioner Loffler stated he would like to have a copy of the list.

Commissioner Loffler thanked the developer and County staff for bringing us to this point in compliance with the 1978 Ordinance. He stated the County gets accused by the public as if there is some kind of finagling going on whenever a developer comes forward to do something, but he thinks this Board goes the other way, trying to be supersensitive to the public needs. He said he thinks we have had a cooperative spirit between staff and the developer, and he doesn't know of any further information that he needs to make a decision.

Joe Knoefel, of Wildewood, commented he polluted Wildewood in 1979 because he moved there with two children, and is living in his second home. He said, if Neighborhood One had had their choice there wouldn't be any other neighborhoods, because they came to the Commissioners years ago being very concerned that the multi-family homes would devalue their property. He said he is happy to say they have not done that, the property has gone up, and he is proud of Wildewood, serving on the Neighborhood One Board for 10 years, and he thinks the development has done a lot for the County.

Commissioner Loffler stated that the Commissioners do not wish to hear from those who have already given testimony--questions are one thing, he said, but speeches and accusations are not what they are interested in in a public hearing - and closed the public hearing at 5:47 p.m.

Mr. Rea stated he thought that was unfair and he objected to Commissioner Loffler closing the hearing.

7:00 P.M.
Tuesday, April 16, 1991

**PUBLIC HEARING
FISCAL YEAR 1992 BUDGET
BOARD OF EDUCATION**

Present: Dr. William Burroughs, Superintendent
Jean Campbell, Board of Education
Al Lacer, "

The Board of County Commissioners conducted a public hearing on the Board of Education portion of the Fiscal Year 1992 Budget.

Chriss Banes - In support of Board of Education budget.

Charles Purcell - In support of Board of Education budget.

Kathy Stausbaugh - In support of class-size cap and Board of Education budget.

Thomas Maday - In support of Board of Education budget.

Sue Smith - In support of Great Mills High School facilities improvements.

Nancy Williams - In support of Great Mills High School facilities improvements

Dave Gray (Chopticon Student) - In support of pay raises for teachers and class-size step

John Gallagher - In support of increase for teachers' salaries

Thomas Dobry - Requested tax rate not to be increased and that Board of Education "bite the bullet."

John Cummings - Board of Education should go back to basics.

Steve Shakleer - Questioned amount of Board of Education budget that goes toward administrative, maintenance and teachers' salaries.

Bill Arick - In support of Board of Education Budget for athletic activities.

Alfred Tzgnemmo - Questioned cost of proposed Hollywood Elementary School

Deborah Knott - In support of Special Education funding.

John Roth - (1) Need for factual information and cooperation; (2) Suggested appointment of a task force to address questions.

Delores Miedzinski - Questioned cost of handicap toilets

William Miedzinski - Questioned need for proposed Hollywood School when other schools are scheduled for additions.

Roy Reynolds - Education should be a priority

Steven Carter - Should do the best we can with county dollars; Have to "bite the bullet" to come up with needed funding for education.

Joe Daley - Questions need to be answered. Information needs to be generated about test score results, drop-out rate, and number of children going on to college.

Karl Pence - In support of teachers' salary increase.

Kay Sawyers - In support of Board of Education budget.

The public hearing concluded at 10:30 p.m.

Wednesday, April 17, 1991
Fiscal Year 1992 Budget
Other Spending Units

7:00 P.M.

The Board of County Commissioners conducted a public hearing on the Fiscal Year 1992 Budget for Spending Units other than the Board of Education.

Comments were received as follows:

Harry Jordan - Sheriff's Department is in need of additional help

Bill Arick (TRICCA) - (1) Requested to be considered in the budget; (2) In support of Women's Center

Susan Borneman - In support of Women's Center (Center could continue operations with \$2,000 from the County)

Katherine Hurry - (1) Thanked Commissioners for work that has been done at Lexington Park Library; (2) Requested reconsideration of the Library budget.

Mary Wood - In support of Library budget request for an additional \$20,000.

Mary Ann Chasen - In support of Library budget request

Ann Waring - In support of Women's Center budget request

Tom Waring - In support of Women's Center budget request

Lynn Fitrell - In support of Women's Center budget request

Rebecca Ripley - In support of Cooperative Extension budget request

Sheriff Pettit - Sheriff's Department budget

Janet Hanke - In support of Commission for Women budget request for an additional \$1,127.

Joyce Malone - In support of Sheriff's Department budget request

Joe Daley - Questions need to be answered - expressed concern for taxpayers

Sharon Nye - In support of Sheriff's Department budget request.

Cecil Kidd - In support of Cooperative Extension budget request.

Dudley Lindsey - In support of recycling effort

Tommy Bell - (1) Suggested using county-owned land for schools (perhaps park land); (2) Too many parks (3) Excessive procurement of merchandise out of the county; (4) Should have natural resources tax to provide additional revenue; (5) Support Tourism Committee.

Connie Thompson (Friendly Hands) - In support of Recreation and Parks special population camp for children with disabilities.

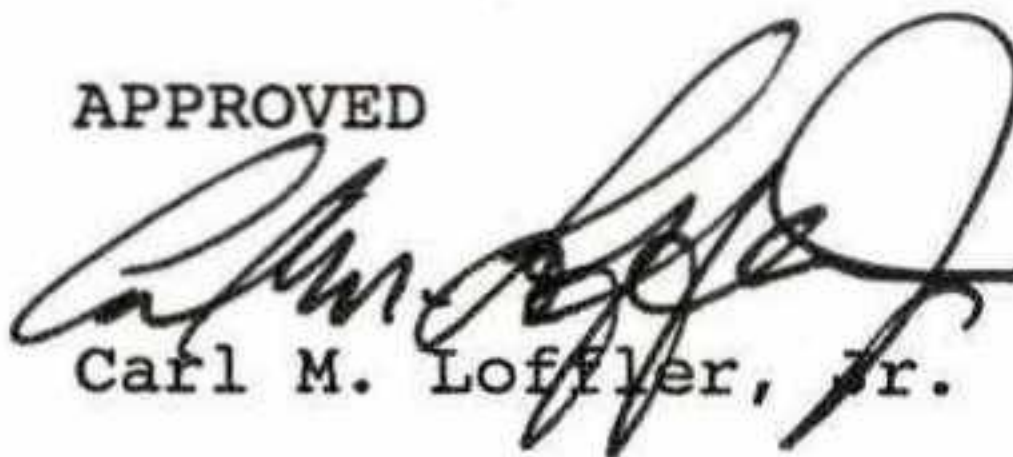
Mike Dugan - In support of salary increase for teachers and employees; in support of law enforcement budget; and suggested raising property tax rate \$.40-\$.50.

Elfreda Mathis - In support of S.M.I.L.E. Tutoring Program budget.

Doug Ritchie - Discussed property taxes, sources of revenue for the County, impacted aid from federal government, alcoholic beverage tax.

The hearing concluded at 10:20 p.m.

APPROVED



Carl M. Loffler, Jr.