

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, August 23, 1988

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

The meeting was called to order at 9:05 a.m.

APPROVAL OF MINUTES

Commissioner Thompson, moved, seconded by Commissioner Bailey, to approve the minutes of the Commissioners' meeting of Tuesday, August 9, 1988. Motion carried.

APPROVAL OF BILLS

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

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) COMPREHENSIVE PLAN PUBLIC HEARING FORMAT

The County Administrator suggested the following format for the public hearing on the Comprehensive Plan scheduled for this evening:

- Prayer and Pledge
- Reading of public notice
- Brief introductions
- Background of development of plan presented by
 Acting Director of Planning and Zoning Robin Guyther
- Presentation of Plan by Consultant Tony Redman
- Presentation by Captain Fitrell, Commanding Officer, NAS
- Open forum for questions and comments.

Mr. Cox stated that the record would remain open for ten days, and the Commissioners must make a decision by September 10.

The Commissioners gave their concurrence in the format as set forth above.

2) COOPERATIVE REIMBURSEMENT AGREEMENT

The County Administrator presented the Cooperative Reimbursement Agreement for the period July 1, 1988 through June 30, 1989 in the total amount of \$73,858.95.

Commissioner Jarboe moved, seconded by Commissioner Bailey, to approve and authorize Commissioner Loffler to sign the Agreement as presented. Motion carried.

3) CORRESPONDENCE TO MINNIE RUSSELL
SMITHS CREEK PUBLIC WHARF

The County Administrator presented correspondence addressed to Minnie Russell advising that the County does not find sufficient evidence to warrant closing of Smiths Creek Public Wharf.

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

4) CRIME VICTIMS SERVICES CONTRACT AGREEMENT

The County Administrator presented the Contract Agreement and revised budget for the Crime Victims Services Grant in the amount of \$27,670.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to authorize Commissioner Loffler to sign the Contract Agreement and to initial the revised budget. Motion carried.

FISCAL YEAR 1990 BUDGET DEVELOPMENT

Present: Charles Wade, Director of Finance
Leonard Greess, Performance Auditor

The referenced individuals appeared before the Commissioners to discuss the format for the development of the FY 1990 budget. Mr. Wade presented a schedule beginning September 6 with an economic outlook and concluding with the budget approval on May 30, 1990. In addition Mr. Wade distributed the FY 1990 Capital Budget Development schedule beginning with the distribution of instructions on September and concluding with the merging with the operating budget on February 28, 1990. Mr. Greess provided a handout listing recommendations for the budget process which had been generated from the staff meeting of July 5.

After discussion the Commissioners to proceed with the development of the FY 1990 budget as outlined in the presentation.

RECESS OF MEETING

Commissioner Thompson moved, seconded by Commissioner Bailey, to recess until the next appointment at 10:00 a.m. Motion carried.

S.M.I.L.E.

Present: Eugene Carter, Director, Office on Aging
Melody Mason, S.M.I.L.E.
Gary Anderson, "

The referenced individuals appeared before the Commissioners to continue previous discussion regarding the S.M.I.L.E. organization being taken over by county government. Mr. Carter stated that he has been meeting with the Director of Finance regarding S.M.I.L.E.'s budget and existing county support. In order to clarify the proposal to transfer S.M.I.L.E. to the county, Mr. Carter distributed a handout entitled Analysis of Proposal for Administration of S.M.I.L.E. Adult Day Care by the St. Mary's County Office on Aging. The handout contained: Proposed Organization Chart, Location of the current Ripple Center and Weisman Center and future locations of these centers, status of clients served, and current operating budget for S.M.I.L.E. Included in the analysis was a list of pros and cons of the County taking over the administration of S.M.I.L.E.

During discussion the question of the role of the current board of directors for S.M.I.L.E. was raised. Mr. Carter was directed to prepare of list of advantages and disadvantages of the S.M.I.L.E. board being included under the Office on Aging.

After discussion Commissioner Lancaster moved, seconded by Commissioner Bailey, to directed the County Administrator and Office on Aging Director to proceed with the plans for S.M.I.L.E. to come under county government through the Office on Aging; to establish the role of the Board of Directors; to have the Finance Director report on the disposition of current cash assets of S.M.I.L.E.; to verify the recertification of clients and grant transfer; and to submit proposed organizational structure of the Office on Aging to the Commissioners. Motion carried.

In closing Mr. Carter advised that he will develop long-range projections of personal service costs for the next five years as well as revenues and an evaluation of the impact.

COUNTY COMMISSIONERS' TIME

1) Commissioners' Meeting in Election Districts - Commissioner Bailey suggested that once a month the Commissioners take the meetings to different parts of the County in the afternoons. It was agreed that the Commissioners would visit each District by number, have lunch, have a public forum, and then visit places of interest in that District. The Commissioners directed that it begin with the September meeting on the second Tuesday of the month.

2) Midway Drive - For the Commissioners' information Commissioner Lancaster advised that he, the County Administrator, Maryland State Police, and the Sheriff met with citizens who had concerns regarding speeding on Midway Drive and loitering at Nicolet Park in Lexington Park. The Sheriff has talking to the citizens about starting a neighborhood watch. Recreation and Parks is planning to put up a gate for Nicolet Park. There is a possibility for a park leader next year to conduct programs for children to discourage loitering.

3) Regional Library Agreement - Commissioner Jarboe inquired as to the status of the Agreement for the Regional Library. The County Administrator responded that the Department of Public Works and the Assistant County Attorney are reviewing it, and it will be brought back before the Board in the next week or two.

4) Decisions Affecting County Departments - Commissioner Jarboe referred to the statement by the Director of Recreation and Parks at last week's meeting regarding the loss of recreation and park impact fees in negotiated agreements. Commissioner Jarboe suggested that there be some type of sign-off sheet for any department affected by the Commissioners' decision. The County Administrator pointed out that each department receives a copy of the Commissioners' approved minutes; however, there could be a sign-off on Agreements.

DEPARTMENT OF NATURAL RESOURCES
TANNERS CREEK

Present: Robert Gaudette, Department of Natural Resources
Darryl DeCesare, Point Lookout State Park

(John Norris, Director, Department of Public Works entered the meeting during discussion.)

The referenced individuals appeared before the Commissioners to give the Commissioners an update on the activities at Tanners Creek. Mr. Gaudette displayed an aerial photo of the Tanners Creek area and explained that in the 1970's DNR received a request from citizens, boaters, and the county to relocate the entrance to the creek as it was continually filling in. DNR agreed to provide the County with \$200,000 to put in a new jetty and open a new entrance. Because of litigation the project was delayed for approximately ten years, it did not proceed again until 1985. There are plans for a third jetty, dredging of the harbor, and creation of a basin and construction of an emergency boat ramp. At the last minute the Corps of Engineers pulled the boat ramp out of the project because of the possibility of disturbing marsh grasses. A new site for the emergency boat ramp was located and permits have been secured. It will include a narrow channel and gravel road leading to it. Mr. Gaudette advised that DNR will construct the boat ramp and timber jetty, but would like to use the County for the dredging, with the County to be reimbursed. The dredged material will be placed at Poplar Neck and possible at Scotland Beach.

Lewis Creek/Dukehart Creek

After the discussion on Tanner Creek, the Commissioners brought Lewis Creek and Dukehart Creek to Mr. Gaudette's attention. Mr. Gaudette stated that a jetty is needed at Lewis Creek, and DNR will investigate to see if dredging is needed. Mr. Norris reported that the Dukeharts Creek project has been delayed because a property owner has not granted an easement. However, there is some discrepancy as to ownership of that property since it is in the wetlands and this needs to be resolved. The Commissioners discussed the possibility of condemnation and Mr. Norris advised that he would schedule an Executive Session on the issue.

Point Lookout State Park/Fishing Pier

Commissioner Jarboe inquired as to the status of the fishing pier at Point Lookout State Park. Mr. DeCesare advised that the bids had come in too high and will be bid again. If the project is awarded after the rebid, the pier will be ready for fishing by late summer next year. He further stated that the pier had been planned to be placed at the causeway; however, this is not finalized. There is a possibility it may be located at the old hotel site.

JULY 26 MINUTES - AMENDMENT

The County Administrator advised that the Director of Public Works has requested an amendment to the July 26 minutes with regard to the corporate bond for Carroll Manor as follows:

Mr. Norris advised that any requests for building permits in Carroll Manor not be issued routinely through the Office of Planning and Zoning but are to be referred to the Department of Public Works for review.

In that the secretary had found the referenced sentence in her notes of July 26, Commissioner Bailey moved, seconded by Commissioner Lancaster, to amend the July 26 minutes accordingly. Motion carried.

TOUR OF CARVER HEIGHTS AND ST. MARY'S COUNTY AIRPORT

At this time the Commissioners left for a tour of the Carver Heights facility and the St. Mary's County Airport.

ADDENDUM TO PUBLIC WORKS AGREEMENT

Later in the meeting after the Comprehensive Plan Public Hearing the County Commissioners discussed the addendum to the Public Works Agreement by and between the airpark sales and Service and the Board of County Commissioners.

After discussion, Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Loffler to sign the Addendum to the Public Works Agreement by and between Airpark Sales and Service and the Board of County Commissioners extending the deadline for completion of improvements at the St. Mary's County Airport, Eighth Election District, to November 1, 1988. The Letter of Credit has accordingly been reduced to \$8,000. Motion carried.

COMPREHENSIVE PLAN PUBLIC HEARING

Mr. Guyther read from the following prepared statement: "I have just a few remarks to try to put people in the proper frame of mind to hear Mr. Redman's presentation of the plan. As you listen to the presentation I would like you to bear in mind that planning is not an exact science. Planners often have to draw on their knowledge and experiences in order to make what is only a good guess about the future. We look at local trends, national statistics and case studies in order to predict what will happen here. But it is extremely difficult to accurately predict what will happen in St. Mary's County in the next 20 years. That is why the proposed plan includes provisions to review it every 5 years. Planners, however, have very little power. The elected officials have to make all the major decisions while planners can only make recommendations. Likewise, planning is not so much deciding what we want to happen and writing rules to make sure it does, but, instead, there is more likely an attempt to figure out what is going to happen and then developing regulations to manage the situation. I would like those of you who are old enough to think back to what St. Mary's County looked like 20 years ago, in 1968. There was no bridge to Solomons. Rte. 235 was mostly a two lane highway.

Mr. Joseph M. Gough, Jr., Chairman of the Planning Commission, reviewed the set of AICUZ plans presented by Captain Fitrell. He felt that an important fundamental aspect of the Zoning Ordinance had been the AICUZ zone. Mr. Gough noted that the county had adopted the AICUZ regulation to permit long-term facilitation of the base. He did not feel the same about the AICUZ not being a law and that while it was not a federal law, he felt that it was as much a law as the land use regulations. Mr. Gough stressed that he could not imagine that the Commissioners would consider amending the plan to include the area included within the AICUZ.

Mr. Floyd E. Williams stressed to the Commissioners that it was not right of them to think that they could take a man's land without giving him something in return. He felt that the Commissioners would have to allow for sprawl development in those areas already supplied with water and sewer. Mr. Williams indicated that the plan was trying to prevent sprawl development by offering a concept of one unit per five acres. Mr. Williams also commented on the ridiculous way the news media was handling their coverage of the plan.

Ms. Mary Jansson noted that she had been coming to St. Mary's County since 1920. Ms. Jansson admired the good that the committee had done with creating the plan. She explained that her main concern was the fact that the county should try to preserve more of its rural character. She asked the Commissioners if the county really needed more restaurants and shopping centers. Governor Schaefer pleaded with the residents of St. Mary's County not to spoil the waterfront communities and to keep their original flavor and character. He urged people of Solomons and Rock Hall and elsewhere to "preserve what it is about our towns that has attracted both residents and visitors to them in the first place".

Mr. Guyther explained that, of the Village Centers, one might see a large area set aside for future growth.

Mr. Joe Daley felt that there would be growth in St. Mary's County whether it was liked or even needed. Mr. Daley asked if anyone had an accurate account of how many buildable lots were available in the county. He also asked if the grandfathering law would remain if a piece of property was destroyed.

Mr. Guyther answered Mr. Daley's first question by saying that there were 7,200 dwelling units approved within the county system which did not include vacant lots. Mr. Guyther noted that if the grandfathering clause applied to a piece of property, then it would continue to be acknowledged.

Mr. Bud Lamb noted that the expansion of St. Mary's County was too beautiful to discontinue. He felt that the growth concentration should be centered away from Great Mills Road and Chancellors Run Road.

Mr. Richard Portee asked the Commissioners to comment on item #3 regarding the possible modifications to the plan.

Commission Loffler noted that the Commissioners were hoping to receive public comment at the meeting. He indicated that there had been comments that the density should be changed.

Mr. Portee indicated that, reviewing the plan, he saw no provisions for those people who earned \$30,000. He felt that one unit per five acres was quite expensive for those people.

Mr. Norris Pyles indicated that it was adequate to have at least five acres to build the average house. He felt that the committee needed to plan ahead more and that the community should have been allowed to review all zonings in the county at one time. Mr. Norris felt that by increasing the density it would only hurt the farmer. He urged the Commissioners to consider raising the impact fees.

Mr. John Quade felt that, if the plan were adopted, it would cause a disintegration of the close family system. He noted that the farmers had already distributed petitions against the density.

Mr. James Owens indicated that he had lived in the county for 67 years and disagreed with Captain Fitrell's remarks about the AICUZ zone. He asked why the Navy had built houses in the area of their runways. He felt that if the people wanted to construct in those areas, they should be allowed to do so.

Mr. Al Guy asked what was being done with the letters Mr. Guyther had received regarding the rezoning of land.

Commission Loffler explained that Mr. Guyther had a list of all residents who wished to have their land considered for rezoning.

Mr. Redman explained that, once the plan was adopted, the Zoning Ordinance would be rewritten and the zoning maps would have to be updated. Once that was accomplished, Mr. Guyther would then review each rezoning request.

Mr. Ben Burroughs reminded the Commissioners of the situation with the old Center Gardens housing development where everyone was living right on top of each other. He felt that the people of St. Mary's County should not have to live that way. Mr. Burroughs explained that it was not practical to have a subdivision of five acre lots. Ninety-nine percent of the people purchasing lots only want one acre.

Mr. Guyther indicated that the plan was stating that someone should have five acres, but it was encouraging them to have more than one. If someone still had less than five acres, they would be allowed to build on it.

Mr. Jack Witten submitted a written statement for the Commissioners consideration. He stressed the importance of the consideration of item #5 regarding the protection of the railroad right-of-way.

Ms. Katherine Barnes strongly agreed with Ms. Cofer's earlier comments. She also agreed with Mr. Guyther's comments on the sprawl development in the county. Ms. Barnes commented on Captain Fitrell's presentation noting that, whether the plan was adopted, the Navy had always provided the county with the majority of its income.

Mr. John McFadden spoke with regards to the education of county residents. He noted that the county was giving 60% of construction for new schools in the system. He explained that if there was not a plan that addressed those needs, the county would be in trouble. He noted strongly that he supported the plan.

Mr. William Guy urged the Commissioners to consider the petition presented by Mr. Owens. He felt that the plan should not put any added restrictions on the farmers.

Mr. Jimmy Beavens stated that he had been a resident of St. Mary's County since 1923. He indicated that at the present time, the county was zoned one acre per unit. Mr. Beavens noted that the county would lose 4/5th's of its building rights if the plan was adopted with the one unit per five acre requirement. He felt that it would only be fair if the whole county was zoned the same.

Ms. Mary Whetstine read from the prepared written statement which was included as part of the record.

Mr. Oliver R. Guyther noted that he was in his 40th year of practicing law in St. Mary's County. He felt that the plan needed to have more uniformity and felt that the plan contained a major weakness and that pertained to the density requirement.

Great Mills Road was a two lane roadway. There were no large office buildings. There were no shopping centers. There was no community college and St. Mary's College had just accepted its first four year class. There were virtually no townhouses, no large apartment complexes. Practically everyone lived in a detached house. There were no Hardees, no MacDonalads, no Pizza Huts. There were only 3 stoplights. There was no zoning. There were 45,000 people in the County. Today over 70,000 people live here. The 8th District housed 18,800 people. Today there were nearly 27,000 there. The 5th District was home to 5,000 people. Today close to 12,000 people live there. These are just some of the major changes. I am sure everyone in this room has seen tremendous changes in their neighborhood over the past 20 years, mostly in the form of more houses and commercial development. Now, try to imagine what the next 20 years will bring. Think of the year 2,008. Think about another 25,000 people and another 10,000 houses. And, if you believe, like I do, that St. Mary's County will grow even more over the next 20 years than over the past 20 years, think about another 40,000 people, another 15,000 homes. That is over half again as many residents as we have now. The question is not whether these people will come. The question is "where are they going to live and how are we going to provide services to them?" They will be here because St. Mary's County is so pretty and so close to the metro area and land is so cheap. There are two schools of thought about accommodating this growth. There are those who feel we would be better off if this growth is allowed to spread throughout the County and there are those who feel it should be concentrated in a few areas. I favor concentration, not because it is good in and of itself, but because what is called "sprawl" is so bad. Sprawl creates a demand for more and longer roads, and more maintenance on those roads. Once it gets out of hand there is a demand for community services and government is requested to provide satellite service centers, schools, parks, law enforcement, trash disposal, etc. And don't forget firefighting and rescue squads. We are fortunate to have dedicated volunteers performing these services but there comes a point where there are just too many buildings for volunteers. Lexington Park now has some paid firemen and as other areas grow paid firefighters and rescue personnel will have to be provided. In fact, most areas of the County now pay a fire tax because the local departments can no longer raise all the money needed for their equipment. Think of the costs if all our fire and rescue personnel have to become County employees. Isn't it better to have only a couple of these fire and rescue buildings manned by County employees? Sprawl costs us all money through increased taxes. I am sure everyone knows that the average house, with two children living there, costs government over twice what it pays in taxes. Concentrating development creates a market demand for large commercial projects, which offset the residential tax deficit. However, these large projects will only be located where there are enough people nearby to support it. Sprawl does not concentrate enough people in an area to attract large commercial projects. And sprawl development, besides being the most expensive for government, and, therefore, the taxpayers, also creates a boring landscape because you have similar subdivisions of one acre lots all over the place. You do not have expansive, undeveloped rural areas. Instead, you end up with a housing development every half-mile or so separated by the occasional farm. We trade our rural character for a suburban one. So when you look at this Plan, remember, think about the future. Don't think about next year, the year after that, or even 5 years from now. Think about what the County will be like when your children or grandchildren are living here and paying the bills. This plan will save them money so they can afford to take care of you and me in our elderly years. Tony Redman will now present an overview of the Plan. I ask that you hold your questions until his presentation is completed. We will then be available to answer all questions. Also, this is not a hearing regarding the zoning of any particular piece of property. Once the Plan is adopted, there will be at least one more hearing on the new zoning maps, zoning ordinance and subdivision regulations."

Mr. Tony Redman of Redman/Johnston Associates, Ltd. spoke at length, citing the many environmental concerns, land uses/physical attributes of the county, and how they fit into the objectives of the resulting plan. The goals and objectives of the plan were summarized as follows: protection of farmland resources as components of both an important county industry and rural character, protection of sensitive natural characteristics or environmental features, protection and enhancement of the visual qualities and characteristics of existing settlements in the county, directing and managing the distribution of future and uses ahead of the anticipated needs of a growing population, and guiding the county's investment in public services, facilities, and improvements in a manner which would be cost effective and through judicious public investment County's investment in public services, facilities and improvements.

The various land use categories were explained, e.g. Town Centers, Village Centers, Neighborhoods, Rural Preservation Districts, Critical Area Districts, Agricultural Districts, and the Historic Districts, and the various designations were discussed in detail.

Land use and growth management policies were addressed, summarization of each found in the "Plan Summary" pages 3 - 4.

Mr. Redman explained that Town Centers are proposed in Charlotte Hall, Mechanicsville, New Market, and Hollywood, providing a more defined development area to service those communities where physical characteristics of the land were most suitable. Village Centers are proposed for Valley Lee, Callaway, Clements, Chaptico, Loveville, St. Inigoes, Piney Point, Ridge, and Milestown. Their development should be limited in scale and protective of their rural character consistent with historic settlement patterns.

Mr. Redman discussed the process by which the plan was prepared involving discussion of a wide range of planning issues and of alternative policies and objectives for addressing such issues. The policies and implementation techniques included: growth management, transportation, housing, natural resource protection, and community character. It is a plan for managing future growth and development while protecting farmland, environmental resources, and the rural character of the county.

Commissioner Loffler introduced Captain Fitrell, Commanding Officer of the Patuxent Naval Air Station, who gave a presentation on the aircraft overflight area. He presented plans of various incoming and outgoing flight patterns used at the base. He also gave an illustration of the Air Installation Compatibility Use Zone (AICUZ) which consisted of two categories: the clear zone and the accident zone. He noted that considering expanding the Development District around Lexington Park would be dangerous because by doing so, it would allow growth to occur within the Navy's AICUZ zone. Mr. Fitrell did stated that the AICUZ was not a law and that the Commissioners were not required to comply with it.

Hearing no further comments, Commissioner Loffler opened the meeting for public discussion.

Ms. Elinor Cofer indicated that the plan was only recommending 1 unit per 5 acres, which was the bare minimum to achieve any open space, but the Commissioners were considering increasing the density in the Rural areas to 1 in 3 acres. She felt that too much development and too many automobiles would continue to downgrade the county. Included in Ms. Cofer's presentation were two copies of local newspaper reports. The first one detailed a copy of results of a survey on the new plan. The survey was conducted by St. Mary's College and showed overwhelming support for the plan without revisions. The second was a copy of a survey conducted by the Chamber of Commerce which indicated support for the current plan by the majority of members of the business and commercial community. She felt that the residents of St. Mary's County had stated their support for the new plan and that the Commissioners should heed their voices.

Mr. William Guy, Jr., referring to the large zoning map, felt that the farmers who owned land in the white area were getting shafted.

Ms. Sally Springer indicated that it was great to be able to divide and give land, but it was very unrealistic. In the Valley Lee area, there was a septic system, and she asked why she was not permitted to hook up with that. She noted that along the Rt. 249/Rt. 244 area, there were several houses falling down because the land could not pass a perc test.

Mr. Guy indicated that the landowner was being forced to give up his land. He suggested that the Commissioners strongly consider changing the plan to allow for one unit per three acres instead of one unit per five acres. He also suggested that the Commissioners should consider reinstating the family subdivision allocation.

Mr. Herbert Redmond, Chairman of the Advisory Committee, thanked the members of the committee for taking the necessary time to work on the plan. He indicated that, at times, putting the plan together seemed very bleak, but the group stayed together even though they had many different ideas. He hoped that, once the final stages of public hearings were over, the county could put together a plan they could be proud of.

Mr. Edward Guy noted that he felt the residents of the county could handle one unit per three acres as opposed to one unit per five acres.

Mr. Jim Hodges asked when the plan had to be adopted, and Commissioner Loffler explained that, if the county did not adopt the plan, a plan would automatically be adopted by September 10, 1988.

Mr. John Knott suggested that the Commissioners give some consideration to one unit per two acres.

Mrs. Oliver R. Guyther, Al Guy, Norris Pyles, and Jack Witten (in chronological order) reappeared at the podium and reiterated earlier testimonies.

Mr. Mike Cain urged the Commissioners to consider what Captain Fitrell stated about putting any new houses in along the AICUZ zone.

Mr. Joe Daley asked that the Commissioner considered making the density requirement one unit per one acre.

ADJOURNMENT

The meeting adjourned at 10:20 p.m.

APPROVED,


Carl M. Loffler, Jr.
President