

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

Tuesday, August 6, 1991

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

(Commissioner President Loffler was not present due to a death in the family.)

CALL TO ORDER

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

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to approve the minutes of the Commissioners' meeting of Tuesday, July 30, 1991 and the Planning and Zoning portion of the July 23 and July 30, 1991 Commissioners' meetings. Motion carried.

APPROVAL OF BILLS

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to authorize Commissioner Vice-President Bailey to sign the Check Register as presented. Motion carried.

COUNTY ADMINISTRATOR'S ITEMS

Present: Edward V. Cox, County Administrator

1) **AUGUST 13 AGENDA - BOARD OF EDUCATION**

The County Administrator distributed the agenda for the August 13 meeting and suggested that after the 1:00 p.m. Board of Education meeting the Commissioners accompany the Board of Education on its walk-through of Dynard Elementary School. The Commissioners concurred with this suggestion.

2) **"MARYLAND YOU ARE BEAUTIFUL"**

The County Administrator presented an Information Release announcing that Governor Schaefer and the St. Mary's Office of Community Services advising that nominations are being accepted for "Maryland's Most Beautiful People" St. Mary's County's local coordinator is Cynthia Brown, Director of Community Services.

The Commissioners agreed to distribute the Information Release as presented.

3) **APPOINTMENTS
CORRECTIONAL FACILITY TASK FORCE**

Commissioner Lancaster moved, seconded by Commissioner Thompson, and unanimously carried, to make the following appointments to the Correctional Facility Task Force:

Joseph R. Densford, County Attorney Representative	(No Term)
John M. Dixon, Planning Commission Representative	"
Sheriff Wayne Pettit, Sheriff	"
Charles L. Rosenfield, Chamber of Commerce Representative	"

4) **COASTAL ZONE MANAGEMENT GRANT AGREEMENT**

The County Administrator presented the Coastal Zone Management Agreement between the Department of Natural Resources (Coastal Resources Division) and St. Mary's County for Fiscal Year 1992.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve and authorize Vice-President Bailey to sign the Agreement as presented. Motion carried.

5) **AFTER SCHOOL CHILD CARE PROGRAM AGREEMENT**

The County Administrator presented the Agreement between the Maryland Department of Human Resources and St. Mary's County Commissioners for the Development of an Innovative Pilot Middle School Project for an After School Child Care Program. County Administrator Cox advised that the County has been awarded an amount not to exceed \$10,000.

Commissioner Thompson moved, seconded by Commissioner Jarboe, to approve and authorize Vice-President Bailey to sign the Agreement as presented. Motion carried.

6) **CORRESPONDENCE**

The County Administrator presented the following correspondence responding to citizens concerns and questions:

To Christina A. Burcham regarding proposed private prison facility;

To Mr. and Mrs. Dewight Long regarding proposed private prison facility.

To Fran Schmalgemeyer regarding self hauler fee at landfill.

To Capt. Larry Jarboe regarding length of time to obtain residential building permit

To Cheryl Parris regarding the Southern Maryland Wood Treatment Plant.

To Kenneth Romney denying request for refund of the pavilion fee at Dorsey Park and explaining the reasons for this policy.

To Eddie Wood, State Highway Administration requesting SHA's assistance in addressing a dangerous situation at St. George Island Bridge created by visitors to the area gathering on the bridge, obstructing traffic and causing unsafe conditions.

To Frances Anderson regarding Boatel California and Town Creek Marina.

7) **TRI-COUNTY RESIDENTIAL ALTERNATIVE FOR YOUTHS**

The County Administrator presented correspondence addressed to Tri-County Residential Alternatives for Youth, Inc. acknowledging request for supplemental funding for the Loretta House and stating that this will be an item of discussion at the next Tri-County Council meeting in the Fall. Discussion ensued regarding each county's participation and how to resolve the situation as well as the impact on state funding if Charles County did not participate.

The County Administrator was requested to draft a new letter to Charles County.

8) **BUDGET AMENDMENT NO. 91-02
PLANNING AND ZONING**

The County Administrator presented the referenced Budget Amendment recommended for approval by the Director of Finance with the following justification: Transfer of unused vacant position salary funds to cover overtime of employee per Personnel Manual (\$624).

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

**ST. MARY'S GENEALOGICAL SOCIETY
REUNION OF THE DESCENDANTS OF MARYLAND CATHOLICS TO KENTUCKY**

Present: Doris Jones
Becky Profitt
Millie Fletcher, President
Mary Pat Pope, Administrative Officer

The referenced individuals appeared before the Commissioners to explain the Reunion of the Descendants of Maryland Catholics to Kentucky which will be held July 24-26, 1992 and to request the County's support. Mrs. Pope, the County's Administrative Officer, has been assisting the Genealogical Society in this effort. During discussion Mrs. Jones reported that from 1790 to 1810 St. Mary's lost about 25% of its Catholics. She went on to explain the past successful reunions and stated that there may be as many as 1500-2000 people coming to the 1992 reunion. There will be a cut off of 750 for the dinner.

In closing the Commissioners offered support in the way of mailings, secretarial service and copying.

FIRE AND RESCUE APPRECIATION DAY

Present: Mary Pat Pope, Administrative Officer
Judy Landau Pedersen, Public Information Specialist

The referenced individuals appeared before the Commissioners to present a Media Advisory regarding the Fire/Rescue Appreciation Day which will be held at the Governmental Center on August 10. The Day has been set aside for the public to thank members of the volunteer fire companies, rescue squads, advanced life support unit and area auxiliaries for their volunteer efforts. Donations have been received from various area businesses, individuals, and civic organizations in support of this effort.

TOURISM ANNUAL REPORT

Present: Cindy Woodburn, Tourism Development Coordinator

Ms. Woodburn appeared before the Commissioners to present the 1991 Annual Report for Tourism. Included in the Report were: Matching Grant Marketing Plan, Grant Budget, Advertising, Public Relations and Promotion, Tourism Publicity, Special Events, etc.

In addition Ms. Woodburn presented the Governor's Partnership for Economic Progress 1992 Tourism Grant package. for the Local Development Grants and Regional Marketing Matching Grants. Up to \$5,000 will be made available to each local jurisdiction in each program. Ms. Woodburn indicated that the Local Grant will be allocated on a point system, and that she will be completing the documentation for the points. St. Mary's County should qualify for the entire \$5,000.

EXECUTIVE SESSIONS

Commissioner Thompson moved, seconded by Commissioner Lancaster, to meet in Executive Session to discuss matters of Personnel. Motion carried. Sessions were held as follows:

Personnel

Present: George Foster, Personnel Officer
Evelyn Wood, Personnel Assistant

Held from 10:30 a.m. to 11:30 a.m.

Personnel

Present: Joseph Densford, County Attorney
Charles Wade, Director of Finance

STAFF MEETING

The Commissioners attended the regular monthly staff meeting held at the Carter State Office Building Public Meeting Room.

OFFICE OF PLANNING AND ZONING

Present: Jon Grimm, Director
Joe Meinert, Deputy Director
Barbara Midkiff, Recording Secretary

A list of attendees is on file at the Office of Planning & Zoning.

PUBLIC HEARING

BOARD OF APPEALS POLICY 91-CA

Mr. Grimm reviewed information as presented to the Board at a previous meeting on Tuesday, July 23, 1991. He stated that this public hearing was advertised in The Enterprise on July 17 and July 24, 1991. Mr. Grimm stated that the purpose of the policy is to delegate approval authority to staff to apply the standards for variance for certain expansion or additions to existing noncomplying structures or other proposed construction covered by this policy which does not result in the construction of more than 500 square feet and no closer than 50 feet from the MHW within the Critical Area 100 foot Buffer under Zoning Ordinance 90-11 (amended) and the St. Mary's County Zoning Ordinance for the Critical Area Program 90-02.

Mr. Grimm pointed out the following requirements for staff review:

1. The proposed construction is an accessory structure, an addition to an existing residential structure, or a repair to an existing failing septic system approved by the Health Department;
2. The footprint of the addition(s) is no larger than 500 square feet;
3. The construction of the addition does not require the removal of existing vegetation except for the proposed construction itself;
4. A Critical Area Buffer Planning Agreement is agreed upon by the applicant and staff and executed by the applicant;
5. The addition is located no closer than 50 feet from Mean High Water (MHW) and/or;
6. The addition is located no closer than 25 feet from any nontidal wetland;

7. The cumulative impervious surfaces of the existing and proposed structures on the site do not exceed 15% (or 25%), as permitted by the St. Mary's County Ordinance for the Critical Area;
8. All projects applying for approval within the 100 foot Buffer shall be reviewed by the Maryland Critical Area Commission consistent with COMAR 14.20, prior to any administrative action by staff.

Mr. Grimm reviewed two possible decisions, with one including notification of all adjoining property owners in the cases reviewed by staff.

Mr. Grimm stated that the public hearing is being held at this time so that if the County Commissioners recommend this policy, and the State finds it is a program amendment, rather than a refinement, there will not have to be another public hearing process to implement the change.

Commissioner Thompson questioned the current time table involved in processing a deck, for instance, in the Critical Area and how much this policy would shorten the time table.

Mr. Grimm stated that about one-third of the projects which go through the B.O.A. variance process would be eligible for this administrative approval. The B.O.A. process would probably take a minimum of 45 days, and sometimes 75 days.

Commissioner Bailey questioned fees involved in this process.

Mr. Grimm stated that there is a fee involved for processing by the B.O.A.

Commissioner Thompson questioned if the projects would still go before the Critical Area Commission review.

Mr. Grimm stated that through the recommendation and in conjunction with COMAR, all development projects have to be referred to C.A.C.

Mr. Grimm went on to state that in no way does this policy mean that every request for a variance will be approved by staff just because it meets the conditions. Staff will still have to apply the standards for variances and make a finding that there is a demonstrated hardship before any variances are approved in the critical area, or otherwise.

Commissioner Bailey opened the floor for public comment.

Ms. Elinor Cofer of the Friends of the Chesapeake spoke in opposition of this policy with concerns about protection of the Chesapeake Bay.

Mr. Jim Shea of St. Jeromes' Creek Citizens Association spoke in opposition with concerns of the protection of the environment, but was in favor of allowing staff to approve small matters that will not impact the Critical Area Buffer, in order to ease the work load of the Board of Appeals.

Mr. Jack Witten, Potomac River Association questioned the loss of revenue.

Mr. Grimm replied that it would be a loss of approximately 30%, or \$2,000-\$3,000 per year. (NOTE: The correct estimate is approximately \$9,000)

Mr. Witten brought out several points in reference to definitions to be included in the policy. Mr. Witten neither spoke in total opposition or in total agreement.

Mr. Keith Harless spoke concerning the need for notification to the public (not only adjoining property owners) upon the request for a variance, and that all variances should be reviewed by the Board.

Mr. Leonard Greess spoke in opposition of the policy, due the fact that there will be no public notification.

Mr. Tom Bowles, Chairman of the Board of Appeals, spoke in favor of this policy. He brought out that the Board has heard approximately 78 cases that would fit this criteria, and pointed out that none have been turned down.

The public hearing was closed with a decision to be made in two (2) weeks.

ADDITION TO AGENDA

PARCEL OF RECORD

Amend Zoning Ordinance as follows:

Change Parcel of Record Date from March 15, 1978 to August 1, 1990. Add Lot of Record definition, "... parcel of land legally subdivided and recorded in Land Records of St. Mary's County."

Amend Subdivision Regulations as follows:

Change Parcel of Record date from March 15, 1978 to August 1, 1990. Add to Lot of Record Definition, "A parcel of land which has been legally subdivided and recorded in the land records of St. Mary's County."

A public hearing was held on this matter on a proposal recommended by the Planning Office and the Planning Commission to modify the parcel of record date. The Planning Commission has accepted staff recommendation and endorsed the proposal to amend this parcel of record date to August 1, 1990.

Commissioner Jarboe moved to direct staff to prepare the proper draft resolution. Motion was seconded by Commissioner Mr. Lancaster. Three in favor. Commissioner Thompson opposed because the item was not listed on the agenda.

ADJOURNMENT

The meeting adjourned at 3:15 p.m.

PUBLIC FORUM

7:00 P.M.

The Commissioners conducted the regular monthly Public Forum accepting questions and comments from the audience:

Jim Smith, California - Inquired as to status of property dispute with Town Creek Marina.

County Administrator Cox advised that the Commissioners have agreed to terms between the owner of Town Creek Marina and the negotiations of the County Attorney, wherein the County will pay approximately \$20,000 to Mr. Sung (owner of Town Creek Marina) for the perpetual rights to the property in question, and Mr. Sung will surrender all rights to that land. The County will post and enforce "No Parking" signs and "No Use of the Waterfront" area. The agreement documents are being prepared and should be finalized within a month.

William B. Matthews, Chaptico - Questioned the Commissioners' position regarding proposed prison, the process it would have to go through, and expressed concern of potential problems for the Budd's Creek area. Commissioner Bailey explained that the Commissioners are appointing a Task Force, which will include representatives of the area, to look at the proposal not just from the economic standpoint, but its impact on the county as well. He stated that the County should look at any industry that is looking to locate in St. Mary's. He further explained that nothing could happen on this proposal until public hearings were held as well as rezoning hearings.

Jim Long, Charlotte Hall - Indicated that landowners in the Budd's Creek area are concerned about the proposed prison, stated that someone would have to sell the land, and what if the landowners refuse to sell it. He stated that the property owners are not sure what is going on with this proposal. He inquired whether the Commissioners would consider another site for the prison if the Budd's Creek area was not available.

Commissioner Bailey stated that Correctional Corporation of America made a proposal to the Commissioners, and that has been the last contact with CCA. He re-emphasized that nothing will happen without public hearings and the community's input. He further stated that the Task Force, which will include the Sheriff, County Attorney, Planning Commission, Chamber of Commerce, and citizens from the area, will gather information which will be given to the Commissioners before they proceed further. With regard to another location, Commissioner Bailey stated that with that would have to be determined at a later time. He pointed out that this is somewhat premature at this point. He stated that a lot of what has been in the newspapers has been speculation, and he believed the Commissioners should have done something before it had gotten this far. He further pointed out that he did not believe the County had authority to take land for this project because it is a private firm.

Commissioner Jarboe stated that the EDC looked at the proposal from a economic standpoint (tax base, jobs, etc.), and the Task Force will look at other impacts (land values in the area, citizen concerns, etc.). He advised that the Commissioners need to take a fair look at the proposal. He stated that the County in the past has had a reputation of not wanting any industry in the County, and the Commissioners should be fair in looking at this proposal.

Patsy Stone - Questioned Commissioner Lancaster's role in the prison proposal and questioned how the Budd's Creek area was chosen.

Commissioner Lancaster stated that he had been approached by CCA, but directed them to the Economic Development office. With regard to the site, he advised that some time ago (considerably before CCA approached the County) the Commissioners had met with EDC and discussed the need for an industrial park in that area.

Todd Mack, property owner in Budd's Creek area - Stated that the economic benefits of a prison (as presented by the EDC) have not been presented to the community; advised that there may be a need for this type of facility, but there may be other properties that would not carry with them the social problems that would be created in the Budd's Creek area; the four businesses on his property should probably be industrial; however, he did not feel it would make economic sense to displace these business that are givers to the community, employing over 70 people, paying a substantial amount of taxes (over \$70,000 directly and millions it brings to the county indirectly), and taking nothing in return. With reference to the Commissioners' comments about being "anti-industry" in the past, he hoped that the implication of that statement is that the County will now look at this proposal in order to "make up for past mistakes." He concluded by stating he did not think locating a prison in this community was a good idea.

Commissioner Jarboe stated that the Task Force will be looking at the impact on his business as well as other businesses in the area.

Mike Hatcher - Questioned whether there could be condemnation proceedings if federal funds are involved; inquired whether the Commissioners had gotten a proposal from CCA; questioned county's ability to house visitors to the prison; expressed concern over the number of man hours of county personnel it would take if there were problems at the prison.

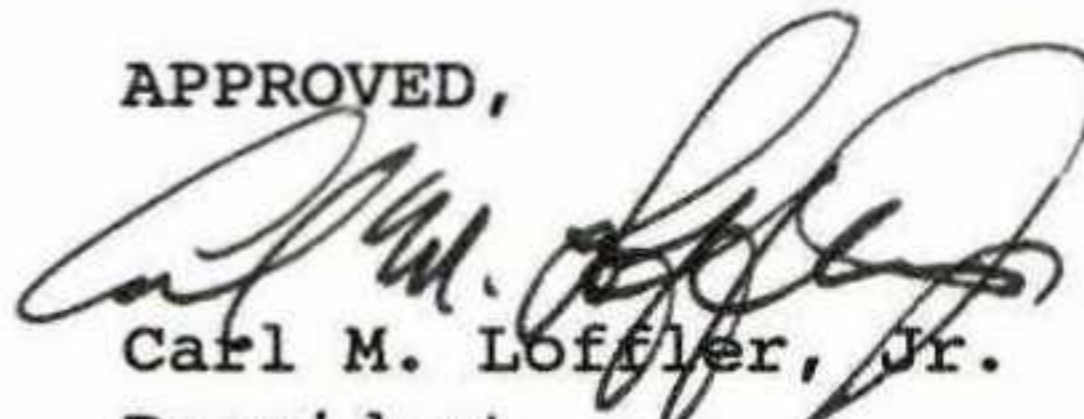
County Administrator Cox stated that this is one of the things the Task Force will be looking into. Commissioner Bailey stated that the Commissioners have had no further contact with CCA since the initial meeting. Commissioner Lancaster advised that visitors would be coming to the prison on a rotation basis and further indicated that CCA should explain its proposal in detail to the community. Commissioner Lancaster stated that Sheriff Pettit will be on the committee and will look at these concerns.

William Matthews - Stated that Lorton prison has had problems with break-outs which has caused problems for local law enforcement; stated that if this came to the County, "we could 'kiss' other clean industry good-bye;" concluded by stating that Budd's Creek is a natural for good clean industry.

Minnie Russell - Questioned status of Airedele Road disposal site, stating it was her understanding that the Metropolitan Commission was now looking for 15 acres. she stated that they had been proposing to use two to three acres at the Ridge School site, and questioned the need for 15 acres. She inquired whether it was the County's intention to put a park on top of the sewage disposal area. The Commissioners and County Administrator indicated that they have no information to that effect.

Mrs. Russell questioned the transfer station decals, stating that people who live out of the state but own property in the County have expressed concern about not having proof of property ownership to get a decal. The Commissioners explained that they property owner could bring in a tax bill to the transfer station and obtain a decal.

APPROVED,



Carl M. Loffler, Jr.
President