

**ST. MARY'S COUNTY**  
**BOARD OF COUNTY COMMISSIONERS**  
**MARCH 7, 1995**

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Present: Commissioner Barbara R. Thompson, President  
Commissioner D. Christian Brugman  
Commissioner Paul W. Chesser  
Commissioner Frances P. Eagan  
Commissioner Lawrence D. Jarboe  
Edward V. Cox, County Administrator  
Judith A. Spalding, Recording Secretary

**CALL TO ORDER**

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

**APPROVAL OF MINUTES**

Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve the minutes of Tuesday, February 28, 1995 and Thursday, March 2, 1995. Motion carried.

**APPROVAL OF BILLS**

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

**COUNTY ADMINISTRATOR ITEMS**

Present: Edward V. Cox, County Administrator

1) **Sewage Sludge Permit Application**

The County Administrator presented the standard letter addressed to the Maryland Department of Environment waiving the County's right for a public hearing/meeting on the sewage sludge utilization permit application for the James Chesley property, which was forwarded by MDE by correspondence dated February 27. The letter reiterated the County's ongoing concerns over environmental safety and land records notification.

**Commissioner Eagan moved, seconded by Commissioner Jarboe, to sign and forward the letter as presented. Motion carried.**

2) **Resolution No. Z95-02**  
**Road Name Changes - Administrative Corrections**

As a follow up to the February 14 public hearing, the County Administrator presented the referenced Resolution amending the Official Road Name List by making administrative corrections (including spelling errors and deletion of roads that have been renamed, duplicated, or listed incorrectly, or roads that have no documentation as to their existence).

**Commissioner Jarboe moved, seconded by Commissioner Brugman, to approve and sign the Resolution as presented. Motion carried.**

3) **Clearinghouse Project No. MD950210-0125**  
**Pine Hill Run Wastewater Treatment Plant Biological Nutrient Removal**

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, or objectives.

**Commissioner Eagan moved, seconded by Commissioner Chesser, to accept the County Administrator's recommendation. Motion carried.**

4) **Letters of Appreciation**

The County Administrator presented letters of appreciation addressed to the Chairs of those Boards that have presented their 1994 Annual Reports.

**Commissioner Brugman moved, seconded by Commissioner Jarboe to sign and forward the letters as presented. Motion carried.**

5) **Shore Erosion Control  
Application for State Assistance  
Piney Point Recreation/Fishing Area**

On behalf of the Department of Recreation and Parks, the County Administrator presented the referenced Application for State Assistance for shore erosion control on the Potomac River side of the county-owned Piney Point property.

**Commissioner Chesser moved, seconded by Commissioner Jarboe, to approve and to authorize Commissioner Thompson to sign the Application as presented. Motion carried.**

6) **Response Letters  
Hanover Run (Myrtle Point) Property**

In response to letters from the Maryland Saltwater Sportsfishermen's Association and from Ray Hanbury regarding the Hanover Run Property, the County Administrator presented return correspondence advising that the Recreation and Parks Board task force has been established to conduct a thorough examination of the issue relative to possible acquisition for park land. The task force will be presenting its findings to the Commissioners on March 21.

**Commissioner Brugman moved, seconded by Commissioner Jarboe, to sign and forward the letters as presented. Motion carried.**

7) **Public Works Agreements/Addenda**

On behalf of the Director of Public Works, the County Administrator presented the following documents for the Commissioners' review and consideration:

**Public Works Agreement  
Hills Corner Estates**

Dated December 9, 1994 between Shirley Thompson and St. Mary's County guaranteeing completion of Dallas Drive, East Cusic Court, and West Cusic Court by February 1, 1996. The Agreement is backed by a Letter of Credit with Calvert Bank and Trust Company in the amount of \$364,900.

**Addendum to Public Works Agreement  
Summerwood Subdivision, Section 2**

Between Wayne Wise and Board of County Commissioners of St. Mary's County extending the deadline for completion of improvements to April 1, 1996. The Addendum is backed by a Letter of Credit with First National Bank of St. Mary's in the amount of \$35,000.

**Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve and authorize Commissioner Thompson to sign the referenced documents as presented. Motion carried.**

8) **Parcel of Record Case**

The County Administrator presented a memorandum dated March 1, 1995 from County Attorney Densford advising that a research of the Land Records for calendar year 1985 to obtain an estimate of the number of unapproved lots that had been conveyed by deed has been completed. Based on the research there appears to be more than 3,000 deeds recorded for unapproved parcels in the 12-year period from 1978 to 1990. In the March 1 memorandum Mr. Densford suggests that he and Director of Planning and Zoning Grimm meet with the Potomac River Association to discuss the finding and to determine whether an administrative solution can be reached.

The Commissioners indicated their concurrence for Mr. Densford to proceed as recommended.

6) **Budget Amendments**

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

**No. 95-27**

**Department of Public Works**

Justification: To adjust salary/overtime costs for remainder of Fiscal Year 1995 (overtime - \$8,000; salary - \$9,000)

**No. 95-28**

**Recreation and Parks**

Justification: Additional funds needed to replace the pier at the Piney Point Lighthouse Museum and Park; the low bid for the project came in higher than expected. (\$5,678)

**Commissioner Eagan moved, seconded by Commissioner Chessser, to approve and authorize Commissioner Thompson to sign the Budget Amendments as presented. Motion carried.**

7) **Response Letters**

The County Administrator presented the following response letters for the Commissioners' review and consideration:

- To Ellen Clarke regarding passing zones on Maryland Route 5 between Great Mills and St. Mary's City.
- To Richard Pelz advising that the Commissioners have requested the Director of Planning and Zoning to investigate his issues.
- To Kevin Michael responding to his comments regarding the local income tax.

**Commissioner Jarboe moved, seconded by Commissioner Eagan, to sign the referenced response letters as presented. Motion carried.**

8) **Boards, Committees, Commissions  
Appointments**

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

**Development Review Forum**

**Terms To Expire**

F.. Elliott Burch, Jr.	NO TERM
Jeff Errington	NO TERM
Joseph E. Garner	NO TERM
Joseph M. Gough, Jr.	NO TERM
Jon R. Grimm	NO TERM
Daniel F. Ichniowski	NO TERM
Bill Mehaffey	NO TERM
Pete Breck	NO TERM
Larry Petty	NO TERM
Tom Russell	NO TERM
Al Stewart	NO TERM

**DEPARTMENT OF PLANNING AND ZONING  
INDIVIDUAL REQUESTS FOR ZONING MAP CHANGES**

Present: Jon Grimm, Director, DPZ

In response to inquiries relative to zoning "mistake" considerations, Mr. Grimm appeared before the Commissioners to explain the process and present options available to the Board. Mr. Grimm advised that the Planning Commission in February 1990 adopted "Rules for Mapping the Districts of the Draft Zoning Maps." The rules gave guidance to the Commission in directing staff in drawing the zoning district boundaries on the maps for the 1990 comprehensive rezoning. Section 70 of the Zoning Ordinance provides for a property owner to petition for a change by submitting an application for zoning amendment based on either a change in character of the neighborhood or a mistake in zoning. Section 71 of the Zoning Ordinance indicates that the Planning Commission and County Commissioners shall review the zoning text and maps "at least annually." The Commissioners have corrected "mistakes" in zoning classifications of several properties relative to the referenced mapping rules.

Mr. Grimm pointed out that there have been six requests for consideration for "mistake" in zoning since the last amendments, and he noted that the Commissioners have three options.

- To direct landowner to file an application
- To hold the requests until the regular annual review (with public hearings being held in January 1996.
- To direct that these cases be considered outside of the normal process

Discussion ensued regarding the property owners' use of the property under a non-conforming use, and Mr. Grimm pointed out that they can continue doing what they are currently doing, but are limited for expansion or change in use.

Other areas of discussion included: that if the County made a mistake in zoning, it should be rectified; and whether other property owners could come forward if the Commissioners approved going outside the normal process.

**After discussion Commissioner Eagan moved, seconded by Commissioner Chesser, to begin the public hearing process to consider the six properties as possible "mistakes" in zoning. Motion carried.**

Mr. Grimm recommended, and the Commissioners concurred, that if other property owners come forward during the Planning Commission hearing process, they can be considered with the other six; however, if they come forward during the County Commissioner hearing process, those cases should be remanded to the Planning Commission.

**AGRICULTURE/SEAFOOD NEWSLETTER**

Commissioner Thompson referred to an article in the Agriculture Seafood Newsletter regarding the difference between roadside stands and agriculture buildings relative to the sale of agricultural products. The newsletter states that if the product is not produced on the farm on

which they are sold, the activity is considered commercial and must comply with regulations for a roadside stand. Commissioner Thompson indicated to Mr. Grimm that if this is his interpretation, she did not agree with it. Mr. Grimm stated that he would provide Commissioner Thompson with citations from the Zoning Ordinance and his written interpretation.

### **EFFICIENCY 2000 COMMISSION**

Commissioner Jarboe presented correspondence dated March 6 from William R. Miles, Executive Director of the Efficiency 2000 Commission, setting forth the mission of the Commission. The 1994 Maryland General Assembly created the bi-partisan 2000 Commission because of the condition of Maryland's economy and the public's concern for a leaner and more efficient system of State Government.

Commissioner Jarboe recommended that the Commissioners consider establishing a local Commission and that Mr. Miles in his letter offered his assistance to help St. Mary's County in developing a comparable Commission in the County.

### **EXECUTIVE SESSION**

**Commissioner Eagan moved, seconded by Commissioner Chesser, to meet in Executive Session to discuss a matter of Personnel (consideration of appointments to Boards, Committees and Commissions), as provided for in Article 24, Section 4-210(a)1. Motion carried.**

#### **Boards, Committees, Commissions**

Present: Commissioner Barbara R. Thompson, President  
Commissioner D. Christian Brugman  
Commissioner Paul W. Chesser  
Commissioner Frances P. Eagan  
Commissioner Lawrence D. Jarboe  
Edward V. Cox, County Administrator  
Judith A. Spalding, Recording Secretary

Authority: Article 24, Section 4-210(a)1  
Time Held: 10:40 a.m. - 11:15 a.m.

Action: The Commissioners reviewed the current status sheet, made nominations and directed staff to contact the individuals and prepare letters of appointment for the Commissioners' approval at a later meeting.

(Commissioner Chesser left the meeting - 12:05 p.m.)

### **1995 GENERAL OBLIGATION BOND SALE**

Present: Charles Wade, Director of Finance) Were present at the bond sale  
Sam Ketterman, Financial Advisor) at the offices of Piper & Marbury  
Stewart Diana, Bond Counsel ) in Baltimore

Via the speaker phone, Mr. Wade provided the Commissioners with the bids for the sale of St. Mary's County General Obligation Bonds in the amount of \$11,990,000, designated as Public Facilities Bonds of 1995. He advised that Legg Mason Wood Walker, Inc. was the lowest bidder at the rate of 5.64847%.

**Commissioner Eagan moved, seconded by Commissioner Jarboe, to approve and sign Resolution No. 95-10 awarding of the \$11,990,000 of general obligation bonds designated as Public Facilities Bonds of 1995 to Legg Mason Wood Walker, Inc. Motion carried.**

(Commissioner Chesser returned to the meeting - 1:00 p.m.)

## **MANAGEMENT MEETING**

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

### **SUPERVISORS OF ELECTIONS OPTIC SCAN VOTING MACHINE DEMONSTRATION**

Present: Robert Gerencser, Senior Vice- President, Business Records Corp.  
John Reynolds, Sales Manager, "  
Supervisors of Election Board and Staff

Representatives of Business Records Corporation appeared before the Commissioners to demonstrate the Optech III-PE Eagle optical mark sense electronic voting system and to present a full service rental proposal. Mr. Reynolds explained the system stating that the voters mark their choices on special paper ballots in a private voting booth and then place it in the machine, which scans and records the ballots. He described the features of the system including its reliability, efficiency, durability, and its cost effectiveness.

After the demonstration the Commissioners requested Mrs. Counties, clerk to the Supervisors of Elections, to provide them with cost comparison, after which the Board will make a decision relative to rental proposal.

### **ST. MARY'S COUNTY WATERMEN'S ASSOCIATION OYSTER SEEDING PROGRAM**

Present: James T. Russell, II, President, Watermen's Association  
Tucker Brown, "  
Aleck Loker, Director, DECD  
Donna Sasscer, Agriculture/Seafood Specialist, DECD  
Cindy Woodburn, Tourism Specialist

The referenced representatives of the St. Mary's County Watermen's Association appeared before the Commissioners to request matching funding in the amount of \$1500 for the oyster seeding program for Fiscal Year 1995. Mr. Russell advised that the Watermen's Association has in the past matched the County's funding of \$1500 in order to purchase \$3,000 worth of seed oysters.

Mr. Loker advised that the Watermen did not use the Fiscal Year 1994 allocated funds because they were unable to purchase seed oysters from the Department of Natural Resources. If the Commissioners approve the request, \$4500 will be available to purchase oyster seed in this fiscal year.

Mr. Brown explained the need for the oyster seeding program, which is to replenish the oyster population and pointed out that the oyster seeds will be placed at St. Clements Bay and St. George's Island.

**After discussion Commissioner Chesser moved, seconded by Commissioner Jarboe, to approve and sign Budget Amendment No. 95-26 in the amount of \$1500 for the Oyster Seed Program as requested. Motion carried.**

7:00 P.M.

### **FISCAL YEAR 1996 BUDGET STATUS REPORT**

Present: Charles Wade, Director of Finance

Mr. Wade presented a status report of the Fiscal Year 1996 Budget stating that the Commissioners have completed the departmental presentations and will now begin work sessions to develop a Recommended Budget by April 1. Mr. Wade pointed out that there were several

bills in the General Assembly that the Commissioners will need to consider during their deliberations including semi-annual property tax payments, business personal property tax, and funding for the Board of Education. With regard to revenues the Board will need to address tipping fees and the accommodation tax.

### PUBLIC FORUM

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

**Pat White** - (1) Inquired whether the Great Mills High School addition/renovation project has slowed down. John Roth, Board of Education member advised that the project is moving according to the original plans.

**Minnie Russell** - Expressed concern with the process to be used at the March 22 public hearing on Leonardtown Road in that she did not agree with the use of ballots (statements of opinion) and stated they should not be distributed at the door. She stated if they are used they should be made available after all speakers had been heard.

**Beth McCoy** - Reiterated Mrs. Russell's concerns stating that people should have an opportunity to hear the pros and cons before the forms are made available and inquired as to what the format will be at the hearing.

(The Commissioners explained that they agreed to a statement of opinion being distributed in that not all in attendance at the public hearing will have an opportunity to speak. County Administrator Cox advised that there will be sign up sheets for each road name, and that the moderator will call on speakers in a fair manner so that all viewpoints will be heard.

**Don DeGraves** - (1) Questioned Recreation and Parks' policy for allowing advertising signs at the Regional Park and that the Commissioners should reconsider the policy. (2) Showed a video relative to the conditions at certain school fields, expressed concern for safety, and pointed out that protective fencing is needed at the ball fields.

**Larry Pinto** - Distributed a letter requesting the Commissioners to establish explicit buffer zones through zoning regulations for waste facilities and other industrial operations.

**Mike Schwartz** - Stated that the basketball court has been removed from Great Mills High School and presented a petition from a number of youths requesting that it be replaced if not at the school, in the Great Mills area. (John Roth, Bd/Ed member, indicated that it may have been removed because of anticipated renovations.)

**Doug Ritchie** - (1) Suggested that the three Commissioners who do not write for the newspapers should begin writing a column. Mr. Brugman responded that he writes a column because he enjoys writing and it would be up to the other board members if they wanted to write a column. (2) Stated that it was important for citizens to attend the constant yield tax rate public hearing and to request that the Commissioners not raise taxes.

**Mary Ann Chasen** - Inquired as to the status of the naming of Pine Road in Town Creek. The Commissioners explained that the 911 Addressing Task Force will be coming before the Commissioners with recommendations at an upcoming meeting.

**Ken Hastings** - Presented a chronology relative to FERST's buffer zone beginning with the original conditions approved by the Board of Appeals in January 1991 and recommended that the Commissioners not hear any appeals or take any action on this issue without first contacting the attorney from LGIT.

**Alan Moore** - Invited the Commissioners to attend the March 30 Isaac Walton League meeting on March 30 at which a representative of the Chesapeake Land Trust will be present.

**Pat White** - Suggested that the petitions for the naming/renaming of Leonardtown Road be included in the "statement of opinions;" concurred in the need for basketball hoops in the great Mills area.

**Rae Thompson** - Suggested putting the road naming to a vote at the March 22 hearing. Commissioner Thompson advised that the Commissioners will receive input from the citizens on the name of the road, but will make the decision for the name of the road.

**Toby Lakin** (*Today newspaper*) - Presented questions prepared by the publisher of the *Today newspaper* to Commissioners Eagan (regarding county staff), Thompson (regarding St. Mary's Press building environmental study) and Chesser (regarding taxes and the FY '96 budget).

**Daphne McGuire** - Suggested that the Commissioners meet in the various Commissioner Districts in the County. (Commissioner Thompson indicated that this is a matter that the Commissioners have been discussing about doing in the future.)

**Don White** - Inquired of each Commissioner if he/she were opposed to raising taxes. Commissioners Eagan, Jarboe and Brugman indicated they were opposed; Commissioner Thompson stated that she did not want to raise taxes, but St. Mary's is a growing County, and the issue would have to be addressed during the budget process; Commissioner Chesser indicated he was opposed, but would have to look at it during the budget process.

**Bob Thomas** - Questioned the county's "contingency fund" and suggested that the Commissioners put limits on it; suggested that the Commissioners reevaluate the impact fee in light of new people coming into the county.

#### ADJOURNMENT

The meeting adjourned at 9:20 p.m.

Minutes Approved by Board of  
County Commissioners on 3/14/95  
Judith A. Spalding  
Recording Secretary