

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

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DECEMBER 7, 1993

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

(Commissioner W. Edward Bailey was not present due to illness.)

CALL TO ORDER

The meeting was called to order at 9:10 a.m.

APPROVAL OF MINUTES

Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve the minutes of the Commissioners' meeting of Tuesday, November 30, 1993. Motion carried.

APPROVAL OF BILLS

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

CHARTER BOAT ACCIDENT REPORT

Present: Paul Wible, Director, Emergency Management Agency

Mr. Wible appeared before the Commissioners to present a report on the charter boat accident that occurred Sunday, December 5 in the Chesapeake Bay. He explained the emergency response participants, weather conditions, rescue operations and noted the many volunteers who assisted during this emergency. Mr. Wible noted that the County's emergency response system was efficient and effective during the rescue operations.

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) **Camp Merryelande
Request for EDU's**

The County Administrator advised that a request was received from Mr. and Mrs. Evans to increase the allocation of EDU's from five to ten for the Camp Merryelande property and noted that not only was correspondence received from the Evans, but also from an individual supporting Mr. Evans' claim regarding the actual number of units at the camp. During his presentation Mr. Cox noted that the Health Department, Metropolitan Commission and the Department of Planning and Zoning have presented no evidence to the contrary to the claim for the EDU's. He further pointed out that approval of the additional EDU's requires approval by the St. George Island Improvement Association.

Therefore, County Administrator Cox presented correspondence to the Evans indicating that based on the information gathered, there should be an allocation of nine equivalent dwelling units. In addition Mr. Cox presented correspondence to the St. George Island Improvement Association requesting its approval as required in the Agreement Restricting Service to St. George Island.

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

2) **Response Letter
Public Access Computer System**

The County Administrator presented correspondence in response to recommendations from Mr. Teachout relative to placing county records, including County Commissioners' minutes on a public access computer system which is being established in St. Mary's County. The return letter indicates that the Commissioners' minutes are accessible and that a modem would not be appropriate.

Commissioner Thompson indicated that the County should cooperate with the request and suggested that the minutes could be put on a disk instead of a modem.

Commissioner Loffler questioned the cost effectiveness of such an effort.

After discussion the County Administrator advised that he would work with Commissioner Thompson and Mr. Teachout to review what Mr. Teachout has in mind and develop recommendations.

3) **Keith V. Roberts
Eagle Scout**

The County Administrator presented correspondence addressed to Keith V. Roberts congratulating him on accomplishing the rank of Eagle Scout

The Commissioners agreed to sign the letter as presented.

4) **Personnel
Law Clerks - Circuit Court**

The County Administrator presented memoranda from the Personnel Officer dated December 7 requesting that Amy K. Stielper and Kimberly L. Waller be changed from Grade 14 to Grade 18. Ms. Stielper and Ms. Waller entered the positions at Grade 14 prior to passing the bar. Both have now been admitted to the bar and Judge Briscoe is requesting the grades be adjusted accordingly.

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to approve the reclassifications as requested. Motion carried.

5) **Appointments
Commission on the Environment**

Commissioner Jarboe moved, seconded by Commissioner Lancaster, and motion carried, to make the following appointments to the Commission on the Environment with terms as indicated:

	<u>Terms to Expire</u>
Edith A. Hoschar	12/31/94
Lawrence E. Rowland	12/31/94
Thomas (Larry) Greenwell	12/31/95
Lawrence J. Pinto	12/31/95
Anthony W. Pitt	12/31/96
Merv E. Hampton	12/31/96
Nancy P. Smith	12/31/97

6) **Budget Amendment**

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

No. 94-37
Recreation and Parks

To increase funds available for the Hall of Fame Project. The low bid came in higher than projected (\$76,346)

The County Administrator advised that because the low bid had come in higher than projected and because of other costs there is a shortfall of \$64,000. Funds would be advance funded from the Activity Center.

After discussion regarding the additional costs, the Commissioners requested a detailed report on the scope of the project and specific costs.

7) **Chamber of Commerce Governmental Affairs Committee**

The County Administrator presented correspondence dated November 15 from the Chamber of Commerce suggesting the establishment of a regular meeting process between the Commissioners and the Chamber of Commerce Governmental Affairs Committee to discuss areas of mutual interest.

During discussion Commissioner Thompson raised concerns that other groups may also want to meet with the Commissioners, and Commissioner Lancaster pointed out that the Minority Alliance had indicated in the past an interest in meeting with the Commissioners on a regular basis.

Discussion ensued regarding the fact that the Chamber is made up of a number of organizations in the County and Commissioner Jarboe suggested that perhaps an agenda could be developed to address all interests.

After discussion the Commissioners directed the County Administrator to draft correspondence to the Chamber indicating the Commissioners' interest in the meeting; however, the Board has some questions and would, therefore, be interested in a trial meeting prior to committing to meeting on a regular basis.

DEPARTMENT OF PLANNING AND ZONING
PUBLIC HEARING - AGRICULTURAL LAND PRESERVATION DISTRICTS

Present: Jon Grimm, Director
Laura Clarke, Planner III
Melissa K. Babington, Recording Secretary

Mr. Grimm noted this public hearing was advertised as required by law, notice having appeared in The Enterprise newspaper on November 19, 1993 and November 26, 1993. The following requests are intended for consideration during the January cycle for easement sales. The Alvey property, which is a District, is the only property which will be eligible for the sale of the easement rights at this January meeting, but the other applications are requesting to be processed for consideration of the July cycle for the easement sales. All applications must be received by the State no later than December in order to be considered in this year's cycle.

ALPD #80-3293 - JAMES ALVEY

A 1982 established ALPD requesting Sale of Development Rights Easement on 106 acres of 196 acre parcel, zoned RPD, located on the west side of Maryland Route 242, approximately 300 feet north of Yates Road, Clements; Tax Map 24, Block 3, p/o Parcel 33.

This is an application for the Sale of Development Rights Easement for 106 acres of an established 196 acre Agricultural Land Preservation District (ALPD). Per Section 15, Title 15 (Department of Agriculture) of the State Code of Maryland, a recommendation from the St. Mary's County Commissioners is required to prior to any approval by the Agricultural Land Preservation Foundation.

Mr. Grimm stated the request has been reviewed by the Agricultural Land Preservation Advisory Board and the Planning Commission, both of whom have recommended approval, as does staff, based on the following reasons:

- (1) The property meets State program criteria for ALPD establishment and easement sale;
- (2) Agricultural preservation and preserving "rural character" are major components of the Comprehensive Plan; and
- (3) This property is a productive, viable farm.

Commissioner Jarboe asked Mr. Grimm if there were two (2) deeds to the property, or what is the reason for the termination of 90 acres? Mr. Grimm directed Ms. Clarke to answer this question. Ms. Clarke answered that the applicant chose not to sell the entire because there is some gravel on the rear of the property that he may need at a future date to mine, which would not be permitted if he sold his easement. Basically, he is going to sell the development rights easement for 106 acres and reserve 90. Commissioner Jarboe replied the purpose for that question was that he thought that he had to put what the parcel called for on the deed, which was a minimum of 100 acres except where his residence was.

Commissioner Loffler opened the hearing to public comment. Hearing none, the public portion was closed. Mr. Grimm noted it would be appropriate for the Commissioners to make a decision at this time; the application will then be forwarded to the State Foundation for final approval.

ALPD #93-1816 - STEVE MCALLISTER

Requesting establishment of an Agricultural Land Preservation District (ALPD) Agreement and Sale of Development Rights Easement for this property on 145 acres of a 167 acre parcel, zoned RPD/RCA overlay, located on the south side of Maryland Route 5, approximately 3,900 feet west of Hermanville Road, Park Hall; Tax Map 58, Block 3, p/o Parcel 22.

Mr. Grimm stated the request has been reviewed by the Agricultural Land Preservation Advisory Board and the Planning Commission, both of whom have recommended approval, as does staff, based on the following reasons:

- (1) The property meets State program criteria for ALPD establishment and easement sale;
- (2) Agricultural preservation and preserving "rural character" are major components of the Comprehensive Plan; and
- (3) This property is a productive, viable farm.

Commissioner Jarboe asked Ms. Clarke what the reason was for excluding part of the acreage? Ms. Clarke replied that he has some other lots that are in the process for subdivision and to pay off some other debts. If he sells the entire easement he is in for perpetuity and he would have no other options. Commissioner Jarboe added that he thought that a property owner could take lots out for their immediate family. Ms. Clarke replied that he can for his children, but he has other debts that he wants to pay off. He has the option to do that if he could show some natural boundaries that the State could follow, but they don't require actual surveys be done because most farmers cannot afford that. She also stated that this is the Peace and Plenty Farm in Park Hall, which may be more familiar.

Commissioner Loffler opened the hearing to public comment.

Mr. George Robert Adams, a resident who lives across the road from this property, commented that this property is beautiful and would like to see it remain the way it is. Christopher Adams voiced that he feels the same.

Steve McAllister, owner of the requesting property, stated that he is in agreement with his neighbors in that he would like to see this property stay intact. This was one purpose of why he made the decision to sell the Development Rights of Easement.

Commissioner Jarboe asked Mr. George Adams if he supports the Agricultural District? Mr. Adams responded yes.

Commissioner Thompson asked what will be done with the 22 acres that is not being sold? Ms. Clarke responded that he would like to develop these at a later date.

Commissioner Loffler closed the public portion and Mr. Grimm noted it would be appropriate for the Commissioners to make a decision at this time; the application will then be forwarded to the State Foundation for final approval.

ALPD #93-1824 - JOHN & KATHRYN JUNEK

Requesting establishment of an Agricultural Land Preservation District (ALPD) Agreement and Sale of Development Rights Easement for this property containing 122.86 acres, zoned RPD p/o RCA overlay, located on Deerfield's Lane off of Breton Beach Road, Medley's Neck; Tax Map 48, Block 21, Lot 500-1 & 500-9 of September Point Subdivision.

Mr. Grimm stated the request has been reviewed by the Agricultural Land Preservation Advisory Board and the Planning Commission, both of whom have recommended approval, as does staff, based on the following reasons:

- (1) The property meets State program criteria for ALPD establishment and easement sale;
- (2) Agricultural preservation and preserving "rural character" are major components of the Comprehensive Plan; and
- 3) This property is a productive, viable farm.

Commissioner Jarboe commented that he thought that a District had to be established before application for Sale of Easement. Ms. Clarke stated that he is right, but someone can apply for a District every month of the year and apply to sell an easement only twice a year. Staff asks the Board, knowing that each Applicant wanted to apply for both, to approve both at one hearing. Mr. Grimm added that the State will judge the District Establishment and hold off on the Easement Sale until July.

Commissioner Loffler opened the hearing to public comment. Hearing none, the public portion was closed. Mr. Grimm noted it would be appropriate for the Commissioners to make a decision at this time; the application will then be forwarded to the State Foundation for final approval.

ALPD #93-1827 - PHILIP & DONNA DORSEY

ALPD #93-1828 - STEVEN & VICTORIA CORYELL

Requesting a joint establishment of an Agricultural Land Preservation District (ALPD) Agreement and Sale of Development Rights Easement for property containing a total of 104.33 acres, zoned RPD p/o RCA overlay, located on September Point Lane, off of Breton Beach Road, Medley's Neck; Tax Map 48, Block 21, Farmstead Lots 500-4B, 500-10A, 8 and part of Farmstead Lot 11 of September Point Subdivision.

Mr. Grimm stated that this is a joint application which is combined in order to meet the size criteria of the State program. The request has been reviewed by the Agricultural Land Preservation Advisory Board and the Planning Commission, both of whom have recommended approval, as does staff, based on the following reasons:

- (1) The property meets State program criteria for ALPD establishment and easement sale;

- (2) Agricultural preservation and preserving "rural character" are major components of the Comprehensive Plan; and
- (3) This property is a productive, viable farm.

Commissioner Loffler asked for clarification. Mr. Grimm replied that this is a farmstead subdivision with very large lots which have established building sites within the critical area and also have some additional sites outside of the area. By combining these properties together, they do meet the size criteria of the ALPD program. This request would preclude any further development of this property, should the easement sale be accepted by the State. This application has four (4) parcels associated with it. They are farmstead large lot subdivision parcels, but there still does remain additional development potential even on these farmsteads. The sale of this easement and establishment of this district, prior to the sale, would eliminate additional development rights, except to each landowner and their children. Ms. Clarke added that each parcel's soil productivity has to qualify on its own merits.

Commissioner Loffler opened the hearing to public comment. Hearing none, the public portion was closed. Mr. Grimm noted it would be appropriate for the Commissioners to make a decision at this time; the application will then be forwarded to the State Foundation for final approval.

ALPD #93-1829 - JOHN R. LINDSLEY
ALPD #93-1830 - MEDLEY'S NECK, LTD.

Requesting a joint establishment of an Agricultural Land Preservation District (ALPD) Agreement and Sale of Development Rights Easement for property containing a total of 187.18 acres, zoned RPD p/o RCA overlay, located at the corner of September Point Lane and Breton Beach Road, Medley's Neck; Tax Map 48, Block 21, Lot 500-10 & Outparcel A of September Point Subdivision.

Mr. Grimm stated that this is a joint application which is combined in order to meet the size criteria of the State program. Individually, these parcels meet the requirements of program consideration. The request has been reviewed by the Agricultural Land Preservation Advisory Board and the Planning Commission, both of whom have recommended approval, as does staff, based on the following reasons:

- (1) The property meets State program criteria for ALPD establishment and easement sale;
- (2) Agricultural preservation and preserving "rural character" are major components of the Comprehensive Plan; and
- (3) This property is a productive, viable farm.

Commissioner Loffler opened the hearing to public comment. Hearing none, the public portion was closed.

Commissioner Thompson asked, in regard to the encumbered development rights, does that also mean that once they have done this that precludes them from transferring them within the County? Ms. Clarke replied that they can then double-dip. If they voluntarily get into the Agricultural District, it would allow them to still sell TDRs at the local level. Mr. Grimm added that there are still local zoning rights associated with the property, if approved.

Mr. Grimm noted it would be appropriate for the Commissioners to make a decision at this time; the application will then be forwarded to the State Foundation for final approval.

Commissioner Jarboe moved for approval and forwarding to the State; the motion was seconded by Commissioner Lancaster and passed by unanimous vote.

**DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT
STRATEGIC PLAN PROGRESS REPORT**

Present: Aleck Loker, Director
Dennis Nicholson, Deputy Director, Housing
Nancy Hutson, Adm. Officer, Housing
Donna Sasscer, Agricultural/Seafood Commission
Mary Langley, Secretary

Mr. Loker appeared before the Commissioners to present a progress report on the Strategic Plan for the framework of the operation of the Department of Economic & Community Development. The process includes the development of five components of the Plan: Vision, Mission, Strategies, Goals, and Objectives for economic, housing and community development programs. He advised that his staff has had a number of meetings to develop these components. Completed to date are the Vision, Mission and Strategy Statements with the next step to develop specific goals and objectives to support the Statements. Goals include strengthening communications and developing a positive St. Mary's County image.

Areas of discussion by the Commissioners included addressing the retirement community, looking at road blocks for businesses in trying to expand, giving guidelines to EDC, and projecting a positive image of the County.

After discussion the Commissioners thanked the staff of DECD for the report on the Strategic Plan and requested to be kept apprised as it progresses.

(Commissioner Loffler left the meeting at 10:50 a.m. and Commissioner Lancaster presided over the meeting.)

DEPARTMENT OF PUBLIC WORKS

Present: Dan Ichniowski, Director

1) Landings at Piney Point

As a follow up to previous discussions Mr. Ichniowski presented a Resolution withdrawing development rights within the Landings at Piney Point Subdivision in that the Letter of Credit guaranteeing construction of the roads and their appurtenances was not honored by the Second National Federal Savings Bank. He stated that the negotiations for title to the property by a local developer as mentioned at the November 9 meeting were still underway.

During discussion the Commissioners raised questions concerning the number of lots sold, whether building permits have been issued, and requested Mr. Ichniowski to return next week for a decision on the Resolution withdrawing development rights.

2) Laurel Ridge Subdivision

As a follow up to concerns addressed by property owners in the referenced subdivision regarding the status of the paving of Arlington Drive, which is an unpaved gravel road and has a steep grade, Mr. Ichniowski presented correspondence for the Commissioners' signatures responding to those concerns. The response letter reviews the history of the project, addresses misinformation presented to the property owners by the developer and points out that the road has not been built to county standards. The letter further advises of a scheduled meeting for January 11, 7:30 p.m., at the Regional Library in Charlotte Hall.

During discussion Mr. Ichniowski reported that he has met with the developer and given him direction as to what was needed to correct the problem with Arlington Drive, but to date no engineering solution has been submitted. He indicated that the developer is responsible for maintaining the road until it is taken into the county's highway system, and if it is not brought up to standards by the developer, the county could call the bond and do the work at the developer's expense.

After discussion Commissioner Jarboe moved, seconded by Commissioner Thompson, to sign and forward the letter to the property owners as presented. Motion carried.

2) **Miscellaneous Documents**

Mr. Ichniowski presented the following documents for the Commissioners' review and approval:

Easement Agreement
Nicolletti's Pizza

Dated October 29, 1993 among the Board of County Commissioners of St. Mary's County, Southern Maryland Electric, and Washington Gas Light Company granting an easement across the utility corridor for the purpose of constructing a gas pipe line to Nicolletti's Pizza.

Addendum to Public Works Agreement
Sycamore Hollow - Wildewood

Between Paragon Builders, Inc. and Board of County Commissioners for St. Mary's County extending the deadline for completion of improvements to November 1, 1994. The Addendum is backed by a Letter of Credit with First National Bank of St. Mary's in the amount of \$38,000.

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

STAFF MEETING

(Commissioner Loffler returned to the meeting at 12:30 p.m.)

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

EXECUTIVE SESSION

Commissioner Jarboe moved, seconded by Commissioner Thompson, to meet in Executive Session to discuss matters of Personnel (Consideration of Appointments to Boards, Committees, Commissions), as provided in Article 24, Section 4-210(a)1. Motion carried.

Personnel

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

(Commissioner Jarboe left the executive session at 3:00 p.m.)

Authority: Article 24, Section 4-210(a)1

Topic : Personnel - Consideration of Appts - Bds/Committees/Commissions

Time Held: 2:55 p.m. - 3:45 p.m.

Action Taken: The Commissioners reviewed the current status sheet, made nominations and directed staff to prepare letters of appointment for next week's meeting.

ADJOURNMENT

The meeting adjourned at 3:45 p.m.

7:00 P.M. PUBLIC FORUM

(Commissioners W. Edward Bailey and Robert T. Jarboe were not present)

The Commissioners conducted the regular monthly public forum accepting questions and comments from the audience:

Glen Gardiner - (1) Suggested that the County have audits conducted on contracts the County enters into relative to stated revenues. Commissioner Loffler indicated that the requested auditor position for the Finance Department was eliminated from the FY '94 budget. (2) Supported Commissioner Thompson's recommendation for an Annual Report so that citizens could be informed of decisions made by the Commissioners in the past year and plans and goals for the coming year. (3) Pointed out that the current Commissioner form of government is antiquated stating that the Commissioners make multi-million dollar decisions and must spend considerable time with meetings, research., etc. and indicated that this issue should be addressed.

Rick Reagan - (1) Supported recommendation for an Annual Report; (2) Concerned about increased crime in St. Mary's County and expressed the need for additional deputies.

Keith McGuire (Community Preservation Coalition) - Reiterated concerns regarding FERST stump dump in Huntersville and presented copies of the following documents (Water Quality Certification with attached Wetland Mitigation Plan for FERST, Letter to the Editor dated November 19 from Ronald Pickett (FERST) regarding disposing of compost at the landfill, and Board of Appeals documentation relative to a modified site plan for the facility).

Larry Brown (Realtor) - Requested Commissioners to withdraw legislative item regarding the removal of the "sunset" provision of the Transfer Tax and presented a position paper setting forth his objections to the tax, which he believes is discriminatory, and because of the additional cost, prevents some individuals from buying a home. Mr. Brown requested the Commissioners to do a study on the effect of the transfer tax on economic development in the county and whether a net revenue has resulted from the tax. The Commissioners explained the rationale for the transfer tax which is to help fund capital projects which includes providing adequate public facilities.

Bob Thompson - Questioned why the Commissioners felt compelled to spend the tax "surplus," the fact that the Commissioners had raised taxes last year in order to meet the budget; that the Commissioners underestimate revenues in order to have a "surplus," and expressed concern about giving the Board of Education additional funds. Commissioner Loffler explained that a majority of the Commissioners based on revenue projections agreed to decrease the property tax and raise the piggyback tax. Commissioner Loffler explained that he would only support giving COLA's during the regular budget cycle (July 1) and pointed out that any use of the "surplus" would require a public hearing.

Marion Frank - Expressed disappointment with Commissioner Lancaster for not keeping his appointment with her and not giving her a call to explain. Commissioner Lancaster apologized for missing the appointment.

Daphne McGuire - Concurred with Mr. Reagan's concern regarding increased crime rate and suggested that there be a sheriff's department substation at the northern end of the County.

Ken Hastings - Referred to the item in the legislative package regarding HB 1088 and expressed concern regarding the voting record (Commissioner Lancaster's "No Position") He requested the Commissioners to vote on it again next Tuesday and that all should vote in support of the item stating that a "No Position" was not appropriate.

Dennis Ramey - Supported the proposed Annual Report and requested the Commissioners to reintroduce the question for reconsideration.

Minnie Russell - Referred to the boating accident that occurred Sunday, December 5 off of Point Lookout in the Chesapeake Bay and expressed the need for moving the Coast Guard Station from NESEA to Point Lookout. Commissioner Loffler responded that since this was a federal matter that she should write to the Congressional Delegation regarding this suggestion.

John Johnston - Questioned if Commissioners gave salary increases would they be retroactive to October 1 or on July 1, 1994. Commissioner Loffler explained the Board of Education negotiation process, pointed out the importance of keeping a balance among the classified and non-classified public school employees and the county employees, and stated that all salary decisions should be addressed during the regular budget cycle.

Commissioner Thompson - In response to inquiries regarding the budget, Commissioner Thompson pointed out the state reductions in Aid to Transportation, the cap on retirement, and the added financial responsibilities of the County including a portion of the social security payments to the teachers. In this regard she noted the "erosion of the partnership" in Maryland between the State and counties in providing adequate education and that in looking at the whole picture, St. Mary's County is doing a good job in its budget practices.

The Public Forum concluded at 9:05 p.m.

**Minutes Approved by Board of
County Commissioners on 12/14/93**

Judith A. Spaulding
Recording Secretary