

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS
JANUARY 11, 1994**

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Present: Commissioner Carl M. Loffler, Jr., President
Commissioner W. Edward Bailey
Commissioner Robert T. Jarboe
Commissioner John G. Lancaster
Commissioner Barbara R. Thompson
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 Thompson moved, seconded by Commissioner Bailey, to approve the minutes of the Commissioners' meeting of Tuesday, January 4, 1994. Motion carried.

APPROVAL OF BILLS

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

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) **Program Open Space Grant Application**

Also Present: Phil Rollins, Director, Recreation and Parks

Mr. Rollins presented the following Program Open Space Grant Applications for the Commissioners' review and consideration:

Chancellors Run Regional Park

In the amount of \$50,000 for the purchase and installation of children's playground equipment

Fifth District Park

In the amount of \$25,000 for the development of the Master Plan for possible park expansion.

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

2) **Response Letters
FY '94 Supplemental Budget Requests**

The County Administrator presented the response letters relative to requests for Fiscal Year 1994 Supplemental Funds. The letters advised that the Commissioners had decided not to have a supplemental budget for FY '94. Responses are as follows:

- o To Library Board of Trustees advising that the Commissioners want to develop budgeting procedures that will assure that adequate funds are specifically directed to the purchase of books.

- o To Board of Education members , County Council of PTA's, Business Education Community, etc., agreeing to a meeting contingent upon the receipt of additional information not yet available to the Commissioners.

Commissioner Loffler requested an analysis of the sources of savings from the Board of Education including savings from less than projected school population growth.

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

3) Supplemental Monitoring and Inspection of Sewage Sludge Utilization

The County Administrator presented correspondence dated December 16 from the Maryland Department of Environment advising that St. Mary's County is eligible to contract with MDE to receive funds for the supplemental monitoring and inspection of sewage sludge utilization. The letter advises that St. Mary's County is eligible to receive 45% (\$356) of what was paid in sewage sludge generator fees on sludge brought into the County during 1992. The return letter indicates the Commissioners' interest in exploring the possibility of contracting with MDE and requests a copy of the standard contract.

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

**4) Response Letter Re Payment of Economic Impact Fee
Mr. and Mrs. Richard Boswell**

The County Administrator presented correspondence addressed to Mr. and Mr. Boswell acknowledging receipt of November 8, 1993 correspondence regarding the construction of their home with an accessory apartment. The return letter indicates that because a separate dwelling unit has been established as an accessory apartment that the County was correct in requiring the payment of the additional \$2,000 impact fee.

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

7) Catherine Bowman Deed

The County Administrator advised that Mrs. Bowman had lost her property as a result of a tax sale foreclosure. The County had advised her that if she paid back taxes and expenses, the Commissioners would consider deeding the property back to her. Mrs. Bowman has paid the taxes and expenses, and, therefore, Mr. Cox presented a Deed conveying the property back to Mrs. Bowman.

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

**8) Utility Corridor - Easement Agreement
Wendy's**

The County Administrator presented an Easement Agreement dated January 6, 1994 among Board of County Commissioners, Southern Maryland Electric, and Washington Gas Light Company for access across the utility corridor (the former railroad right-of-way) for the new Wendy's on Route 235 in front of the Wal-Mart Store.

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

9) **Response Letter (Alfred Marmor - Request for Additional EDU's)**

The County Administrator presented correspondence addressed to Mr. Alfred Marmor clarifying the Commissioners' decision relative to his request for additional EDU's of sewer capacity on Airedele Road. The letter points out that the sewer system was proposed to correct failing septic systems and would not allow an expansion of development beyond that allowed by the current zoning. Mr. Marmor's request for additional EDU's for an intra-family transfer was not incorporated into the Water/Sewer Plan Amendment for Airedele Road.

Commissioner Lancaster moved, seconded by Commissioner Thompson, to sign and forward the letter as presented. Motion carried four to one with Commissioner Jarboe voting against.

10) **Clearinghouse Project No. MD931207-1112
FmHA Rural Self Help Technical Assistance Grant**

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

The Commissioners gave their concurrence.

11) **Rental Allowance Program (Local Program Application)**

On behalf of the Department of Economic and Community Development, the County Administrator presented the referenced Rental Allowance Program (RAP) Local Program Grant Application in the amount of \$53,210 which will be used to provide assistance to 58 households.

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

12) **Indian Bridge Road**

For the Commissioners' information the County Administrator presented a memorandum dated January 10 from the Department of Public Works forwarding December 14 correspondence from the Department of Natural Resources. The DNR letter indicates that the Indian Bridge Road construction project will not go forward because of the impact it would have on the state-endangered eastern narrow-mouthed toad. Director of Public Works Ichniowski has scheduled an executive session for January 18 relative to the Indian Bridge Road project.

13) **Department of Public Works Documents**

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

Laurel Ridge - Arlington Drive

For the Commissioners' information documents relative to this evening's public meeting with the residents of the Laurel Ridge Subdivision regarding Arlington Drive.

Miller Subdivision

Addendum to Public Works Agreement between Raymond E. Miller and Board of County Commissioners extending the deadline for completion of improvements to June 1, 1994. The Addendum is backed by a Cashier's Check in the amount of \$10,000 with First National Bank which replaces a Letter of Credit.

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

Wildewood

Deed dated November 30, 1993 between Wildewood Development Corporation and Board of County Commissioners for St. Mary's County accepting Cottonwood Parkway (.518 acres) into the County's Highway Maintenance System.

Deed dated November 30, 1993 between Wildewood Development Corporation and Board of County Commissioners for St. Mary's County accepting Cottonwood Parkway (.755 acres) into the County's Highway Maintenance System.

Deed dated November 30, 1993 between Edmund W. Wettengel and Constance W. Wettengel and Board of County Commissioners for St. Mary's County accepting Smoke Hill Drive into the County's Highway Maintenance System.

Road Resolution No. R93-28 posting Cottonwood Parkway at 25 miles per hour.

Road Resolution No. R93-29 designating the following as Stop Streets:

- Smoke Hill Drive as it intersects with Wildewood Parkway
- Smoke Hill Drive as it intersects with Cottonwood Parkway.

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

14) Budget Amendments

The County Administrator presented the following budget amendments recommended for approval by the Director of Finance with justification as indicated:

No. 94-40

Public Schools

To provide additional funds to cover costs of bid over allocated budget for Piney Point Elementary School sewer connection (\$15,814)

No. 94-41

County Commissioners

To transfer excess funds to reserve (\$204,617)

No. 94-42

Social Services

To provide funding for Contractual Child Support Agent Position (\$5,728)

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

**15) Appointments
Boards, Committees, Commissions**

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

Agriculture Commission

Terms To Expire

Edward Carney	12/31/94
William Lyon	12/3/194
Rich Pelzr	12/31/95
J. Barry Roache	12/31/95
Betty Russell	12/31/95
J. R. Trossbach	12/31/96

Cable Advisory Committee

Harry Gieske - REAPPOINTMENT 12/31/96

Electrical Examiners Board

Donald M. Haskin - REAPPOINTMENT 12/31/97

Marcey House Board

Carol Drury - REAPPOINTMENT 12/31/96
Jerome S. Fenwick - REAPPOINTMENT 12/31/96

Nursing Center Board

Jerry W. Cheseldyne - REAPPOINTMENT 12/31/96

Sheriff's Department Pension Plan Board of Trustees

Michael R. Merican - REAPPOINTMENT 12/31/96

16) **Video Caption Access Bill**

The County Administrator correspondence dated December 23, 1993 from Willis J. Mann requesting the Commissioners to endorse the Video Caption Access Bill being introduced by the Maryland Association of the Deaf. The bill requires videotapes sold or rented to be open or closed captioned. Therefore, County Administrator Cox presented return correspondence endorsing the bill.

During discussion Commissioner Loffler stated he supported the concept but raised concern regarding the costs to the video businesses and indicated he would like more information and to hear from the "other side of the argument." Mr. Cox responded that he would obtain additional information.

LENGTH OF SERVICE AWARDS

The Commissioners presented Length of Service Awards to the following County employees:

15 Years

Jeffrey L. McLane
Ellen R. Norris
Deborah M. Parsons
Arthur C. Shepherd

20 Years

William E. Ball Nancy J. Hutson
Margaret S. Childs Jay McGrath
Barbara R. Dotson John T. Rhodes, Jr.

PROCLAMATION

BENEFIT FOR RETARDED AND HANDICAPPED INDIVIDUALS

The Commissioners presented the referenced Proclamation designating January through March 1994 as 34th Annual Southern Maryland Charity Drive for the benefit of retarded and handicapped citizens.

COMPREHENSIVE WATER AND SEWER PLAN AMENDMENTS

DISCUSSION/DECISION

Present: Jon Grimm, Director, DPZ
Mary Owens, Environmental Planner, DPZ
Ivette Butler, Temporary Recording Secretary, DPZ

1) **CWSP MAPPING AMENDMENTS**

#86-1651 St. Andrew's Landfill Leachate Pretreatment Facility

Requesting service area category to be changed from S-6 to S-3D.
Located on Tax Map 42, Parcel 191 of Grid 3.

Mr. Grimm stated that Planning Commission and Staff have recommended approval. The floor was open for questions.

Hearing none a motion was made by Commissioner Bailey and seconded by Commissioner Thompson and passed unanimously.

#89-1441 Bay Forest

Requesting service area category be changed from NPS to S-3D.
Located on Tax Map 64, Parcel 37 of Grid 2.

Mr. Grimm stated that Planning Commission and Staff have recommended denial of this request. The floor was open for questions. Commissioner Loffler stated that adjacent property owners had discussed that they had failing systems but were not willing to make public documented comments on it, but they were interested in connection to sewer lines. Comments from the Health Department were received about the soils on existing homes in the area. Mr. Grimm stated that the failed septic system information was new to him. Commissioner Jarboe asked if the sewer was extended, would the density change? Mr. Grimm stated that it would make developmental changes but the zoning would not change.

Commissioner Jarboe moved to deny the request as per Staff and Planning Commission recommendation. Motion was defeated because of a vote of 2-2.

Commissioner Loffler stated that he would like to see the options come back to the Board to look at it so that they may do a sewer and water category change for an "on the property" system. He would like to see more research done on the request.

Mr. Grimm suggested that if the Commissioners want a revised application that the applicant be directed to submit it in with March amendments in order to not hold up the other applications being reviewed.

#91-1717 - Hanover Point

Requesting service area category be changed from W-6 and S-6 to W-3D and S-3D. Located on Tax Map 34, Parcel 126, Grid 6.

Mr. Grimm stated that Staff and Planning Commission have recommended denial of the application.

Commissioner Thompson moved that the Board deny the application until such time MetComm is able to accept the sewer system. Commissioner Jarboe seconded for discussion purposes, but asked whether the motion needed to be clarified, stating it sounds like MetComm could give automatic approval once the line was turned over. Commissioner Thompson responded it would be difficult to deny a water and sewer category change once MetComm had the line because it was in a development district and water and sewer would be available, and reiterated her motion for denial, which was unanimously approved.

Mr. Grimm stated for the record that the application was made to connect with the existing gravity sewer not to put in their own line.

#93-1193 - Lumpkins Subdivision

Requesting that the service area category be changed from S-6 to S-3D on 5.83 acres described as Parcel 5 of Grid 5 of Tax Map 65.

Mr. Grimm stated that both Staff and the Planning Commission have recommended approval of the application. **Commissioner Bailey moved for approval as presented, seconded by Commissioner Jarboe. The vote was unanimous.**

#93-1244 - Timber Lakes

Requesting service area category change from W-6 and S-6 and NPS to W-3D and S-3D on 2,074.78 acres described as 1) Parcel 57 of Grid 6 of Tax Map 49; 2) Parcels 99, 124 and 125 of Grids 23 and 24 of Tax Map 41; and 3) Parcels 57, 64 and 119 of Grids 7, 13, and 19 of Tax Map 42.

Mr. Grimm stated that Staff recommends denial and that the Planning Commission recommends approval. He also stated that the request as proposed is not approvable under the Zoning Ordinance and that the Planning Commission's vote was a split vote of 4-3. Commissioner Thompson agreed, stating that there are many questions that need to be worked out on this project.

Commissioner Bailey moved to approve as recommended by the Planning Commission, which was to allow the water/sewer amendment to proceed, pending resolution of other zoning issues prior to approval of the project. The motion was seconded by Commissioner Lancaster.

Commissioner Jarboe stated he could not support the motion based on staff's recommendation and the precedent this would set by extending sewer into the RPD area. The motion was defeated by a vote of 2-2. Commissioners Bailey and Lancaster voted for approval; Commissioners Jarboe and Thompson voted against. Commissioner Loffler stated for the record that he could not vote against the rules established by the Comprehensive Plan and would allow the motion to die to send a message to the developers that, with some modifications to the application, it could be approved.

#93-1541 - Ned Wilson / Charles Wilson Properties

Remainder of Clark Road

Requesting sewer category changes from S-6 to S-3D. These properties are located on the northeast side of Clark Road in the 2nd Election District, zoned RTC within the Piney Point Town Center; Tax Map 65, Block 12, Parcel 165 and Tax Map 65, Block 12, Parcel 262, and the remainder of properties along Clark Road.

Mr. Grimm stated staff and Planning Commission recommendations are both for approval. Commissioner Jarboe asked whether approval of these amendments will affect whether the Wilsons put in the line or whether MetComm puts in the line, and whether the Commissioners should hold this until MetComm has their hearing. Mr. Grimm responded that the Wilsons have stated their willingness to put in the line; it is the following request - the remainder of Clark Road - in which staff and the Health Department recommend that the whole area should be evaluated for provision of public sewer, because the Health Department has determined that there are failing, or at least marginal, septic systems in the area. It can be decided later who will put the line in.

Mr. Petty responded that they do have an informational meeting set up to see whether there is an interest in other property owners contributing to a line that will serve the whole of Clark Road. Two years ago the Wilsons made this same request, and MetComm found only about 3 people who were interested in contributing; 6 people definitely didn't want the line, and the rest didn't respond, and MetComm advised they would revisit the issue if new interest was generated in the future. Apparently, now is that time. If the question is why MetComm didn't sewer Clark Road when they did the Piney Point Sewer, Mr. Petty said they went as far as the money would go.

Mr. Grimm responded his only comment is that staff recommends looking at the whole area now.

Commissioner Jarboe moved for approval of the Ned Wilson amendment, the Charles Wilson amendment, and the Remainder of Clark Road. The motion was seconded by Commissioner Thompson and passed by unanimous vote.

Additional Service Area for Charlotte Hall Water Line

Requesting water category change to W-3D for properties on the southbound side of MD Route 5 in Charlotte Hall over to Old Route 5.

Staff and the Planning Commission recommend approval.

Commissioner Lancaster moved for approval; seconded by Commissioner Bailey; motion carried.

2) TEXT AMENDMENTS FOR MAP AMENDMENTS

Commissioner Lancaster moved to approve text amendments for the St. Andrews Landfill, Lumpkins Subdivision, Ned Wilson / Charles Wilson / Remainder of Clark Road, and the Additional Service Area for the Charlotte Hall Water Line, in conjunction with the approved map amendments. The motion was seconded by Commissioner Bailey and passed by unanimous vote.

Regarding the Bay Forest project, Commissioner Loffler called upon the developer to help the County solve some of the potential Critical Area pollution problems, and follow-up with the Health Department for potential sewerage of the existing houses. Should those things be accomplished, he said he would support the sewer amendment, adding that the same applies to Timber Lakes. To ensure a good project, he stated, the approval process should be an orderly one and, should the Planning Commission approve Timber Lakes and the type of development ensured, he would support it in that area.

3) OTHER TEXT AMENDMENTS

Both staff and the Planning Commission recommend approval of the following:

- 1) Revise §1.6 to incorporate Resolution 93-02 (amendments regarding approved community sewer projects at Airedele Road, St. George's Island, and Tall Timbers).
- 2) Revise §3.8 to describe public water service to certain projects requiring map amendments, and to update the discussion of certain projects planned or under construction since the CWSP's previous revision.
- 3) Revise §4.5 to describe public sewerage service to certain requiring map amendments and to update the discussion of certain projects planned or under construction since the CWSP's previous revision.
- 4) Update Tables 3-1, 4-1, 3-5, 4-5 to include projects approved for public water or sewerage service since the plan's complete revision.

Commissioner Lancaster moved for approval; seconded by Commissioner Thompson. The motion was approved by unanimous vote.

EXECUTIVE SESSION

Commissioner Bailey moved, seconded by Commissioner Bailey, to meet in Executive Session to discuss a matter of Personnel (Consideration of Appointment 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 W. Edward Bailey
Commissioner Robert T. Jarboe
Commissioner John G. Lancaster
Commissioner Barbara R. Thompson
Edward V. Cox, County Administrator
Judith A. Spalding Recording Secretary

Authority: Article 24, Section 4-210(a)1
Topic: Personnel - Consideration of Appts. to
Bds/Committees/Commissions
Time Held: 12:30 p.m. - 12:40 p.m.

Action Taken: The Commissioners reviewed the current status sheet, made nominations and directed staff to prepare letters of appointment.

**DEPARTMENT OF PLANNING AND ZONING
ROUND 4 GROWTH ALLOCATION PROJECTS PUBLIC HEARINGS**

All Commissioners were present. DPZ Staff present were Jon Grimm, Director; Mary Owens, Environmental Planner; and Ivette Butler, Recording Secretary.

ISUB #92-0649, St. Clement's Woods Partnership

Requesting a change in overlay zoning classification from RCA to LDA. The property contains 22.10 acres, is zoned RPD (RCA overlay), and is located on the north side of Lady Baltimore Avenue, approximately 500 feet west of Bayside Road; Tax Map 39, Block 11, Part of Parcel 248.

Mr. Grimm stated that the DPZ has considered the growth allocation request for St. Clement's Woods Partnership property. Mr. Grimm also stated that Staff recommended approval for the project to the Planning Commission. The Planning Commission failed to pass a motion in support of the project. Mr. Mehaffey presented a request for postponement and asked for the postponement to be until after February 1, 1994. Mr. Loffler opened the meeting for public comment. Mr. George Raley stated that he had walked the property and could not find one place that was suitable for a perc test. Mr. Raley stated that he was against the rezoning. Mr. Jim Ryan expressed his concern with the number of wells being drilled for just one lot being rezoned. The President left the record open and continued the meeting until February 15, 1994, at 1:00 p.m. in the Carter Building meeting room.

SSUB #91-1717, Clearbrook Farms, Ltd.

Requesting a change in overlay classification from RCA to LDA. The property contains 59.39 acres, is zoned RL (RCA overlay, part), and is located on the southeast side of Patuxent Boulevard; Tax Map 34, Block 6, Part of Parcel 126.

Mr. Grimm stated that Staff recommends denial due to major outstanding issues such as the 300 foot buffer, tidal pond issues, limited use of clustering and inadequate open space calculations. He also stated that Planning Commission has recommended denial. The President opened the floor for public comment. Mr. Louis Eberle asked why the public was not notified of the continuance. Mr. Loffler stated that the Board was not notified until that morning of the continuance request for both projects. Mr. Wayne Smith, neighboring property owner, stated he felt that the developer is planning on putting what looks like 70 double-wide low-income homes on a lovely piece of land. Mr. Smith suggested that the developer look at other surrounding developments in St. Mary's County to have an idea on what to do with this land. Mr. Smith recommends that the request not be approved at this time. Mr. Loffler left the record open and continued the meeting until for February 15, 1994 at 1:00 p.m. in the Carter Building meeting room.

(Commissioner Lancaster left the meeting - 3 p.m.)

ALLIANCE FOR ALCOHOL DRUG ABUSE PREVENTION

The Commissioners attended the Alliance meeting at the Carter Building at which federal government representatives were present as part of a state-wide evaluation of local substance abuse prevention efforts. Members of the Alliance described the various programs, strategies, monitoring, and evaluations.

MEDEVAC HELICOPTER

Present: Dan Ichniowski, Director, Department of Public Works

Mr. Ichniowski appeared before the Commissioners to report on the Tri-County Council subcommittee meeting that was held this date regarding the location of the MedEvac unit. He reviewed the comments made at the meeting and stated that it was the consensus of the Committee that NAS could not accommodate the larger helicopter (the Dauphin) and it could be moved to the St. Mary's County Airport.

Mr. Ichniowski advised that the Committee recommended that the Commissioners write to the Governor to request funding be included in his FY '95 budget and he pointed out that the Governor's budget will be sent to the Maryland General Assembly on January 19. Therefore, Mr. Ichniowski presented correspondence addressed to Governor Schaefer regarding the location of the helicopter and requesting funding in his FY '95 budget for a helicopter for the Southern Maryland area.

After discussion the Commissioners requested Mr. Ichniowski to rewrite the letter eliminating the first paragraph regarding the location of the helicopter.

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

ADJOURNMENT

The meeting adjourned at 4:55 p.m.

**Minutes Approved by Board of
County Commissioners on 1/25/94 (and 2/15 (DPZ grant allocations))**
Judith A. Spalding
Recording Secretary