

ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, July 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 9:00 a.m.

APPROVAL OF MINUTES

Commissioner Thompson moved, seconded by Commissioner Jarboe, to approve the minutes of the Commissioners' meeting of Tuesday, July 23, 1991. Motion carried.

APPROVAL OF BILLS

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

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator
Edward Clarke, Jr., Vice-President, Piper and Marbury
Charles Wade, Director of Finance

Commissioner Lancaster moved, seconded by Commission Thompson, to meet in Executive Session to discuss a matter of litigation. Motion carried. The Session was held from 9:15 a.m. to 10:00 a.m.

COUNTY ADMINISTRATOR'S ITEMS

Present: Edward V. Cox, County Administrator

1) APPOINTMENTS

Commissioner Bailey moved, seconded by Commissioner Thompson, with motion carried, to make the following appointments with terms as indicated:

Commission for the Disabled	Terms to Expire
Nancy Hutson	12.31/95
Dennis Nicholson	12/31/95
 Southern Maryland RC&D Board	
Capt. Lawrence D. Jarboe	3/01/94

2) RESOLUTION NO. W/S 91- 10
WATER/SEWER PLAN AMENDMENT
ABELL'S RUN SUBDIVISION (SPEC #87-0200)

Application to amend the Comprehensive Water and Sewer Plan for property located in the Third Election District, containing 54.744 acres of land, zoned RPD, located on the north side of St. John's Road, approximately 0.2 miles east of Norris Road, known as Abell's Run Subdivision, Tax Map 33, Block 4, Part of Parcel 84, containing 55 single-family lot, from W-3 to W-6.

The Commissioners having conducted a public hearing on June 25, 1991 and held subsequent decision discussion, the County Administrator presented a Resolution approving the requested reclassification.

Commissioner Thompson, moved, seconded by Commissioner Lancaster, to approve and sign Resolution No. W/S91- amendment the Comprehensive Water and Sewer Plan by reclassifying the subject property from W-3 to W-6. Motion carried.

3) **CORRESPONDENCE**

The County Administrator presented the following items of correspondence for the Commissioners' review and signatures:

- To Ms. Tracy Summers, President, Countryside Homeowners Association responding to concerns regarding current construction and development problems of Countryside Townhome Subdivision.
- To Mr. John Horton indicating that the County is negotiating with the state on the property transfers for the proposed community college site and that a public hearing will be held on the transfers.

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

4) **ROAD RESOLUTIONS - PEGGS ROAD**

The County Administrator presented the following Road Resolutions for the Commissioners' review and approval:

R91-11 - designating the following streets, located on Peggs Road, as Stop Streets.

Peggs Road as it intersects with State Route 237
Forest Run Drive as it intersects with Peggs Road
Liberty Street as it intersects with Peggs Road.

R91-12 - Posting Pegg's Road at 30 miles per hour.

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

5) **OFFICE ON AGING
NOTIFICATION OF GRANT AWARD
STATEWIDE SPECIAL TRANSPORTATION ASSISTANCE PROGRAM (SSTAP)**

The County Administrator presented the grant agreement for the Statewide Special Transportation Assistance Program (SSTAP) for the operation of the public transportation program in St. Mary's County. Cost of the project is estimated at \$62,230 (federal share - \$12,471; state share - \$26,676; local share - \$23,083))

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

6) **RESOLUTION NO. 91 -25
BUILDING PERMIT FEE EXCEPTION**

The County Administrator indicated that the County currently abates building permit fees for non-profit organizations. He presented a revision to that policy which would also allow abatement of building permit fees for replacement of structures damaged or destroyed by accident or disaster. This would only apply to the area that had been destroyed, not to any expansion.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve and sign Resolution No. 91-²⁵ repealing Resolution No. 91-08 and readopting the policy as presented. Motion carried.

7) CORRECTIONAL CORPORATION OF AMERICA

The County Administrator presented a memorandum recommending the appointment of a Task Force to study social and community issues in addition to economics and to prepare recommendations for the Commissioners' approval. The seven-member Task Force would include the Sheriff, County Attorney, Chamber of Commerce representative, Planning Commission representative, Budd's Creek citizen, Wicomico Shores citizen, Chaptico citizen.

After discussion Commissioner Bailey moved, seconded by Commissioner Lancaster, to appoint the Task Force as recommended. Motion carried.

DEPARTMENT OF PUBLIC WORKS ITEMS

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

Stormwater Management Grant - Fiscal Year 1992
Grant-In-Aid Application In the amount of \$114,799 to be forwarded to the Sediment and Stormwater Administration

Acceptance of Deed - Chancellors Village Subdivision
Deed dated July 20, 1989 between Bean Associates and Board of County Commissioners accepting Foxchase Drive, Village Court, Lexington Drive, and Lexington Court into the County Highway Maintenance System.

Road Resolutions - Chancellors Village Subdivision

No. 91-07
Designating the following streets as Stop Streets:

Foxchase Drive as it intersects with State Route 237
Village Court as it intersects with Foxchase Drive
Lexington Drive as it intersects with Foxchase Drive
Lexington Drive as it intersects with Peggs Road
Lexington Court as it intersects with Lexington Drive.

No. 91-08
Posting Foxchase Drive, Lexington Drive, Lexington Court, and Village Court at 25 miles per hour.

Addendum to Public Works Agreement
Clover Hill West
Between Bakron, Inc. and Board of County Commissioners extending deadline for completion to August 1, 1992. Addendum is backed by Savings Account with First National Bank of St. Mary's.

Addendum to Public Works Agreement
Pine Ridge Subdivision
Between Ford Dean and Board of County Commissioners extending the deadline for completion to July 15, 1992. Addendum is backed by Letter of Credit in the amount of \$45,500 with First National Bank of St. Mary's.

Addendum to Public Works Agreement
Heard's Estates
Between Quality Built Homes, Inc. and Board of County Commissioners extending the deadline for completion to August 1, 1992. Addendum is backed by Letter of Credit in the amount of \$32,000 with Washington Savings Bank.

Public Works Agreement

Laurel Ridge, Section 4B

Dated July 9, 1991 between Swarey Builders, Inc. and St. Mary's County guaranteeing completion of Arlington Drive and Edison Court by July 1, 1992. Agreement is backed by a Letter of Credit with Maryland Bank and Trust in the amount of \$265,800.

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

**CERTIFICATE OF APPRECIATION
AMERICAN LEGION POST 54**

Present: George Duke

Mr. Duke appeared before the Commissioners to present the Board with a Certificate of Appreciation for allowing American Legion Post 54 use of a meeting room at the Governmental Center.

TIN TOP HILL SEWER LINE - ALLOCATION POLICIES

Present: Jon Grimm, Director, Planning and Zoning
Larry Petty, Director, Metropolitan Commission
Joe Mitchell, Director, Economic & Community Development
Tom Russell, Director, Environmental Health

The referenced individuals appeared before the Commissioners to present a recommendation from the Planning Commission regarding the adoption of a policy for the allocation of Equivalent Dwelling Unit (EDU) capacity at the Leonardtown Wastewater Treatment Plant. Mr. Grimm stated that the Planning Commission has recommended that the Commissioners adopt a Resolution similar to the one adopted on the St. Clements Shores Wastewater Treatment Plant.

The recommended policy for the designation of EDU's is as follows:

1. First Priority shall be given to the HUD project (Holland Forrest - number of EDU's must be determined) and all properties which abut the facility at one EDU per lot or dwelling unit or the actual number of EDU's, whichever is greater.
2. Second priority shall be given to nonabutting properties with existing septic failures.
3. Third priority shall be given to nonabutting vacant or improved lots for a single unit of development.
4. Fourth priority shall be given to either abutting or nonabutting new development which demonstrates compliance with the development objectives of the Comprehensive Plan. These shall be allocated on a first-come, first-served basis at the time of subdivision plat approval.

Commissioner Loffler suggested, and the Board agreed, that the EDU policy include a "window of opportunity", a reasonable period of time to give applicants for EDU's an opportunity.

Mr. Bailey presented correspondence from Robin Sexton regarding the EDU allocations and outlining his request for an allocation for Lot 1 in Green Hills Subdivision. Mr. Grimm indicated that it was his belief that the request would fall in the third priority.

During discussion Mr. Mitchell explained the history of the sewer line pointing out there are four problems that needed to be solved:

1. Homes along Md. Rt. 245 that did not have indoor plumbing or had failing septic systems.
2. A commercial enterprise (McKay's Foodland) that could not expand with the current line. Mr. Russell advised that McKay's was also experiencing a failing system.

The other two categories were for people living along McIntosh Road for which there were no available funds. Other sources of funding (such as Farmer's Home) are being investigated. Mr. Mitchell further advised that there are sufficient EDU allocations to solve this problem, and if there are surplus EDU's, they can be allocated to other property owners. He indicated that the HUD project would take about three years.

Based on figures from the Metropolitan Commission, Mr. Grimm pointed out that after the required allocations, there will be 106 EDU's for other property owners.

After discussion Commissioner Bailey moved, seconded by Commissioner Jarboe, to direct the County Attorney to prepare the appropriate Resolution accepting the recommendation of the Planning Commission with regard to Priorities 1 through 4, 84 EDU's for Category No. 1, to be set aside for no more than three years; EDU's for Category No. 2, allowing six months for applicants for correction of existing failing systems to apply; and additional six months for Category No. 3, after which Category No. 4 would be open for EDU allocations. (Allocations will not be granted until the applicant gets subdivision plan approval..) Motion carried.

OFFICE OF PLANNING AND ZONING

Present: Jon Grimm, Director
Jeff Jackman, Land Use Planner
Peggy Childs, Recording Secretary.

Also Present: Larry Petty, Director, Metropolitan Commission
Tom Russell, Director of Environmental Hygiene

1) WATER/SEWER AMENDMENTS DISCUSSION

CWSP #90-0466 - DOCK O' THE BAY (25 EDUs)
CWSP #90-0289 - HARBOR VIEW MARINA (24 EDUs)
CWSP #91-0726 - COMBS CREEK MARINA (6 EDUs)

All three projects are requesting sewer classification change from S-6 to S-3D to permit construction of low pressure sewer system to accommodate marine pumpout facilities; all projects are located on Joe Hazel Road in Compton.

These public hearings were held on July 16, 1991. Mr. Grimm stated the Planning Commission has recommended approval for the EDUs to serve existing marina slips contingent upon Health Department certification of failing systems. Two of the three projects - Dock O' the Bay and Harbor View Marina - have received Health Department certification, however Combs Creek Marina has not.

For the record, Mr. Grimm stated OPZ received notice on Friday from Robert and Dorothy Joyner that they had been inadvertently omitted from the list of those waiting for sewer allocations, which is maintained by OPZ. At the public hearing Martel and Mackall Ricketts spoke, stating they have been on the list for allocations for some time; however, if these three projects were approved the projects would use up all the remaining allocations at the St. Clements Shores Wastewater Treatment Plant.

Commissioner Thompson stated that she had spoken to the Joyners earlier this morning, and she thought the crux of the matter was that

they felt these allocations go beyond failing systems and, if the County is opening the sewer line to people outside of St. Clements Shores, Commissioner Thompson asked, have people like the Joyners had the opportunity of getting their name on the list?

The Commissioners discussed the issue at great length. Commissioner Bailey stated he is in favor of giving the marinas the EDUs if they have failing systems, but he questions the amount of EDUs they are being given. Mr. Petty stated the plant flow is designed for 100,000 gpd and is currently flowing about 30,000 gpd. Commissioner Bailey questioned the way the EDUs are being calculated, stating if we've allocated all the EDUs and the plant is only operating at 1/3 capacity, there is something wrong.

Commissioner Bailey questioned at the public hearing the flow rate calculation and that the figures were lifted from the Washington Suburban Sanitary Commission, and suggested the County should meter similar commercial operations to see what amount of water they use. He said according to his calculations every 13 bar stools would equal one EDU (300 gallons per day), and that may be true in Washington, but he thinks it is much too high for St. Mary's County; if these business only needed half the EDUs being requested, that would free up EDUs for other people to use.

Mr. Petty advised that a treatment plant flows at about 1/3 of what it is designed for, and that was part of MetComm's rationale to go back to the State and have the flow rate dropped from 350 gpd to 280 gpd and, just recently, 250 gpd. The flow rate at SCS is actually about 170 gpd, but 250 gpd is as low as the State will let them go, because there are a goodly number of allocations reserved for lots within the original delegated service area of St. Clements Shores which are not built upon.

Mr. Petty said he doesn't want anyone to think that by challenging the number of EDUs the consultant came up with for the marinas we're going to be able to solve everybody's problems, because once the line is run to the marinas we will incorporate, by that mere action, homes along that line with failing systems, and the totality will probably be 75-85 EDUs for capacity once we open up that little area. So we're still in the hole before we even get started - we may have generated the right for 40-50 more houses to hook up but we haven't gotten above dead even so we could address anybody building a new home, unless you want to take part of the allocation specifically for new development, and that is a policy decision that only the County Commissioners can make.

Commissioner Loffler stated he is not saying that anybody is going to get any additional EDUs, and he is not saying that any new development is going to get it, but the policy should be fair and appear fair. He said he thinks it is very important to sewer failing commercial establishments on the waterfront - that is the most critical area, but he doesn't believe, with the limited capacity of the plant, that we want to authorize a whole lot of expansion and that the EDUs should only be to the capacity needed.

Mr. Petty said he agrees, but he didn't want anybody to think that by going back and looking at the calculations we would make it possible to do something that's not going to be possible, at least he doesn't think it is, and he doesn't want to lead anybody down the primrose path thinking that.

He said he has no problem with going out and doing the counts, but even if we cut the allocation in half we still can't get to the point where we have any allocations for new development if we follow the old policy. One of MetComm's concerns, he said, is they would like to take care of the people in Cherry Cove and St. Clements Woods, but we seem to be going in the other direction.

Commissioner Thompson said we are in the process of revising the Comprehensive Water and Sewer Plan, and she doesn't know where we are on this particular area, and she doesn't know if he has any kind of survey or what kind of information Mr. Petty has on this area, but it seems to her that, right now, there's just something about this that doesn't set with her, and she would prefer to hold off and give that area priority with the Water and Sewer Plan, and get a little bit more of the feel. It may be, as Mr. Petty says, there is no way that we'd ever be able to go beyond addressing failing systems, but it is kind of incongruous that you'd be running sewer lines a long way from St. Clements Shores to these various marinas, and she would be curious as to what it's going to cost those people, because it could be extremely expensive.

Mr. Grimm noted that the Planning Commission's recommendation to the County Commissioners was different from staff's recommendation for these three marinas; staff had recommended the projects be deferred, pending review of comments by TEC agencies that a sanitary survey should be done for the area. Commissioner Loffler considered the course of action the Commissioners would take if a survey proves tremendous problems with failing systems, including running a larger sewer line to an increased capacity plant - this would make it more cost effective. He said he knows funding is a problem, but he sees an awful lot of demand in commercial establishments that can make the dollar difference for residential systems, and, considering the failing systems, he thinks there should be some money available, especially at the State level.

Commissioner Bailey replied he doesn't want to defer decision indefinitely and he is in favor of granting the marinas the allocations they need for failing systems, but that he would support a reasonable deferment while we pursue a reasonable alternative.

Mr. Russell commented that the soils on Joe Hazel Road would probably lend themselves to groundwater penetration, but we are talking about two very small properties who don't have any room to work with; when Harbor View was open, he said, they were pumping and hauling, because there was no room there for them to put a system in.

In addition, he said there are two mathematical problems that tend to kick the flow rate figure higher: one is that MDE is very reluctant to lower the flow rate figure and we have a unique set of circumstances at St. Clements Shores in that it is small to medium houses and there is some older population there. Also, MDE is going to buffer above what they assign as an EDU figure to take into account "peak flows". If we could get those pieces to mesh somehow, he said, maybe we could solve the problem.

Another point made by Commissioner Loffler is that the whole drive of the State of Maryland is not to have a pumpout station in every marina, but to have one available within a three mile radius. Commissioner Thompson stated she would be very curious to know what it would cost one of these marinas to hookup.

Commissioner Loffler asked staff to define what options are available and the timeline involved if there is a serious problem, and directed staff to bring these projects back in two weeks with as much information as MetComm can provide regarding more accurate calculations for determining EDUs, even for pumpout stations, with the idea of possibly approving the projects but restricting the number of EDUs allocated for failing systems only.

Staff will bring these three projects back in two weeks.

2) **WATER/SEWER AMENDMENT DECISIONS**

a) **CWSP #88-0814 - MATTAPONI VILLAGE**

Requesting water category change from W-4D to W-3D. The property contains 16.068 acres, is zoned RH, and is located on the west side of Mattapani Blvd., approximately 1,000 ft. south of MD Route 246; Tax Map 51, Block 8, Parcel 76.

Public hearing held 7/16/91; no additional comments have been received. Staff supports the category change and the Planning Commission recommends approval. The Commission has approved the site plan.

Commissioner Bailey moved for approval of the water category change to W-3D as requested. The motion was seconded by Commissioner Thompson and passed by unanimous vote.

b) **CWSP #82-1471 - FLOWER OF THE FOREST SECTIONS 3 & 4**

Requesting water/sewer category change from W-4D/S-4D to W-3D and S-3D. The property contains 354.3 acres, is zoned RH and RL, and is located on the east side of Willows Road, approximately 600 ft. south of Bradley Blvd.; Tax Map 51, Block 17, Parcel 54.

Public hearing held 7/16/91; no additional comments received. Staff and the Planning Commission recommend approval. The Commission has approved the site plan.

Commissioner Jarboe moved for approval of the water/sewer change to W-3D and S-3D as requested. The motion was seconded by Commissioner Jarboe and passed by unanimous vote.

c) **CWSP #90-0360 - FORREST HALL APARTMENTS**

Requesting water/sewer category change from W-5D and S-5D to W-3D and S-3D. The property contains 28 acres, is zoned PD-IP (partial APZ-2 Overlay), and is located on the east side of Willows Road, approximately 0.75 miles east of MD Route 246; Tax Map 51, Block 11, Parcel 177.

Public hearing held 7/16/91; no additional comments received. Staff and the Planning Commission recommend approval. The Commission has approved the site plan.

Commissioner Lancaster moved for approval of the water/sewer category change to S-3D and S-3D as requested. The motion was seconded by Commissioner Jarboe and passed by unanimous vote.

d) **CWSP #90-0794 - MCKAY'S PLAZA AT GREAT MILLS**

Requesting change in water category from W-4D to W-3D. The property contains 11.05 acres, is zoned C, Commercial, and is located at the southeast corner of MD Route 246 and Lexwoods Drive; Tax Map 51, Block 2, Parcels 400 & 401.

Public hearing held 7/16/91; no additional comments received. Staff and the Planning Commission recommend approval. The Commission has approved the site plan.

Commissioner Jarboe moved for approval of the water category change to W-3D as requested. The motion was seconded by Commissioner Lancaster and passed by unanimous vote.

3) EXTENSION OF 8/1/91 GRANDFATHERING DEADLINE

Commissioner Loffler directed staff to prepare the Resolution for the extension of the Grandfathering deadline as determined at the July 23, 1991 public hearing.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator
Jon Grimm, Director, Planning and Zoning

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to meet in Executive Session to discuss a matter of Personnel. Motion carried. The Session was held from 11:55 a.m. to 1:15 p.m. (John Grimm left the Session at 1:00 p.m.)

STATE AND REGIONAL TOURISM GRANT

Present: Joe Mitchell, Director, Economic & Community Development
Cindy Woodburn, Tourism Coordinator
George Williams, State Tourism Office
LaWanda Jenkins, In-State Tourism

The referenced individuals appeared before the Commissioners to explain the state and regional tourism grant program. Mr. Williams stated that part of the grant includes "Maryland with Pride" program which gives awareness of the importance of tourism in Maryland. Another portion of the grant deals with regional marketing. Mr. Williams advised that some of the state tourism has been integrated with local programs through the "Building a Partnership in Economic Tourism.

Ms. Woodburn stated that there will be a local tourism grant and a regional grant. The local grant, which had previously been on a 50-50 matching basis, will now be given on a point system. Points will be given for having a Tourism Coordinator, membership in certain organizations, etc. The regional grant will be a matching grant, and will be given on a project-by-project basis for two or more counties.

During discussion, Commissioner Bailey raised concerns regarding the loss of funding for boat transportation to St. Clements Island. Commissioner Loffler stated he believed that the Island should have become a part of Maryland Tourism and not the Department of Natural Resources.

Mr. Williams stated that a market study of historical areas will be done looking towards the generation of revenues to support the attraction. With regard to Clements Island Mr. Williams stated that tow areas need to be addressed: the short-term problem--getting the boat to the Island; and the long-term--marketing the way that the whole area can generate economic return.

In closing Ms. Woodburn stated that when the grant applications are received, she will bring them to the Commissioners for consideration.

**MARYLAND INDUSTRIAL AND COMMERCIAL REDEVELOPMENT FUND GRANT APPLICATION
ST. MARY'S AIRPORT RESEARCH AND TECHNOLOGY PARK**

Present: Joe Mitchell, Director, DECD
Sue Wilkinson, Economic Coordinator
Any Misovec, Florida Institute of Technology

The referenced individuals appeared before the Commissioners to present a grant application to be submitted to the Maryland Department of Economic and Employment Development for the establishment of a test and evaluation laboratory and technology transfer center. The Technical Assistance Application requests \$10,000 in matching grant funds (\$10,000-state and \$10,000-local) to perform a feasibility study and to develop appropriate plans for the project. \$7500 of the \$10,000 has been committed from the private sector, \$2500 would come from the County Department of Economic and Community Development. Scope of Services for the grant includes the development of a proposal to study the consortium of service providers and to develop a marketing video on this project.

After discussion Commissioner Bailey moved, seconded by Commissioner Lancaster, to sign the letter of support to the Maryland Industrial and Commercial Redevelopment Fund and to authorize Commissioner Loffler to sign the grant application as presented. Motion carried.

**MARYLAND HISTORICAL TRUST GRANT APPLICATION
PINEY POINT LIGHTHOUSE**

The County Administrator presented correspondence addressed to Governor Schaefer endorsing the application of the St. Clement's Island-Potomac River Museum which had been sent by Michael Humphries, Director of the Museum, for the restoration of the Piney Point Lighthouse.

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


EXECUTIVE SESSION

Commissioner Thompson moved, seconded by Commissioner Bailey, to meet in Executive Session to discuss a matter of personnel. The Session was held from 2:25 p.m. to 3:00 p.m.

ADJOURNMENT

The meeting adjourned at 3:00 p.m.

APPROVED


Carl M. Loffler, Jr.
President