

**ST. MARY'S COUNTY**  
**BOARD OF COUNTY COMMISSIONERS**  
**MARCH 1, 1994**

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

**CALL TO ORDER**

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

**APPROVAL OF MINUTES**

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to approve the minutes of the Commissioners' meeting of Tuesday, February 22 1994. Motion carried.

**APPROVAL OF BILLS**

Commissioner Bailey moved, seconded by Commissioner Lancaster, to authorize Commissioner Loffler to sign the Check Register as presented. Motion carried.

**COUNTY ADMINISTRATOR ITEMS**

Present: Edward V. Cox, County Administrator

**1) Christmas in April - Building Permit Fees Waiver**

The County Administrator advised that Saturday, April 16 is Christmas in April and pointed out that the Commissioners have traditionally waived building permit fees for the housing projects. He requested the Commissioners' concurrence to waive the building permit fees for this year's Christmas in April.

**Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve the waiver of building permit fees as requested. Motion carried.**

**2) Public Information Release - Winter Storms Impact**

The County Administrator presented an Information Release updating the current levels of effort relative to the impact of the mid-February ice storm. The Release listed storm related costs during the period of January 4 through February 18 (including overtime, chemicals, repairs, shelters, etc.). In addition the Release advises that EMA has submitted an application for federal disaster assistance on behalf of St. Mary's County.

**After discussion Commissioner Bailey moved, seconded by Commissioner Lancaster, to distribute the Information Release as presented. Motion carried.**

**3) Sludge Utilization Permit Applications**

The County Administrator presented two letters addressed to the Maryland Department of Environment advising that the County will not exercise its right for a hearing/meeting relative to Sewage Sludge Permit Applications for the application of sewage sludge on the Swann Farm in Charles County (which is within one mile of St. Mary's County) and the Elizabeth McCoy property in Scotland as forwarded by MDE correspondence of February 16 and 23 respectively. The letter further reiterates the County's ongoing concerns over environmental safety and land records notification.

**Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve and sign the letters as presented. Motion carried four to one with Commissioner Jarboe voting against.**

**4) Economic Development Commission  
Mission Statement**

The County Administrator advised that EDC has scheduled a March 11 retreat and has invited the Commissioners to attend. The Commissioners have been requested to present EDC's mission statement as set forth in Resolutions 89-05 and 90-03. County Administrator Cox explained that six tenets have been set forth as the foundation of EDC and which will be the frame work for the March 11 meeting.

**Commissioner Thompson moved, seconded by Commissioner Bailey, to sign the Mission Statement as presented. Motion carried.**

**5) Lexington Park Business Leaders' Meeting  
(Great Mills Road)**

As a follow up to the February 21 Business Leaders' Meeting, the County Administrator presented correspondence addressed to the Director of State Office Planning expressing appreciation for his coordination of the meeting relative to the Community Development Block Grant application. The letter points out the importance of improving the negative appearance of the Lexington Park area particularly Md. Rt. 246 (Great Mills Road), and requests his assistance in coordinating with state agencies and county government a plan to improve the streetscape along this road.

**Commissioner Lancaster moved, seconded by Commissioner Thompson, to sign and forward the letter to State Office of Planning as presented. Motion carried.**

**6) National Association of Counties  
1994 Achievement Award Program**

The County Administrator presented an Application for the 1994 NACo Achievement Award Program submitting the County's Southern Maryland Wood Treatment Plant Task Force for the award. The Task Force addressed the issue regarding the treatment plant and worked with EPA and state officials in bringing the matter to a satisfactory conclusion. The application points out that citizens can make a difference.

**Commissioner Jarboe moved, seconded by Commissioner Thompson, to approve and authorize Commissioner Loffler to sign the NACo Achievement Award Program Application as submitted. Motion carried.**

**7) Board of Education  
Fiscal Year 1994 Grant Awards**

In response to February 24 correspondence from Superintendent Kozlovsky, the County Administrator presented a letter to the Board of Education approving the inclusion of grant awards for "Tobacco Use Prevent Education" in the amount of \$10,000 and "Youth Suicide Prevention" in the amount of \$4,000 in the BOE's Fiscal Year 1994 Budget.

**Commissioner Lancaster moved, seconded by Commissioner Thompson, to sign and forward the letter as presented. Motion carried.**

**8) Appointments**

Commissioner Thompson moved, seconded by Commissioner Bailey, and motion carried to make the following appointments with terms as indicated:

**Community College Building Committee**  
Mala Rao

**Terms To Expire**  
NO TERM

**Lexington Park Planning Task Force**

Jay Farr	NO TERM
Rona Harding	NO TERM
Daniel F. Ichniowski	NO TERM
Aleck Loker	NO TERM
Gladys Marie	NO TERM
Don Megby	NO TERM
Becky Proffitt	NO TERM
Mary Wood	NO TERM

**Zoning Board of Appeals**

Charles E. Newkirk - Regular Member	12/31/95/99
Tana Glockner Shultz - 1st Alternate	12/31/94/98

**Southern Maryland Wood Treatment Plant Task Force**

Ralph Guenther as Chair (replacing Tom Russell because of health problems)

**9) Skydiving Center - Response to Attorney Jacobs**

In response to February 14 correspondence, the County Administrator presented correspondence addressed to Attorney Jacobs advising that the issues addressed in his letter should be reviewed by the Airport Commission and the County Attorney. Once their recommendations are received by the Commissioners, the Board will respond to the issues raised in Mr. Jacobs February 14 letter.

**Commissioner Jarboe moved, seconded by Commissioner Lancaster, to sign and forward the letter as presented. Motion carried.**

**10) Arts Council Freedom Fest '94 - Grant Agreement**

As a follow up to the County's grant application to the St. Mary's Arts Council, the County Administrator presented a Grant Agreement Contract authorizing the awarding of a Community Arts Development Grant in the amount of \$1200 to the St. Mary's County Alliance for the Alcohol/Drug Abuse Prevention Program. The grant funds will be used toward mainstage entertainment for Freedom Fest '94.

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

**11) Fire/Rescue Service - Length of Service Awards Program**

The County Administrator presented a memorandum dated February 23 from the Personnel Officer forwarding listings for 568 fire department, rescue squad and ALS volunteers who qualified for service credit in 1993. Also attached was a listing of current volunteers who have served an additional year and those who qualify for Length of Service pay for the first time in 1994 and 1995.

**Commissioner Lancaster moved, seconded by Commissioner Jarboe, to sign the listings as presented. Motion carried.**

**12) Retired Senior Volunteer Program  
Supplemental Budget**

On behalf of the Office on Aging the County Administrator presented a budget amendment for the Retired Senior Volunteer Program for an additional \$90 to provide attendance at the Corporation for National and Community Service Conference in April.

**Commissioner Lancaster moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Loffler to sign the Supplemental RSVP budget request to be submitted to ACTION. Motion carried.**

13) **Budget Amendments**

The County Administrator presented the following budget amendments recommended for approval by the Director of Finance:

**No. 94-58**

**Recreation and Parks**

To provide funding for grass cutting contracts through June 30 (\$80,500)

**No. 94-59**

**Department of Public Works**

To provide funds for Sandgates Road Bridge design of replacement structure (\$9,500)

**Commissioner Jarboe moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Loffler to sign the Budget Amendment as presented. Motion carried.**

**ANNUAL REPORT  
BUILDING AUTHORITY**

Present: Dan Ichniowski, Chair  
Charles Wade, Secretary  
Edward V. Cox  
Jon Grimm

The referenced individuals appeared before the Commissioners to present the 1993 Annual Report for the Building Authority. The report included the Authority's purpose, significant activities (including involvement in the financing of the 60-bed addition to the Nursing Center), problems and challenges and plans for 1994.

A copy of the report is on file in the Commissioners' Office.

**PROCLAMATIONS**

The Commissioners presented the following Proclamations

**American Red Cross**

Designating the month of March as Red Cross Month

**Girl Scout Week**

Designating the week of March 7-13, 1994 as Girl Scout Week

**Daffodil Days**

Designating March 17 - 19, 1994 as Daffodil Days on behalf of the American Cancer Society.

**Purchasing Month**

Designating the month of March 1994 as Purchasing Month

**Presentation of Buyer Certification**

The Commissioners presented Maureen McFadden with a plaque from the Universal Public Certification Council on her achievement on becoming a Certified Professional Public Buyer.

**DEPARTMENT OF PUBLIC WORKS**

Present: Dan Ichniowski, Director

**1) Ice Storm - Damage to Mail Boxes**

Commissioner Loffler advised Mr. Ichniowski that the Commissioners received correspondence from an individual regarding the destruction of mail boxes when county vehicles were plowing ice from the roads. Commissioner Loffler requested Public Works to respond to individuals that contact the County with this concern to advise them that clean up is still underway and indicated that the County may be responsible for those mail boxes that had come in contact with the plows.

**2) Air Weather Observation System**

For the Commissioners' information, Mr. Ichniowski advised that in cooperation with the FBO, a vendor, AAISMI Systems Management, will be placing an Air Weather Observation System (AWOS) at the St. Mary's County Airport for a trial demonstration for six months. A demonstration of the system is scheduled for next week.

**3) Correspondence Calling Letters of Credit**

Mr. Ichniowski presented the following correspondence calling letters of credit for the Commissioners' review and consideration:

**Jenni's Dawn, Section 4**

To County First Bank calling Letter of Credit #10027 in the amount of \$92,000 for Public Works Agreement.

To County First Bank calling Letter of Credit #10028 in the amount of \$7,500 for GradingPermit #93-17.

**Carmen Woods at Tosca, Parcel "D"**

To Maryland National Bank calling Letter of Credit #2899223 in the amount of \$10,000 for Public Works Agreement.

To Maryland National Bank calling Letter of Credit #289224 in the amount of \$10,000 for GradingPermit #89-45.

**Pyles Estates**

To International Fidelity Ins. Co. calling Bond No. 900458 in the amount of \$159,000 for Grading Permit #93-22.

**Indian Creek Manor**

To Selective Insurance Company of America calling Bond No. B815001 in the amount of \$33,500 for Public Works Agreement.

**Commissioner Jarboe moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Loffler to sign the correspondence calling letters of credit, to be forwarded if necessary. Motion carried.**

**4) Road Construction Agreement - Lacey's Run Subdivision**

Mr. Ichniowski presented a Road Construction Agreement dated February 24, 1994 between the Board of County Commissioners of St. Mary's County and Samperton Construction Company, Inc. wherein the developer of Lacey's Run Subdivision agreed to contribute \$2,200 per dwelling unit toward the construction costs for the construction of a portion of Yowaiski Mill Road from the Country Lakes Subdivision to the existing Mill Road.

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

5) **Addenda To Public Works Agreements**

Mr. Ichniowski presented the following Addenda to Public Works Agreements for the Commissioners' review and consideration:

**Tosca (Parcel "C") Warwick**

Between Interstate General Company and Board of County Commissioners for St. Mary's County extending the deadline for completion of improvements to June 1, 1994.

**Pyles Estates**

Between Great Mills Construction Company, Inc. and Board of County Commissioners for St. Mary's County extending the deadline for completion of improvements to March 1, 1995.

**Persimmon Hills, Phase 1**

Between Bay Mills Construction Company and Board of County Commissioners extending the deadline for completion of improvements to March 1, 1995.

**Commissioner Jarboe moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Loffler to sign the Addenda as presented. Motion carried.**

**LOCAL HEALTH SERVICES FUNDING BILL OF 1994**

Present: Dr. William Marek, County Health Officer

Dr. Marek appeared before the Commissioners to request support for SB 543/HB 764 relative to the establishment of a formula for funding of local health departments. He reminded the Commissioners of massive state reductions that occurred in 1993 and the issue of whether the State would fund the case formula that had been in place since 1956. A Committee had been established to look at ways to fund local health departments, and the Committee recommended that the case formula should be reinstated in a matching ratio. He advised that the referenced legislation bills, which requires a shared ratio between the county and state, have been introduced.

Dr. Marek requested the Commissioners support of the bills stating that the legislation places the case formula in the State Annotated Code and obligates the State of Maryland and the County to matching funding. He pointed out that the Maryland Association of Counties Legislative Committee has given support to the bills.

After discussion Dr. Marek presented correspondence for the Commissioners' signatures addressed to the county's local legislative delegation and appropriate legislative committees in Annapolis in support of the referenced legislation.

**Commissioner Jarboe moved, seconded by Commissioner Lancaster, to sign and forward the letters in support of SB 543/HB 764 as presented. Motion carried.**

**FISCAL YEAR 1994 CAPITAL BUDGET**

Present: Charles Wade, Director of Finance  
Marty Jones, Budget Analyst

As a follow up to last week's discussion, Mr. Wade appeared before the Commissioners to address issues raised relative to the Fiscal Year 1995 Capital Budget. He distributed a hand out listing recommended projects with a break down of source of funding (general fund, impact fees, and transfer tax). In reviewing the revenue sources, Mr. Wade advised that there is a balance of \$400,510 from impact fees for school projects related to growth.

In response to questions raised at last week's meeting, the following areas of the Capital Budget were discussed:

**Board of Education**

Also Present: Ed Fitzgerald, Asst. Superintendent for Administration  
Bradley Clements, School Facilities

- o February 24 memorandum from Mr. Clements to Director of Finance Wade transmitting the Americans with Disabilities Act (ADA) Transition Plan for public schools broken down by fiscal years.
- o Fiscal Year FY '95 ADA transition requests total \$319,000 which include the first four priorities (parking, signs, doorways, entrances, etc.)
- o Handicap toilet renovations
- o Leonardtown High School moisture penetration in the walls

**Department of Public Works**

Also Present: Dan Ichniowski, Director, DPW

- o Status of current and expansion of St. Andrews Landfill
- o Mr. Ichniowski and Mr. Cox will be meeting with MDE officials and will inquire as to when plans will be approved for landfill expansion project.

**Recreation and Parks**

Also Present: Phil Rollins, Director, Recreation and Parks

**(Indoor Recreation Center)**

- o Request for funds in the Capital Budget for planning money relative to converting the drill hall into an Indoor Recreation Center (source of funding for planning money - R&P Impact Fees and Program Open Space Funds)
- o Plans for future Capital Programs include indoor swimming facility and gymnastics center.
- o Concerns that bond proceeds would have to be used for future capital funding
- o Whether the Center would be revenue producing (Mr. Rollins responded that it would be revenue producing, not toward the capital debt, but toward operating costs once the project is completed).
- o That the drill hall be included in space needs study because of anticipated loss of Carter State Office Building public meeting room, which will be used as an additional court room.

**(Storage Facility)**

- o Requested consideration in the FY '95 Capital Budget to replace storage facilities that had been located at Lei Drive and had been demolished for the construction of the Three Oaks Homeless Shelter.

**Animal Shelter**

Commissioner Jarboe advised that the County may be requested to make a commitment of approximately \$174,000 for the expansion of the Tri-County Animal Shelter (spaying and neutering facility), and suggested that the Commissioners consider having discussion about the possibility of having a St. Mary's County Animal Shelter. He suggested that the Director of EMA, Paul Wible come before the Commissioners at next week's meeting to discuss the matter.

**Other**

The Commissioners requested the Director of Finance to explore of possibility of using road impact fees to free up general fund revenues to be used in other areas of the budget.

**Later in the meeting after discussion, Commissioner Bailey moved, seconded by Commissioner Lancaster, to direct the Director of Finance to proceed with preparing the Fiscal Year 1995 Recommended Capital as presented; but to include the shifting of the \$200,000 road impact fee revenues to free up general fund revenues. Motion carried.**

**STAFF MEETING**

The Commissioners attended the regular monthly staff meeting at the Carter State Office Building Public Meeting Room.

**NON-PUBLIC SCHOOL BUS TRANSPORTATION**

Present: Jim Haley, Procurement Officer  
Mary Duke, Procurement Office

The referenced appeared before the Commissioners to present an Annual Report on the Transportation Requirements for non-public schools. Mr. Haley listed the major responsibilities of the program, the schools served, and bus ridership comparisons. The report indicated there were transportation concerns relative to the northern end of the County, specifically Mother Catherine Spalding because of additional classrooms and increased enrollment. Mr. Haley explained the bus capacity and pick up times for Mother Catherine Spalding pointing out that both buses are at or near capacity.

Mr. Haley advised that the solution to the critically high number of students assigned to School Buses 17 and 23 would be the addition of one bus for the 94-95 school year at a cost of \$27,530.

**After discussion Commissioner Thompson moved, seconded by Commissioner Jarboe, to authorize the acquisition of an additional bus in the FY '95 budget in the amount of \$27,530. Commissioner Lancaster abstained. Motion carried.**

**DEPARTMENT OF PLANNING AND ZONING  
GROWTH ALLOCATIONS  
DISCUSSION/DECISION**

All Commissioners were present. DPZ staff present were Jon Grimm, Director; Mary Owens, Environmental Planner; and Peggy Childs, Recording Secretary.

**Discussion/Decision - Round 4 Growth Allocation Projects**

Prior to discussing the individual projects, Commissioner Loffler reminded that at one point the Planning Commission minutes concerning this case (11/22/93) were incomplete but



now have been corrected, and he wants to make sure that everyone is aware of that. There was a question raised at the Commissioners' public hearing of February 15th as to whether or not there was a recommendation by the Planning Commission for either approval or denial on Hanover Point.

Mr. Grimm clarified that the two cases were discussed by the Planning Commission. The first was the St. Clements Woods Partnership single-lot request; there was a motion to approve the project which failed by a vote of 2-4, and there was no other motion on that project. On the Hanover Point design competition project, there was a specific Planning Commission recommendation to deny the request, and that motion to deny passed unanimously. Last night at the Planning Commission's meeting they adopted amended and corrected minutes for 11/22/93 to reflect that.

Commissioner Bailey stated the scoring for Hanover Point was left blank in the set of minutes that he had and asked what the score was. The score for Hanover Point was 66 points.

**SSUB #91-1717 - HANOVER POINT (CLEARBROOK FARMS)**

Requesting growth allocation reclassification from RCA to LDA.

The property is zoned RL (RCA Overlay), and is located on the southeast side of Patuxent Boulevard on Myrtle Point; Tax Map 34, Block 6, Part of Parcel 126.

Owner/Applicant: Thomas Bronson  
Engineer: McCrone, Inc.  
Agent: Attorney Oliver Guyther

Commissioner Loffler commented that this has been a confusing process and he wishes we could clear it up because it sends a bad message when things get garbled - the Hanover Point project became an involved process, which is not the basic intent of our program. He said we have good people putting in money and time on all sides, and we seem to be going around in circles. He said his clear understanding of what we're trying to do with our critical areas is to allow things to happen that are positive for St. Mary's County and that blend in with the community; so we come up with standards and rate the projects by points. The process is that staff examines the submissions to make sure they are correct and exact; the Planning Commission should then receive a package that is complete, and reviews and rates the project with staff; then they vote and, if things are done properly, there's a recommendation to the County Commissioners. If it fits the rules and it's good for St. Mary's County the Commissioners move it on through and allocate the property.

It's a very simple process, he said, but this particular project seemed to be constantly changing. He said we need to get a plan together and let people know in advance that, if they are going to confuse things, we can only clarify and do a review. We also don't want to give people the idea that St. Mary's County is against everything because it's not; in fact, our county is probably more accepting of change and people's rights and participation in government than any community he is aware of.

Commissioner Loffler said he is distraught about this case from two standpoints: what he has to review and make decisions on - how it got to where it did with a recommendation from staff and the Planning Commission for denial; and what appears to be a project that is different from what came up through the process, that it changed again toward the end or at least was promoted differently from what was originally promoted.

Commissioner Thompson stated, if we go back and view this project as it was proposed to the Planning Commission, there were at the time some very serious questions raised by staff when they recommended disapproval because of the failure of the project to meet some requirements of the critical area regulations. Those failure alone; e.g., the fact that the buffer wasn't adequate, were substantial enough to deny the project, and it seems to her that through all of this the applicant and the representatives of the applicant weren't necessarily in tune with the fact that, in design competition projects, the initial submission to the Planning Commission needs to be complete - the Planning Commission reaffirmed that in how they dealt with this project.

She said she realizes that a great deal has taken place since the Planning Commission made its decision, but she doesn't feel that is appropriate because the Commissioners have said previously that they would not allow major adjustments in design competition projects, because they have potential impact in the critical area and have to be treated very stringently.

Commissioner Loffler added that one of the basic ingredients is meeting basic criteria for protection of the waters and critical area, so when you start asking for exceptions; i.e., interference with buffers or a density that doesn't quite fit, you're going to end up with a project what will have difficulty, at best, moving through the system. Don't interfere with the buffers, Commissioner Loffler said, and if you do ask for exceptions in a project, you had better offer fantastic things for the betterment of the community around it and the environment, that raises the quality of what is there. This project still asks for exceptions and still creates a higher density than anything around it. It also steps ahead of the water and sewer that's actually there. He said he thinks it was a premature submission which did not offer enough to enhance the environment and allow exceptions for buffer penetrations.

However, Commissioner Loffler said, he doesn't want the owner of the property to feel as though there is nothing that can be done - that's not right, because we would like to create a set of parameters that can be met to develop within the critical area.

Commissioner Thompson referenced a memorandum received from the County Attorney in the last day or so which refers to the Critical Area Commission and their view of any kind of encroachment in buffers, that the County has to accept that the CAC is going to be very, very stringent about what they allow, and it would be foolish and irresponsible for the Commissioners to approve a project that didn't meet the requirements and risk having it turned down by the CAC.

Commissioner Bailey noted the confusion in the minutes and said the discussion seems to jump back and forth between the two projects; it seems that the Planning Commission grouped them together, and that's not usually the way the Planning Commission does things. Mr. Grimm replied that the projects were presented by staff and the applicants separately, but there was some mingling of the discussion between the two projects and the motions were taken in what he would term as "rapid-fire" succession. Mr. Grimm stated the approved 11/22/93 minutes are what the Commissioners should be referring to. The detailed discussion incorporated into the 11/22/93 minutes last night, as corrected, was provided in response to the Commissioners' request of February 15th.

Commissioner Loffler noted that the neighborhood citizens had brought up some very valid issues and said in two submissions he would have thought that, somehow, the scope of the project could have been modified and the buffer areas protected. There is no question that the Kingston Creek area is a very protected creek - it does not flush and does not clear itself out - and the whole reason for the Critical Area program is to protect this type of environment. Rather than asking for exceptions, he said there should have been an enhancement of the protection of the creek and the environment, and if this project ever comes back the scope of the project has to be adjusted and the community's involvement has to be listened to, because the process is meant to bring us all together. But for this Board to overrule a recommendation for denial from technical staff and the Planning Commission, to him there would have to be insurmountable evidence that some kind of mistake was made or misinterpreted, and that is a shame, after two times going through the process and the effort that has been put into the project by the professionals and the community. He said he hopes we learn something from this experience and make things happen differently next time, so that what we do together as a community ends up with some positive results.

Commissioner Lancaster stated that his dilemma is that this seems to be a different plan from what the Planning Commission dealt with, and he thought the Planning Commission should have an opportunity to look at this plan and perhaps come up with another recommendation. He said it seems to him that the answers to the objections changed the plan sufficiently for the Commission to re-review the plan.

Commissioner Jarboe asked what were the 16 issues that staff said needed to be addressed? Mr. Grimm responded that they related to standard analysis and design. He said he knew the Planning Commission and County Commissioners did see the same physical design; what changed was an attempt to address some of the issues of the staff report, but the drawing did not change. Between last year's decision and this year's decision in August, the project was deemed to be complete for submission and processing but not complete in addressing performance standards for environmental protection. He asked that the Commissioners either set a score or accept the Planning Commission scoring of 66 points, because that is a requirement under the program.

**Commissioner Jarboe moved to adopt the Planning Commission's scoring of 66 for the Hanover Point project. The motion was seconded by Commissioner Thompson and passed by unanimous vote.**

**Commissioner Thompson moved that the project be denied, based on staff's and the Planning Commission's recommendation. The motion was seconded by Commissioner Jarboe and passed by unanimous vote.**

**ISUB #92-0649 - ST. CLEMENTS WOODS, LOT 1**

Requesting reclassification of 1.5 acres from RCA to LDA through the use of growth allocation. The property contains approximately 22.10 acres total, and is located on the north side of Lady Baltimore Avenue in Compton; Tax Map 39, Block 11, Part of Parcel 248.

Owner/Applicant: St. Clements Woods Partnership  
Engineer: McCrone, Inc.

In this case staff recommended approval but the Planning Commission recommended denial of the project. Commissioner Loffler stated these approvals have to be based on factual information and, when they meet the criteria for subdivision in the critical area or anywhere else, the project must be rated and judged fairly, according to the rules. He said he saw a little bit of everything in this case, including discussion of another project and 47 wells and EDUs; however, looking at staff's recommendation, he does not see any impact by this subdivision that would promote a denial. He said he believes strongly that the County program allows for 1-1/2 acre subdivisions and that this project is in compliance with the County program and with the performance standards.

Commissioner Jarboe asked why the Planning Commission voted for denial? Mr. Grimm replied, to his recollection, Mr. Lancaster and Mr. Anderson didn't feel the project met the higher standards that the Commission is moving toward. Commissioner Thompson stated she got the impression that the gist of the Planning Commission's discussion was that they didn't approve Hanover Point and they carried that over to this project, and she would hope that the concerns of the neighbors have been addressed, because the EDUs and 47 wells have nothing to do with this project, and if any further subdivision of the remaining large lot is requested, it must come back again through the same growth allocation process.

**Commissioner Bailey moved that the Commissioners accept the Planning Commission scoring of 78 points and approve the reclassification from RCA to LDA, per staff's recommendation and that it meets the criteria of the growth allocation program. The motion was seconded by Commissioner Thompson and passed by unanimous vote.**  
**ADJOURNMENT**

The meeting adjourned at 4:05 p.m.

7:00 P.M.

**ANNUAL ECONOMIC UPDATE  
FISCAL YEAR 1995 - EXPENDITURE REQUESTS**

Present: Charles Wade, Director of Finance

Mr. Wade presented an overview of the Expenditure Requests for Fiscal Year 1995 pointing out the FY '94 approved (\$70,340,522) vs. FY '95 requests (\$87,130,372), an increase of \$16,789,859.

After Mr. Wade's review and highlight of the FY '95 Expenditure Requests, the Commissioners accepted questions and comments from the audience.

A copy of the tape is on file in the Commissioners' Office.

**PUBLIC FORUM**

The Commissioners conducted the regularly monthly public forum accepting questions and comments from the audience:

**Joan Marsh** - Presented a statement on behalf of Lynea Bowdish, President, Friends of the Library requesting the Commissioners' support of the library by providing funds for adequate books and materials. She also spoke on her own before making the same request.

**Lorraine Greenleaf** (St. Mary's Animal Welfare League) - (1) Inquired as to the status and process of appointments to the Animal Shelter Committee in light of two recent resignations. (Commissioner Loffler advised that all applications are reviewed and that appointments are being considered); (2) Status of new Animal Warden Vehicle (County Administrator Cox advised that the truck, which is climate controlled, has been placed out on bids and has not yet been awarded); (3) Inquired how an organization gets approved to assist in animal warden investigations. (Commissioner Loffler advised that there was no current county regulation addressing that issue, but advised of legislation that has been submitted indicating that only organizations approved by county government are allowed to enforce cruelty or neglect regulations); (4) Requested Commissioner Jarboe to address his statement in the paper relative to liability and safety issues as a result of Animal Welfare League investigations. (Commissioner Jarboe responded that his concern was that members go on to property without alerting the county's animal control office. The animal warden is in uniform, is in a county vehicle, and is recognized by the property owner. The Commissioners indicated that it was inappropriate for them to go onto private property without the sanction of local government. Commissioner Jarboe stated that it was an asset to the community to have organizations that have the same goals, but pointed out that there is a process that must be followed.)

**Pat White** - Commended the animal warden for his quick response and compassion for an injured kitten.

**Charles McLendon** - (1) Requested information as to the status of two legislative items (Revisions to HB 1088 - Compost and Municipal Solid Waste Compost). Commissioner Thompson advised that Senator Fowler has indicated that he would be submitting legislation to get rid of the loophole in HB 1088.); (2) Questioned the use of "No Position" on the Commissioners' Position Sheet since the legislators counted it as a "No" vote. (The Commissioners indicated that the complete legislative package was submitted to the legislators. Commissioner Thompson noted that her interpretation of "No Position" was because she did not have adequate information to make a decision.

**Kathy DeLozier** - (1) Also questioned the appointment process for filling the vacancies on the Animal Shelter Committee. (Commissioner Loffler explained the Commissioners' procedures for making appointments.); (2) Spoke to the Animal Welfare League's authority to investigate cruelty and neglect complaints stating the State Code allows humane organizations incorporated in the State of Maryland to conduct investigations. She stated that it was the

League's obligation to do so and advised that the members attend seminars and are trained in this area. (Commissioner Loffler expressed concerns about possible conflicts of interest in that Ms. DeLozier was an employee of the Tri-County Animal Shelter. Ms. DeLozier responded that she does not check out animals for the League, that it is done by the manager.)

**Ken Hastings** - Reiterated his concerns relative to FERST compost in St. Mary's County including his repeated requests for the Commissioners to rescind their letter of October 1991 to FERST regarding municipal solid waste compost. He questioned Commissioners Bailey, Jarboe and Lancaster as to who their decision to sign the letter benefited, and stated he circulated a petition and obtained 333 signatures of people who were concerned about FERST compost.

**Minnie Russell** - Referred to a November 23 meeting held at the Carter Building regarding sludge application and subsequent correspondence from the Director of Environmental Hygiene, Tom Russell, relative to her concerns regarding the application of sludge on farm land growing produce. She stated she wrote back to Mr. Russell who forwarded her letter to Mr. Schmidt of the Maryland Department of Environment. Mr. Schmidt responded to some of her concerns, but she still questioned the application of sludge on farm land and the monitoring process. (Commissioner Loffler explained that Mr. Russell probably forwarded her letter to MDE because it is the regulatory agency, and inspections are done by MDE.)

**The Public Forum concluded at 9:45 p.m.**

**Minutes Approved by Board of  
County Commissioners on 3/8/94**

*Judith C. Speeding*  
**Recording Secretary**