

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
AUGUST 12, 1997**

Present: Commissioner Barbara R. Thompson, President
Commissioner D. Christian Brugman
Commissioner Paul W. Chesser
Commissioner Frances P. Eagan
Commissioner Lawrence D. Jarboe
John J. Kachmar Jr., County Administrator
Judith A. Spalding, Recorder

CALL TO ORDER

The meeting was called to order at 11:05 a.m.

**MCI SYSTEMHOUSE
COMMUNICATIONS PROPOSAL OVERVIEW**

Present: Larry Consalvos, MCI
Steve Ambrosini, "
Jim Dundas, "
Ted Rainer, "
Michael Leaf, "

The referenced representatives of MCI appeared before the Commissioners to present an overview of MCI's proposal to provide an emergency communications system for St. Mary's County Government. Mr. Kachmar advised that MCI was the only firm to respond to the RFP for this project.

Mr. Consalvos provided a background of the International Public Safety Group of MCI Systemhouse and each representative gave his background relative to communications.

The representatives reviewed the three phases of the Project Plan for St. Mary's County-- Phase I - Analysis and Planning (Business Strategy and Requirements; Current Environment Assessment; Solution Design) -- Phase II - Cost Analysis (Analysis of current operating cost; development of cost proposal; Outsourcing Cost Components; and Price Proposal); and Phase III - Implementation.

Included in the presentation was a Statement of Work describing how MCI will provide a comprehensive assessment of the County's emergency communications requirements and will make specific recommendations for the upgrade or replacement of existing communication equipment and facilities. Components of the project include Facility Module (space requirements; environmental/mechanical specifications; communications center work area specifications; ergonomics); Radio and Communications Work; Telephony Module; Technical Architecture Module (hardware, software, networks); Consulting Services and Project Management Module.

Areas of discussion included:

- * Once needs are determined, MCI would provide the equipment and would continue to maintain and enhance the equipment over the course of the agreement.
- * The Assessment Phase up to implementation will cost \$250,000, and if the County authorizes MCI to proceed with implementation, the \$250,000 will be credited over the course of the project.
- * Personnel issues (training, privatizing--whether appropriate individuals would become MCI employees).

- * County staff to provide financing options (reserve account, debt service, completed capital project funds, unappropriated fund balance) and whether there would be a requirement for a public hearing.
- * Input from the Sheriff and Deputy Director of EMA relative to the need for updated equipment for the safety needs of the citizens and providers.

Commissioner Chesser moved, seconded by Commissioner Eagan, to direct staff to prepare a Letter of Intent to MCI to be presented for the Board's consideration at next week's meeting. Motion carried.

Commissioner Eagan moved, seconded by Commissioner Jarboe, to direct staff to begin the public hearing process for financing. Motion carried.

APPROVAL OF MINUTES

Commissioner Eagan moved, seconded by Commissioner Jarboe, to approve the minutes of Tuesday, August 5, 1997 as presented. Motion carried.

APPROVAL OF BILLS

Commissioner Eagan moved, seconded by Commissioner Chesser, to authorize payment of the bills. Motion carried.

ADDITIONS/DELETIONS TO AGENDA

Commissioner Jarboe moved, seconded by Commissioner Eagan, to approve the agenda as amended (County Administrator Kachmar added an Executive Session on Personnel - Sheriff's Department). Motion carried.

CONSENT AGENDA

The Consent Agenda included the following:

Correspondence

- a. To various individuals (6 letters) concerning the proposed expansion of the Lexington Park Development District Line from Hermanville Road to Park Hall Road during the Comprehensive Land Use Plan revision process.
- b. To Maryland Department of the Environment (three letters) concerning Sewage Sludge Utilization Permit Application for Richard Wood site located off Long Road and Route 234 in Clements; Thomas Cryer site located off Route 244, Leonardtown; and Elam Fisher site located off Woodburn Hill Road in Mechanicsville.
- c. To Secretary Maryland Department of Human Resources forwarding the Director of Social Services' Annual Performance Evaluation and indicating the Commissioners' full support of the Social Services Board's rating.

Commissioner Brugman moved, seconded by Commissioner Jarboe, to approve the Consent Agenda as presented. Motion carried.

COUNTY ADMINISTRATOR ITEMS

Present: John J. Kachmar Jr., County Administrator

1. Fish-related Illness Discussion

Also Present: Dr. Ebenezer Israel, Health Officer

Dr. Israel appeared before the Commissioners to bring the Board up to date with regard to recent concerns reported in the media concerning an organism that has been killing fish in the

Pocomoke River. He cautioned about the handling of raw fish with any sores (that hands be thoroughly washed and any fish cooked well). He assured the Commissioners that there is currently no danger locally and that the Maryland Department of Health and Mental Hygiene and the Maryland Department of Environment continues to monitor the situation. He further gave assurance that there was no problem with eating crabs.

2. **Grant Documents**

a. **Maryland Department of Agriculture**

(Grant Agreement providing funding for the control and eradication of certain noxious weeds (Johnsongrass, Shattercane, thistles, Multiflora Rose) for 7/1/97 - 5/31/98)

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

b. **Department of Planning and Zoning**

Letter to Maryland Historical Trust authorizing Planning Director Grimm as the official in all matters pertaining to the St. Mary's County Historic Preservation Program IV and forwarding the first disbursement request under this phase of the grant.

Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve and sign the letter to Maryland Historical Trust as presented. Motion carried.

c. **Series of Grant Awards (Memoranda of Understanding) from Department of Health and Mental Hygiene - Alcohol/Drug Abuse Administration**

(1) Sierra House - \$259,268

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

(2) Walden Counseling Center - \$692,869

Commissioner Brugman moved, seconded by Commissioner Eagan, to approve and authorize Commissioner Thompson, to sign the Memorandum of Understanding as presented. Motion carried.

County Administrator Kachmar noted for the record that the Sierra and Walden grants are "pass through" grants through the County, and there needs to be discussion at a future meeting regarding validity of the agreement and whether the Commissioners want to continue. He pointed out that there were no checks and balances in place.

(3) Marcey Halfway House - \$153,409

Commissioner Brugman moved, seconded by Commissioner Eagan, to approve and authorize Commissioner Thompson, to sign the Memorandum of Understanding as presented. Motion carried.

(4) Substance Abuse Prevention - \$82,145

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

d. **Sheriff's Department - Grant Agreements**

(1) Operation Community Watch - Lexington Park (Federal Funding - \$37,188; Local - \$12,188)

Commissioner Eagan moved, seconded by Commissioner Brugman, to approve and authorize Commissioner Thompson, to sign the Grant Agreement as presented. Motion carried.

(2) Domestic Violence Intervention and Prevention Program (Federal Funding - \$53,336; Local - \$21,442)

Commissioner Chesser moved, seconded by Commissioner Brugman, to approve and authorize Commissioner Thompson, to sign the Grant Agreement as presented. Motion carried.

e. **Department of Recreation and Parks**

Grant Application - Maryland Coalition Grant For Teen Center - \$30,000 from Community Beacon Coalitions of Maryland

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

3. **Personnel
Marcey House**

Memorandum dated August 12, 1997 from Personnel Office requesting authorization for the establishment of a Grant Funded Night House Manager Position (Grade 3)

Commissioner Brugman moved, seconded by Commissioner Eagan, to approve the establishment of the Night House Manager position as requested. Motion carried

4. **Fire/Rescue Funding in Bond Resolution**

Also Present: Steve Welkos, Director of Finance

Mr. Kachmar referred to Chapter 46-2 in the St. Mary's County Code which provides for a revolving fund for fire fighting equipment and facilities with bond authorization not to exceed \$2M. In correspondence dated May 9, 1997 from the Ambulance and Rescue Association the Chairman submitted documentation in support of a loan application for the purchase of land for use by the Lexington Park Volunteer Rescue Squad. County Administrator Kachmar inquired whether the Commissioners wanted to include the funding for the purchase in its Bond Resolution (which will be presented to the Board on August 26). He pointed out that the Rescue Squad would have to pay back the loan to the County.

After discussion Commissioner Eagan moved, seconded by Commissioner Chesser, to authorize inclusion of the bond funds in the County's 1997 General Obligation Bond Resolution. Motion carried.

In conclusion Mr. Welkos advised that he would put a package together for the Board on how this loan will work administratively.

5. **Office of Community Services**
Community Services Day

Also Present: Becky Stevens, Community Services Coordinator

The County Administrator presented a memorandum from the Community Services Coordinator requesting direction from the Commissioners whether to proceed to plan a St. Mary's County Community Service Day. In her memorandum Ms. Stevens pointed out that there has been no direction from the Governor's Office on Volunteerism for this event. Ms. Stevens advised that in the past the Food Drive has been very successful, and she was also looking to tying in the program with the Leonardtown Playground project.

After discussion the Commissioners indicated concurrence for Ms. Stevens to proceed with Community Services Day because of the benefits it provides to the community.

MY GREAT ADVENTURE TOURISM PAMPHLET

Present: Cindy Woodburn, Tourism Coordinator

Ms. Woodburn appeared before the Commissioners to present her department's new pamphlet entitled *My Great Adventure*. She explained that the pamphlet was written through the eyes of a child in a diary format showing a family's eight days of adventures in St. Mary's County. The pamphlet will be distributed at MACo and will be sent in response to requests for information about St. Mary's County.

The Commissioners commended Ms. Woodburn for the uniqueness and creativity of the pamphlet.

DEPARTMENT OF PUBLIC WORKS

Present: Dan Ichniowski, Director

1. **Signal Light Timing**

Also Present: Larry Elliott, SHA

As a follow up to a request by the Commissioners Mr. Ichniowski and Mr. Elliott appeared before the Board to discuss the traffic bottlenecks light timing on Maryland Route 235 from Route 4 to the entrance to the Naval Air Station.

Mr. Elliott displayed charts of peak time traffic counts at peak times (southbound in the morning and afternoon at MD 235 and Town Creek Drive) and showing light cycle lengths (currently at 210 seconds and an option of 250 seconds on MD 235 only. Other options discussed included using the shoulders at peak times; however, SHA pointed out that the shoulder widths are at various widths (from as wide as 12 feet to as narrow as seven feet); staggered work hours; encouraging car pooling (as well as reverse car pooling); HOV lane (perhaps the shoulder); and opening a third lane (a northbound lane in the a.m. and a southbound lane in the p.m.).

In conclusion Mr. Elliott advised the Board if they have further concerns or questions to contact him. In addition at the request of the Commissioners Mr. Ichniowski advised that he would draft a letter to SHA District Engineer regarding use of the shoulders.

2. Millstone Landing Road

Also Present: Douglas Durkin, County Attorney
Thomas Daugherty, Attorney
Residents of Millstone Landing Road

As a follow up to previous discussions Mr. Ichniowski appeared before the Board to discuss the idea of turning the lower portion of Millstone Landing Road and the bridge over to the residents. He reminded the Commissioners that the low bid for replacement of the bridge was \$162,236; however, by letter dated June 27 Mr. Tom Daugherty advised that the residents had contended that this portion of the road was owned by the residents.

Mr. Daugherty, on behalf of a majority of the residents, indicated they had questioned work being done by the County because they believed it was their road. He pointed out that the residents are willing to take the cost of constructing a new bridge and that the permits obtained by the County be turned over to them. Mr. Daugherty advised that in order to accomplish this, Mr. Ichniowski had indicated the County would have to go through a road abandonment process; however, he did not agree because there was no deed showing county ownership, and that it could be done through a quit claim deed. He stated that the property owners are prepared to assume responsibility of the lower portion of the road, and perhaps at a later date they may ask for the remainder of the road up to Green Holly Drive.

County Attorney Durkin pointed out that it was not unusual for a County to not hold title of the land upon which the roadbed is located; however, he has not had an opportunity to research whether there is title to this road. He further pointed out that the County normally has an interest through an easement that allows use of the road by the general public. With regard to the proposal to dispose of the county's interest in the property, there is no statute in Maryland for abandonment, but statutes regarding opening and closing of roads, which is done by petition or the Commissioners can initiate it.

Discussion ensued whether it was a public or private road; whether a public hearing should be conducted; whether the property owners or the County should advertise for the hearing; whether the letter from Mr. Daugherty constitutes a petition, whether a public hearing would be required or if it could be done through a quit claim deed.

After discussion Commissioner Jarboe moved, seconded by Commissioner Chesser, that the Commissioners advertise for a public hearing on the abandonment and a quit claim deed for a portion of Millstone Landing Road including the bridge. Motion carried.

DEPARTMENT OF PLANNING AND ZONING ZONING ORDINANCE - ANIMAL SHELTER REGULATIONS

Present: Jon Grimm, Director, DPZ
Steve Norman, Assistant County Attorney

Mr. Grimm appeared before the Commissioners to present and discuss options relative to amending the Zoning Ordinance to accommodate animal shelters in St. Mary's County. In his memorandum of June 27 Mr. Grimm noted that supporting language for such an amendment is included in the draft comprehensive plan, and he stated that the term "animal shelter" should be defined and performance standards be established.

Options for the Commissioners' consideration include:

- * To add to the existing ordinance, a definition for the "shelter" use, authorize it in all zones noted in the 6/27 memorandum and use existing performance standards for setbacks.
- * To do the same as above but also to modify the 200 foot buffer standard to only apply along residential property lines, not all industrial; or commercial lot lines. The buffer standard could be reduced or eliminated in certain situations.

- * To accept the proposal of Dick Myers of the Animal Welfare League, which would add a new listed use of "animal shelter," add a new section 53-27 to provide standards for the use, and change the definition of "dog kennel, commercial" to exclude "animal shelters." Commercial kennels are only allowed as a conditional use in the RPD zone on 20 acres and with 600 foot setbacks from property lines.

Discussion ensued as to public (which would make it a conditional use) versus private (which would require an amendment to the zoning ordinance); that a definition be added to the zoning ordinance for "animal shelter" rather than using an exclusion of "dog kennel, commercial;" permitted use versus conditional use in Industrial zoned property; and whether to require performance standards which would allow flexibility in the location of animal shelters (to take into consideration noise, odors, hours of operation, buffers, etc.).

After discussion Commissioner Jarboe moved, seconded by Commissioner Chesser, to recommend to the Planning Commission the third option as submitted by the Animal Welfare League with the addition of a definition to be added to the Zoning Ordinance for "animal shelters."

Commissioner Thompson moved, seconded by Commissioner Chesser to amend the main motion to recommend consideration of performance standards. Motion carried three to two with Commissioners Brugman and Jarboe voting against. Commissioner Jarboe voted against the motion because he believed that the performance standards would be taken care of through health department regulations.

Vote on the main motion as amended was unanimously carried.

Mr. Grimm stated he would present the Commissioners direction to the Planning Commission and it will come back to the County Commissioners for final action. In addition Mr. Grimm pointed out that the process would take at a minimum two and one half months to three months in order to meet the advertising and public hearing requirements.

**PUBLIC HEARING
PROPERTY DISPOSITION
SKIPJACK PROPERTY (LOCATED ON CORAL DRIVE, LEXINGTON PARK)**

Present: Douglas Durkin, County Attorney

In accordance with Article 25, Section 11A(b)(3-1)(ii) and Article 25, Section 3(r) of the Annotated Code of Maryland, the County Commissioners conducted a public hearing to obtain comment and input on the proposed disposition of real property located at 21745 South Coral Drive, Eighth Election District, Lexington Park, Maryland, via private sale to the United States Postal Service on terms and conditions to be decided by the Board of County Commissioners.

Mr. Durkin explained that a public hearing is required by Maryland Law:

- * for determining that the property is no longer needed for public use;
- * any decision to dispose of taxpayer-owned property be made in public session;
- * to receive public comment on the proposed contract terms and conditions.

During his presentation Mr. Durkin reviewed the Offer to Sell Real Property from the U. S. Postal Service that had been revised in accordance with direction received from the Commissioners in Executive Session on August 5. He stated that the USPS addressed the County's concerns that were discussed at that session.

Proposed amendments to the Offer to Sell by USPS included:

- * Request to remove Paragraph 23 - Sovereign Immunity clause;

- * Paragraph 18 - addition of "Said plat and legal metes and bounds description will follow, but in no case shall the offered property contain less than 2.4 acres."
- * Paragraph 24 - addition of Third Party Beneficiary clause.

Other areas of discussion included the environmental conditions of the property and responsibility for clean up; restrictions of the property because it had been acquired with CDBG funds; and appraised value of the property.

The public hearing was opened for comments from the audience:

Rick Redmond, Chief, Bay District Fire Department - Stated that Bay District VFD is in need for a new firehouse; that new fire vehicles will not fit in the current facility; and that Bay District was interested in this property and requested the Commissioners to keep BDVFD in consideration.

Hearing no further comments, the public hearing was closed. The Commissioners agreed to leave the record open for five days for comments, and that they would make a decision regarding the sale at next week's meeting (August 19, 1997).

PUBLIC HEARING
CWSP #97-0703 - KINGSTON SUBDIVISION

Also Present: Jon Grimm, Director Planning & Zoning
Keith Lackie, Deputy Director
Peggy Childs, Recording Secretary

Area Residents: Leslie Funk, Wilderness Subdivision
George Redmond, Medley's Neck Road
David Triantos

Requesting service category change from NPS (No Planned Service) to RW (Rural Community Water) to serve this 101 lot subdivision, zoned RPD, located on the east side of MD Route 244, approximately 2,000 ft. east of Breton Beach Road; Tax Map 49, Block 7, p 78.

Owner: Kingston Development, LLC
Present: Herb Redmond and Jim Gotch, of DH Steffens Co., Agent

Legal Ad published in The Enterprise on 7/23/97 & 7/30/97
#A-1- Certified Receipts of notification to contiguous property owners

Mr. Grimm verified that the property was posted by staff and distributed the July 29, 1997 staff analysis as required by the Annotated Code. Applicant had originally planned for this subdivision to be served by individual wells; at MetComm's suggestion, however, a connection to the community water system at Wilderness Run is proposed as being the most viable and most economically feasible alternative.

Residents of the Wilderness Subdivision spoke against the water connection at the Planning Commission public hearing, stating that their own system is inadequate for fire suppression. However, a second well was already scheduled by MetComm to serve Wilderness, and the difference caused by the Kingston connection will be an enlarged water tank. MetComm and Environmental Health endorse this proposal rather than the individual wells, which would access the shallower Piney Point Aquifer. The Planning Commission has recommended approval, also endorsing the water connection.

Commissioner Thompson opened the hearing to public comment.

Leslie Funk, a Wilderness resident, stated her concern that the Kingston connection is

delaying the scheduled upgrading of the Wilderness system which, according to MetComm, was to have been completed in August or September. Ms. Funk said as late as Thursday the water tank has not been ordered, and asked if something could be done to expedite the upgrade. She stated the Wilderness residents do have a concern that the connection will open the door for other developments to hook into their system, and force them to have a larger and larger system and an uglier water tank. She pointed out the existing tank has not been properly maintained; it has not been painted, and there is no fence around it.

Ms. Funk stated for the record that she and the Wilderness residents are also concerned that there be no connecting road from Kingston through the Wilderness subdivision, however that is not the subject of this hearing.

George Redmond, of 41996 Medley's Neck Road, stated he has been told that one community well can serve 300 houses, and providing a second well will open the area to further development. Because individual wells of any future development would have to access the Aquia Aquifer, Mr. Redmond said he supports the water connection to Wilderness Run, which will allow access from the deeper aquifer.

David Triantos, who lives further down Route 244, commented that farmers along that road are afraid that pesticides from the proposed Kingston development will cause contamination of their water supply and they are concerned that the spring in the area will be affected by the development. Residents along Route 244 are concerned that a road connection to Wilderness will add traffic onto 244.

The public comment portion and the public hearing was closed at 5:21 p.m.

Commissioner Eagan asked if a letter could be written to MetComm to expedite the upgrade to Wilderness water system. It was determined that Mr. Grimm will contact MetComm to determine the status of the project.

Having determined that there is no requirement to leave the record open, Commissioner Chesser moved to accept the Planning Commission's recommendation and that the category change from NPS to RW be approved as requested. Seconded by Commissioner Eagan. Motion carried.

COUNTY COMMISSIONERS' TIME

Old Hollywood Elementary School

Commissioner Brugman advised that he received a telephone call from a constituent with reference to the Recreation and Park's *Before and After School* Program (K.E.E.P.) at the old Hollywood Elementary School and that a large sign/banner has been installed in front of the building advertising for day care. Commissioner Brugman noted that there were three private day care centers within a mile of the school, and that he had a problem with government competing with private enterprise. He further questioned whether the old Hollywood School met the standards for day care (whether employees were certified; whether the building meets the fire code and zoning regulations; and whether the County holds the same standards as it requires from private citizens).

After discussion Commissioner Brugman moved, seconded by Commissioner Jarboe to direct staff to have the sign/banner removed on Wednesday until the referenced questions have been answered. Motion carried.

EXECUTIVE SESSIONS

Commissioner Chesser moved, seconded by Commissioner Eagan, to meet in Executive Session to discuss a matter of Litigation (Workers' Compensation - Sheriff's

Department), as provided for in Article 24, Section 4-210(a)8 and Personnel (Desk Audit - Sheriff's Department) as provided in Article 24, Section 4-210(a)1. Motion carried.

Commissioner Chesser moved to meet in Executive Session to discuss a matter of Personnel (Legal Department Reclassification Appeals), as provided for in Article 24, Section 4-210(a)1. Motion failed for lack of a second.

Litigation (Workers' Compensation (Sheriff's Department))

Present: Commissioner Barbara R. Thompson, President
Commissioner D. Christian Brugman
Commissioner Paul W. Chesser
Commissioner Frances P. Eagan
Commissioner Lawrence D. Jarboe
John J. Kachmar Jr., County Administrator
Douglas Durkin, County Attorney
Sheriff Richard Voorhaar
Capt. Jamie Raley
Kirsten Cox, HR Technician
Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a)8

Time Held: 5:40 p.m. - 6:05 p.m.

Action Taken: The County Attorney briefed the Commissioners on a workers' compensation claim and the Commissioners gave direction to staff and agreed to take action in open session.

Personnel (Sheriff's Department - Desk Audit)

Present: Commissioner Barbara R. Thompson, President
Commissioner D. Christian Brugman
Commissioner Paul W. Chesser
Commissioner Frances P. Eagan
Commissioner Lawrence D. Jarboe
John J. Kachmar Jr., County Administrator
Sheriff Richard Voorhaar
Capt. Jamie Raley
Kirsten Cox, HR Technician
Judith A. Spalding, Recorder

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

Time Held: 6:05 p.m. - 6:15 p.m.

Action Taken: The Commissioners reviewed a memorandum from the Personnel Office and agreed to take action in open session.

FOLLOW UP TO EXECUTIVE SESSIONS

Litigation - Sheriff's Department

Commissioner Brugman moved, seconded by Commissioner Chesser to direct staff to proceed as discussed in Executive Session. Motion carried.

Personnel - Desk Audit - Sheriff's Department

Commissioner Brugman moved, seconded by Commissioner Eagan to reclassify the Law Enforcement Records Supervisor position held by Debbie Zylak from a Grade 7 to a Grade 8 as a result of the desk audit. Motion carried.

PUBLIC HEARING
PROPOSED ORDINANCE
TAX CREDITS FOR AGRICULTURAL LAND

Present: Donna Sasscer, Agricultural/Seafood Specialist

The Commissioners conducted a public hearing on a proposed Ordinance which would provide tax credits for Agricultural Land in St. Mary's County. Ms. Sasscer read the Notice of Public Hearing and highlighted significant points of the proposed Ordinance. Authorization was provided by the Maryland General Assembly for the governing body of St. Mary's County to provide a tax credit for land that qualifies for an agricultural use assessment and is used as an approved agricultural activity. By Resolution No. 95-19 the Commissioners established the St. Mary's County Agricultural Land Preservation Program.

Highlights included:

- * that a 50+ acre farm that commits to remaining agricultural for at least five years is eligible to receive a tax credit;
- * that participants in the program must make a commitment to follow certain procedures;
- * that the Ordinance will be reviewed for its economic, land use and fiscal impacts in July 2001.

The hearing was opened for comments from the public:

Donny Tennison - Spoke in support of the program stating that it will enable farmers to continue farming their land.

Bud Virts - Spoke in support of the program and inquired whether this program could be "piggybacked" to the agricultural preservation district program. Ms. Sasscer responded participants in the district program would qualify and would have to complete an application.

Commissioner Chesser - Inquired about TDR's. Ms. Sasscer advised that the Agricultural Board has not discussed this issue.

Michael Sirk - Inquired about purchasing property contiguous to his, which is agriculturally zoned, if it would qualify. Ms. Sasscer stated that if it is forested land, has a plan, and is agriculturally assessed it would qualify.

Peter Conrad - Inquired about agricultural districts and the number of acres per district. Ms. Sasscer advised that a participant would sign an document making it a 5-year agricultural district and that each 50-acre would be a district.

John Fenwick - Stated he had 100+ acres and that DPZ has designated his area as a town center and inquired whether the ordinance would protect him. Ms. Sasscer stated he would become a five-year district, that he would still be in a town center, but would still have agriculture tax credit.

James Beaven - Spoke in support of the Ordinance.

Dr. Boyd - Spoke in support of the Ordinance and the help it would provide to farmers.

Commissioner Jarboe stated that the draft Ordinance sets the effective date retroactive to July 1, 1997 and questioned the cost to the county if the program is established. Ms. Sasscer responded that a survey had been done and that it was estimated it would cost up to \$100,000, and referred to the fact that funds were in the budget for the purchase of easements, which could

August 12, 1997
Page 290

possibly be used for this purpose. She suggested that there could be a cap and it could be on a "first come/ first served" basis for the first year. Commissioner Jarboe requested a verification from the Director of Finance as to the estimated amount of revenue loss.

Mary Wood - Referred to the barn credit program and that funds would be used for that whether or not this program was retroactive.

Hearing no further comments the public hearing was closed; the record will remain open for ten days for comments.

ADJOURNMENT

The meeting adjourned at 7:15 p.m.

**Minutes Approved by Board of
County Commissioners on 8/19/97**


**Judith A. Spalding
Recording Secretary**