

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, May 14, 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 Lancaster moved, seconded by Commissioner Jarboe, to approve the minutes of the Commissioners' meeting of Tuesday, May 7, 1991 and the Planning and Zoning portion of the April 30, 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) INFORMATION RELEASE
FLAG DAY CELEBRATION AND NATIONAL PAUSE FOR THE PLEDGE

The County Administrator presented an Information Release announcing the annual Flag Day celebration and national Pause for the Pledge to be held Friday, June 14 at the Governmental Center.

The Commissioners agreed to distribute the Information Release.

2) RECLASSIFICATION/NEW POSITION REQUESTS

The County Administrator stated that one of the Commissioners' tasks during the budget process is the review of reclassification and new position requests. The review had been done in a previous executive session; and, therefore, County Administrator Cox presented a memorandum dated May 7, 1991 presented staff recommendations.

The Commissioners agreed to defer a decision until it could be discussed in Executive Session.

3) REGIONAL SOLID WASTE MANAGEMENT PLAN

The County Administrator presented correspondence responding to a letter from the Chairman of Tri-County Council recommending the appointment of Dan Ichniowski to serve as St. Mary's County's representative to serve on the task force.

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

4) MARCEY HOUSE - TYPIST POSITION

The County Administrator presented a letter responding to April 29 correspondence from the Marcey House Board of Directors regarding a request for waiver of the typing test for the Temporary Secretary position at Marcey House. The letter denies approval of waiving of the typing test in that it would endanger the integrity of the County's merit system.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to sign and forward the letter as presented. Commissioners Bailey and Jarboe voted against. Motion carried. three to two.

5) BUDGET AMENDMENT NO. 91-68
PUBLIC SCHOOLS

The County Administrator presented the referenced Budget Amendment recommended for approval by the Director of Finance with the following justification: To cover cost over run on Great Mills and Chopticon bleacher projects. (\$5,000 to be taken from Hollywood Elementary School toilets)

Commissioner Jarboe questioned whether the County had a legal obligation for handicap accommodations. Commissioners Bailey and Thompson questioned the varied amounts for providing handicap toilets at different schools.

Later in the meeting after clarification by the Board of Education that these were not handicap toilets, Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Loffler to sign the Budget Amendment as presented. Motion carried.

6) BUDGET AMENDMENT NO. 91-67
OFFICE OF COMMUNITY SERVICES

The County Administrator presented the referenced Budget Amendment recommended for approval by the Director of Finance with the following justification: Cost to operate Pax Hi Program for the Summer of 1991 - \$29,915.

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

7) CERTIFICATE OF NEED - ST. MARY'S NURSING CENTER

The County Administrator presented correspondence addressed to the State Health Planning Commission requesting favorable consideration of the Certificate of Need Application submitted by the St. Mary's Nursing Center for an additional 54 comprehensive care beds and other related services.

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

8) RESPONSE TO CONCERNED CITIZEN

The County Administrator presented correspondence addressed to Mr. James R. Jordan responding to concerns relative to solid waste disposal, property taxes, the Leonardtown Bypass, and zoning provisions for shopping centers.

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

9) HOLLYWOOD TREATMENT PLANT

The County Administrator presented correspondence addressed to Erik Jansson responding to his concerns relative to the Hollywood Treatment Plant. The letter indicates that the Commissioners have approved the formation of a task force to be chaired by Dr. Garner Morgan.

The Commissioners agreed to sign and forward the letter.

10) **HOLLYWOOD ELEMENTARY SCHOOL**

The County Administrator presented correspondence addressed to Tom Serb, Co-Chairman of the Hollywood Elementary School Advisory Council indicating that the Commissioners recognize the need for adequate school facilities and assuring him of the Board's cooperation and commitment for a timely completion of the project.

The Commissioners agreed to sign and forward the letter.

11) **SENIOR CARE GRANT PROPOSAL**

On behalf of the Director, Office on Aging, the County Administrator presented a Fiscal Year 1992 Senior Care (formerly called Gateway II) grant application for the Commissioners' review and consideration. No County funds are involved.

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

12) **LITERACY WORKS GRANT**

The County Administrator presented the referenced Literacy Works Grant Application in the amount of \$13,962 for Fiscal Year 1992 prepared by Judith R. Jenkins, Supervisor of Adult Education/Summer School/Multi-Service Community Center. The grant, which requires no county funds, will provide funding towards a part-time coordinator position for the public schools and a part-time secretary, as well as supplies, for the Literacy Council.

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

13) **LETTER OF AGREEMENT
TRANSFER OF GREAT MILLS ELEMENTARY SCHOOL**

The County Administrator presented an Agreement transferring Great Mills Elementary School from the County Board of Education to County Government, which had been approved by the State Board of Public Works. Conditions of the transfer are: That the transferred school and site will be retained by the County and leased to the Charles County Community College; that approval of the Board of Public Works shall be obtained by the County prior to the transfer of any right, title, or interest in the school or site.

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Loffler to sign the Letter of Agreement. Motion carried.

14) **CLEARINGHOUSE PROJECT NO. MD 910320-0196
FmHA HOUSING PRESERVATION GRANT**

The County Administrator presented the referenced clearinghouse project and recommended that it be forwarded to the State with the comment that it is consistent with the County's plans, programs, and objectives.

The Commissioners gave their concurrence.

15) **REGIONAL TOURISM COMMITTEE**

The County Administrator presented correspondence addressed to Commissioner Middleton, Chairman, Tri-County Council expressing support for the extension from January 1, 1992 to June 30, 1992 for the regional tourism program to remain independent from the Council. The letter also expresses support of the expansion of the membership to five from each county.

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to sign and forward the letter. Commissioners Loffler and Thompson voted against the motion. Motion carried three to two.

16) EDUCATIONAL ASSISTANCE REQUEST
HARIS MOHAMMAD - PUBLIC WORKS

The County Administrator presented a memorandum from the Personnel Officer requesting the Commissioners' approval of a request for educational assistance for Haris Mohammad, Department of Public Works along with a contract.

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to approve the educational assistance request and authorize Commissioner Loffler to sign the contract. Motion carried.

17) ST. MARY'S NURSING CENTER
LICENSE RENEWAL APPLICATION

The County Administrator presented the Elderly Care License Renewal Application for the St. Mary's Nursing Center.

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

18) TRI-COUNTY COUNCIL
AGRICULTURAL ASSISTANCE PROGRAM

The County Administrator presented correspondence from Tri-County Council requesting the Commissioners to allocate \$10,000 in Fiscal Year 1991 to support the agricultural assistance program, and further to provide \$10,000 in Fiscal Year 1992 for this purpose.

Commissioner Jarboe moved, seconded by Commissioner Bailey, to provide \$10,000 for Fiscal Year 1991 and that funding for Fiscal Year 1992 be determined during budget deliberations. Motion carried.

WALDEN COUNSELING CENTER
ANNUAL REPORT

Present: Kathy O'Brien, Executive Director
Sue B. Gelrud, President
Jan Briscoe Baldwin, Board of Directors
Janet Cook, "
Ingrid Sauerwine, "
Kathy Slagle)
Barbara Taylor)
Dee Harris) Staff
Eileen Ehrman)
Virginia Simpson)

The referenced individuals appeared before the Commissioners to present the 1990 Annual Report for the Walden Counseling Center. Mrs. O'Brien advised that Walden is a private, non-profit organization and operates under direction from the Board of Directors, with oversight by Domestic Violence/Sexual Assault Advisory Board and Mental Health, Alcoholism, Drug Abuse Advisory Council.

Mrs. O'Brien reviewed the various activities and programs of Walden including the Crisis Program (hot line, crisis intervention, information and referral services, emergency shelter services); outpatient treatment services (drug abuse treatment, domestic violence, sexual assault and child sexual abuse); residential services (adolescent emergency shelter, Sierra House, Marcey House). She also reviewed costs of services, funding sources (federal/state grants, county in-kind and local funding) and annual counseling caseload.

In summary Mrs. O'Brien pointed out that services have increased with the largest number of clients service coming from St. Mary's County, but percentage of county funding has decreased. She stated that demands for services are growing, but revenue is declining. She advised that Walden has a dedicated staff who are willing to continue to meet the many challenges encountered. She further advised that one of the problems facing Walden is office space.

In conclusion Mrs. O'Brien expressed appreciation to the Board of County Commissioners for support and that the Board and staff were looking forward to the County's continued support as they meet the challenges of the 90's.

**LIBRARY BOARD OF TRUSTEES
FISCAL YEAR 1992 BUDGET**

Present: Katherine Hurry, Director Southern Md. Regional Library
Mary Ann Chasen, Chairman, Library Board of Trustee
Mary Wood, Librarian

The referenced individuals appeared before the Commissioners to request the Commissioners' consideration to reinstate \$20,000 for materials and to request funding in the amount of \$79,039.36 for a one-time expenditure to pay off the library's automated computer system. The buy out would result in a savings of \$108,529. Mrs. Hurry advised that Calvert County has agreed to the buy out, and that a decision is needed from St. Mary's and Charles Counties. With regard to the materials portion of the budget, Mrs. Hurry indicated that there will have to be a further reduction in purchase of periodicals and continuation books (reference books).

In conclusion the Commissioners agreed to consider the \$20,000 request during budget deliberations and further requested the Director of Finance to investigate a way to pay off the computer system.

DEPARTMENT OF PUBLIC WORKS

Present: Dan Ichniowski, Director

1) FISCAL YEAR 1992 OPERATING BUDGET

Mr. Ichniowski presented a memorandum dated May 14 requesting the Commissioners' reconsideration for several items in the FY '92 operating budget totalling \$193,920:

- o New positions: Recycling Coordinator, Landfill Attendant and Laborer, Equipment Mechanic III, Building Services Inventory Clerk
- o Five Day Laborer positions
- o Selling Back of Leave
- o Reclassification Requests

The Commissioners will consider these items during the FY '92 budget deliberations.

2) HOLLYWOOD SHORES SHORE EROSION DISTRICT

Mr. Ichniowski presented information that will be distributed at the May 29 public informational meeting regarding the establishment of the Hollywood Shore Erosion District.

**3) PUBLIC WORKS AGREEMENT
ADDENDUMS TO PUBLIC WORKS AGREEMENTS**

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

**Chestnut Ridge, Section III
Public Works Agreement**

Dated April 19, 1991 between Delmarva Properties, Inc. and St. Mary's County guaranteeing completion of improvements to Woodridge Court by April 1, 1992. Agreement is backed by a Letter of Credit with Crestar Bank in the amount of \$161,300.

**Poplar Ridge, Section 3A
Addendum to Public Works Agreement**

Between Marvin C. Franzen and Board of County Commissioners extending the deadline for completion of improvements to April 1, 1992. Addendum is backed by a Letter of Credit with Maryland National Bank in the amount of \$23,500.

**Tosca (Parcel C) Warwick
Addendum to Public Works Agreement**

Between Interstate General Company, L.P. and Board of County Commissioners extending the deadline for completion of improvements to February 1, 1992. Addendum is backed by a Letter of Credit with Maryland National Bank in the amount of \$30,000.

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

**4) ACCEPTANCE OF DEED
MAPLE RUN SUBDIVISION, SECTION TWO**

Mr. Ichniowski presented a Deed dated May 15, 1989 between Londontowne Development Corporation and County Commissioners of St. Mary's County for the extension of Magnolia Drive to be accepted into the County Highway Maintenance System.

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

**5) ACCEPTANCE OF DEEDS
PEGGS ROAD**

Mr. Ichniowski presented the following Deeds relative to the Peggs Road reconstruction project:

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

Between David M. Buddenbohn and Board of County Commissioners of St. Mary's County.

Partial Release of Deed of Trust dated December 3, 1990 between Irving Dross and Edward J. Cook and Interstate General Company.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to accept the Deeds and Partial Release of Deed of Trust as presented. Motion carried.

FISCAL YEAR 1992 BUDGET PROPOSAL

Commissioner Bailey presented a memorandum to the Commissioners request support in an effort to reduce the property tax rate from \$2.33 to \$2.19, which would reduce projected revenue by the amount of \$1,739,985. In order to balance the reduction in projected revenue, Commissioner Bailey recommended funding a 5% cost-of-living adjustment for all Board of Education employees instead of the proposed 8% for teachers, supervisors, and administrators and the 7% for classified employees. He further recommended reduction \$429,000 from the capital general fund transfer for certain projects; and reducing debt service by delaying certain capital projects, specifically the Hollywood Elementary School, until FY '93.

Commissioner Bailey moved, seconded by Commissioner Jarboe to accept this proposal. Commissioner Loffler stated that he would not recognize this motion in that it was not appropriate at this time and should be done in connection with the budget deliberation procedures already established.

Commissioner Jarboe questioned Commissioner Loffler's authority to take that action. The Commissioners requested County Administrator Cox to investigate this matter.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator

Commissioner Bailey moved, seconded by Commissioner Thompson to meet in Executive Session to discuss matters, of Litigation and Personnel (Boards, Committees, Commissions) and Personnel. Motion carried.

The Sessions were held as follows:

Litigation

Also Present: Joseph Densford, County Attorney

Held from 11:20 a.m. to 11:35 a.m.

Personnel

Held from 11:35 a.m. to 12:00 Noon

BOARD OF EDUCATION

Present: William Burroughs, Superintendent
Joan Marsh, President, Board of Education
Jean Campbell, "
Al Lacer "
Robert Kirkley "
Jonathan Nelson "

The County Commissioners conducted the regular monthly meeting with the Board of Education.

Fiscal Year 1992 Budget

Mrs. Marsh inquired when the Board of Education would know the actual figures for the FY '92 Budget. She further requested that if there was an unanticipated fund balance, that the Board of Education be able to use that in addition to appropriated funds from the County.

Commissioner Loffler explained that the Commissioners will be reviewing the Capital Projects later in the day and those figures should be finalized this week. The Operating Budget will be reviewed next week with the FY '92 budget to be finalized and budget signed on May 28. He stated that the County did not anticipate any additional revenues.

Hollywood Elementary School

Discussion ensued regarding that Sixth District Elementary School site and whether it could accommodate a middle school as well. Commissioner Jarboe expressed concern that it appears that it will not accommodate a middle school and that it was a large amount of acreage for the County to purchase for just an elementary school site.

The Commissioners advised that a decision by the Board of Education is needed as soon as possible as to whether the land is suitable.

Capital Projects

The Board of Education reviewed the list of capital projects and funding sources for Fiscal Year 1992. Mrs. Marsh pointed out revisions that had been made to the list and noted the priority items.

The Commissioners will review this list during their Capital Budget discussion later in the day.

EXECUTIVE SESSION

The Commissioners went into Executive Session to continue the session on consideration of appointments to Boards, Committees and Commissions (Personnel). The Session was held from 2:45 to 3:10 p.m.

DIRECTOR OF FINANCE

Present: Charles Wade, Director of Finance

1) Nursing Home Expansion

Mr. Wade recommended that the Commissioners forward fund in the amount of \$400,000 the Nursing Center expansion project. He stated that it would be a loan to the Building Authority and would be paid back at the time bonds were issued.

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to forward fund up to \$400,000 for the Nursing Center expansion project to be a loan to the Building Authority. Motion carried.

2) General Obligation Bonds Dynard Elementary Addition

Mr. Wade presented a draft Resolution would would allow a transfer of General Obligation Bond funds from the Greenview Knolls project to be applied to the Dynard Elementary School project.

3) House Bill 206

Mr. Wade distributed a copy of House Bill 206 which indicates that for Fiscal Year 1992 only, counties are not required to comply with the maintenance of effort for Board of Education funding as provided in Section 5-202(b)(3)(iii) of the Education Article (regarding budgetary percentage to the Board of Education).

4) Revenue Projections

Mr. Wade distributed up-to-date information regarding projected revenues for Fiscal Year 1992. He stated that revenues for FY '91 are estimated to be \$60,980,037 and projected revenues for FY '92 are \$61,753,987.

The Commissioners directed Mr. Wade to finalize the revenue projects for the FY '92 Budget.

FISCAL YEAR 1992 CAPITAL PROJECTS

Present: Edward V. Cox, County Administrator
Charles Wade, Director Finance
Marty Jones, Budget Analyst

The County Commissioners reviewed the documents representing a number of projects included in the Recommended Capital Budget. Several revisions, additions and deletions were made resulting in a revised document.

Actions taken by the Board on certain items in the Capital Budget were as follows:

Project Title	Action
Asphalt Overlay	All Commissioners voted in favor to limit this project to \$1,000,000.
Surface Treatment	Approved as recommended.
Slurry Seal	Approved as recommended.
Chopticon Toilets	Approved as recommended.
Tech Center Roof	Commissioner Lancaster moved, seconded by Commissioner Thompson to approve the project at \$235,000 local funds instead of \$105,000 as set forth in Recommended Budget. Commissioners Bailey and Jarboe voted against. Motion carried. three to two.
Banneker Elem. Toilets	Approved as recommended.
Felix Johnson	Commissioner Thompson moved, seconded by Commissioner Lancaster, to delete project. Commissioner Bailey and Jarboe voted against. Motion carried three to two.
Lettie Dent Addition	Approved as recommended (To reduce it by \$114,000 for equipment)
Green Holly Addition	Approved as recommended (To reduce it by \$110,000 for equipment)
Community College	Commissioner Thompson moved, seconded by Commissioner Lancaster, to delete this project. Commissioners Bailey and Jarboe voted against. Motion carried three to two.
Sixth District Elem. School	Commissioner Lancaster moved, seconded by Commissioner Thompson, to reduce the amount by \$340,000 (equipment). Commissioners Bailey and Jarboe voted against. Motion carried three to zero to two.

FISCAL YEAR 1992 CAPITAL PROJECTS (continued)

Project Title	Action
Vehicle Maintenance Facility	Approved as recommended.
Fuel Facility	Approved as recommended
St. Andrews Landfill	Approved as recommended (Under General Obligation Bonds)
Recycling Support	Approved as recommended
Clements Closeout	(Mr. Wade checking into correct figure)
Multi-Use Center	Approved as recommended
Park Hall Elementary	Commissioner Lancaster moved, seconded by Commissioner Thompson, to allocate \$255,000. Commissioners Bailey and Jarboe voted against. Motion carried three to two.
Yowaiski Mill Road	(Mr. Wade to get confirmation of state funding and developer funding.)
Indian Bridge Road	Commissioner Jarboe moved, seconded by Commissioner Lancaster, to add this project in the amount of \$307,300 for planning. Commissioners Thompson and Loffler voted against. Motion carried three to two.
Tudor Hall	Approved to add as recommended.
Roadside Obstacles	Approved to approve funding in amount of \$70,000.

Commissioner Lancaster moved, seconded by Commissioner Thompson to include the following Board of Education projects in the Capital Budget: Leonardtown Elementary School (removal of asbestos and pipe repair) - \$75,000; Tech Center (exterior repair) - \$25,000; Great Mills High School (boundary fence) - \$35,000; Chopticon High School (emergency kitchen repairs) - \$5,000 (a total of \$140,000). Commissioner Bailey voted against the motion and Commissioner Jarboe abstained. Motion carried three to one to one.

Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve the revised document as the Capital Budget for Fiscal Year 1992 in the amount of \$15,549,284 of which \$4,679,600 will be a General Fund transfer and \$10,869,684 will result from state and bond funding. Commissioners Bailey and Jarboe voted against the motion. Motion carried three to two.

OFFICE OF PLANNING AND ZONING

Present: All Commissioners.
Jon Grimm, Director
Peggy Childs, Recording Secretary.

DISCUSSION

PROPOSED ZONING ORDINANCE AMENDMENTS TO #90-11

Mr. Grimm distributed comments received following the public hearing on April 30, 1991 and proposed changes resultant from the public hearing.

PROPOSED ZONING ORDINANCE AMENDMENTS (continued)

10.09 - The Commissioners discussed the "junk cars" provision, 10.09, Commissioners Bailey and Jarboe commenting that we have a provision now that is difficult to enforce and that the new provision would require more people to enforce. Mr. Grimm replied staff is not going out looking for the one car that is in violation, that 85-90% of the violations are written in response to citizen complaints, but the current provision is too vague, and this provision would give staff "the teeth" to enforce it. Commissioner Jarboe also asked about abandoned boats; Mr. Grimm replied the Planning Commission recommendation was that this provision does not address the cleaning up of boats.

48.05 - Larry Day has expressed concerns about 48.05, building restriction lines on nonconforming lots of record. Staff supports and the Planning Commission recommends that the first clause of that provision, "In the event all of the minimum yard requirements cannot be provided" be stricken, as suggested by Mr. Day, so that building restriction lines on a lot of record existing prior to the Ordinance will be the lines in existence when the lot was recorded.

53.20 - Dave Ryan expressed concerns in his letter related to the application of a 25 ft. setback from property lines at the waterfront for the erection of piers and bulkheads. Mr. Grimm said Mr. Ryan implies that Army Corps of Engineers and the Planning Office have traded responsibilities; that is not something that we have sought, rather the Army Corps has decided to allow the local process to play itself out. Secondly, he implies that we are not enforcing the current regulations; that is not true, he said, what staff is trying to is only enforce the 25 ft. setback at the water's edge. The proposed amendment is intended to provide guidance to the Planning Commission to draft the methodology we would use to extend the lines into the water. Mr. Grimm will report back with a diagram showing pier extensions and property lines.

60.04 - Regarding comments that 60.04 will not stand a legal test, staff believes that it will and the County Attorney has also reviewed the proposal and finds it acceptable. 60.10 - it is staff's position that the current provision has invalidated a number of other permits which are appropriate, and this request is to eliminate that invalidation.

Appendix I - Reducing lot frontage on cul-de-sacs, as proposed by surveyor Larry Day, to 35' on 50' cul-de-sac, 30' on 45' cul-de-sac, and 20' on flag lots. This is also supported by staff and recommended for approval by the Planning Commission at their May 13th meeting. As a result, a footnote would be added to every entry of Appendix I reflecting these change. Flag lots must adhere to all other access restrictions.

34.03.2.e.(10) - Pre-existing fuel tanks over 10,000 gallons would be grandfathered, with one-for-one replacement allowed.

53.13 - Commissioner Bailey again expressed concerns regarding extraction of natural resources, and making the little man come in for approval for every 5 acres, saying it would cost him more than it was worth. Mr. Grimm replied it is felt that when a mining operation exceeds 5 acres it is no longer a small operation, and the fee to go before the Board of Appeals is \$640.

Commissioner Lancaster moved to instruct staff to prepare the revisions to the Ordinance for final approval, as recommended by the Planning Commission, including the changes to 48.05 and Appendix I, and excepting 33.00.2.b, Signs, 40.04 & Table 40.04.5.D, Yard & Bufferyard Requirements, 53.18.3, Mobile Homes on Individual Lots; and Definition of Immediate Family Members, which will be held for further review during the 1991 Annual Review.

Discussion - Commissioner Jarboe questioned the junk car provision in relation to rural areas, saying he could understand the restriction in residential areas, and stated the only way he would support it is if it includes abandoned and rotting boats.

The Chair called for the vote, which was unanimous in support of the motion.

GROWTH ALLOCATION
Bashford Creek Estates

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

Mr. Grimm recalled the history of the process and this application, noting the Planning Commission's recommendation that, under the Development Envelope approach, one 20-acre parcel restriction could serve for purposes of calculating density, which could include anything except tidal wetlands. As a result Mr. Schmitt has revised his plan in a manner consistent with the first submission, which received the second highest rating in the Design Competition category.

The revised plan is for nine lots on a total of 21.68 acres, with a development area of 13.83 acres; the balance will be restricted from development. Other portions of the property will also be restricted to make up the 20 acres. The area around the Schmitt's residence, which has been a home site for 90 years, is being kept with the farm. This portion totals 16.26 acres.

Mr. Grimm complimented Mr. Redmond, saying that the reservation and restricted areas are ones for which we can do a series of overlays, that have poor soils, that have the drainage ways and that constitute the Critical Area 100 ft. Buffer, and are the ones we want to stay away from developing to begin with, so we are meeting the objectives in terms of minimizing growth allocation and, at the same time, maximizing the protection of the environmentally sensitive areas.

Commissioner Loffler commented this really establishes a policy for us to follow in the future for growth allocation.

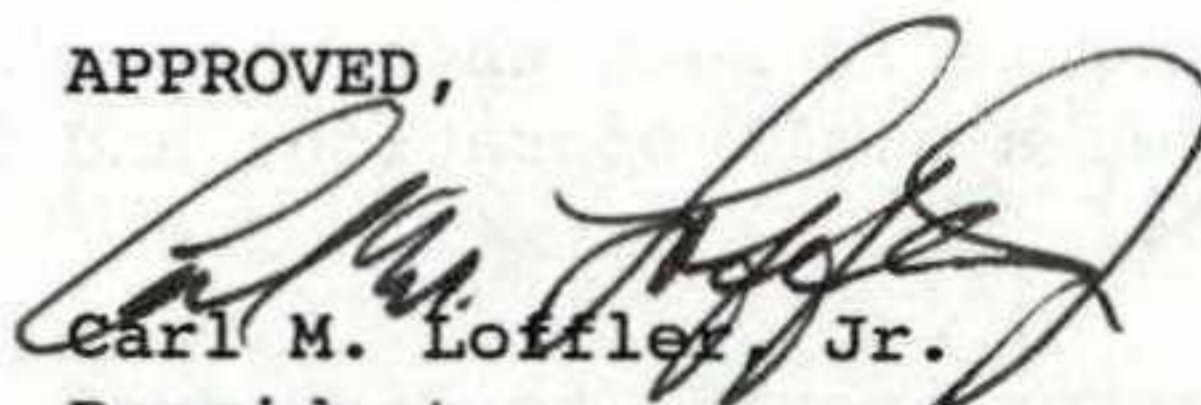
Commissioner Bailey moved for approval, seconded by Commissioner Lancaster. The motion passed by unanimous vote.

Mr. Grimm stated staff will prepare a letter for the Commissioners signature transmitting the projects to the State, and noted the State will hold their next regular monthly meeting at St. Mary's City on June 5th. As many local elected and appointed officials are requested to be represented as possible.

ADJOURNMENT

The meeting adjourned at 6:20 p.m.

APPROVED,



Carl M. Loffler, Jr.
President