

BOARD OF COUNTY COMMISSIONERS' MEETINGTuesday, September 22, 1987

Present: Commissioner Carl M. Loffler, Jr., President
 Commissioner W. Edward Bailey
 Commissioner Robert Jarboe
 Commissioner John Lancaster
 Commissioner Rodney Thompson
 Edward V. Cox, County Administrator
 Judith A. Spalding, Recording Secretary

CALL TO ORDER

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

APPROVAL OF MINUTES

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve the minutes of the Commissioners' meeting of Tuesday, July 28, 1987. Motion carried.

APPROVAL OF BILLS

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

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) POINT BLACKISTONE
CONVEYANCE OF DEED

The County Administrator advised that Assistant County Attorney Densford and Attorney Bell have completed work on the referenced project and have prepared the Deed conveying Lots 12 and 13, Block 2 at Point Blackistone to Robert E. Yates.

Commissioner Thompson moved, seconded by Commissioner Bailey, to authorize Commissioner President Loffler to sign the Memorandum of Sale and the Deed as presented. Motion carried.

2) PERSONNEL

The County Administrator presented the following items of Personnel for the Board's consideration:

a) Establishment of Positions
Office of Finance

Memorandum dated September 21, 1987 from Personnel Office requesting the establishment of Procurement Officer position (Grade 14) and a Stenographer Clerk position (Grade 5). The Director of Finance is requesting these positions because of the adoption of the Purchasing Manual for the County.

Commissioner Bailey moved, seconded by Commissioner Thompson, to accept this recommendation. Motion carried.

b) Patrolman, Sheriff's Department

Memorandum dated September 21, 1987 from Personnel Office recommending the selection of Sharon L. Sandwisch to the Patrolman position, Grade 12, effective October 5, 1987.

Commissioner Lancaster moved, seconded by Commissioner Bailey, to accept this recommendation. Motion carried.

c) Request for Six Months Leave

The County Administrator presented correspondence dated September 14 from the Director of Recreation and Parks requesting approval of six months leave for Robert E. Morgan.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to grant this requested. Motion carried.

d) Request for Leave without Pay

The County Administrator presented correspondence dated September 17, 1987 from the Personnel Office advised that the Director of Recreation and Parks is requesting Leave Without Pay for Kathleen Tennison based on the recent birth of her child, effective August 24, 1987.

Commissioner Bailey moved, seconded by Commissioner Jarboe, to accept this recommendation. Motion carried.

3) BUDGET AMENDMENTS

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

a) No. 88-11
Social Services

Justification: Reclassification of Human Services Worker III and deletion of salary supplements for Director of Social Services.

Commissioner Bailey moved, seconded by Commissioner Thompson, to approve the Budget Amendment as presented. Motion carried.

b) No. 88-12
Finance

Justification: To establish Procurement Officer and Steno-Clerk positions in Finance Office.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve the Budget Amendment as presented. Motion carried.

c) No. 88-13
ALS

Justification: Bid for Cardiac Monitor Defibrillator for ALS exceeded budget of \$8,000 by \$162.

Commissioner Thompson moved, seconded by Commissioner Jarboe, to approve the Budget Amendment as presented. Motion carried.

4) ALCOHOL AND DRUG ABUSE PREVENTION PROJECT
STATEMENT OF ASSURANCE AND NOTIFICATION OF GRANT AWARD

The County Administrator presented the Statement of Assurance and Compliance and Notification of Grant Award in the amount of \$23,402 for the Alcohol and Drug Abuse Prevention Project through the Office of Community Services.

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

5) CORRESPONDENCE

The County Administrator presented the following correspondence for the Board's review and approval:

a) To State's Attorney Walter Dorsey regarding the exchange Agreement with Florida Rock indicating that it is the Board's opinion that the Agreement is in the best interest of St. Mary's County.

b) To Mr. Paolino of Motor Vehicle Administration formally expressing gratitude for the handling of the return of MVA services to St. Mary's County and requesting his continued efforts for a more permanent facility.

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

OFFICE OF PLANNING AND ZONING

Commissioners present: Carl M. Loffler, Jr., W. Edward Bailey, Robert Jarboe, John G. Lancaster and Rodney Thompson. Staff present included: Frank J. Gerred, Director, and Betsy Anthony, Recording Secretary.

CRITICAL AREA PUBLIC HEARING BRIEFING

Mr. Gerred informed the Commissioners that what he had just distributed was Draft #5 (dated September 22, 1987) of the Critical Areas Program for the County. He explained that he had received a set of aerial photos from Department of Natural Resources (DNR) describing the floodlines in St. Mary's County which were incorporated into the process of mapping the area. Mr. Gerred indicated that the following were three regulations used to describe the areas:

1. Intense Development Areas (IDA) excludes non-maritime heavy industry, extraction of natural resources, sanitary landfills and solid waste or hazardous waste collection facilities. Additionally, design requirements require stormwater management to improve the quality of water leaving the site after development or redevelopment. In the intense development district, commercial, industrial, or high density residential will be allowed with some constraints regarding water quality coming off of a site after development.
2. Limited Development Areas (LDA) - is to be similar in character to the existing development and can include marinas. Density is between four units per acre and one unit per five acres.
3. Resource Conservation Areas (RCA) - is limited to one dwelling unit per 20 acres and agricultural and aquacultural uses.

Mr. Gerred explained that in the RCA district, any existing lots will come under the "grandfather clause" and that some conditions will have to be made for lots that come under common ownerships. Mr. Gerred informed the Commissioners that the total acreage in the critical area was 43,754; 34,480 acres of that being in the RCA. There was 1724 acres available for expansion of LDA and IDA. Commissioner Bailey asked how the 1724 acres was to be allocated, and Mr. Gerred informed them that they would be allocating the acreage. There had been no suggestions received as to how to allocate the acreage at that time.

Mr. Gerred indicated that during the procedures of the Comprehensive Plan, he had continued to abide by the guidelines of the Critical Areas Commission (CAC), but the only deviations made pertained to buffer zones that differed from the CAC and the County's Zoning Ordinance.

Mr. Gerred also spoke on the Habitat Protection Areas. He explained that it essentially included tidal and non-tidal wetlands. Those areas allow protection of such areas as the propagation of anadromous fish and eagle nesting areas. It was reported that the bald eagle is the most frequently reported rare and endangered species in St. Mary's County. Those birds principally inhabit the southern shore of the county. Bald eagle nest sites had been reported on properties owned by the following: Richard Mattingly; Bernard Deepkens; St. Mary's Land Development Corp.; Nelson Dean; Holger B. Janson; Franklin Hewitt; Lawrence Graves; and Phillip Kapneck. Bald eagle nesting sites had also been observed within the Critical Area at Cat Creek.

Commissioner Loffler inquired as to whether the 100 ft. setback requirement was a "no building" buffer, and Mr. Gerred replied affirmatively. Mr. Gerred explained that water dependent areas; i.e., marinas, docks, and bulkheads, etc., were exceptions.

Commissioner Loffler reminded the other members of the public hearing scheduled for 7:30 p.m., in the Circuit Court Room at the Courthouse, this date and informed the members and Mr. Gerred that he would not be in attendance.

Commissioner Bailey informed the members that he had taken the liberty of asking Mr. Ed Cox, County Administrator, to open the meeting. The members concurred with Commissioner Bailey.

Commissioner Loffler suggested to the Commissioners that the public hearing be left open until next Tuesday for any further comments from the public. He felt it was necessary to allow everyone the chance to offer their comments.

Mr. Gerred informed them that the public hearing was being held this date, and the Planning Commission would be making their recommendation at their next meeting. The following week it would be returned to the Commissioners for submittal. The CAC will have 90 days to either accept, reject, or to hold another public hearing.

Commissioner Bailey indicated that the Planning Commission should receive copies of all memorandum received by the County Commissioners, and Mr. Gerred concurred.

Commissioner Loffler suggested to Mr. Gerred that they hold a meeting between themselves and Mr. J. Frank Raley, Commissioner on the State Critical Areas Commission, to discuss any questions or comments the Commissioners might have. Mr. Gerred informed Commissioner Loffler that rules of procedure will not allow Mr. Raley to vote. Commissioner Loffler said he thought it would be helpful to have Mr. Raley present to answer any questions.

With no further discussion, Commissioner Bailey moved, seconded by Commissioner Lancaster, and unanimously passed, to adjourn for executive session to discuss a matter of litigation.

EXECUTIVE SESSION

Commissioner Bailey moved, seconded by Commissioner Lancaster and motion carried, to meet in Executive Session as follows: (The Session was held from 10:00 a.m. to 11:05 a.m.)

Litigation

Present: Edward V. Cox, County Administrator
Joseph Densford, Assistant County Attorney

Property Acquisition

Present: Edward V. Cox, County Administrator
Joseph Densford, Assistant County Attorney

Personnel

Present: Edward V. Cox, County Administrator

SOUTHERN MARYLAND VISITORS' CENTER

As a follow up to previous discussion, Commissioner Jarboe moved, seconded by Commissioner Thompson, to approve St. Mary's County's contribution of \$16,667 from the FY '89 Budget towards the construction of the Southern Maryland Visitors' Information Center to be located on Md. Rt. 301 near the Rt. 234 intersection. Motion carried.

REGIONAL TOURISM

Commissioner Loffler raised the issue with the Board concerning the regional tourism effort and Tri-County Council. He stated that it was his understanding that some counties had problems with the Council administration. Commissioner Loffler recommended that St. Mary's County indicate its willingness to work with the other two counties and further that all three counties pull back in and work with Tri-County Council. It was agreed that this issue be discussed at the tri-county Commissioners' meeting next Tuesday evening.

PROCLAMATION
ADULT DAY CARE WEEK

The Commissioners presented the referenced Proclamation designating the week of September 20-26, 1987 as Adult Day Care Week.

PROCLAMATION
TOOTSIE ROLL MONTH FOR THE MENTALLY RETARDED

The Commissioners presented the referenced Proclamation designating October as Tootsie Roll Month.

EXECUTIVE SESSION

Commissioner Bailey moved, seconded by Commissioner Lancaster, and motion carried, to meet in Executive Session as follows: (The Session was held from 1:05 p.m. to 1:45 p.m.)

Litigation

Present: Edward V. Cox, County Administrator
Theodore Weiner, County Attorney
Joseph Densford, Assistant County Attorney

Property Acquisition

Present: Edward V. Cox, County Administrator
John Norris, Director, Department of Public Works
Joseph Densford, Assistant County Attorney

DEPARTMENT OF PUBLIC WORKS

Present: John Norris, Director

1) ROAD CONSTRUCTION AGREEMENT
ADDENDUM TO PUBLIC WORKS AGREEMENT
BAY BERRY SUBDIVISION

Mr. Norris presented the Road Construction Agreement dated August 18, 1987 by and between the Board of County Commissioners and TT&M Partnership (Developer) regarding the 1,927.94 foot section of Hewitt Road adjoining Bay Berry Subdivision and the \$48,000 to be received from the developer representing full payment for costs of construction and improvement of that section of Hewitt Road to county standards.

In addition, Mr. Norris presented an Addendum to the Public Works Agreement dated August 18, 1987, which indicates that the referenced Road Construction Agreement satisfies the requirements of the Department of Public Works, and the plats for Bay Berry Subdivision may be recorded.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve the referenced Road Construction Agreement and Addendum, which were prepared by the Assistant County Attorney. Motion carried.

2) ADDENDUM TO PUBLIC WORKS AGREEMENT
MULBERRY NORTH SUBDIVISION

Mr. Norris presented an Addendum to the Public Works Agreement by and between Walter B. and John R. Dorsey and the Board of County Commissioners of St. Mary's County extending the deadline for completion of roads in Mulberry North Subdivision, Third Election District, to September 1, 1988 and amending the Irrevocable Letter of Credit to \$54,000.

Commissioner Bailey moved, seconded by Commissioner Thompson, to authorize the President of the Board to sign the Addendum as presented. Motion carried.

3) BEAUVUE EAST SUBDIVISION

Mr. Norris advised that the Letter of Credit for the referenced project is coming due and, therefore, requested authorization for President of the Board to sign a letter making claim on the Letter of Credit in the amount of \$26,000 if an extension is not received.

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to authorize Commissioner Loffler to sign the Addendum if received; and if not to sign the letter to First National Bank of St. Mary's making claim on the Letter of Credit. Motion carried.

4) SAN SOUCI ESTATES
MACARTHUR BOULEVARD

SAN SOUCI ESTATES
SECTION TWO

Mr. Norris advised that the Public Works Agreement with J. Laurence Millison for MacArthur Boulevard, backed by a Letter of Credit in the amount of \$237,000, and the Public Works Agreement with Heritage Manor Homes of Lexington Park in the amount of \$60,000, which are due October 1, 1987. He stated that a Cashier's Check for the value of the remaining work has been requested from the developer, and that the developer was agreeable to this. Therefore, Mr. Norris requested authorization for the President of the Board to make claim on the Letters of Credit, if necessary, and for Mr. Norris to accept the Cashier's Check for the value of the work to be completed.

Commissioner Bailey moved, seconded by Commissioner Thompson, to accept Mr. Norris' recommendation. Motion carried.

5) HAZARDOUS WASTE DISPOSAL

Commissioner Loffler inquired of Mr. Norris if there were provisions in the County for the disposal of hazardous waste. Mr. Norris replied that it is not permitted in the landfills; however, he would investigate the possibility of having "Amnesty Days" in the County for this type of disposal.

COMPREHENSIVE PLAN CONSULTANTS

Based on representations made by the Director of Planning and Zoning as to the unsatisfactory performance to date by the County's comprehensive plan consultants, Commissioner Bailey moved that the Director and the County Attorney take all necessary steps to terminate the consultant's contract at once. I would also add that the Director of Planning and Zoning initiate the process of obtaining the services of another qualified consultant to review the work already completed and to finish the comprehensive plan. Motion carried.

LONGVIEW BEACH SPECIAL TAXING DISTRICT

Commissioner Bailey moved, seconded by Commissioner Lancaster, that the Board direct the County Attorney to respond to the legal challenge to the Longview Beach Taxing District, and that the proceed with now removal and maintenance as set forth in the Taxing District Ordinance No. 87-10. Hopefully the court case will be resolved prior to the commencement of the spring construction season and construction of the streets can begin at that time. Motion carried.

RESOLUTION NO. 87-17
DISSOLUTION OF CHAPTICO RECREATION CORPORATION

Present: Joseph Densford, Assistant County Attorney

Mr. Densford advised that on July 28, 1987 the Board voted to transfer all of the assets and liabilities of the Chaptico Recreation Corporation to the Board of County Commissioners and to dissolve the corporation. He stated that since that time the Board of Directors of Chaptico Recreation Corporation met on September 16 and voted to agree to the dissolution.

Therefore, Commissioner Lancaster moved, seconded by Commissioner Jarboe, to sign Resolution No. 87-17 for the dissolution of the Chaptico Recreation Corporation and the transfer of all its assets and liabilities to the Board of County Commissioners. Motion carried.

APPOINTMENT
CHAPTICO RECREATION ADVISORY COMMITTEE

Commissioner Bailey moved, seconded by Commissioner Jarboe to appoint Melvin Reed to the Chaptico Recreation Advisory Committee whenever a vacancy should occur. Motion carried.

PUBLIC FORUM

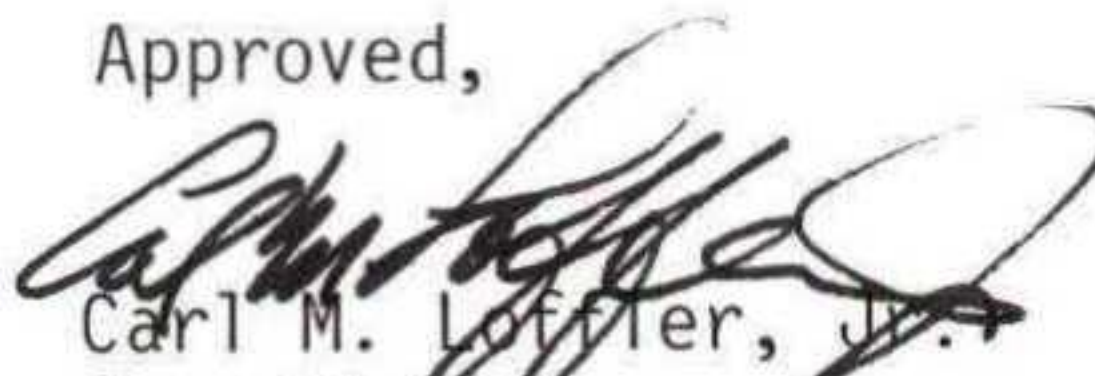
At this time the Commissioners opened the meeting for comments and questions from the audience. Questions/comments were received from the following:

- Dick Myers)
- Viki Volk) Comprehensive Plan Consultants
- Floyd Williams)

- Viola Gardner)
- James Washington) Longview Beach Taxing District
- Floyd Williams)

ADJOURNMENT

The meeting adjourned at 3:35 p.m.

Approved,

Carl M. Loffler, Jr.
President

JOINT PUBLIC HEARING OF THE ST. MARY'S BOARD OF COUNTY COMMISSIONERS' AND PLANNING COMMISSION HELD SEPTEMBER 22, 1987, at 7:30 p.m., IN THE CIRCUIT COURT ROOM OF THE COURTHOUSE, LEONARDTOWN, MARYLAND.

CHESAPEAKE BAY CRITICAL AREAS LOCAL PROGRAM

Board of County Commissioners present: Commissioner Bailey, Commissioner Jarboe, Commissioner Lancaster, and Commissioner Thompson.

St. Mary's Planning Commission members present: Mr. Al Gough, Ms. Hope Swann, Mr. Jim Spence, Mr. William Guy, and Mr. John Bohanan.

Office of Planning & Zoning staff: Mr. Frank J. Gerred, Director, Mr. Robin Guyther, Deputy Director, Mrs. Betsy Anthony, Recording Secretary, Ms. Laura Clarke, Planning Technician, Mr. Phil Shire, Plans Reviewer, and Mr. Jeffrey Jackman, Planner.

Other individuals present included: Kelly Steele-Borje, Rudy Baliko, Wilfred Fletcher, Caroline & Jimmie Stokes, Mark Milburn, Christine Morgan, Ingrid Sauerwine, Mary De Packh, Martha P. Forrest, V. C. Nelson, Charles A. & Charlotte C. Young, Carolyn Watson, Bert Abell, Phil Shire, Elda L. Branham, Steve Bunker, Rick Meatyard, Herbert Redmond, Jr., Julia H. Richardson, John W. Quade, Alan Borg, Orvin L. Wilhite, Patrick O'Donnell, Dr. & Mrs. F. P. Veitch, Elinor Cofer, Helen Hocker, Millicent Witten, Jack F. Witten, Mary Whetstine, Gene Rea, John F. "Sam" Richards, Jane Sypher, Jimmie A. Mora, Peggy Higgins, Justin R. Sypher, Joseph B. Carroll, Jr., Bob Graham, Ann B. Haskell, Bruce Haskell, Caroline Mecartea, David E. Mecartea, N. J. Hanks, Claire B. Mulford, Viki Volk, Steve & Linda Shakler, Melvin Holland, Paul W. Chesser, Jean & Frank Waikart, Jim Kenney, Jim Shea, Dan Guenther, J. Abell Longmore, and Fred McWilliams.

PUBLIC HEARING

Mr. Edward V. Cox, County Administrator, read the public hearing notice aloud into the record later in the meeting. The notice was consecutively published in "The Enterprise" Newspaper on September 2, 1987 and September 9, 1987, a publication of general county-wide circulation, providing legal notification.

Mr. Cox informed the audience that questions and comments would be taken after Mr. Frank Gerred, Director, Office of Planning & Zoning, gave his presentation.

Mr. Gerred explained to the audience that what they had received was Draft #5 (dated September 22, 1987) of the Critical Areas Program for the County. He explained that he had received a set of aerial photographs from Department of Natural Resources (DNR) describing the floodplains and wetlands in St. Mary's County which were incorporated into the process of mapping the Critical Area. Mr. Gerred indicated that the following were three regulations used to describe the areas. The development categories were mapped in accordance with the guidelines of the Critical Area Criteria (COMAR 14.15.02):

1. Intensely Developed Areas (IDA):

Areas where residential, commercial, institutional, and/or industrial developed land uses predominate, and where relatively little natural habitat occurs. These areas shall have at least one of the following features:

- a. Housing density equal to or greater than four dwelling units per acre;

- b. Industrial, institutional or commercial uses are concentrated in the area; or
- c. Public water and sewer collection and distribution systems are currently serving the area and housing density is greater than three dwelling units per acre.

2. Limited Development Areas (LDA):

Areas which are currently developed in low or moderate intensity uses. They also contain areas of natural plant and animal habitats, and the quality of runoff from these areas has not been substantially altered or impaired. These areas shall have at least one of the following features.

- a. Housing density ranging from one dwelling unit per five acres up to four dwelling units per acre;
- b. Areas are not dominated by agriculture, wetland, forest, barren land, surface water, or open space;
- c. Areas with characteristics of Intensely Developed Areas, but less than 20 acres in extent, and
- d. Areas having public water or public sewer or both.

NOTE: In mapping LDAs, a minimum of 20 acres was used as a standard for determining density and concentrations. For instance, an isolated residential structure on a 5-acre lot does not constitute an LDA.

3. Resource Conservation Areas (RCA):

Areas characterized by nature dominated environments (that is, wetlands, forests, abandoned fields) and resource-utilization activities (that is, agriculture, forestry, fisheries activities, or aquaculture). These areas shall have at least one of the following features:

- a. Density is less than one dwelling unit per 5 acres, or;
- b. Dominant land use is in agriculture, wetlands, forest, barren land, surface water, or open space.

The designated areas do not permit development near any tidal or non-tidal wetlands, they do not include any federally owned lands. They do include subdivisions which were of record as of December 1, 1985 as LDA areas. Undeveloped and unplatted areas in designated development areas are available for development in some cases.

Mr. Gerred also spoke on the Habitat Protection Areas. He explained that they essentially included tidal and non-tidal wetlands and buffers adjacent to them. Habitat Protection Areas allow protection of such areas as those for propagation of anadromous fish and eagle nesting sites. It was reported that the bald eagle is the most frequently reported rare and endangered species in St. Mary's County.

Before Mr. Cox opened the hearing to questions from the public, he informed the members of the Planning Commission and the audience that the County Commissioners had decided to terminate the contract with WRT, the consultant for the project.

Ms. Elinor Cofer, of the American Association University of Women, introduced a group of members belonging to a variety of organizations regarding the Chesapeake Bay; Dr. & Marian Veitch, St. Mary's Friends of the Chesapeake, Patrick O'Donnell, Potomac River Association, Mary de Packh, League of Women Voters (indicated that her group fully endorsed the Critical Area Criteria and hoped that it would be carried through as carefully and as intensely as possible), and Helen Hoker, St. Jerome's Creek Citizens Association. Ms. Hoker entered for the record a prepared statement from Everett L. Merritt, President of the St. Jerome's Citizens Association which she read aloud. Ms. Cofer informed the audience that she had a group comment to make. She indicated that the Chesapeake Bay was dying and that everyone should listen to what she was saying. Sixty years ago, 30,000 waterman made their living working on the bay, now only 1,200 can. She felt it was necessary for St. Mary's County to lend its full support to the project. She indicated that her next comment was of her own view. She felt that it did not do St. Mary's County any service to have government officials travel to the Eastern Shore and lobby to weaken the legislation.

Mr. Eric Jansson entered in evidence, marked Exhibit No. 2, a presentation explaining that the purpose of the critical areas legislation was to save the fishing resource and aquatic resource of the Chesapeake Bay and tributaries. He hoped that the Planning & Zoning staff and the Commissioners would focus on the purpose of the legislation, particularly in deciding what to do about previous zoning decisions. He indicated that there was a need to consider rolling back the zoning to comply with the critical areas purposes and spirit of the legislation, and at the very minimum, require such grandfathered subdivisions and zoning areas to adhere to the runoff provisions of the critical areas program. The runoff rate should be less after the construction of the project than before. Keeping pollution out of the waterways was the purpose of the legislation, and there were easier ways to restore the runoff to equal water quality or make it better than it was before development. Mr. Jansson also entered into the record, marked as Exhibit No. 3, a study conducted in Columbia, Maryland regarding devices and approaches to be used. He indicated that forbidding the installation of curbing and gutters was one very effective approach and that it could save everyone funds while curtailing the waterway pollution. Planting trees was another approach, as it would adhere to the buffer strips.

Mr. Bruce Haskell indicated that he thought the bay was ill and that the solution proposed by the CAC was not a solution at all. He viewed it as a large problem that would leave the citizens of the county with a feeling that nothing was being done. Mr. Haskell felt the problem with the bay was that heavy industrial companies were "dumping waste" into the waters.

Mr. Jim Spence, Tax Assessor for the County, addressed a number of questions regarding taxes. He explained that there were two situations to look at. In a RCA, if a person had a 200 acre farm that was presently receiving an agricultural assessment or was totally wooded with a management plan, there would actually be no effect because those properties were not being assessed at "market value" but on the "use value". If a farm with 200 acres falls in the RCA and is no longer farmed, that is where the problem with the effect of the critical areas will have to be addressed.

Mr. Gene Rae asked if Mr. Spence had had the opportunity to reappraise any property in St. Mary's County, and Mr. Spence replied negatively. Mr. Rae asked Mr. Spence if he anticipated whether a person who owned 20 acres of land on the waterfront, having to subdivide the land to decrease his cost of taxes but increase his monetary worth of the land, if his taxes would then be reduced, and Mr. Spence informed him that the issue would have to be addressed.

Mr. Mark Milburn indicated that part of his farm was surveyed as being zoned Commercial/Marine since 1974, and he asked how the tax would apply to his farm. Mr. Spence informed him that if the entire farm were to fall in the RCA, as long as that portion of his farm remained zoned CM it would be assessed as Commercial and the other portion was still being farmed. The other portion would remain on a agriculture value.

Mr. Charles A. Young explained that he resided on property that was completely in the RCA. He had noticed in Part 5 (Draft #5, page 14) - Habitat Protection Area Plan, number two of the proposed regulations and guidelines stated that to "protect tidal wetlands through expanding the Buffer to include non-tidal wetlands". He indicated that during CAC and through the proposed regulations the word "mitigation" appeared quite frequently. If the buffer zone was extended to include non-tidal wetlands, he made the observation that a good part of St. Mary's County was going to be categorized within that buffer zone. Mr. Young felt that the mitigation had not been fully considered in the county's regulations.

Mr. Gerred informed Mr. Young that the buffer was extended for wetlands within the critical area, and on top of that, last year the county passed a regulation for wetland/water quality control areas which prohibits construction within 25 ft. of any wetlands.

Mr. Rudy Baliko indicated that at the July public hearing a draft of the forestry ordinance was introduced. At that meeting he was told that the county was not pleased with the ordinance. What he was given for the meeting this date seemed to be identical to what was in the previous ordinance with the exception of the purpose. He inquired as to what was necessary to harvest and manage timber in the critical areas at the present time under the regulations.

Ms. Jane Sypher indicated that all of her father's property and hers as well, fell into the RCA. The property was acquired in 1919 by her grandparents and then sold pieces of the land. Her father was left with approximately 40 acres that was broken in various sections. She inquired as to what her father was able to do with the property, and could he sell a certain amount of acreage. If he could not, she asked if his taxes would be reviewed. Mr. Gerred indicated that in the existing parcels of record, separate pieces will not be affected; each parcel would be treated as a separate parcel for purposes of determining development rights.

Mr. Mark Milburn asked what the criteria was for recorded lots. His farm was formed in 1910 and broken up in National Slavonic Subdivision and had never been changed. He had recently had it resurveyed and inquired as to the category it belonged in. Mr. Robin Guyther, Deputy Director of Office of Planning & Zoning, indicated that if they were separate parcels, each had a right to put a house on them.

Regarding a question asked earlier in the meeting by Mr. Baliko, Mr. Gerred directed him to review page 17 & 19 (of the light yellow sheets) for what was proposed. Mr. Baliko indicated that he would like to have the opportunity to sit down with Mr. Gerred to discuss the plan.

Mr. Jim Kenney asked if someone would explain to him what a "water-dependent use" was, and Mr. Gerred directed him to page 20 of Draft #5 for definitions of the water-dependent facilities plan. Mr. Gerred explained that the essence of the definition was that a facility had to be water dependent. Mr. Kenney then asked what the effect would be on a farm that had not been actively farmed for one year. Mr. Gerred indicated that there would be no real effect in terms of regulations that would have to be administered. Mr. Kenney asked if Mr. Gerred was comfortable with the definitions in the draft, and he replied that he was comfortable with them so far. Mr. Kenney inquired as to whether the hearing would remain open until September 29th and that he understood that the Planning Commission would have to make a recommendation to the County Commissioners.

He asked when the Planning Commission would be making their recommendation, and Mr. Gerred indicated that they would probably have to call a special meeting since the Planning Commission would not be meeting again (October 26, 1987) until after the closing date of the public hearing. Mr. Kenney stated that he felt the committee was rushing into several areas that were going to turn into an administrative nightmare. He suggested that the committee move quite cautiously.

Mr. James Stokes explained that he lived and owned property that was within the Critical Area and it bothered him. He had an orchard on his property and asked if he must travel to Leonardtown to obtain a permit to cut down undesirable trees or to cut trees for firewood. Mr. Gerred indicated that he would not need a permit if the cutting process was for his own use or for maintenance of the orchard.

Mr. Gene Rae indicated that he was glad that Mr. Kenney said what he did. The Advisory Committee has made known what they felt, and Mr. Rae felt that it was the worst attack on the private property ownership. He could foresee that people would realize that their rights had been taken from them. He begged the Commissioners and Planning Commission members not to take the rights of the people away from them.

Ms. Ann Haskell stated that she thoroughly agreed 100% with Mr. Rae. She felt the legislation was unconstitutional.

Mr. Jack Witten explained that the people who live in Virginia were very envious of the fact that Maryland had the law to protect the waters and were very appreciative of the fact that they lived downstream and Maryland was doing the critical areas legislation which would benefit the people on the far side of the Potomac. He explained that he had communicated to the Planning Commission and the County Commissioners on the subject, about 32 pages of comments. They were gratified to notice that some of their suggestions had been accepted. He explained that in reading what was prepared and distributed, it was still not clear what the system was. Mr. Witten inquired as to what the relationship of the document called "Critical Area Program" to the Comprehensive Plan. Mr. Gerred indicated that it was a chapter of the Plan. Mr. Witten made a special request of the County Commissioners to make sure that all departments (i.e. DPW, OPZ, etc.) were in agreement of the Comprehensive Plan before it went into effect. With regards to the maps for the County, Mr. Witten felt that they were not adequate, insofar as not indicating where the sewer lines were. He felt that the people should be able to look at the maps and determine the location of their property. He indicated that two things were troubling him. He felt that the public did not have adequate notice of the subject and had an opportunity to study the documents being presented. Secondly, the Advisory Committee fell under the Open Meetings Law and was a public agency. He felt it necessary to keep acceptable minutes and that they should be left open to the public. He requested to the County Commissioners that they ask a lawyer for Planning & Zoning to instruct the Advisory Committee and OPZ to follow the requirements of the Open Meetings Law and Article 66-B as it pertains to preparing revisions to the Comprehensive Plan and to file them precisely.

Mr. Jimmie Mora indicated that he had lived in St. Mary's County for 40 years and requested that he be accepted as a member of the Citizen's Advisory Committee because he felt he could contribute something to the beautiful county. He felt that the Advisory Committee had given 100% of their time and effort to do just and be fair to every resident in the county. He stated that document presented was only a working guide so that the writers of the law could come up with the plan. He indicated that all the meetings they had were open to the public and were published in The Enterprise and The Tide. To the best of his knowledge, Mr. Jeff Jackman took minutes for all the meetings. He stressed that he knew the committee would do its best, and the Commissioners and Planning Commission members would also do their best in helping with the final decisions.

Mr. Gene Rae stated that he took exception with a couple things Mr. Mora stated. It was stated that the committee attempted not to hurt anyone, and he felt that any recommendations to restrain or restrict a persons rights to his property would hurt them.

Mr. Bruce Haskell inquired as to reason WRT was terminated by the county, and Mr. Cox replied that it was because of general dissatisfaction.

Ms. Elinor Cofer indicated that people were still confused about what the Critical Areas Criteria pertained to. It would seem to her that OPZ could make a simple explanation of what the three categories stood for.

Mr. Mark Milburn asked what the procedure would be when a person noticed that there was a mistake in the maps and what proof would a person need. Mr. Gerred explained that he would like for people to come into his office and show where the mistake might be.

Ms. Viki Volk asked if three years from now, a person noticed that the maps were not portraying their land in the correct category, would that be considered a rezoning case. Mr. Gerred explained that if the maps were to be changed, then it would be a rezoning case. The process would be with the State and then the person would apply for rezoning through the Planning Commission and County Commissioners.

Mr. John Quade explained that the one for twenty acres requirement would be a hardship for the people and he felt the county should not do it all at once. He also felt that it would be complicated for the county to have to administer.

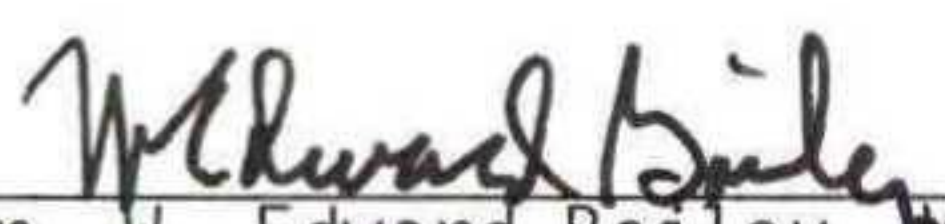
Mr. Mel Holland stated that 1000 ft. would be a measured mark and would not be changed. If someone finds a mistake, they would have to hire a surveyor to determine whether it was correct or not. He, being a tax paying citizen, did not want to pay for the county to survey the land.

Upon hearing no further questions or comments, the public hearing was closed.

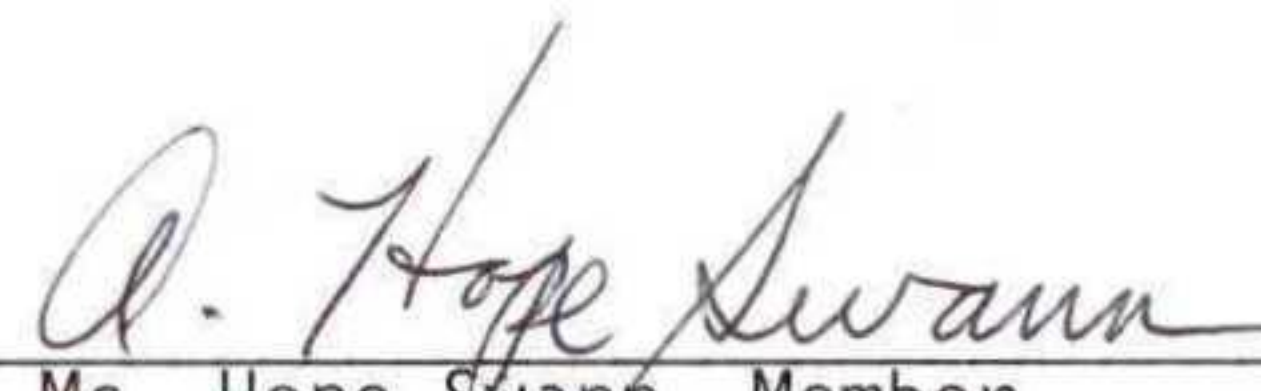
ADJOURNMENT

This concluded all business at hand and the meeting was adjourned at 9:45 p.m.

ATTEST:



Mr. W. Edward Bailey, Vice President
St. Mary's County Commissioners



Ms. Hope Swann, Member
Planning Commission