

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Governmental Center
Tuesday, July 17, 2001**

Present: Commissioner President Julie B. Randall
Commissioner Joseph F. Anderson
Commissioner Shelby P. Guazzo
Commissioner Thomas A. Mattingly, Sr.
Commissioner Daniel H. Raley
Alfred A. Lacer, County Administrator
Judith A. Spalding, Administrative Assistant to BOCC (Recorder)
Kate Mauck, Administrative Assistant (Recorder)

**PRESS CONFERENCE
LEXINGTON MANOR**

The Commissioners conducted a press conference regarding the U. S. Navy's Tentative Agreement for the purchase of Lexington Manor (flat tops) over a proposed five-year phase process.

CALL TO ORDER

The meeting was called to order at 10:15 a.m.

BOND RATING ANNOUNCEMENT

Commissioner Randall announced that the bond agency, Moody's, has upgraded the County's debt rating from A1 to Aa3, which was the first bond rating increase from Moody's for the County since 1997.

ADDITIONS/DELETIONS TO AGENDA

Commissioner Mattingly moved, seconded by Commissioner Anderson, to accept the agenda as amended (to add an executive session on property acquisition and to add discussion on the Lexington Park Library project at 11:00 a.m.) Motion carried.

APPROVAL OF CHECK REGISTER

Commissioner Guazzo moved, seconded by Commissioner Anderson, to authorize Commissioner President Randall to sign the Check Register. Motion carried.

(Commissioner Raley questioned purchase of helmets for the Sheriff's Department, referred to his inquiry of last week about the purchase of two rifles, noting that he questioned these purchases in light of budgetary issues of that department; however, he would vote for the payment of the bills.)

APPROVAL OF MINUTES

Commissioner Guazzo moved, seconded by Commissioner Anderson, to approve the minutes of the Commissioners' meeting of Tuesday, July 10, 2001, as corrected. Motion carried.

COUNTY ADMINISTRATOR

Present: Alfred A. Lacer, County Administrator

1. Draft Agendas for July 24 and 31, 2001

2. Department of Public Works Items

Present: George Erichsen, Director

- a. Public Works Agreement for Kingston Subdivision, Phase 2, 3rd Election District, with a completion date of May 1, 2003. A letter of credit has been provided by the Maryland Bank & Trust Company in the amount of \$213,200.
- b. Public Works Agreement Addendum for Bay Ridge Estates, Section 3, 8th Election District, extending the completion date to June 1, 2002. The letter of credit provided by The First National Bank of St. Mary's in the amount of \$66,000 remains as posted.
- c. Public Works Agreement Addendum for First Colony Subdivision, 8th Election District, extending the completion date to June 1, 2002. The bond provided by the Safeco Insurance Company of America in the amount of \$1,245,500 remains as posted.
- d. Public Works Agreement Addendum for Woods Subdivision, Section 3, 5th Election District, extending the completion date to June 1, 2002. The letter of credit provided by the Maryland Bank & Trust Company in the amount of \$66,900 has been reduced to \$43,200.
- e. Public Works Agreement Addendum for St. James Subdivision, Section 1, 1st Election District, extending the completion date to June 1, 2002. The letter of credit provided by the Crestar Bank in the amount of \$403,200 has been reduced and replaced with a new letter of credit in the amount of \$109,000 provided by the Sun Trust Bank.
- f. Public Works Agreement Addendum for Rue Woods Subdivision, Section 1, 8th Election District, extending the completion date to July 1, 2002. The letter of credit provided by The First National Bank of St. Mary's in the amount of \$37,000 remains as posted.
- g. Public Works Agreement Addendum for Greenview West PUD Subdivision, Section 1, Phase 2, 8th Election District, extending the completion date to January 1, 2002. The letter of credit provided by The First National Bank of St. Mary's in the amount of \$78,200 has been reduced to \$11,000.

Commissioner Anderson moved, seconded by Commissioner Raley, to approve and authorize Commissioner Randall to sign the DPW documents as presented. Motion carried.

3. Recreation and Parks

Present: Phil Rollins, Director

- a. Memorandum of Understanding with Maryland National Guard
(to allow construction of a grass parking/multipurpose area adjacent to St. Clements Island Museum)

Commissioner Mattingly moved, seconded by Commissioner Anderson, to approve and authorize Commissioner Randall to sign the MOU. Motion carried.

- b. Declaration of Covenants for Great Mills Road property
(former Waring property)

Commissioner Raley moved, seconded by Commissioner Anderson, to approve and authorize Commissioner Randall to sign the Declaration of Covenants as presented. Motion carried.

4. Legal Department

MOU with Department of Navy and State Highway Administration regarding Naval Air Test and Evaluation Museum

Present: John Norris, III, Deputy County Attorney

Commissioner Guazzo moved, seconded by Commissioner Anderson, to approve and sign the Memorandum of Understanding. Motion carried.

5. **Core Public Health Services Agreement**
with Department of Health and Mental Hygiene for FY 02

Commissioner Anderson moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner Randall to sign the Agreement as presented. Motion carried.

6. **Letters of Appointment**

Commissioner Anderson moved, seconded by Commissioner Mattingly, and motion carried, to approve and sign the following letters of appointment:

<u>Fair and Affordable Housing Committee</u>	<u>Terms To Expire</u>
George Forrest	NO TERM
Dana Jones	NO TERM

<u>Lexington Manor Housing Task Force</u>	
George Forrest	NO TERM
Dana Jones	NO TERM

<u>St. Mary's Interagency Children's Council</u>	
Barbara Bechtel - <i>Infants & Toddlers Rep.</i>	6/30/2004

7. **DECD/Housing – Community Legacy Grant Application**

Present: John Savich, Director
Dennis Nicholson, Executive Director, Housing Office

As a follow up to last week's discussion Mr. Savich and Mr. Nicholson appeared before the Board to provide additional details on the Housing Authority's proposed Community Legacy Grant Application. Mr. Savich emphasized that the deadline for submission of the application is July 24, and suggested that policy issues be addressed as the projects are reviewed by the State, and the specifics of projects can be modified during this period.

Areas of discussion included the need to include in the list of projects planning for Lexington Park and Charlotte Hall areas plans; that projects were listed to put the County in a more competitive position; and including the Town of Leonardtown in the process.

After discussion Mr. Savich indicated that the Lexington Park and Charlotte Hall area plans will be included, and that the appropriate DECD/Housing will work with the Town of Leonardtown regarding its projects.

8. **ULDC Public Hearing Format Discussion**

Present: Jon Grimm, Director, DPZ

Mr. Lacer reviewed with the Commissioners the proposed agenda and format for the Comprehensive Plan/ULDC public hearings on July 17 at Great Mills and the ULDC public hearing on July 18 at Chopticon.

Areas of discussion included the length of time to keep the record open after the hearings; concerns regarding keeping the record open beyond 10 days; tentatively scheduling an additional night, if needed; addressing inaccurate statements; and length of time for each speaker.

Commissioner Anderson moved, seconded by Commissioner Mattingly, to extend the time for the open record/public comment period for the ULDC to 60 days from the final public hearing, instead of the normal ten days. Motion carried.

With regard to length of time for speakers, the Commissioners concurred in allowing 5 minutes per person and would evaluate the 17th's hearing and make any necessary changes for the July 18 hearing format.

Kate Mauck took the following portion of the minutes.

**PUBLIC HEARING
NURSING CENTER PROJECT BOND REFUNDING**

Present: Patrick Murphy, County Attorney

Mr. Murphy announced that the public hearing being conducted is required by the 1986 Tax Equity and Fiscal Responsibility Act (TEFRA). The TEFRA Act requires that a public hearing be held on a potential "change in use" on the bonds that were issued by the St. Mary's County Building Authority for the building of the Nursing Center. No resolution or any action is required on the part of the Board of County Commissioners. Ultimately, reference will be made to this July 17, 2001 hearing in the resolution or ordinance creating the new Nursing Center corporate entity. The notice of public hearing was properly advertised on June 29th and July 4th, 2001.

Commissioner President Randall opened the hearing for public comment. As no one was present to speak, the hearing was closed. The record will remain open for written public comment for a ten-day period.

**OFFICE OF FACILITIES MANAGEMENT
PRESENTATION OF ADMINISTRATIVE ANNEX SCHEMATIC DRAWING
AND COST ESTIMATE**

Present: Richard Rohrbaugh, Director of Facilities Management
Greg Lukmire, Lukmire Grant Architects

Mr. Rohrbaugh reported that various county departments were met with on numerous occasions in order to determine their need for office space. The Commissioners were presented with a proposal to include the following departments in the Administrative Annex building:

- Sheriff's Department (entire rear of building)
- Planning and Zoning
- Permits and Inspections
- Recreation and Parks
- Treasurer (temporarily)
- Economic and Community Development
- Environmental Health

Discussion took place concerning entrances to the building, parking spaces, the secure corridor between the Sheriff's Department and the remainder of the building, restroom facilities, etc. The Board of County Commissioners provided the following direction:

- *Look into placing appropriate signage so that citizens will be directed to Sheriff's Department/Temporary Treasurer's Office without causing confusion, considering there will be two separate entrances.*
- *Ensure that Board of Elections is housed with adequate space in sufficient time prior to next year's elections.*
- *Look into Board of Elections possibly replacing Housing in the annex spaces.*
- *Look into possible rental spaces if necessary – town of Leonardtown's old offices and/or State's Attorney's office.*
- *Review decision to move Economic Development to the new library – do not wish to decentralize government by spreading major departments throughout the county. Satellite offices may be preferred to accommodate the public.*

- *Remove 30-space side parking lot from the plan unless the requirement can be justified.*
- *Return to BOCC with reduced estimate and changes as directed.*

Mr. Lacer reported that he has been working with Ms. Countiss regarding the need for additional space for the Board of Elections in FY02. A meeting is being scheduled with Ms. Countiss later this month to discuss those needs, and Mr. Lacer will return to the Commissioners to present options regarding this issue after they have been determined.

Mr. Lukmire reported that the funding estimate, prior to incorporating today's direction by Commissioners, is about \$40 per square foot and a little over \$1.4 million.

DIRECTOR OF FACILITIES MANAGEMENT NEW LEXINGTON PARK LIBRARY

Present: Richard Rohrbaugh, Director of Facilities Management
Greg Lukmire, Lukmire Grant Architects

Mr. Rohrbaugh and Mr. Lukmire presented a recommended value-engineering proposal, budget amendment in the amount of \$930,000 and back up material regarding the New Lexington Park Library. After discussion of the various items outlined, the Commissioners determined that they have not had sufficient time to review the material. The following direction was given:

- *Library Board to be provided with paperwork listing proposed changes/deletions from library schematics;*
- *Library Board to meet this week and to provide recommendations regarding the impact operationally and practically of the proposed changes. Recommendations to be submitted to Commissioners and Mr. Rohrbaugh by Friday to ensure inclusion in Commissioners meeting packages; and*
- *Place this item on next week's Commissioners' agenda.*

UPDATE ON MARYLAND RURAL LEGACY PROJECT AND PRESENTATION OF COMMENDATIONS

Present: Donna Sasscer, Agricultural and Seafood Specialist
Jim Conrad, Executive Director of Patuxent Tidewater Land Trust

Ms. Sasscer and Mr. Conrad provided an update on the Maryland Rural Legacy Project. A drawing of the Huntersville Rural Legacy Area was outlined and discussed. Future protection properties were discussed as well. It was reported that a little under 2000 acres are now under protection in the Huntersville area. It is anticipated that the St. Mary's River watershed will be targeted next for the development of a rural legacy project.

Ms. Sasscer and Mr. Conrad were presented with commendations for their noteworthy work in St. Mary's County regarding the Rural Legacy program. The Board of County Commissioners outlined and discussed Governor Glendening's recent announcement of awards for St. Mary's County toward the Rural Legacy effort in the amount of \$3.725 million for FY02.

BIG FOOT HUNTING CLUB INVITATION TO ALL-DAY FUNDRAISER FOR CHRISTMAS IN APRIL

Present: Mary Ann Chasen, Christmas in April
Alvin Fenwick, Big Foot Hunting Club Member
Spencer Scriber, Big Foot Hunting Club Member

Individuals from the Big Foot Hunting Club invited Commissioners and the public to an all-day fundraising event for Christmas in April that will occur on Saturday, July 21, 2001. The festivities will begin at 11:00 a.m. and will go on throughout the day.

A variety of events are planned to provide enjoyment and entertainment, to include speeches, ball playing, rides for children, musical entertainment, and food.

The Commissioners directed that Ms. Linda Price, Public Information Officer, advertise the event on cable Channel 12.

**DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT
MEMORANDUM OF UNDERSTANDING WITH COLLEGE OF SOUTHERN
MARYLAND**

Present: John Savich, Director, Economic and Community Development
Alan Kutz, Vice President, College of Southern Maryland, Economic
Development Institute

Mr. Savich and Mr. Kutz appeared before the Board of County Commissioners in order to present a Memorandum of Understanding and a grant application/agreement for consideration. The amount of required the county's match would be \$15,000 and the College of Southern Maryland would utilize the funds to operate the Small Business Development Center in St. Mary's County. The service would be provided five days a week in a facility located on Shangri-La Drive in Lexington Park. The lease for the facility was signed just yesterday. Commissioners asked Mr. Kutz to pass onto Mr. Ryan their expressions of appreciation for the important role the College of Southern Maryland plays in the community.

**DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT
OVERVIEW OF FAMILY CENTER AND HEAD START CENTER**

Present: Dennis Nicholson, Housing Director
John Savich, Director of Economic and Community Development

Mr. Nicholson provided an overview of the proposed Lexington Park Family Center and Head Start Center facility. The building will be in the form of an L shaped 14,800 square-foot building, including the exterior walls. The facility will provide educational and activity space, and there are approximately 3,000 residents located within the immediate surrounding area. The facility will be a steel shell system building construction, which is currently under fabrication. The shell permit is currently in process and it is anticipated that the framing of the building would occur by the third week in August.

Discussion took place concerning three grant-funding requests, which would hopefully provide furniture and equipment for the facility. Users of the facility will bear the cost for the furniture and equipment. Mr. Savich stated that monthly reports will update Commissioners on the progress of the facility.

The Board of County Commissioners directed the following:

- *Ensure streetlights and sidewalks are installed on Lexwood Drive.*
- *Provide overview outlining the differences between this type of building and the type at the Sunshine Day Center and Northern Senior Center and the time involved in getting the buildings in place.*

COUNTY COMMISSIONERS' TIME

Housing Information Fair

Commissioner President Randall thanked all who helped to make the recent Housing Information Fair a success. Mr. George Forrest was thanked for his organization and leadership of the event, and he was asked to thank everyone else involved. It is anticipated that another such event will be held in the future.

GSA Location in National Capital Region

Commissioner President Randall referred to a recent letter from the Calvert County Commissioners discussing their work with Senator Mikulski's office regarding Calvert's location in the Philadelphia Region versus the National Capital Region for GSA.

Mr. Savich was directed to review this situation and provide recommendations on what being located in the National Capital Region would mean to St. Mary's County as well as the pros and cons involved.

Board of Education Letter Regarding Budget Process

Commissioner President Randall reported that a letter had been received from the Board of Education requesting consideration for the development of a more constructive approach to the budget process.

Mr. Lacer and Ms. Kramer were directed to provide their thoughts and recommendations to Commissioners regarding the nature of the request. Commissioners do not wish to establish new budgeting procedures, but wish to look into creating more efficiency in the economies of work. A letter of response to the BOE will be necessary once recommendations are agreed upon. Additionally, this item is to be placed on an upcoming agenda.

Volunteer Fire Department Carnivals

Commissioner Raley reported that it is now carnival time in St. Mary's County. Various fire departments are holding carnivals. Leonardtown's was recently completed and Hollywood will occur next, with Ridge to follow. Citizens were all encouraged to attend these events, which are unique to St. Mary's County.

Commissioner Mattingly reported that he attended and participated in all nine nights of the Leonardtown Fire Department Carnival.

Bond Market Trip to New York

Commissioner Raley expressed thanks to Mr. Lacer, Ms. Kramer and Mr. Savich for the excellent job they did in New York. They each provided good, professional presentations, and Mr. Savich did a particularly good job especially since he has been Director of Economic and Community Development in St. Mary's County for such a short period of time.

Problems in Willow Woods Development

Commissioner Guazzo directed that staff ensure that the message was received by Public Works regarding direction given about Willow Woods Development at last week's Commissioners' meeting. No response has been received by Commissioners and they would like to know where the Department of Public Works and Transportation is at in the process.

Potomac Jazz and Seafood Festival

Commissioner Guazzo reported that she, Commissioner Anderson and Commissioner Mattingly attended the recent Potomac Jazz and Seafood Festival at the St. Clement's Island Potomac River Museum. Mr. Savich also attended, and there was a terrific performance at the event. Numerous out-of-county people attended, which proves that the advertising worked. It was suggested that three or four of these events be held each year. Ms. Kim Cullins and Friends of the Museum and other business sponsors were thanked for their part of putting together this fine event.

Commissioner Anderson echoed Commissioner Guazzo's comments, stating that the Jazz Festival was a world class entertainment event. Kim Cullins is to be commended.

Newspaper Advertisement Regarding ULDC

Commissioner Guazzo reported that last week a paid advertisement was put into the local newspaper by a few developers and/or engineers in the county. This advertisement is counter-productive to the ULDC process. Things were taken out of context and misunderstood. Citizens were encouraged to attend the public hearings on the ULDC and to have their needs addressed. Commissioner Guazzo stated that she was looking forward to hearing constructive comments at tonight's public hearing.

Third Full-Time Planner at Planning and Zoning

Commissioner Mattingly stated that Commissioners thought a third full time planner was approved during the budget process. This position is essential for the Planning and Zoning Department, which has been overburdened for some time.

Mr. Lacer was directed to look into this and if it was not approved, then follow through on steps to begin modification of the budget to provide adequate coverage in P&Z in the form of a third full time planner.

ULDC Public Hearings

Commissioner Anderson stated that he is looking forward to the public hearings to occur tonight and tomorrow night regarding the ULDC, and that he was glad of the decision to extend the open record period. Citizens need to be provided every opportunity to give their input on this important document, and he looks forward to receiving constructive advice and criticisms on the document. Commissioner Anderson encouraged a cooperative attitude and stated that it is important to work together to make this the best possible land use document for the community.

Farmers' Markets

Commissioner Anderson reported that Ms. Sasscer and the folks with Economic Development have set up a temporary farmers' market in Lexington Park. He directed that staff work with Ms. Sasscer and the EDC to get a more permanent site in the Lexington Park region. He would like Ms. Sasscer to bring this issue before the Commissioners within the next couple of weeks.

Thornton Commission

Commissioner Anderson reported that the Thornton Commission has reconvened and will meet through the fall. There will be four regional public hearings on September 10th regarding this issue. It will be important to take the opportunity to focus on education and financing in Maryland. Commissioner Anderson will keep everyone posted on developments as they occur.

Executive Session

Commissioner Anderson moved, seconded by Commissioner Guazzo, to meet in Executive Session to discuss matters of Personnel and Property Acquisition as provided for in Article 24, Section 4-210(a)1 and Section 4-210(a)11.

Judith Spalding recorded the remaining meeting minutes:

Personnel

Present: Commissioner President Julie B. Randall
Commissioner Joseph F. Anderson
Commissioner Shelby P. Guazzo
Commissioner Thomas A. Mattingly, Sr.
Commissioner Daniel H. Raley
Alfred A. Lacer, County Administrator

Authority: Article 24, Section 4-210(a)1
Time Held: 3:30 p.m. – 4:50 p.m.

Action Taken: The Commissioners conducted interviews for the Health Officer position.

Property Acquisition

Present: Commissioner President Julie B. Randall
Commissioner Joseph F. Anderson
Commissioner Shelby P. Guazzo
Commissioner Thomas A. Mattingly, Sr.
Commissioner Daniel H. Raley
Alfred A. Lacer, County Administrator
Patrick Murphy, County Attorney
Joan Lolcama, Property Manager
Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a)11

Time Held: 4:55 p.m. – 5:15 p.m.

Action Taken: The Commissioners discussed a matter of property acquisition relative to a FEMA grant.

ADJOURNMENT

The meeting adjourned at 5:15 p.m.

**Minutes Approved by the
Board of County Commissioners on 7/24/01**

Kate Mauck
**Kate Mauck, Administrative Assistant
to the Board of County Commissioners**

(The minutes of the 7/17/01 (Comprehensive Plan Amendment and ULDC) and 7/18/01 (ULDC) Public Hearings will be attached, and made a separate part of the minutes, upon submission from DPZ.)

**NOTES FROM COMPREHENSIVE PLAN AND ULDC PUBLIC HEARING
GREAT MILLS HIGH SCHOOL * LEXINGTON PARK, MARYLAND
Tuesday, July 17, 2001**

Present:*Board of County Commissioners**Julie Randall, President**Commissioner Shelby Guazzo, Vice President**Commissioner Joe Anderson**Commissioner Tommy Mattingly**Commissioner Dan Raley**Planning Commission**Frank Taylor, Chairperson**Jim Raley, Vice Chair**Lawrence Chase, Member**Julie King, Member**Larry Greenwell, Member**John F. Taylor**Tom Watts*

This public hearing on Amendments to the Comprehensive Plan and the Draft Unified Land Development Code began at 6:00 p.m. with an introduction by County Administrator Al Lacer and a presentation of the proposed changes by Planning Director Jon Grimm. The hearing was advertised in The Enterprise Newspaper on June 29th, July 6th, and July 13, 2001. The following is a brief summation of the individuals who spoke and their comments.

*Comprehensive Plan**Speaker #1 - Clare Whitbeck, Leonardtown*

- (1) Page 22 - Stormwater management language in 4th bullet should be eliminated.
- (2) Page 34 - Section 1.1.4.a - Policy regarding provision of infrastructure in village centers up to 5 acres should be eliminated.
- (3) Page 80 - Should language regarding FDR Boulevard be removed?
- (4) Page 87 - Requests "sanitary landfill sites" under D.ii be replaced by "Solid Waste Collection, Processing and Disposal Facilities."
- (5) Remove iii section and replace with a statement to "Implement the goals and objectives of the Solid Waste Management & Recycling Plan."
- (6) Page 103 - Eliminate the 1996 study of attitudes and vision for SMCo. Page 108 shows the items enumerated in the 1996 study are no longer accurate.

Speaker #2 - Richard Martin, 21854 Potomac View Drive, Breton Bay

- (1) Reinforce the previous denial of Olde Breton Inn rezoning request from RNC to CL.

Speaker #3 - Frank Gerred, 23012 Boaz Street, California (representing Wildewood)

- (1) Comp Plan is "excellent job" of meeting 8 Visions of Smart Growth and should be adopted with very minor changes. Regulatory mechanisms are streamlined.
- (2) Will submit written comments.
- (3) Requests another public hearing for ULDC document after final changes have been made.

Speaker #4 - Phil Dorsey, representing St. Clements Woods Association

- (1) Current ordinance is junk and should not be adopted. Better think again before you pass a document that mirrors Smart Growth; this is over-regulation and overkill.
- (2) If preserving rural character is the common thread of the Comprehensive Plan, it has been woven in such a fashion that it chokes the common person to death. Plan is complex; confusing, overburdensome.
- (3) Because of the density restrictions in Section 32.1.a and the lack of a Purchase of Development Rights Plan in Section 26.12 of the prior draft, the Plan is wholly inadequate. The PDR Program has yet to be initiated and needs clarification before adoption of any Plan or Ordinance. Landowners need to be compensated for diminished equity.
- (4) Document will raise the cost for single-family, first-time homebuyers for soft costs over 100% for engineers and lawyers alone. Provides room for abuse and lack of fundamental fairness.
- (5) Don't limit public participation; give community an opportunity to be heard and respond to their wishes.

Comprehensive Plan (cont'd)Norris Jay Hanks, Hollywood

- (1) Comp Plan with Action Boxes removed is now gutless and harmless except for misstatements; i.e., Page 14 says that groundwater resources are expected to be adequate for needs of growing population. However, aquifers are being depleted and the water service words on Page 78 of the Comp Plan call for monitoring and protection but do not regulate or assign responsibility. The same paragraph on Page 14 says that two of the possible four impoundment sites are no longer viable. The Comprehensive Water & Sewerage Plan is mentioned only regarding shared wells.
- (2) This is the way we go at things. We say nice words and that things could be done and should be done, but the word “required” is simply absent.

The hearing on the Comprehensive Plan was closed at 6:28 p.m. The record will remain open for 10 days for written comment.

Draft Unified Land Development Code (ULDC)

Following opening comments by Commissioner Randall, Mr. Grimm announced that this hearing also was advertised in The Enterprise on June 29th, July 6th, and July 13, 2001, and presented goals and objectives of the ULDC document. The following public comments were recorded:

Speaker #1 - Jack Duchesne, Executive Director, American Red Cross

- (1) Page 65-1, Section 65.2.2 – Remove prohibition against A-frame signs, which are used as public service signs by the Red Cross due to the ease of moving the signs.
- (2) Specify that the temporary use of A-frame signs is allowed in Section 65.2.4.a.
- (3) Specify exemption for Red Cross A-frames as in Section 65.2.6.i .
- (4) Will provide comments in writing.

Speaker #2 - Joe St. Clair, President of Economic Development Commission

- (1) Concerned with economic impacts.
- (2) EDC has adopted “strategic objectives” drawn from the Comp Plan.
- (3) Business groups concerns affect the county’s ability to provide economic and physical infrastructure necessary for the defense economy, including:
 - (a) Elimination of phasing for major development.
 - (b) Maximum footprints for commercial buildings.
 - (c) Concerns that existing development such as Chestnut Ridge could not be built under the ULDC.
 - (d) Requests extension of open record period by 60 days (prior to CCRS decision for 60 days)

Speaker #3 - John William Quade, 30-year businessman and native countian, former state legislator

- (1) Document very confusing even after 3 years; people not sure what they can do under this document, especially the farming community.
- (2) Density requirement could bankrupt farmers in the county; example: estate in Calvert County of 325 acres, with 250 TDRs allowed. County bought 10; remainder was 12 lots @ \$200,000 per lot. Owner hasn’t sold any lots in 3 years and is paying taxes on the unsold lots.
- (3) Simplify document. Make density 1:5 acres. Resolve TDR issues.

Speaker #4 – Butch Bailey, Day & Associates Surveying & Engineering

Requests consideration for two pieces of property:

- (1) Ronald Wood, Hollywood – wants TMX instead of split zoning.
- (2) Swann’s Restaurant & Bar, St. George Island – wants RH zoning for 20 units per acre.
- (3) Left comments with staff “out front.”

Speaker #5 – Peter D. Butt, Lexington Park, representing Amateur Radio Operators

- (1) Section 51.3, Eliminate 88.b(1) and requests reconsideration of intensity rating. Why does language single out amateur radio antennae? These towers have no negative impact and have never had a formal complaint by anyone in the county that he knows of.
- (2) 51.3, Eliminate 50-foot height restriction and make 100 feet. Federal regulations have established 65 ft. and in some cases more.
- (3) Language in 89 and 90 and 50, 51 should be clarified; some serves no purpose and would create hardship.
- (4) No mention of grandfathering rights for existing towers.

Speaker #6 – Steve Wilson, McIntosh Road

- (1) Feels CMX would diminish his property values for property on MD 4 in California.
- (2) Eliminate 50,000 square foot limitation for commercial buildings or give us a reason for doing it.

Speaker #7 – Jerry Nokleby, Nokleby Surveying – local surveyor for 30 years

- (1) Would need far more than 5 minutes to name items he doesn't agree with; will submit written comments. Old ordinance is still being reinterpreted on a daily basis; imagine what it will take to interpret this ordinance.
- (2) He must work with this document on a daily basis; it scares him and should scare everybody.
- (3) Adoption of ULDC will add tens of thousands of dollars for commercial roads, stormwater management, and increased fees. Affordable housing will become a thing of the past.
- (4) Document will not allow quality development in rural areas and there will be no fair distribution of population. People will be forced into the development district, with traffic, crime, etc.
- (5) TDRs - Doesn't think the sheer magnitude of the ULDC will allow for any streamlining in the near future.
- (6) Realizes the county has spent time and thousands of dollars on the draft document, which alone will probably get it passed. But there is no way to justify the thousands of dollars it will cost property owners.

Speaker #8 – Gary Bell (read letter from Chamber of Commerce forwarded to Commissioner Randall)

Thanks for leaving the record open for 60 days. Acknowledges time and effort on ULDC. Has the following concerns:

- (1) Elimination of phasing for major development.
- (2) Reduction in maximum footprint for commercial buildings.
- (3) Impact on affordability of housing.
- (4) Sign ordinances that impact on business owners.
- (5) Chamber of Commerce looks forward to discussions with commissioners on ULDC.

Speaker #9 – Allie Bursey, 30-year resident of New Market

- (1) Here to verify TMX zoning for her 6-acre property on MD 5 because of mix-up and downzoning of her property by DPZ. Requests confirmation of TMX either orally now or in writing prior to adoption of the new code.
- (2) Rezoning process has taken her 6 years, when she was told by DPZ staff it would only take 2 years. The words of a public official should be honored and applicant should receive notice by at least a postcard.

Speaker #10 - Carol Howard

- (1) Part of her commercially-zoned property in Piney Point is proposed for TMX; the other part she is not sure of because her property is divided by a street. Feels TMX would be a devaluation of her property.
- (2) Has letters for commissioners. Think about people who are just beginning to build homes in the county when you increase impact fees and the cost of building

wells or having to hook into grinders, because anywhere from \$20,000 to \$30,000 extra is added onto the bill.

- (3) First-time homeowners deserve a break as well as older people in the county.

Speaker #11 – Don Cropp, Valley Lee (Colony Builders)

Has been working with the Chamber of Commerce, the Builders Association and a group of concerned citizens about their rights being taken away. Has lost 49 lots in Porto Bello in the last three weeks, and other things have been taken away – how he does his business, how he sites his houses. Commissioner Randall said we should be careful, deliberate and non-passionate. Is passionate about his business, his family and his county but still has freedom of speech and will speak out against the ULDC in every possible manner he can, and every citizen should resent any attempt to silence. Only in an open society can we ever have true freedom.

Speaker #12 – Pat Mudd, D. H. Steffens Company

- (1) Chapter 81 includes the streamlined subdivision process recommended by the streamlining committee of the Development Review Forum (2 submissions). Chapter 80 requires 3 submissions but the first two, requiring both agency and Planning Commission review, are essentially the same, so we have not streamlined the process but made it more confusing and lengthy.

Speaker #13 – Minnie Russell, Ridge

- (1) Chapter 50, Page 21 – Charter Fishing Facility – “Any facility for 3 or more fishing boats or that accommodate more than 18 customers.” Let’s let the Coast Guard determine how many passengers a boat can safely carry – don’t put the Charter Boat captain between the county and the federal government. Eliminate language “that accommodate more than 18 customers.”
- (2) Chapter 71, Page 19 – Determination of Extended Property Lines to Open Water. Appoint someone to review, in detail, Resolution 91-11, and take the authority from DPZ to establish property lines using aerial photos from behind a desk in the office. Property lines should be established by a registered surveyor, not DPZ. Resolution 91-11 should be rescinded in its entirety, or at last amended, because the land belongs to the State of Maryland, and a boat can go where a boat can float. People lease land under the water for oyster harvesting. Are they being denied the use of their land?

Speaker #14 – Walter Burch, California

- (1) Please enforce sign regulations. Sign litter has been addressed in the past three Comp Plans and will continue to be addressed until you start enforcing the regulations you adopt.
- (2) County has been sending letters to Eller Media for 4 years because they have been allowing their signs to deteriorate. He has the county before the Board of Appeals for failing to take enforcement action against Eller Media. Now 53.9 says nonconforming signs will no longer be considered a violation by the county because the damage does not apply to the copy, and sign litter will become a non-issue. Please readdress this section. The last thing we need in this county is more litter, especially litter for profit.
- (3) Chapter 23 – Appeals to Circuit Court. State law says anyone who is a taxpayer has the right to appeal to the Circuit Court any decision of the Board of Appeals or any zoning action. Current ordinance restricts it to aggrieved parties only. Bolden vs. Mayor says an ordinance is invalid if it tries to restrict who can appeal to the Circuit Court. Has filed amendment applications that were ignored and has talked to Mr. Lacer and the county attorney but nothing has been done.
- (4) Will submit written comments, but the main thing is enforcement across the board.

Speaker #15 – Sandy Mriscin, California

- (1) Page 50-23 – “Private facility” says a pier can have 9 boats. Doesn’t want 9 boats at a pier that are not regulated. There are fire issues, water issues, sewer issued. Please read what she sent after the last public hearing last year. Told story of an

electrical fire her neighbor had last Sunday on visiting boat. It was so hot it melted the tools on board the boat together.

Speaker #16 – Don Franyo, Developer of Avenmar

- (1) County needs to honor its commitment on approved phasing plans and allow Forrest Farms Subdivision to develop over next 10 years. Elimination of phasing plans will totally restrict their ability to honor their commitments to the bank and to the residents.

Speaker #17 – Norris Jay Hanks, Hollywood

- (1) Went to every work session and commented on every draft of the Comp Plan and ULDC but was never allowed to participate and neither has any other citizen. Maybe that's why every draft has been blasted by the citizens.
- (2) 7 issues of continuing concern: Interim Study Areas; Right to Farm; Development and Resource Protection Standards; Adequate Water Resources; Water Dependent Facilities; Nonconforming Uses and Rural Land Preservation.
- (3) Will be happy to actually participate in fixing these problems.

Speaker #18 – Dick Myers

- (1) Concern that animal runs should be allowed in RPD.

Speaker #19 – Hal Willard

- (1) Simplify regulations.

#20 – Samuel Leach, Leonardtown

- (1) Amateur radio antennae should be 100 feet. 80-foot tower could not be seen from any public or private road of any other residence. Abandon this "one-size-fits-all" approach; hampers his way of life.

#21 – Bill McKissick, Attorney, Lexington Park

- (1) Has had clients raise dozens of comments and issues, and will submit comments in writing.
- (2) Regulations should be reasonable and strike a balance with property owners' rights.
- (3) Are these regulations really necessary to achieve the public good?
- (4) Section 11.2.2 – Introductory language that tells the property owner "We're going to take away all of your rights." Has substantial impact.
- (5) Doesn't think it was the intent to outlaw yard sales but the language can be interpreted that way, and interpretations are not always reasonable. Has a client that is subdividing a portion off his lot – no structures of any kind, and he is being told he cannot cut the grass on his lot.
- (6) 10-year approved phasing plans should be honored.

#22 – Ed Thomas, Planning Consultant for Wildewood

- (1) Chapter 27 – Approved PUDs should be grandfathered in accordance with phasing plans. Approved phasing plans should be honored; site plans in process by July 1, 2001 should continue to be reviewed if they can be approved by 2003. Phasing provisions in the current ordinance should be continued in the ULDC.
- (2) Chapter 32 – Remove 50,000 square foot limitation on commercial structures and replace with management controls. Supplemental development standards – sensitive areas in development districts should be counted in density and floor area calculations for new development. It is a more efficient use of land than the ULDC proposal.
- (3) Chapter 46 – Under proposed PDR requirements Wildewood could not be built. Suggest standards so PUDs can be expanded and new ones can be built consistent with Smart Growth criteria. County's CIP should facilitate construction of PUDs in the development districts.
- (4) Chapter 51 – Architectural and design standards will limit creativity; make them voluntary and apply over a period of time to see what lessons can be learned and how they might be adapted.

- (5) Chapter 53 – Fears that 60-70% of county buildings and structures may become nonconforming and have far-reaching implications on the use, financing and sale of properties within the county. Suggest definitions and standards be reconsidered and changed.
- (6) 70% requirement for coverage and limitations in Article 6 should be removed.
- (7) Chapter 64 – off street parking. Maximum parking standards are overly restrictive and unrealistic and should be reconsidered.
- (8) Chapter 27 should be adapted to make it compatible with Chapter 70.
- (9) Suggests an additional public hearing after the 60-day comment period, when the final changes have been made.

#23 – John Detwiler of Phasing Capital Advisors, representing Great Mills LLC

Public Pension Fund of State Employees that owns Wildewood Technology Park, Exploration Park and Expedition Park – tenants are employers who provide support activities for the Naval Air Station. Critical that they be allowed to expand and grow.

Requests three things:

- (1) Phasing plans that are approved and in place, and site plans that are in process should be grandfathered under the ULDC.
- (2) Reconsideration of the way nonconforming uses and structures are handled so that structures developed when they were complying are fairly treated.
- (3) Reconsider parking space limitations; inconsistent with the expectations of employers and their employees.

#24 – Glen Woods, Hollywood

Thanks for the intention to unify county documents; afraid we missed the mark on simplicity.

- (1) ULDC is confusing; the way the sections are interlocked and cross-references could be simpler.
- (2) ULDC is not complete. “Reserved” sections are merely placeholders for numbering system.
- (3) 53.8 – resource protection standards will sunset legally subdivided lots after 3 years with no notification to the homeowner or potential buyer.
- (4) 51.2.17.a.6 – the expensive 3:12 pitch roof with a 1-foot overhang will require a 16 ft. x 72 foot long roof system. A14’ x 70’ trailer will not support it. Will impact affordable housing.
- (5) Increased costs due to increased regulations will be a cost differential that new businesses will suffer from.
- (6) Will it benefit the county to have nine different commercial zones with uses spread between them?
In the RMX you can’t have a fast-food restaurant but you can have a sit-down restaurant.
- (7) Does not believe ULDC is the best we can do to manage growth in a way that serves the environment and allows for economic growth necessary to raise the living standards for all of our citizens.
- (8) Will submit 12 pages of written comments.

#25 – Kenneth Woods

- (1) Document is in conflict with itself and has the appearance of stopping growth in county.
- (2) Will we have to increase county income tax to offset tax loss caused by downzoning properties?
- (3) Woodworking property was first downzoned to RC and, at June 19th commissioners’ meeting, was further downzoned to RCL, inconsistent with already commercial corridor above Leonardtown.
- (4) Under ULDC he cannot expand his business. Classification 82 - Production Industry, Custom – Page 50-18 includes custom carpentry, cabinet-making, woodworking, and small-scale sawmills for custom work. Page 51-89, 82.b.2.a allows stationary sawmills only if enclosed within a building, which is unreasonable and totally cost prohibitive. 82.b.2.b allows you to use a portable sawmill but only to cut timber that is grown on the property. How do I make a custom mantelpiece out of an 8-foot log without being able to saw it up?

- (5) Classification 83 – Production Industry, General – Page 50-18 allow furniture manufacturing. However, this use is not permitted in the RCL. So in his zone he can do custom carpentry, cabinet-making and woodworking, but he can't make furniture.
- (6) Classification 28, Page 50-8 allows an education facility in his zoning district that teaches grades 1-8. However Classification 27, Page 50-8 does not allow an education facility that teaches college. How about a Sylvan Learning Center that teaches all levels of learning?
- (7) ULDC no longer allows same-kind uses in the same corridors. Although there is a personal storage facility just down the street from his property, Classification 65 does not allow him to put a personal storage facility on his property. This limits competition and drives the price up for all consumers.
- (8) There is still room for commercial development in the already commercial corridor on MD 5 north of Leonardtown without adversely affecting the nature of the county. Please reconsider the zoning classification for this corridor.
- (9) Please do not accept the ULDC until these and similar discrepancies are corrected, and until it serves our environment but still allows growth necessary to raise our standards of living.

Speaker #26 – Ford L. Dean, Mechanicsville

Only the board of commissioners decide what goes into this document, and it is only theirs, and with that authority comes the responsibility to strike a reasonable balance between property rights and governmental controls. ULDC is skewed toward bureaucratic government control at the unreasonable and unnecessary expense of the individual. Plea to the board is that they apply a test of reasonableness to the proposed governmental controls and ask the question, "Is this a regulation which county government should, in the first place, be dictating?"

- (1) Will submit written comments during 60-day comment period.

#27 – Bubba Knott, Great Mills

- (1) ULDC is too complicated and has too many restrictions. We are simple people and need a simple plan. The simpler the plan, the less problems we will have.
- (2) Under ULDC gravel pits will require a road paved to county standards.
- (3) Farmers – no need for fences. We are running the Amish and Mennonites out of the county.
- (4) Will submit written comments.

#28 – Pam Chaney, Hollywood

- (1) Off-street parking requirements of one space per 200 or 250 feet will not help her. At 1500 square feet that only gives her 6 parking spaces and she already has 9.
- (2) Charter Fishing boats can carry 18 passengers. How are handicapped needs different from charter boat fishing? The law says people with disabilities must receive equal consideration.

#29 – Mary Ann Dennis, Lexington Park

- (1) Was told she would be denied a home occupation to sell products mostly by mail and through the internet because she is in an RH zoning district. If this cannot be approved she must forfeit her dreams for a successful future for herself and her children. (Note: Schedule 50.4 allows home occupations as an accessory use in the RH.)

#30 – Billy Fitzgerald, Southern Maryland Association of Realtors

Will submit comments in writing, but three concerns are:

- (1) Grandfathering or sunset policy. He has been shown letters from other counties where grandfathering of these lots is being done successfully.
- (2) Stormwater management regulations are overkill.
- (3) Approved phasing plans for major developments should be allowed to continue.
- (4) Farming provisions are killing the farmer and will run the Amish and Mennonite farmers out of the county.
- (5) There must be a balance between regulations and property rights.
- (6) Requests additional public hearing.

#31 – Joseph Gardner, Piney Point

- (1) This document will only make “big brother” bigger and needs to be rewritten.
- (2) It takes away people’s rights without compensation and hurts first-time homebuyers. Home ownership makes for better citizens and is not a drain on the county.

#32 – Roy Hart, Clark’s Landing Road (representing Hart & Lytle Realty)

- (1) Strong opposition to FAR in development districts. Why limit commercial space in an area developed for growth? Let’s continue to build our tax base and not be caught the way we were when NAS contractors got here. Please reconsider the limits in the development district. The plan should be what the citizens want, and not what the commissioners individually want.

#33 – Glenda Lytle, Hart & Lytle Realty

- (1) 50,000 square foot limitation is clearly intended to stop big box stores from locating in the county. Businesses need room to expand and people appreciate having these places to shop. County needs an improved tax base. Urge you to reconsider these limitations.

#34 – Ed Springer, Valley Lee

- (1) The document belongs to the people and we will have to live with it. It is unacceptable in its current form – the intent and the language just don’t match.
- (2) Need to rewrite and simplify. When he built his home the zoning ordinance was two pages; now it is over 400 pages.
- (3) Commissioner Randall said we need to give up a little bit of our property rights for the public good. My property rights are not for sale to Governor Glendening. Put the ULDC to referendum.

#35 - Bill Higgs, Surveyor

- (1) Has had numerous calls from people asking how the document will affect them.
- (2) Just got his draft last Thursday. Need another public hearing once people have had a chance to go through the document and understand it, because his interpretation doesn’t agree with other people he has talked to.
- (3) Don’t take away people’s approved lots.
- (4) Environmental constraints exceed Smart Growth requirements and we need to be reasonable. Don’t put people in a place where they need a waiver to build on their own property.
- (5) Reconsider parking standards; they will not even support businesses’ employees.

#36 - Jill Hey, Bay Forest Road, Lexington Park

- (1) Note the applause for Mr. Dorsey 3 hours ago. Like Mr. Nokleby said, the ULDC scares her. She would need a very clever lawyer to interpret the 2” of regulations.
- (2) Had to wait two years for aqua therapy because the one clinic we have is limited because of parking. Charter fishing boats can have 18 passengers. Pam Chaney’s operation is a necessity. Medical facilities are not regulated equally. Tread carefully when you go against state and federal regulations. Please reconsider parking for Pam Chaney’s facility.

#37 – J. William Rymer, Esperanza Circle, Lexington Park

- (1) Document desperately needs to be simplified. It will result in selective enforcement, which invites litigation.
- (2) Sometime in the next 60 days, please publish a before-and-after comparison; if you can’t do that, throw the document away.

#38 – Donnie Tennyson, Dameron

- (1) Thinks we’re going in the right direction but this is a rough crowd, and he will submit his comments in writing, otherwise he might not get out of here alive.

#39 – Duane Edgecomb, Hollywood

- (1) Really likes the Board of Commissioners. When Commissioner Randall opened the meeting she said “trust” us. He is trusting the Commissioners with what the public has asked them tonight.

#40 – Guy Curley, Developer

- (1) The purpose of the “Top Ten” list was to get the commissioners and planning staff and everyone involved. Will continue to research the document and make recommendations until all the issues have been resolved.
- (2) Section 10.3 says the purpose is to protect and promote the public health, safety, and general welfare. If you took that statement and applied it you would have a document we can live with.

#41 – Mike Evans, St. George’s Island

- (1) Document is too much regulation. When you start making rules you feel you have to cover every point and it takes common sense away.
- (2) Regulations should be to protect the people; not hurt them.

#42 – Gordon Aldridge, Ridge

Doesn’t have a lot to add. People have expressed themselves and he hopes the commissioners all listened, because they asked for the job. If the commissioners decide to adopt the ULDC there’s not a lot the people can do about it, until the next election.

#43 – Clare Whitbeck, Leonardtown

- (1) When she read the density chart it was very difficult to determine what the density in the RPD will be; it is so vague it may be thrown out by a judge. Once that happens you go to a severability clause (if one part is no good the rest of it might be also). Hope you will go back and look at the density chart and be more definitive of what the density in the rural area will be. Hard for her to comment on what she has seen there.

#44 – Jonathan Edwards, Town Creek

- (1) Had to prove to DPZ that his business had existed for 60 years before he could get a permit. His family bought the property in 1941 and they used to own the whole property; now his junkyard is the nonconforming use and the residences are allowed by right. Please give him a proper zoning so he can continue with his business and pass his property on to his children.

#45 – David Triantos, Medley’s Neck

- (1) Thinks the 60-day comment period is a mistake. Thinks the commissioners should hear all the public comments and adopt the ULDC the way it is, and then make the changes they wish and be in compliance with state regulations.

The hearing was adjourned at 10:00 p.m. Another public hearing is scheduled for tomorrow night at Chopticon High School in Morganza, at 6:00 p.m.