

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS
NOVEMBER 1, 1994**

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 Lancaster moved, seconded by Commissioner Jarboe, to approve the minutes of the Commissioners' meeting of Tuesday, October 25, 1994. Motion carried.

APPROVAL OF BILLS

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

COMMENDATION

LITTLE LEAGUE STATE CHAMPIONSHIP

The Commissioners presented a Commendation to representatives of the Junior League All-Stars for winning the 1994 Junior League Baseball State Championship.

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) **Correspondence
The Skydiving Center**

The County Administrator presented correspondence addressed to Cynthia Gibson of The Skydiving Center acknowledging the issues of concern she raised at the Commissioners' meeting of October 18. The letter indicates that the Commissioners will develop responses to these concerns and provide a written summary.

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

2) **Appointment
Lexington Park Planning Task Force**

Commissioner Bailey moved, seconded by Commissioner Lancaster, to appoint Frank A. Goldbach to the Lexington Park Planning Task Force. Motion carried.

3) **Correspondence Calling Letters of Credit**

On behalf of the Director of the Department of Public Works, the County Administrator presented the following correspondence calling letters of credit as indicated:

Avenmar, Section 2

Correspondence addressed to First National Bank of St. Mary's calling Letter of Credit #A2-10-16-92 in the amount of \$67,000 for Public Works Agreement.

Breton Bay PUD (Pebble Beach Court)

Correspondence addressed to First National Bank of St. Mary's calling Letter of Credit #A1-9-02-92 in the amount of \$10,000 for Public Works Agreement.

GBW Partnership (6-Unit T-Hangars)

Correspondence addressed to Calvert Bank and Trust Company calling Letter of Credit #522 in the amount of \$70,000 for Public Works Agreement

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Loffler to sign the correspondence calling letters of credit, to be forwarded if necessary. Motion carried.

PROCLAMATION - YOUTH APPRECIATION WEEK

The Commissioners presented the following Proclamation Designating the Week of November 6 - 12, 1994 as Youth Appreciation Week.

COMMENDATION - VISTA WORKER

The Commissioners presented a Commendation to Victoria Skirpa for her efforts in the County's VISTA program.

DEPARTMENT OF PUBLIC WORKS

Present: Dan Ichniowski, Director

1) **Regional Letter of Authorization - Work within Wetlands
(Memorandum of Understanding)**

Mr. Ichniowski presented a Memorandum of Understanding for the Regional Letter of Authorization with the Department of Natural Resources giving St. Mary's County authority to perform certain work in the wetlands without having to go through a formal permit process with DNR.

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Loffler to sign the Memorandum of Understanding as presented. Motion carried.

2) **1994 State Transportation Tour**

As a follow up to the October 25 meeting with Department of Transportation officials, Mr. Ichniowski presented correspondence addressed to DOT giving the priority list for projects within St. Mary's County.

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

3) **Public Informational Meeting
Wicomico Shores Special Taxing District (Golf Course Drive)**

Mr. Ichniowski presented a handout that will be distributed at the Public Informational Meeting scheduled for November 2, 7 p.m., at the Wicomico Shores club house. He stated that it will be a joint meeting with the Department of Public Works and the Metropolitan Commission.

4) **Cat Creek - Boat Ramp and Parking Easement**

Mr. Ichniowski presented an Easement between Cape St. Mary's Marina Partnership and the State of Maryland, acting through the Board of County Commissioners of St. Mary's County to provide for public access to the existing boat ramp and parking areas.

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

5) **Development Documents**

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

Stallman Subdivision

Deed dated November 21, 1991 between Cherry Cove Land Development Company, Inc. Henry T. Waring and Joseph D. Knott and Deborah F. Knott and County Commissioners of St. Mary's County accepting Rutherford Boulevard, Garfield Street, Harrison Street, and Grant Place into the County's Highway Maintenance System.

Road Resolution No. R94-20 posting Rutherford Boulevard, Garfield Street, Harrison Street, and Grant Place at 25 miles per hour.

Road Resolution No. R94-21 designating the following streets as Stop Streets:

Garfield Street at its intersection with Rutherford Boulevard
Harrison Street at its intersection with Rutherford Boulevard
Grant Place at its intersection with Harrison Street

Breton Bay PUD

Deed dated September 15, 1994 between Breton Bay Development Associates. and County Commissioners of St. Mary's County accepting Breton View Drive, Fairway Drive, Pinehurst Court, Hazeltine Court, Merion Court, Shaker Run Court, and Capilano Court into the County's Highway Maintenance System.

Road Resolution No. R94-18 posting Breton View Drive, Fairway Drive, Pinehurst Court, Hazeltine Court, Merion Court, Shaker Run Court, and Capilano Court at 25 miles per hour.

Road Resolution No. R94-19 designating the following streets as Stop Streets:

Breton View Drive at its intersection with Society Hill Road
Pinehurst Court at its intersection with Breton View Drive
Fairway Drive at its intersection with Breton View Drive
Capilano Court at its intersection with Fairway Drive
Shaker Run Court at its intersection with Fairway Drive
Merion Court at its intersection with Fairway Drive
Hazeltine Court at its intersection with Fairway Drive

Lacey's Run Subdivision

Deed dated December 27, 1993 between M.L.D. Inc. and County Commissioners of St. Mary's County accepting Mill Street Drive into the County's Highway Maintenance System.

Deed dated January 7, 1994 between Lacey's Run Limited Partnership. and County Commissioners of St. Mary's County accepting Mill Street Drive, Newlands Street, and Farmington Court into the County's Highway Maintenance System.

Lacey's Run (continued)

Road Resolution No. R94-24 posting Newlands Street and Farmington Court at 25 miles per hour.

Road Resolution No. R94-25 designating the following streets as Stop Streets:

Mill Seat Drive at its intersection with Newlands Street
Farmington Court at its intersection with Newlands Street

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

6) Route 245 and Sotterley Road Parking

Commissioner Thompson inquired as to the status of the "no parking" at the Route 245 and Sotterley Road intersection in the vicinity of Winslows Pump and Well because of the increased safety hazards created by the number of vehicles parking at the business. Mr. Ichniowski responded that he will look into the situation.

7) Deep Creek Dredging

Commissioner Jarboe requested Mr. Ichniowski to look into the possibility of federal funding for a resource, conservation and development program at Deep Creek.

SHERIFF'S DEPARTMENT

Present: Sheriff Wayne Pettit

1) National Chief's Challenge Award

Also Present: Sgt. James Raley

The Sheriff presented an award received by the Sheriff's Department for First Place in the National Chief's Challenge.

2) Town Watch Community Policing Grant

Also Present: Lt. Phil Cooper
Lt. Richard Voorhaar

Sheriff Pettit advised that the Sheriff's Department has placed a deputy in the Leonardtown's Town Watch Community Policing Program under a community policing grant (75% federal and 25% local funds from the Town) from the Governor's Alcohol Abuse Commission. The original grant requested funds for a new patrol vehicle and the grant was revised to substitute a Harley Davidson motorcycle for the automobile. The Sheriff's Department submitted a purchase order to the County for the acquisition of a motorcycle; however, the Director of Finance requested the Sheriff's Office to get the Commissioners' concurrence on the substitution.

Sheriff Pettit explained that having the officer on the motorcycle would provide increased visibility and mobility, and the Town of Leonardtown has approved the use of a motorcycle.

After discussion Commissioner Jarboe moved, seconded by Commissioner Lancaster, to approve the change in the grant from the use of a sedan to utilizing a motorcycle. Motion carried.

HANOVER DEVELOPMENT (FORMERLY PATUXENT RIVER FARMS)

Present: Jon Grimm, Director, Planning and Zoning
Aleck Loker, Director, Economic & Community Development
Phil Rollins, Director, Recreation and Parks

As a follow up to previous discussions and inquiries from the Commissioners, the referenced individuals appeared before the Commissioners to present information relative to the referenced project.

Mr. Grimm reviewed the history of the zoning of the property noting that the PUD (Planned Unit Development) was rezoned to PUDR 2.83 in 1983, and that the Planning Commission approved a minor change to the plan in December 1991 which reduced the number of lots, added two holes to the golf course, relocated the clubhouse, and removed the convention center. He stated that the project has substantial investment in construction of Patuxent Boulevard, water/sewer facilities to the property, and a water tower. Mr. Grimm displayed a map of the property pointing out the areas of the PUD (200 acres \pm) and indicated that the remaining property is zoned RL (Residential Limited). The project is shown on the zoning maps as RCA, but the density of 2.83 has been grandfathered; however, the standards (impervious surface limits, 100-foot buffer, stormwater management and other environmental safeguards and considerations) and the updated Zoning Ordinance would be part of the review process should a new plan be submitted.

Mr. Loker distributed a handout setting forth the chronology of the Economic Development Commission subcommittee's review of the proposal submitted by the Potomac River Association that the 200 acres \pm be set aside for public use (archaeology, heritage network, public access to the water). It was the consensus of the committee that the County continue to plan to attract a developer sensitive to environmental and archaeological issues, who will produce a high quality waterfront development. Included in the handout was Mr. Loker's opinion of the proposal which indicated that the county had adequate outdoor recreation space, that PRA's proposal is a "quality of life" issue rather than an economic opportunity, and that he recommends that the county develop the project according to the PUD, and to make the existing state parks more accessible and more attractive to the public.

Mr. Rollins pointed out that the Recreation and Parks Board believes that there is a need for waterfront access in the Eighth District as indicated in the Recreation and Parks Plan. The PRA made a presentation to the R&P Board and the Board was interested in the proposal, but there were a number of issues that need to be addressed. He stated that it was conceivable that a portion of the 200 acres could be designated for park use with access to the water.

In conclusion Commissioner Loffler suggested that Recreation and Parks work with the Department of Planning and Zoning to look at alternatives and return to the Commissioners with recommendations.

EXECUTIVE SESSION

Commissioner Lancaster moved, seconded by Commissioner Bailey, to meet in Executive Session to discuss matters of Property Acquisition/Disposition (Recreation and Parks), as provided in Article 24, Section 4-210(a)11. Motion carried.

Later in the meeting Commissioner Jarboe moved, seconded by Commissioner Lancaster, to include Litigation, as provided in Article 24, Section 4-210(a)8 in the referenced executive session discussions. Motion carried.

Property Acquisition/Disposition

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
Phil Rollins, Director, Recreation Parks
Judith A. Spalding, Recording Secretary

Authority: Article 24, Section 4-210(a)11
Time Held: 11:45 a.m. - 11:58 a.m.

Action Taken: Mr. Rollins reviewed documentation relative to the acquisition/disposition of property and received direction from the Commissioners as to how to proceed.

Property Acquisition

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
Phil Rollins, Director, Recreation Parks
Judith A. Spalding, Recording Secretary

Authority: Article 24, Section 4-210(a)11
Time Held: 11:58 a.m. - 12:15 p.m.

Action Taken: Mr. Rollins presented a proposal for the acquisition of certain property and received direction from the Commissioners as to how to proceed.

Litigation (The Skydiving Center)

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
Phil Rollins, Director, Recreation Parks
Judith A. Spalding, Recording Secretary

Authority: Article 24, Section 4-210(a)8
Time Held: 12:15 p.m. - 12:20 p.m.

Action Taken: The County Administrator informed the Commissioners of recent legal action filed against the County by The Skydiving Center.

STAFF MEETING

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

7:00 P.M.
PUBLIC FORUM

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

Oran Wilkerson - Requested that lights be installed at the entrance to the Government Center at the Maryland State Police side.

Vaughn McCall - Referred to article in Today Newspaper about a theft at Great Mills and that the article states that school is conducting an investigation. He stated that since the theft is in the amount of \$17,000 that law enforcement should be called in to investigate. Commissioner Loffler responded that the school is probably investigating to determine if the theft occurred and if so would then bring in law enforcement.

Richard Pelz - Explained his problem in getting approvals to operate an oyster farm stating there is a conflict between the Critical Area Regulations and Maryland State for the definition of "water dependent facility." Judge North (Critical Areas Commission) is working to have the state law changed to define aquaculture as an agriculture enterprise. He stated that this conflict has been holding his project up for two years. There are certain requirements for a water dependent facility that are not required for an aquaculture project. The Commissioners requested the County Administrator to have the Department of Planning and Zoning get the status of the regulations from Critical Areas or the Maryland Department of Agriculture.

Jack Witten - Referred to the presentation by county staff earlier in the day regarding Myrtle Point (Hanover Run) and pointed out the studies and reports that the Potomac River Association has done on this property. He referred to PRA's proposal to designate the property for public use, pointed out things of extraordinary value on this property including archaeological sites, historical sites, old trees that are homes to birds that are on the margin of being endangered, and that it is a breeding ground for much of the marine life on the lower Patuxent River.

Larry Jarboe - Referred to Mr. Pelz's project and stated that the County's Comprehensive Plan indicates that aquaculture should be encouraged. He stated that the County should assist him in getting through the process.

Alan Moore - (1) Inquired as to the status of the Recycling Coordinator position (the duties of which have been included in one of the vacant engineering positions). County Administrator Cox reported there were 60 applicants, which are going through the review process, and interviews will be scheduled in the next few weeks.

(2) Commended Department of Public Works for replacing the culvert on Killpeck Creek on All Faiths Church Road.

Ken Hastings - Inquired about the action taken by the Commissioners at the beginning of the public forum regarding executive sessions. Commissioner Loffler advised that it was to add "Litigation" to the items of executive sessions held earlier in the meeting.

Minnie Russell - (1) Expressed concern about the St. Mary's City road project (reducing the width and speed limit of Route 5 and closing the north entrance to Route 589 as presented by the State Highway Administration at the October 20 meeting). The Commissioners advised that the project has been put on hold until SHA can develop something that is more acceptable to the community. Commissioner Loffler suggested that the citizens contact the legislators about this issue.

(2) Inquired about the double yellow lines on the road through St. Mary's City going north about six miles. Commissioner advised that the state uses guideline for the yellow lines, but that SHA has indicated they would take a look at that area.

Robert Thompson - Thanked the Commissioners for having the public forums and requested that the process continue after the election.

Commissioner Thompson - Reported that the Commissioners had sent a letter to MDE about the location of farms having municipal solid waste compost applied and a response was received on October 26. The response letter states that MDE has been unable to identify the sites because the manufacturer of the product was unable to identify the customers since the product was not delivered by FERST but received directly by the customer. The letter further states that draft regulations concerning municipal waste compost utilization are in the final stages of preparation at MDA and should be published in the Maryland Register within the next several weeks.

Ken Hastings - Stated that the draft MDA regulations require the disclosure of the percentage of heavy metals contained in the compost, but if the state does not know where it is going, how can it determine what the percentage is.

Nancy Rogers - Inquired whether the Commissioners were going to accept the letter from the MDE. Commissioner Loffler stated that it was time for the citizens to bring these issues to the delegates and get them to make commitments about what they are going to do.

Rae Thompson - Referred to the public meetings for the application of sludge and suggested that they be done on a bi-county basis.

Daphne McGuire - Stated that the Coalition has requested the same information about where the compost is being applied and was told that FERST had made a request that despite the Freedom of Information Act, the information would not be available.

Keith McGuire - Inquired about the process for the public forum after December. Commissioner Loffler advised that the Oath of Office is December 5 and there will be a series of orientation meetings for the new Board of County Commissioners.

ADJOURNMENT

The meeting adjourned at 9:05 a.m.

**Minutes Approved by Board of
County Commissioners on 11/15/94**

Judith G. Spalding
Recording Secretary