

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, October 8, 1985

Present: Commissioner George R. Aud, President
Commissioner Richard D. Arnold
Commissioner Ford L. Dean
Commissioner David F. Sayre
Edward V. Cox, County Administrator
Judith A. Spalding, Recording Secretary

(Commissioner Vice-President Millison was not present.)

CALL TO ORDER

The meeting was called to order at 9:10 a.m.

APPROVAL OF MINUTES

Commissioner Dean moved, seconded by Commissioner Aud, to approve the minutes of the Commissioners' meeting of Tuesday, October 1, 1985. Motion carried.

APPROVAL OF BILLS

Commissioner Aud moved, seconded by Commissioner Sayre, to approve payment of the bills as submitted. Motion carried.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator

Commissioner Dean moved, seconded by Commissioner Arnold, to meet in Executive Session in order to discuss a matter of personnel. Motion carried. The Session was held from 9:20 a.m. to 9:35 a.m.

DEPARTMENT OF ECONOMIC & COMMUNITY DEVELOPMENT

Present: Joseph Mitchell, Director
Susan Wilkinson, Project Self-Sufficiency Resource Coordinator

The referenced representatives of the County's Department of Economic & Community Development appeared before the Commissioners to apprise them of the County's award of funds from HUD for the Project Self-Sufficiency Program. Mr. Mitchell pointed out that this is the second time in six months St. Mary's County has received these Section 8 funds to assist disadvantaged families. Ms. Wilkinson went on to explain the program to help low-income families with housing, job training and opportunities.

The Commissioners expressed their appreciation to the Department of Economic & Community Development for their efforts and progress in this program.

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) CORRESPONDENCE

The County Administrator presented the following items of correspondence for the Commissioners' review and signatures:

- a) To Attorney Dan Guenther advising that his correspondence of September 13 has been forwarded to the Airport Commission for comment.

- b) To Governor Hughes requesting his assistance to the County's agricultural community by providing disaster aid for affected farmers through Farmers Home Administration because of extensive damages caused by abnormal rainfall and high winds.
- c) To those individuals and agencies who provided services and assistance during Hurricane Gloria.

The Commissioners agreed to sign and forward said correspondence.

2) TALL TIMBERS BULKHEAD
NEEDED REPAIRS

On behalf of the Director of Public Works, the County Administrator presented photographs depicting damages sustained to the Tall Timbers bulkhead during Hurricane Gloria for 250 feet from the end of the wall. The cost for labor, equipment and maintenance is estimated to be \$3500 for these emergency repairs.

Commissioner Dean moved, seconded by Commissioner Sayre, to authorize the approximate amount of \$3500 to effect emergency repairs to the Tall Timbers bulkhead. Motion carried.

3) VETERANS MEMORIAL

The County Administrator presented correspondence from the Commissioners of Leonardtown requesting concept approval from the County for the proposed Veterans' Memorial to be located at the Governmental Center property. Once this approval is received the Town will put together a cost package and a detailed sketch.

After discussion, Commissioner Aud moved, seconded by Commissioner Sayre, to grant concept approval of the Veterans' Memorial; however, that concurrence of the design be obtained from the various veterans' organizations in the County. Motion carried.

4) "TRICK OR TREAT" NIGHT

Commissioner Dean moved, seconded by Commissioner Arnold, to accept the recommendations of the Maryland State Police and the Sheriff's Department and declare the night of Thursday, October 31, 1985 as the official "Trick or Treat" Night in St. Mary's County. Motion carried.

5) COUNTY TREASURER
REQUEST FOR FUNDS

The County Administrator presented correspondence from the County Treasurer requesting a transfer of funds in the amount of \$4,147 to the Treasurer's Contract Services Account, for contract services for updating, and maintenance of tax account through a computer program. If approved, a Budget Amendment will be presented for approval next week.

Commissioner Aud moved, seconded by Commissioner Arnold, to approve the requested transfer. Motion carried.

6) BLUE CROSS/BLUE SHIELD RETROSPECTIVE PAYMENT CONTRACT

The County Administrator presented a memorandum dated October 3, 1985 from the Personnel Officer recommending the Board's approval of the Retrospective Basis of Payment Contract for FY '86 for the County's health insurance with Blue Cross/Blue Shield.

Commissioner Dean moved, seconded by Commissioner Sayre, to approve and authorize Commissioner President Aud to sign said Contract. Motion carried.

7) BUDGET AMENDMENT NO. 86-17
VARIOUS DEPARTMENTS

The County Administrator presented Budget Amendment No. 86-17 recommended for approval by the Budget Director with the following justification: To provide additional budget authority to proper accounts relative to carry forward FY '85 project totals.

Commissioner Arnold moved, seconded by Commissioner Dean, to approve and authorize Commissioner President Aud to sign the Budget Amendment as presented. Motion carried.

8) CHARLES COUNTY COMMUNITY COLLEGE
PARKING LOT IMPROVEMENTS

The County Administrator advised that \$32,000 had been allocated in the current budget for parking lot improvements; however, the Commissioners in April of 1985 had authorized that those funds be used for air conditioning and other electrical work. With 200 additional students, parking on grass, and towing incidents, it has become apparent that the parking lot improvements are needed.

Therefore, the County Administrator recommended that the Commissioners' rescind their action of April 1985 to use parking lot improvements funds for air condition improvements; that FY '86 funds be used as previously allocated for the parking lot; and further to provide through a subsequent Supplement Budget funds for the air conditioning.

Commissioner Dean moved, seconded by Commissioner Sayre, to accept this recommendation. Motion carried.

9) RUBBLE LANDFILL
HEAVY EQUIPMENT OPERATOR POSITIONS

The County Administrator pointed out that with the adoption of the Rubble Landfill Ordinance a few weeks ago, authority is requested by the Personnel Officer in a memorandum dated September 16 for the establishment of two additional Equipment Operator III positions and one additional Operator II position. Mr. Cox distributed a list of project expenditures and a statement of projected revenues to be generated by fees from users to pay for the cost of operating the landfill.

After discussion, Commissioner Aud moved, seconded by Commissioner Sayre, to approve the establishment of the referenced Operator positions, and to accept the recommendations as set forth in the Personnel Officer's memorandum of September 16 vacant positions created by a chain reaction through promotions. Motion carried.

10) BLUE CROSS/BLUE SHIELD INSURANCE
ST. MARY'S COUNTY LIBRARY RETIRED EMPLOYEES

The County Administrator presented a memorandum dated September 10, 1985 from the Personnel Officer stating the Commissioners on July 23 approved health insurance coverage after retirement to County employees only and was not extended to employees of the Library, Metropolitan Commission, Nursing Home or Town of Leonardtown. Subsequently a request has been received from the Assistant Director of the Library for continued health coverage for retired Library employees. It is requested that the Commissioners approve for the Library and the other referenced agencies to health insurance coverage after retirement.

The Commissioners gave their concurrence.

PUBLIC HEARING
SANITARY DISTRICT BOUNDARY CHANGE

Present: Larry Petty, Director, Metropolitan Commission
Steve King, Metropolitan Commission

In accordance with Chapter 113-4 of St. Mary's County Code of Public Local Laws, the Commissioners conducted a public hearing on the approval of Metropolitan Commission Resolution No. 85-002 for the revision of the boundary between Dukehart's Creek Sanitary District No. 2 and the Leonardtown Sanitary District NO. 3 to include all of the Breton Bay Water Company within the Dukehart's Creek Sanitary District.

Mr. Petty read the Notice of Public Hearing.

Mr. Petty explained that the Metropolitan Commission has been in the process of negotiating the purchase of the Breton Bay Water Company and the Cherry Cove Water Company. In order to place the Breton Bay Water Company in one sanitary district, the MetComm has proposed to revise the boundary to place all of the Breton Bay system in the Dukehart's Creek Sanitary District.

Commissioner President Aud inquired if anyone wished to make any comments.

After discussion, Commissioner Dean moved, seconded by Commissioner Aud, to approve Resolution No. 85-002 of the St. Mary's Metropolitan Commission dated September 11, 1985, said Resolution amending the boundaries between Dukehart's Creek and the Leonardtown Sanitary District as set forth in a plat dated September 11, 1985 to be recorded in the land records. Motion carried.

PATUXENT BEACH CITIZENS ASSOCIATION

Present: Lois Watson, spokesperson
James Smith, property owner
Floyd Rubil, "
Frank Huguley, "
Residents/Property Owners of Patuxent Beach community
Sheriff Wayne Pettit
Lt. Stufft, MSP
Sgt. Plunkert, MSP

The referenced residents and property owners of the Patuxent Beach community appeared before the Commissioners to express their concerns over the situation existing in that area; i.e., littering, debris in river, intolerable parking situation along the road, overnight camping and improper sanitary facilities.

Mrs. Watson, on behalf of the community, presented correspondence setting forth the specific problems and including a Petition from the property owners and residents requesting certain actions by the Board of County Commissioners.

Various property owners related specific incidents occurring in the area.

At the conclusion of the meeting, the Commissioners agreed that the first step in resolving the matter should be the formation of a committee comprised of representatives of the law enforcement agencies, Patuxent Beach Citizens Association, County Commissioners, Health Department, and Department of Public Works, and that perhaps the first meeting should be on site. The Citizens Association agreed with the suggestion and was advised that the Commissioners' would be in touch with a meeting date and time.

ENHANCED "911" SYSTEM

Present: Stan Botts, C & P Telephone Co.
Jack Humphries, "

The above-referenced individuals appeared before the Commissioners to explain and demonstrate the enhanced "911" system being offered by the C & P Telephone Company to St. Mary's County and to request a Letter of Intent to enter into an agreement for the system.

Mr. Botts explained the system and advised that by signing the letter of Intent, the County would not be obligated until a formal contract is signed. He pointed out that it would take approximately 36 months to implement the system as each residence in the County would have to be given a street address for proper identification. Mr. Botts distributed a paper setting forth costs and advised that each subscriber would pay an increase of .20¢ for a total of .40¢ to pay for the system.

After some discussion, Commissioner Dean moved, seconded by Commissioner Arnold, to authorize the Director of the Emergency Operations Center to sign the Letter of Intent to Bell Atlantic expressing the County's intent to enter into an Agreement with the C & P Telephone Company in St. Mary's County. Motion carried.

BID TALLY SHEET
PURCHASE OF SHERIFF'S DEPARTMENT VEHICLES

Present: Paul Raley, Director, Purchasing & Logistics
Sheriff Wayne Pettit
Lt. Gene Pellillo, Sheriff's Department

Mr. Raley presented the bid tally sheet for the purchase of ten Sheriff's Department vehicles and stated that only one bid was received; namely, Bell Motor Company in the total amount of \$116,778.50.

Sheriff Pettit advised that the County will be reimbursed by the insurance company for the two vehicles that were demolished in accidents, but that there is still a \$10,388.50 cost overrun from the budgeted amount for the purchase of these vehicles. He stated that there are no funds available in the Sheriff's Department accounts for this additional money.

The Commissioners agreed that prior to awarding the bid to request the Budget Director to review this matter and make a recommendation.

AIRPORT COMMISSION
ATLANTIC AIRWAYS COMMUTER SERVICE

Present: Tom Howard, Airport Commission
F. Elliott Burch, Sr.
Joseph Densford, Assistant County Attorney

The referenced representatives of the Airport Commission appeared before the Commissioners to request an exemption of the requirement in the lease with the Fixed Based Operator for the 3% gross revenue of the Airport for the sale of tickets for the Atlantic Airways Commuter service.

Mr. Howard explained that Atlantic Airways is scheduled to get the commuter service underway at the Airport on October 15, and they feel that the 3% should not be charged for the tickets sold which would then increase the \$60 cost of the tickets.

Mr. Densford indicated that the County would be able to make this exemption.

After discussion, Commissioner Aud moved, seconded by Commissioner Arnold, to exempt the 3% charge for sale of commuter tickets. Motion carried.

STATE OFFICE COMPLEX

Commissioner Dean stated that there has been an individual who had given a great deal of time and effort to seeing that the State Office complex became a reality and recommended that the building be named after Joseph Carter as a tribute and honor to his memory. Therefore, Commissioner Dean moved, seconded by Commissioner Sayre that the State Office complex be named the Carter Building, pending concurrence by the State that this is not prohibitive. Motion carried.

PRESENTATION BY MARYLAND INSTITUTE FOR EMERGENCY SERVICES

Present: Bill Clark, Md. Institute for Emergency Services
John Erly

Mr. Clark presented a Commendation to John Erly for giving of time and efforts over the years in the area of emergency medical services.

PROCLAMATION
FIRE PREVENTION WEEK

The Commissioners presented the referenced Proclamation designating the week of October 6-12, 1985 as Fire Prevention Week in St. Mary's County.

OFFICE OF PLANNING AND ZONING

Present: Frank J. Gerred, Director
Robin Guyther, Planner
Anita Meridith, Recording Secretary

FLOATING HOMES

Mr. Gerred advised that following receipt of a report that there was a floating home located at Clayton's Marina (off Airedale Road in Ridge), the Planning staff and the Health Department had jointly conducted an inspection of the site. He informed the Board that the structure apparently had been under construction at said site at the time that the prohibition was passed by the State Legislature. Mr. Gerred stated that he offered this information in an effort to keep the Commissioners apprised of the latest details, that the matter was currently being considered by the County's Attorney.

STATUS OF GRANT FOR SHORE EROSION STUDY

Approximately one year ago, a request for grant monies was initiated to provide for a shore erosion study that would identify where vegetation plantings might be used in lieu of structural methods for shore erosion control. Correspondence from Congressman Dyson regarding this issue was distributed to the members, which provided details regarding the award of this contract. Mr. Gerred advised that this study would include a survey of the entire shoreline in St. Mary's County. Following completion of same, the Planning staff will identify those areas where a planting program is recommended.

DECISION/DISCUSSION

ZPUD # 84-1230: J. L. MILLISON/SHANNON FARMS

Requesting rezoning of 250 acres from R-1, Rural-Residential, to PDR 3.0, Planned Development, Residential, to permit 738 dwelling units. The property is the site of the proposed "SHANNON FARMS" development on Hermanville Road in the Eighth Election District, shown on Tax Map 52, Block 10, as Parcel 8.

Commissioner Aud provided several personal observations with regard to this proposal, stressing that this project was certainly one of the largest considerations in recent years (738 units - estimated at over \$ 50,000,000). He reflected that a somewhat similar development, Patuxent River Farms, had taken well over six months to acquire an approval from the County Commissioners, due largely to the numerous aspects and concerns involving the impacts that such a development would have upon the surrounding communities and environment. Commissioner Aud recalled that during the multitudinal hearing process on that former and similar application, Mr. Jack Witten, President of the Potomac River Association, had repeatedly objected to that proposal and had subsequently championed an appeal of the Commissioners' decision to the Court of Appeals. President Aud commented that it would appear that this similar proposal had not precipitated the same concerns, and in fact the opponents of that former proposal seemed to be quite unconcerned about this plan. Mr. Aud elaborated on the publicity generated on the Patuxent River Farms proposal and made reference to several unfavorable editorial commentary, e.g. "Shoddy Zoning." Commissioner Aud stated that the Board was certainly most concerned with impacts upon the citizenry of the County in all development matters, however, he felt that it was most unfortunate that opposers would opt to "pick and choose" specific proposals. In conclusion, Commissioner Aud advised that he would abstain from vote on this matter, as he had not participated at the public hearing nor in subsequent discussions, and thereby turned the Chair over to Commissioner Dean.

Commissioner Sayre led the discussion, noting that while he had personally opposed a former proposal for a deep water port in the area of the Patuxent Farms development, he had opted to vote in favor of the Patuxent River Farms proposal, as he had felt that the latter was a more appropriate use of the land and preservation of the environment. Having considered and reviewed all of the information and analysis with regard to this subject application, Commissioner Sayre stated that he was satisfied that all of the issues with regard to protection of the environment had been appropriately addressed and while he was prepared to vote on the matter this date, he was open to further discussion.

Commissioner Arnold recalled that he had voted in favor of the Patuxent River Farms plan, only after lengthy consideration and examination. He cited the fact that there remained an erosion situation in the Patuxent River Farms development which still existed and he urged that unless private development corrected that situation, it would continue to be a major erosion problem. He referenced that the former application (Patuxent River Farms) had been developed and presented in a most professional manner and he was personally satisfied that every conceivable consideration had been addressed. Commissioner Arnold stated that the subject application "Shannon Farm, meets the same criteria and ...it would be an asset and would fulfill a need in that area." In conclusion, he felt that the developers had addressed all the issues and that the proposal met all of the criteria and safeguards. Given that the proposal had subsequently received the endorsement of the Critical Areas Commission and the Planning Commission, Commissioner Arnold noted that he was ready to vote for an approval of the application.

Commissioner Dean agreed that there were similarities between this and the former Patuxent River Farms proposal. He advised that he had prepared a written summation of his position, and provided a copy of same to each of the Commissioners, file, staff, etc. (copy of which is made a part of these minutes.) The members paused to review said document. Commissioner Dean suggested that the Board could either discuss his findings or defer the matter for further deliberation. Members Sayre and Arnold concurred that they were ready to act this date.

Commissioner Dean offered summarization of his stance, noting that he would favor an approval of the requested rezoning and development plan, with the numerous conditions (as outlined in his brief), understanding that if the matter were approved, the applicant/owner would have to file specific site plan proposals for the development. He reflected that the Commissioners had conducted lengthy deliberations over the Patuxent River Farms proposal and had developed a comprehensive resolution which was anticipated would serve as a model for the development in the waterfront area. He advised that his paper had been prepared in conjunction with the resolution on that former case, after examination of all the facts and documentation, in an attempt to address all pertinent areas. Commissioner Dean stated that should the Commission impose said conditions, he would be in favor of the rezoning.

Commissioner Dean moved, seconded by Commissioner Arnold, and unanimously passed, that the Board instruct the Assistant County Attorney to prepare the resolution approving the development plan and the rezoning application, subject to the conditions set forth in his proffered document, understanding that the Board's official action will occur at such time that the Board votes on the approval of the resolution, which remains to be prepared.

ADJOURNMENT

The meeting adjourned at 1:05 p.m.

Approved,



George R. Aud
President

ZPUD 84-1230
SHANNON FARMS

Having reviewed the:

1. "Planning Report" prepared by Alfred S. Blumberg II, Director of Planning and Kamber Engineering, Inc.
2. "Traffic Analysis" prepared by Lee Cunningham
3. "Critical Areas Review" prepared by Kamber Engineering, Inc.
4. The record of the Planning Commission and the staff reports of the Office of Planning and Zoning.

all in connection with the above referenced case, I am in general agreement with the finding that the development of the subject property as a P.U.D. per the submitted development plan is consistent with the purposes and goals of the County's Comprehensive Land Use Plan and Zoning Ordinance.

Accordingly, I am in favor of approving the rezoning application of the subject property from R-1 to PDR 3.0. While in favor of approving the application, I believe that it is significant to note that the proposed development is of very large proportions (738 dwelling units), plus commercial and recreational areas situated adjacent to the Chesapeake Bay and that the subject property is traversed by two major stream and wetland systems which drain into the Bay. Because of these factors, I believe that it is imperative upon the County and the State to assure that the proposed development is accomplished in such a manner that will not have an adverse effect upon the water quality of the Chesapeake Bay and the stream and wetland systems.

Toward accompanying this goal, as well as addressing the concerns for vehicular traffic, the approving resolution should set forth specific conditions and requirements which shall be conditions of approval of the development plan, the rezoning application and specific site plans for development.

These conditions are:

1. Sediment and stormwater controls shall be designed so that levels of sedimentation and stormwater pollutants, both during and after construction, do not exceed predevelopment levels.
2. Eroding embankments on the property shall be stabilized and currently unvegetated steep slopes and shoreline areas shall be shaped and planted with a vegetative cover prior to construction in those areas. Any site plan must address erosion control and erosion control procedures must be in place prior to the issuance of the 101st dwelling unit building permit regardless of whether site plan has been approved for those areas.
3. Ultimate responsibility for maintenance of wetlands, stream valleys, wildlife areas, and areas of open space, shall rest with a Homeowners' Association or the developer. The County shall request the Maryland Department of Natural Resources to develop a plan for preservation and management of these areas. through any costs associated with development of the plan and management thereof shall be borne by the developer/owner or the Homeowners' Association.

4. Erosion control and stabilization shall be accomplished by methods approved by the Soil Conservation Service and Planning Commission.
5. Any wells drilled shall be at least into the Mattapany Aquifer, unless the Maryland Water Resources Administration shall certify that such is not feasible.
6. At such time or times as site development plans are prepared and submitted to the County for review and approval, the County may retain the services of a consulting engineer to review such plans. Further, the County may retain the services of additional consultants to monitor various phases of construction, including, but not limited to sediment, erosion and stormwater controls. Any private consultant costs shall be borne by the developer/owner. The County shall also request review services from the U.S. Soil Conservation Service and the Maryland Departments of State Planning, Natural Resources, and Health and Mental Hygiene. Such reviews shall be considered by the County if completed in a timely fashion, as part of the regular T.E.C. process. The developer/owner shall comply with all site plan requirements imposed by the County.
7. In addition to ordinary bonding requirements for the completion of public utilities and roads, the developer/owner shall post sufficient corporate surety bonds or other guarantee devices to insure completion and proper maintenance of stormwater control devices for the protection of wetlands, streams and the Chesapeake Bay.
8. In addition to any development requirements contained in the County Zoning Ordinance that may apply to Planned Unit Developments, if no constructed improvements have been commenced after five (5) years from the date hereof, the PDR 3.0 designation of the subject property shall then revert to its former R-1 zoning classification.
9. The recommendations of the Department of State Planning as contained in its letter dated July 17, 1985 addressed to Robin Guyther with attachments shall be incorporated as conditions of approval and development.
10. The recommendation of the Planning Commission, i.e.,
 - a. Development be limited to a maximum of one hundred (100) residential units per twelve(12) month period.
 - b. Long Lane must be expanded to four (4) lanes when a total of one thousand (1000) building permits have been issued at Cedar Cove and Shannon Farms combined.
 - c. The turn lane at Hermanville Road and Route 235, the deceleration lane at Hermanville Road and Long Lane, and the passing lane opposite Long Lane shall be constructed prior to the one thousand (1000) dwelling unit building permit being issued at Cedar Cove and Shannon Farms combined.

shall be incorporated as conditions of approval and development.

Submitted by:

FORD L. DEAN
COMMISSIONER