

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, April 30, 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

CALL TO ORDER

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

APPROVAL OF MINUTES

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve the minutes of the Commissioners' meeting of Tuesday, April 23, 1991 and the Planning and Zoning portion of the April 16, 1991 meeting. Motion carried.

APPROVAL OF BILLS

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

COUNTY ADMINISTRATOR'S ITEMS

Present: Edward V. Cox, County Administrator

1) BUDGET AMENDMENTS

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

91-59
County Commissioners

Justification: To provide funding for additional office supplies to carry through fiscal year.

91-60
Emergency Management/Animal Control

Justification: To cover costs of reimbursement for sheep kill.

Commissioner Bailey moved, seconded by Commissioner Thompson, to approve and authorize Commissioner Loffler to sign the Budget Amendments as presented.

No. 91-61
St. Mary's County Public Schools

Justification: To cover the cost of foundation preparation, delivery and installation costs of a purchased manufactured storage building for track equipment - \$2,500.

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Loffler to sign the Budget Amendment as presented. Motion carried.

2) **FISCAL YEAR 1992 BUDGET SCHEDULE**

The County Administrator presented a memorandum dated April 29 from the Director of Finance recommending the following schedule for completion of the FY '92 Budget:

- May 14 - Review and approval of revenue estimates and capital budget;
- May 21 - Review and approval of general fund budget (If needed, a work session on another date could be scheduled);
- May 28 - Setting of tax rate for Fiscal Year 1992 and signing of FY '92 Budget.

3) **MARCEY HALFWAY HOUSE
DEPARTMENT OF HEALTH AND MENTAL HYGIENE**

The County Administrator presented a grant application for the Marcey Halfway House for the period July 1, 1991 through June 30, 1992 in the amount of \$156,114. The grant is 100% state funded.

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Loffler to sign the Grant Application as presented. Motion carried.

4) **RESPONSE TO ECONOMIC DEVELOPMENT COMMISSION
MARKETING PROPOSAL**

Relative to the Economic Development Commission's marketing proposal presented at last week's meeting, the County Administrator presented correspondence indicating that the Commissioners cannot meet the requested May 3 response deadline.

Commissioner Lancaster moved, seconded by Commissioner Bailey, to sign and forward the letter as presented. Motion carried.

5) **Department of Public Works Items**

On behalf of the Director of Public Works, the County Administrator presented the following items:

- **Acceptance of Deed
Road Resolutions
Wilderness Subdivision, Section 1**

Deed dated September 14, 1987 between Redgate Ventures Partnership, by James Sullivan, President of The Sullivan Companies, Inc. and Board of County Commissioners of St. Mary's County, accepting Woodmere Drive, Wilderness Road, Evergreen Court, and White Pine Court into the County Highway System.

Road Resolution R91-01 - Designating the following streets as Stop Streets:

- Wilderness Road as it intersects with Md. Rt. 5
- Woodmere Drive as it intersects with Wilderness Rd.
- White Pine Court as it intersects with Woodmere Dr.
- Evergreen Court as it intersects with Woodmere Dr.

Road Resolution setting the speed limit on Wilderness Road, Evergreen Court, White Pine Court and Woodmere Drive at 25 miles per hour.

DEPARTMENT OF PUBLIC WORKS ITEMS (continued)

- **Right-of-Way Acquisition - Acceptance of Deed**
Pegg's Road

Deed dated April 24, 1991 between Howard S. Hyman and Board of County Commissioners of St. Mary's County.

Deed dated April 24, 1991 between Terry L. Gill and Board of County Commissioners of St. Mary's County.

Deed dated April 24, 1991 between Londontowne Development Corporation and Board of County Commissioners of St. Mary's County.

Deed dated April 24, 1991 between Noel Collins, III and Board of County Commissioners of St. Mary's County.

Deed dated April 24, 1991 between Dennis Tyrone Thompson and Board of County Commissioners of St. Mary's County.

Deed dated April 24, 1991 between Alis J. Ellis and Board of County Commissioners of St. Mary's County.

Deed dated April 24, 1991 between Dianne W. Bellamy and Board of County Commissioners of St. Mary's County.

Deed dated April 24, 1991 between Christopher F. Perlick and Kathleen M. Perlick and Board of County Commissioners of St. Mary's County.

Deed dated April 25, 1991 between Ernest J. Willoughby and Paul J. Willoughby and Board of County Commissioners of St. Mary's County.

Deed dated April 25, 1991 between Yvonne Pasley and Board of County Commissioners of St. Mary's County.

Deed dated April 9, 1991 between Eileen O. Clements and Board of County Commissioners of St. Mary's County.

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

- **Easement Agreement**
Pegg's Road

Between Benjamin P. Johnson and Veronica M. Johnson and the Board of County Commissioners of St. Mary's County conveying to St. Mary's County a perpetual easement through a portion of the Johnson property for the construction of Pegg's Road.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve and sign the Easement Agreement as presented. Motion carried.

- **Public Works Agreement**
Summerwood, Section 2

Dated April 10, 1991 between Wayne Wise and St. Mary's County, Maryland guaranteeing completion of improvements by April 1, 1992; agreement is backed by a Letter of Credit with The First National Bank of St. Mary's in the amount of \$168,100.

- **Addenda to Public Works Agreements**

Hunter's Ridge

Between Lewis Raye West and Board of County Commissioners extending the deadline for completion of improvements to November 1, 1991. Addendum is backed by a Letter of Credit with First National Bank of Maryland in the amount of \$236,900.

- **Correspondence Calling Letters of Credit**

Poplar Ridge Subdivision, Section 3A
Public Works Agreement Bond
Letter of Credit No. 290277 with Maryland National Bank
in the amount of \$23,500.

Indian River Estates, Section Six
Public Works Agreement Bond
Letter of Credit with John Hanson Savings Bank
in the amount of \$98,800

Hunter's Ridge Subdivision
Grading Permit No. 90-33
Letter of Credit with First National Bank of Maryland
in the amount of \$38,400.

McDonald's Site, Lexington Park
Grading Permit No. 90-13
Letter of Credit with American Motorists Ins. Co.
in the amount of \$10,000.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Loffler to sign the Public Works Agreement, Addenda to Public Works Agreements and correspondence calling Letters of Credit. Motion carried.

Addenda to Public Works Agreements (Millison)

Cedar Cove Subdivision, Section 5
Between Patuxent Development Inc. J. Laurence Millison and Board of County Commissioners extending the deadline for completion to May 1, 1992. Addendum is backed by a Letter of Credit with Maryland National Bank in the amount of \$353,000

Whaler's Creek Runn
Between J. Laurence Millison and Board of County Commissioners extending the deadline for completion of improvements to May 1, 1992. Addendum is backed by a Letter of Credit with Maryland National Bank in the amount of \$204,300.

- **Addenda to Grading Permit Agreements**

Cedar Cove PUD, Swash Bay

Between Patuxent Development, Inc., J. L. Millison and Board of County Commissioners extending the deadline for completion of work to May 1, 1992. Addendum is backed by a Letter of Credit with Maryland National Bank.

Because of his company's involvement with the referenced projects, Commissioner Loffler stepped down as Chairman and Commissioner Bailey presided over the meeting.

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Bailey to sign the Addenda as presented. Motion carried.

6) **POLICY MEMORANDA**
PROCUREMENT PROCEDURES

The County Administrator presented an April 25 memorandum from the Procurement Officer forwarding policy memoranda for the Commissioners' consideration setting standard policy for the sale of surplus material, real estate, and confiscated vehicles

Commissioner Lancaster moved, seconded by Commissioner Bailey to approve and sign Policy Memorandum 91-1 (Sale of Surplus Material), Policy 91-2 (Sale of Surplus Real Estate), and 91-3 (Sale of Confiscated Vehicles). Motion carried.

7) **FISHER ROAD
RESOLUTION NO. 91-15
ACCEPTANCE OF DEED**

The Commissioners having conducted a public hearing on April 9 and continued on April 23, the County Administrator presented Resolution No. 91-15 approving the abandonment of Fisher Road (County Route 3356) as a public road from its intersection with Md. Rt. 5 to its intersection with Mattapany Road, a distance of 2,270 feet. County Administrator Cox also presented a Deed dated April 30, 1991 conveying Fisher Road to St. Mary's College.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve and sign Resolution No. 91-15 and to authorize Commissioner Loffler to sign the Deed as presented. Motion carried.

8) **FAMILY LEAVE (LEAVE WITHOUT PAY) REQUEST
DEPARTMENT OF RECREATION AND PARKS**

The County Administrator presented a memorandum dated April 29, 1991 requesting approval for up to 60 days Leave Without Pay and continuation of health insurance benefits at the current premium rates for Victor Briscoe, Grounds Maintenance Worker, Recreation and Parks Department in accordance with the County's interim Family Leave Policy.

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

9) **COUNTY RESIDENCY REQUIREMENT AND WAIVER REQUEST
OFFICE OF PLANNING AND ZONING**

The County Administrator reminded the Commissioners of last week's discussion regarding the request for a temporary waiver of the six-month residency requirement for Joe Meinert, Office of Planning and Zoning because he has been unable to sell his current residence.

Commissioner Lancaster moved, seconded by Commissioner Thompson, to grant a six-month extension of the residency requirement. Commissioners Bailey and Jarboe voted against the motion. Motion carried. three to two.

**LEONARDTOWN COUNCIL
ANNUAL MEETING WITH COUNTY COMMISSIONERS**

Present: Maguire Mattingly, Mayor
Becky Proffit, Council Member
Steve Raley, "
Tom Shea, Town Manager
Rebecca Sothoron, Financial Manager
David Culver, Circuit Rider
Charles Wade, County Director of Finance

The referenced individuals from the Town of Leonardtown appeared before the Commissioners to discuss the following items of mutual interest.

1) **Solid Waste Tipping Fees**

Mr. Mattingly requested the Commissioners' consideration that if the County does increase the tipping fees at the landfill, to exempt Leonardtown from the increased rates. He stated that residents of Leonardtown pay a fee for trash pick up and pointed out that an undetermined amount of trash is collected within Leonardtown from outside the Town's corporate limits.

2) **Recycling**

Mr. Culvert advised that Leonardtown has been participating with the County in a recycling program. Leonardtown is planning on expanding this program to have recycle containers for glass, aluminum and plastic. He stated that in a couple of years Leonardtown hopes to get into curbside recycling.

3) **Tax Differential**

Mrs. Sothoron distributed previously forwarded correspondence dated March 21 from the Town Council to the Commissioners regarding the method of calculating the Tax Differential. Currently the method used in calculating the differential is based on the value of county-owned property within Leonardtown. She stated had looked at another method of calculating by placing a value on the various duplicated services and the percent of the property tax rate funds those services. However, because of the time and manpower involved in developing this method, the Town has agreed to maintain the current approach which is in the amount of \$36,619.

4) **Day Care Center**

Mr. Culver pointed out that the \$190,000 grant funds offered to the County for a Day Care Center is still on the Commissioners' table, and Leonardtown was hopeful that the Commissioners will give it favorable consideration.

5) **Sidewalks**

Mr. Shea stated that the County and Town had met to discuss having sidewalks installed in front of the Governmental Center to provide access to the Library. County Administrator Cox advised that the State had indicated no interest in providing funds for this purpose.

6) **Tudor Hall**

Mr. Mattingly stated that the Town has agreed to share in the funding of the Tudor Hall restoration project in the amount of \$20,000.

7) **Names for Venus Craters**

Relative to a NASA project, Mr. Mattingly suggested that the County and Leonardtown work together on providing a woman's name for craters in the planet Venus.

8) **Leonardtown Sewage Treatment Plan**

Mr. Shea advised that the sewage treatment plant is currently running on a daily basis at 40% capacity; however, due to some infiltration during heavy rains, the capacity is about 50%. There are currently 1120 Equivalent Dwelling Units (EDU's) remaining in the plant. Any upgrade would be for the installation of equipment to handle sludge more efficiently. He stated that the County will be facing the same situation with the closing of the Navy's landfill and suggested that the County consider taking sludge into the landfill.

9) **Academy Hills Project**

Commissioner Thompson inquired as to the status of the Academy Hills project. Mr. Shea responded that residents of Eldon Lane have appealed the Town's decision on this matter to Circuit Court. He pointed out, however, that a stay was not requested, and the project is going forward.

10) Newspaper Shredding

In response to an inquiry from Commissioner Jarboe, Mr. Mattingly advised that Leonardtown is looking into the shredding and baling of paper, which he stated can be used for bedding of horses and swine.

ANNUAL REPORTS

Present: Joseph Mitchell, Director DECD
Dennis Nicholson
Nancy Hutson
Tom Shea

Community Development Block Grant Committee

The referenced individuals appeared before the Commissioners to present the 1990 Annual Report for the Community Development Block Grant Committee. Mr. Mitchell pointed out that the Committee had been re-established in 1990 for the purpose of reviewing applications for CDBG funding; and, therefore, there is no actual report for 1990.

St. Mary's County Community Development Corporation

The referenced individuals appeared before the Commissioners to present the 1990 Annual Report for the Community Development Corporation.. Mr. Mitchell advised that the corporation was established in 1990 for the purpose of receiving and administering federal and state Small Cities Community Development Block Grant program funds as well as other housing related funding provided by the Department of Housing and Community Development. Activities and programs of the CDC include: extension of public sewer line along Md. Rt. 245, Essential Home Repair Revolving Loan Program, Mobile Home Revolving Loan Fund, Tubman Douglass Homeownership Demonstration, Emergency Mortgage Assistance Program, and Outreach Agent for State Programs.

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

Resolution No. 91-14

**Community Development Block Grant Application
Lexington Park Eighth Election District Housing Strategies**

Mr. Mitchell presented a grant application for 1992 Maryland Small Cities Community Development Block Grant in the amount of \$500,000 for three activities required to meet the affordable housing goals for St. Mary's County. The application is for three activities: Lexington Park Development District Master Plan, Homeownership Assistance Loan Program, and Revolving Loan Fund for Landlords and Homeowners.

Mr. Mitchell reminded the Commissioners that the County had worked with the Navy to try to get funding for the Lexington Park Master Plan, but because of budget constraints the Department of Defense would not fund it.

Mr. Mitchell requested the Commissioners consideration to approve Resolution No. 91-14 authorizing forwarding of the grant application to the State and to authorize Commissioner Loffler to sign the grant application and associated documents.

Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve and sign Resolution No. 91-14 and further to authorize Commissioner Loffler to sign the application and related documents. Motion carried.

EMPLOYEES' ASSOCIATION

Present: Frank Munsterteiger, President
Barbara Midkiff
Mary Duke

The referenced individuals appeared before the Commissioners to express appreciation for reinstating merit increases for county employees in the FY '92 budget and to request consideration to maintain the health insurance benefits at the current 90-10% level rather than the proposed 80-20% rate.

Mr. Munsterteiger presented a petition signed by county employees setting forth this request.

The Commissioners thanked the employees for all their efforts and agreed to give consideration during FY '92 budget deliberations. Commissioner Bailey pointed out that the Commissioners had agreed that this would be the first item put back into the budget should funds become available.

PROCUREMENT REVIEW

Present: James Haley, Procurement Officer

Mr. Haley appeared before the Commissioners to review comparisons of procurements between Fiscal Year 1989 and Fiscal Year 1990.

Mr. Haley discussed purchase requisitions for small and sealed bids purchases, purchases by department, and total procurement requests processed. He advised that total savings achieved for FY 89-90 was \$1,838,498.

During his presentation, Mr. Haley listed major accomplishments which include: Highest quality end product or service at an equitable and reasonable price; saved taxpayers dollars by competitive purchasing process; Health Department purchasing; no bid protests, claims or legal actions; utilized contracts through other public agencies; joined Southern Maryland Cooperative Purchasing Committee; and assisted other agencies with purchasing matters.

In closing Mr. Haley proposed that his department do the following: work closely with all departments, consolidate like requirements, establish blanket purchase agreements, continue to meet with interested citizens and organizations, continue to hold seminars and workshops, and continue to make personal contact with local businesses.

**OFFICE OF PLANNING AND ZONING
PUBLIC HEARING**

Present: All Commissioners were present
Ed Cox, County Administrator
Jon Grimm, Director, Planning and Zoning
Jeff Jackman, Land Use Planner
Peggy Childs, Recording Secretary.

1) PROPOSED ZONING ORDINANCE AMENDMENTS TO #90-11

Mr. Grimm presented the proposed amendments to Zoning Ordinance #90-11 as forwarded by his memorandum of April 2, 1991. As recommended by staff and the Planning Commission, four amendments are proposed to be held for review during the 1991 Annual Review: 33.00.2.b, Signs; 40.04 & Table 40.04.5D, Yard & Bufferyard Requirements; 53.18.3, Mobile Homes on Individual Lots; and Definition of Immediate Family Members.

Table 33.05 - Minimum Lot Area & Dimensions

Lot frontage would be reduced from 50 ft. to 35 ft. for the RH zone; current practice for cul-de-sacs is to require standard street frontage.

41.01.7.e - Accessory Buildings & Uses

Correct from 10 ft. to two feet (administrative error); accessory buildings not for dwelling purposes.

42.13 - Bonds for Improvements

Applies only to cluster development.

53.13 - Extraction of Natural Resources

Commissioner Bailey commented he is afraid this will hurt the little man; if he has to pay each time he opens five acres it is going to cost him more than the gravel is worth.

60.12 - Forms, Information & Specifications

Plot plan drawn to scale may be hand-drawn sketch; no survey required.

Definition - Inoperable Vehicles

Pertains only to registered vehicles; does not affect farm equipment.

Definition - Front Lot Line

Would not affect access to second street, would only establish building restriction line or setback/yard requirement.

Commissioner Loffler opened the hearing to public comment.

60.04 - Enforcement of Minimum Requirements

Attorney Oliver Guyther states this section will not stand a legal test and previous language should be maintained, as an individual should be served or notified and have the opportunity to respond before Stop Work Order. Asks that County Attorney review.

10.09 - Inoperable Vehicles

Lawrence "Rocky" Rowland states this is an unenforceable regulation and recommends this be reworded so as not to infringe on individual's rights as property owner. Comments: (1) This provision prohibits any inoperable licensed vehicle on private property for any reason (i.e., rebuild classic cars, lost insurance, or "out-of-sight" storage on large property) and enhances invasion of privacy. (2) Junk cars do have value for some people. (3) Should also apply to junk boats. (4) Inoperable vehicles are not required to be registered.

60.09 - Certificate of Use & Occupancy

Mr. Rowland states he has a building permit for his house, which will take 3-4 years to build, and he is concerned that this provision will require him to meet building code requirements, from which he is currently exempt. Objects to the elimination of 60.10, the "grandfathering" statement for his permit.

60.04 - Enforcement of Minimum Requirements

Mr. Rowland said he agrees with Mr. Guyther - 99% of the County does not know the ramifications of the Ordinance, and he does not want to be treated like a Gestapo.

51.02 - Standard Site Plan Information

Eve Palmer asked how much land a developer is required to show per site plan, when he submits a site plan for approval to the Planning Commission, stating it is her understanding that,

in order to build in a clustered area where you're eventually going to have HOA and other things, that you must have a pre-approval process and show certain things before you can build. Mr. Grimm stated these amendments do not affect that, and he doesn't know of any requirement off-hand for minimum size of site plans.

Ms. Palmer stated she understands in the site plan approval process that you should have a certain amount of property that you are dealing with, and that on the site plan you will show stormwater drainage, public facilities and things of that nature. She said her home was built without a survey, and they only had an outer boundary and a drawing which gave the topography, showing the development envelopes, and it is her understanding that you must submit something in addition to these two drawings before you build. She said her house was built before any approval processes took place - they signed their contract in February and in mid-March the survey was done, showing only two lots and attached homes (townhomes). When she looked for additional information to see what she was protected with, Ms. Palmer said, she found the approval processes didn't take place.

Commissioner Loffler replied that he needed to get Ms. Palmer's question in conformity with this hearing on the proposed changes; he said he knows what she is talking about, and we have gone over this same thing many, many times, but this is not the time or place to rehash why a PUD is the way it is, and envelopes, and how it is so divided, and if she wished to continue she must ask a question or make a comment on what the hearing is about.

Definition - Townhouse Clusters

Ms. Palmer asked what document she can refer to determine open space or recreational areas within walking distance of her home, and if it would be by virtue of the site plan. Mr. Grimm stated it would be a standard site plan, but this would be for new development rather than old development. He responded that PUDs do require site plans as they go through the development process, depending on the types of development proposed.

Ms. Palmer asked Mr. Grimm where her pre-approved site plan is, but was advised by Commissioner Loffler that that was an inappropriate question at this hearing on the proposed amendment. She changed her wording to apply to the Townhouse Cluster provision, stating she has a problem - her home was built and she purchased it without any approval process. Commissioner Loffler reiterated that the question was not appropriate to the hearing and he thought her specific question had been answered. Ms. Palmer asked if the Commissioners were assuring her that in the future that what she is referring to in the way of open space and other things would be approved, even if it is on a lot by lot basis. Commissioner Loffler replied he is not here to assure her of anything, he is here to listen to testimony on the Ordinance changes.

48.05.2 - Nonconforming Lots of Record

Surveyor Larry Day stated he feels this is unclear and recommends the nonconforming lot of record building restriction line should be those recorded in the Courthouse and the language regarding prevailing setbacks should be eliminated.

This concluded public comment. Commissioner Loffler stated the public hearing would remain open for 10 days for written comment, and requested that any suggested wording changes be submitted in writing to OPZ within that time period. Mr. Grimm provided for the Commissioners' review the Planning Commission's list of proposed topics for the Annual ZO Review, scheduled to be brought before the Commissioners at the end of August.

DISCUSSION ITEMS

Comprehensive Water/Sewer Plan Status Report

Also Present: Ray Anderson, Water Management Division, MDE
Steve King, Assistant Director, MetComm

Mr. Grimm stated in 1989 the County adopted a "Report of the Review" which was not comprehensive in its review because of other major projects ongoing at that time: the 1988 Comprehensive Plan, the Critical Area Ordinance adopted in early 1990, and the 1990 Zoning Ordinance adopted in mid-1990; more recently there have been "2020" considerations. The "Report of the Review" indicated a requirement for a comprehensive update within a year, which was not met largely because of the Zoning Ordinance adoption process and other projects. Attention was focused on water/sewer classifications during "2020" discussion, and staff has found map deficiencies and some design projects have been returned to developers because they were not properly designated on the Water/Sewer Plan. As a result staff is in the process of bringing the map component of the water/sewer plan up to compliance with State requirements.

Mr. Grimm distributed a Summary List of CWSP Amendments Since 1987, stating some of the amendments may not have been formally transmitted to the State, and recommended that all of the Amendments be transmitted with the appropriate Resolution, Minutes and documentation of appropriate findings to impress upon the State that we are, in fact, taking steps to make the desired progress under the State requirements. Secondly, and perhaps more important locally, this will allow for the processing of plans in a timely fashion to make sure the development projects are not artificially held up by something outside of the developer's ability to address.

The second handout, Tables and Maps for the 1991 Biennial Update of the Comprehensive Water and Sewerage Plan, sets out a schedule and requirements for updating the Water/Sewer Plan to be conducted by OPZ, MetComm, Health Department and State agencies, with the assistance of a consultant. The schedule on page 5 proposes at least one status report to the Commissioners between now and November, and action by the Commissioners for a Comprehensive Amendment to the W/S Plan by the end of November. In the interim, staff proposes to establish a methodology for future actions and to work more closely with Mr. Anderson's staff to transmit appropriate material. Between now and November staff will continue to process amendments as needed, addressing HB 601 requirements effective July 1, 1991 and providing additional plan amendment detail such as Tables requested by the State, which not been done in the past.

Mr. Grimm related staff recently met with the Planning Commission regarding this issue and the Commission's role in the review of Sewer Plan Amendments under HB 601. Working with Larry Petty and two members of the Planning Commission, a recommendation will be made as to how processing of plans would occur and set out specific roles for the applicant, staff agencies, and the Planning Commission. The recommended procedures will be brought forward to the Commissioners by July 1.

Ray Anderson, of MDE, offered his view of the process, stating that St. Mary's is going from a rural to a suburban flavor, and must look at where it is headed and what it wants to do, and the Comprehensive Water/Sewer Plan is like a business plan for looking ahead in terms of where you want to go. Mr. Anderson said he cannot by law issue a construction permit unless he is convinced that the systems extended to provide water and sewer are safe and adequate, and asked that the County make a commitment to an update of the Plan. He gave a chronology of events from the 1986 Report of the Review, and said it is his feeling that, in the process of developing our Comprehensive Plan, the W/S Plan had been left out.

Mr. Anderson asked for more cooperation between the County, the State, and the developer, adding his efforts are only as successful as the support the Commissioners give him. He said a Plan Amendment must accompany the application for construction permit, making the commentary on safety and adequacy of the systems; in terms of the Amendment itself there must be text information. There is also a legal requirement for a letter saying the W/S Plan Map is consistent with the Land Use Plan; this can be just one general letter. Maps must also be submitted which show the systems. Mr. Anderson suggested the Commissioners encourage the staff to work full time to update the W/S Plan and that bi-weekly meetings with County and State staff to review what needs to be done to accomplish it.

Commissioner Loffler assured Mr. Anderson that the County looks forward to working with the State, but added St. Mary's gets a lot of its dictates from the State, all of which impact on staff. He said the Commissioners feel they have been following a very successful pattern for a Plan, not the least of which is Water and Sewer; the County is very, very concerned about our water and have gone through a process in the last six months to ensure that the State and County are working together to assure an adequate water supply and proper separation, so that the "cone effect" doesn't dry up all the rural wells.

Commissioner Loffler said we have a very, very good Comprehensive Plan and also a new Zoning Ordinance which dictates where we are going, so we have a very firm grasp on what areas will develop and what will be rural, and then this had to be tied in with Critical Areas, which the County has also done. This cycle took us from November 1988 through August 1990, he said, and although the State did not see these components the County was very concerned about Water/Sewer and many of our meetings were taken up with that concern, to ensure that things moved along as the Plan was being finalized and developed. He said the Commissioners feel they now have the horse and the cart, and now will team them together and get water and sewer where we need it, and asked that the State have patience with us - because we are a rural county, Mr. Loffler said, we can't go out and hire new staff people, but we have the nucleus and will cooperate with Mr. Anderson's office in every way that we know how to complete the finalization of the Water/Sewer Plan.

Mr. Anderson said they are willing to come down here to meet with staff, that they look at it as a cooperative effort. Commissioner Loffler stated the County is going to need the State's help, because the Naval Air Station will not be receding from the area, it will actually grow in size and the growth could be dramatic in the next couple of years.

Wildewood PUD Amendment

Mr. Cox advised that the purpose of the discussion was to see if the Commissioners felt they have all of their questions and concerns resolved and, if so, to give staff direction to prepare the Resolution, with conditions of approval.

Commissioner Loffler stated the Commissioners need copies of the updates/revisions to the plan. Mr. Grimm said he has asked the developer to provide us with a certain number of copies of the revisions which staff would, if the amendment is approved, certify for processing as required by the terms of the Zoning Ordinance.

The Green Book having been brought into compliance with the 1978 Ordinance, the Commissioners considered the Planning Commission's recommendation item by item. Commissioner Loffler asked that the language regarding exemption from impact fees for the retirement community be stricken from the Green Book so that there is no inference that the Commissioners have approved it. He said he thought waiving of the \$300.00 Recreation and Parks fee was appropriate, but he would like to see a list of the facilities. Mr. Wettengel replied that he has no problem with the impact fee issue.

Commissioners Bailey and Jarboe stated they thought all those issues had been addressed, and Mr. Grimm responded that, when he was prepared to come before the Commissioners on April 16 he was comfortable with the resolution reached on each of the outstanding issues. He said some agreement had been incorporated into the document relating to traffic analysis and the School Board's consideration of the school site, changes to some of the development standards to bring them into conformance with the 1978 Zoning Ordinance, dictates of the Planning Commission's regulation had been agreed to by the developer, so that we had, to his knowledge, removed all issues from consideration.

Commissioner Loffler asked how condition #5 of the Planning Commission's recommendation would be applied, and how a development standard would be changed mid-stream. Mr. Grim replied he would suggest through public hearing for an amendment to the Plan. The Commissioners felt there was no reason to delay drafting the approving document. Regarding the school site, Mr. Cox ascertained that the School Board was getting ready to take up the issue in their meeting, and would advise the Commissioners accordingly.

Commissioner Jarboe moved to instruct staff to draw up the necessary document for approval, updating the Green Book as agreed upon. The motion was seconded by Commissioner Lancaster and passed by unanimous vote.

Growth Allocation

Also Present: Alan Schmitt, Bashford Creek Estates, Applicant
Herb Redmond, of DH Steffens Co.

A modified plan for nine lots, consisting of 27.77 acres of growth allocation, was submitted for the Commissioners' approval. Mr. Redmond said this is the third plan submitted and is offered as an alternative to the Planning Commission's recommendation to remove Bashford Estates from Design Competition and place it in the Minor Subdivision Category and said, if approved, Mr. Schmitt will not ask for anything else - this is it.

Considerable discussion evolved concerning the amount of growth allocation involved, as the nine lots are calculated at three acres to satisfy the underlying density. Mr. Schmitt stated he is also concerned about growth allocation, and said he doesn't understand what is qualitatively different about a subdivision as opposed to a minor subdivision that would require three acres instead of 1.5 acres per lot.

Mr. Schmitt said he was told in December the lots had to be contiguous; then the Planning Commission decided the lots don't have to be contiguous to have the one 20-acre set-aside. With that in mind he had redesigned, making the lots non-contiguous and including the best building site. That is the difference between the original plan and this plan; however, as Mr. Redmond said, if this is approved there is no thought of coming back next year, as that building site is included on this plan.

He said he can find no statement in the Critical Area Ordinance saying how many acres of growth allocation will be charged per single family residence for a subdivision of six or more lots. He said he is uncomfortable about the assessment of growth allocation, and said he thinks the County is over-assessing, and said it makes sense to him for a policy statement to be made that a single family residence and its lot will have 1.5 acres growth allocation assessment, as do single-lot and minor subdivisions. Commissioner Loffler responded he thought the 27 acres could include the 20-acre set-aside, and said he thought we are creating the confusion.

Commissioner Thompson asked if we can do this under Option 2 why not do it this way? Mr. Grimm responded he thought the Planning Commission had reviewed a number of departmental recommendations and felt we were being too conservative in sending recommendations that would be approved by the State, and he thought if this Board would care to use Option 2 it would be consistent with the Planning Commission's recommendation and would have a chance of being approved by the State. We do allow for development restriction of land through the subdivision process and, he said, if that would be the intent of the Board staff could so configure such a subdivision plat and put a subdivision restriction on a balance to reach the required RPD zoning density as a means to accommodate the 9 lots and minimize growth allocation.

Mr. Schmitt stated it is very important to him to reduce the growth allocation, and the Commissioners instructed staff to proceed along those lines. Mr. Grimm advised he would ask the other developers as well as Mr. Schmitt to present those items outlined as requirements for transmittal to the State and bring them back in two weeks in final form for signature and forwarding to the State.

7:00 P.M.

**PUBLIC HEARING
CONSTANT YIELD TAX RATE**

Present: Charles Wade, Director of Finance
Interested Citizens

The Board of County Commissioners conducted a public hearing on a proposal to increase property tax rates beginning July 1, 1991 by maintaining the current tax rate of \$2.33 per \$100 of assessment. The Constant Yield Tax Rate is \$2.19.

After a brief presentation by Mr. Wade, the Commissioners opened the meeting to comments and questions from the audience.

W. D. Essick - Tax rate should be retained at \$2.19. The rate is arbitrary and not real value. Letting inflation run the tax rate out of sight is wrong. Don't give automatic increase in taxes. Discussed Proposition 13 in California.

Roger Chandler - Submitted petitions with 1,746 signatures requesting tax rate to remain at \$2.19. Believed that the tax has put a burden on homeowners. Citizens pay taxes as a result of tax assessors setting value on property, tax cap of 10%, and tax rate.

Ann Haskel - Budget has tripled over last ten years. Requested (1) that all agencies that want more more be told to put in a reduction plan and cut out fat and waste. It should be available for public to see; (2) That a list be published of Board of Education salaries for teachers and staff and administrative personnel. County Commissioner form of government is no longer adequate to serve the needs of St. Mary's County. Retired and on fixed income. Property has been in her family since 1927. Has been told she is paying taxes because of her view of the boats during the big race at St. Mary's College.

Doug Ritchie - Suggested that other sources of revenue be found-- graduated piggy back tax and additional alcoholic beverage tax. Will see what fat is in budget when audit comes out. Displayed graph showing that incomes of \$30,000 and less pay the most taxes and that there are 80 individuals who make \$26 Million. Property tax is falling to 64% of the population.

Ken Heikkinen - Many people do not understand the tax rate is actually an increase in taxes in the amount of \$1.7 Million. People may lose homes. Should put burden on other kinds of taxes; should find other sources.

Mary Rorabacher - Urged Commissioners to decrease taxes. Retired people cannot afford a tax increase. Commissioners need to take a better look at Board of Education budget.

Brad Ruby - Increase in taxes will price everyone out of this area. We are paying for schools being used all year.

William H. Lewis - Representing two property owners in Eighth District who have been reassessed. Taxes have increased 300%. Should have a separate rate for 1st and 8th districts. Suggested that Commissioners hear taxpayers' comments on budget before they hear Board of Education's requests

Trygre M. Blix - Bought property in St. Inigoes and there has been a 500% increase. Taxes are so high he may not be able to retire here.

Al Iagnemmo - Retired and on fixed income. Being taxed off his property (120% increase) Questioned Board of Education Budget. Why does it increase when student population remains the same.

Jesse Pilkerton - Retired and on fixed income. Will be taxed out of his house.

Joe Gardner - On fixed income. Commissioners are not following constant yield tax rate. Public put Commissioners in office to manage budget, and they are not doing it.

Arthur Rolitalle - Growth in government has accelerated to the point of taking our livelihood.

Herman Stevens - On a fixed income. Taxes in the last couple of years have going up 100%

Mike Johnston - Attended Assessments meeting at which Commissioners Loffler asked citizens to wash the process unfold. He has and does not like what he sees. Since Commissioner Loffler has been in office tax rate increased from \$1.99 to \$2.33 and there have been added energy tax, transfer tax Economic Impact Fee, only a 10% cap on assessments and now the County wants a garbage tax. There is an under current in this County about this.

Rome Owens - Offered a solution--bring back the slots.

Dusty Harnden - Pays taxes and doesn't get services where he lives. Wall Street Journal says that Maryland is the "Tax Hell" of the nation. Need to listen to the people who are asking Commissioners to lower tax rate. They put the Commissioners in office and they want you to represent their point of view. Wants to eliminate Commissioner form of government and put in Charter. Questioned 10% cap. Stated tax assessor gave him his home phone number. Asked for accountability from Commissioners and inquired where Commissioners get their authority. Stated that people have little say in the budget.

Eve Palmer - Resident of Wildewood. Son suffered cultural problems in this County because he was ahead of the others. Discussed problems with Wildewood Development--unable to get documents that show her deed is legal. Savings should be used to give older taxpayers a break.

Gene Rae - Asked to be shown where in the Code of Maryland he is limited to two minutes to speak.

Bob Sodenberg - Has been unsuccessful in working with tax assessment people. Commissioners should control tax rate and reduce it from \$2.33 to \$2.10.

Rae Thompson - Citizens pay Commissioners and are paid to do a job. Board of Education is going to receive 48.9% of budget. Concerned about appeals from education people to more money. Concerned about women who asked for bus service to take her kids to tennis lessons. She supports schools, but wants to know how money is being spent. Also asked why there was just a 10% cap on tax assessments. Charles County has 2% and Calvert 4%. Should have a tax on gravel and timber. She stated she is a housewife and has to watch her budget, and the Commissioners should tell the Board of Education what they can have to spend.

Don Brown - Requested tax rate to remain at \$2.19

Frances Eagen - Questioned charts presented by Mr. Wade. Stated there is a tax increase when rate goes from \$2.19 to \$2.33.

Minnie Russell - Increase in her taxes. Need to conduct a study and find out why Mr. Baggett needs more property. Why does the County have to turn over 2,000 acres to the State. Why are we trying to sell Swann's to the State. Questioned whether anyone follows up--referenced her dilemma with Motor Vehicles Administration.

Thomas Midday (First District) - St. Mary's County has highest ratio of tax free property according to Wade and Mitchell presentation. He stated that taxes could be reduced if that land could be put back on tax rolls. (Commissioner Loffler responded that federal and state governments hold a large amount of land.) Suggested a different tax rate for 1st and 8th Districts.

Roy Fedders - Inquired as to what will happen to NESEA. (Commissioner Loffler said it will remain with federal government. Commissioners are wrong in taxing so high. Federal Government can investigate if enough people complain.

Marilyn Horton - Last year spoke against transfer tax because it restricted a lot of first time home buyers. With taxes going up more people will be restricted. Requested the Commissioners to reconsider these taxes.

Rocky Rowland - Satisfied with schools in County, but need to roll services back to three years ago. Income cannot keep up with inflation. Need to cut more services because Commissioners cannot continue to cut taxpayers. Citizens will help to make those decisions.

Robert Thompson - No growth in student population, but budget has increased. Requested reconsideration of tax rate.

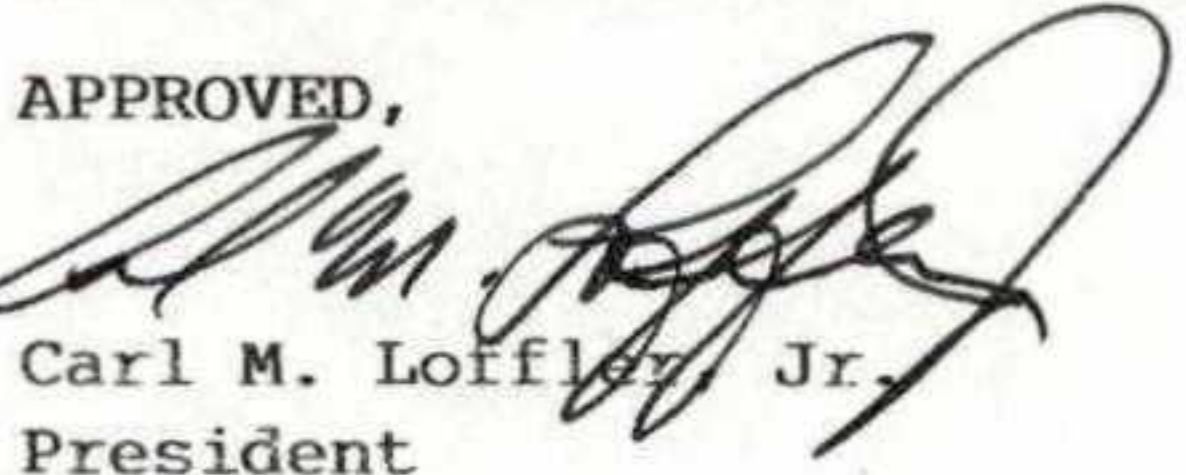
Jean Chandler - Has been told that the assessments are based on 40% value now, but in 5 years, it will be based on 100% value. (County Administrator Cox stated that this was recommended by the Linnowes Commission)

Helen Marie Crowe - Inquired as to when the Commissioners were going to respond and that responses be published.

Harold _____ - Taxes are running retired people out of the County and putting them in a poor folk's home. County is raising fees to fund Board of Education and now raising taxes for school board. This is double jeopardy.

Linda Adams - Agreed that there be cuts, but not the Board of Education.

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

APPROVED,

Carl M. Loffler, Jr.
President