

**ST. MARY'S COUNTY  
BOARD OF COUNTY COMMISSIONERS  
AUGUST 2, 1994**

**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 9:05 a.m.

**APPROVAL OF MINUTES**

Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve the minutes of the Commissioners' meeting of Tuesday, July 26, 1994. Motion carried.

**APPROVAL OF BILLS**

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

**COUNTY ADMINISTRATOR ITEMS**

Present: Edward V. Cox, County Administrator

- 1) **Piney Point Lighthouse  
Amended Quit Claim Deed**

The County Administrator advised that the County obtained the Piney Point Lighthouse property from the Federal Government by a Quit Claim Deed. The document was approved by the Commissioners and sent to a federal government agency for review, and the agency attorney indicated there were some language problems. The document has now been corrected and reviewed by the County Attorney; therefore, County Administrator Cox presented the Amended Quit Claim Deed for the Commissioners' approval.

**Commissioner Jarboe moved, seconded by Commissioner Lancaster, to authorize Commissioner Loffler to sign the Amended Quit Claim Deed as presented. Motion carried.**

- 2) **Service-Linked Housing Program  
Letter of Intent to Participate**

On behalf of the Department of Social Services, the County Administrator presented a Letter of Intent to Participate in the Service-Linked Housing Program to be submitted to the Department of Human Resources, Homeless Services Program. The program is designed to aid low-income families and individuals by helping residents maintain permanent housing and by preventing them from becoming homeless or returning to homelessness.

**After discussion Commissioner Lancaster moved, seconded by Commissioner Jarboe, to approve and sign the Letter of Intent as presented. Motion carried.**

3) **Erosion and Sediment Control  
Delegation of Authority**

The County Administrator advised that correspondence dated June 28 was received from the Department of the Environment relative to the delegation of erosion and sediment control authority for St. Mary's County. County Administrator Cox stated that the Department of Planning and Zoning and the Department of Public Works do not support the delegation of this authority to St. Mary's County because of the lack of adequate funding.; therefore, Mr. Cox presented correspondence advising MDE that the County would like the State to continue to have erosion and sediment control authority because the benefits of local delegation are not worthy of additional local costs

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

4) **Blessing of the Fleet  
Greetings Letter for Program Guide**

The County Administrator presented a "Greetings" letter which will be placed in the program guide for the Twenty-seventh Annual Blessing of the Fleet.

The Commissioners agreed to sign the letter as presented.

5) **Agriculture Land Preservation Applications**

The County Administrator presented correspondence addressed to the Maryland Agricultural Land Preservation Foundation indicating the Commissioners' approval of the following Agricultural Land Preservation Applications: Junek (MALPF #18-03-94-01) and Dorsey/Coryell (MALP #18-03-94-02A/18-03-94-03A)

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

6) **Ethics Commission  
Request for Independent Counsel**

The County Administrator advised that the Ethics Commission has requested legal counsel independent of representation by the County Attorney on a case-by-case basis; therefore, Mr. Cox presented correspondence addressed to the Ethics Commission giving positive response to the request and requesting submission to the County Administrator a written petition stating the need, anticipated cost and name of counsel, if known.

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

7) **Resolution No. 94-18  
Tin Top Hill Sewer Line Allocation Policies  
(Amendment to 91-36)**

As a follow up to previous discussions the County Administrator presented the referenced Resolution indicating that the sewer line allocation policy for the Tin Top Hill sewer line extension is amended as follows: Sixty-four EDU's for Holland Forrest and Twenty EDU's for Tri-County Community Development in Priority No. 1 will be set aside until October 15, 1998.

**Commissioner Thompson moved, seconded by Commissioner Jarboe, to approve and sign Resolution No. 94-18 as presented. Motion carried.**

8) **Disabled American Veterans  
Request for Office Space**

As a follow up to previous discussion, the County Administrator advised that he has been unsuccessful in locating office space controlled by county government for the Disabled American Veterans. However, a representative of Charlotte Hall Veterans Home has indicated a willingness to work with DAV and they will be meeting on August 4 to discuss this. County Administrator Cox stated that if a successful arrangement can be worked between DAV and the Veterans Home, he will prepare correspondence for the Commissioners' signatures to that effect.

**PROCLAMATION  
ELEVENTH ANNUAL NATIONAL NIGHT OUT**

Present: Phil Cooper, Sheriff's Department

The Commissioners presented a Proclamation recognizing the Eleventh Annual National Night Out on August 2, 1994.

**SOUTHERN MARYLAND WOOD TREATMENT PLANT  
STATUS REPORT**

Present: Ralph Guenther, Chair, Southern Maryland Wood Treatment Plant Task Force

Mr. Guenther appeared before the Commissioners to present a status report relative to the Southern Maryland Wood Treatment Plant Superfund Site in Hollywood. He stated that because certain expected information has not been received from the EPA, the Task Force is not in a position to make a recommendation as to the technology to be implemented in the clean up process. He pointed out, however, that the Task Force has narrowed down the list of alternatives to (1) thermal desorption with recovery of the chemical compounds and (2) biological remediation. Mr. Guenther reviewed each of the alternatives as presented in the draft Focused Feasibility Study which are: Do nothing; Cap and Contain; Excavation and Removal; Incineration of the Soil (not acceptable); Thermal Desorption; and Bioremediation.

During his presentation Mr. Guenther pointed out that whatever remediation method is chosen, it must prevent fugitive emissions from all aspects of the clean up operation and must remove Dense Non-Aqueous Phase Liquid (DNAPL) or clean it in situ.

After his presentation, Mr. Guenther presented correspondence for the Commissioners' signatures requesting that the project team concentrate on developing firm information on two alternatives from the Focused Feasibility Study--thermal desorption and biological treatment.

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

**TULAGI PLACE PROJECT  
STATUS REPORT**

Present: Vivian Marsh, Office of State Planning

As a follow up to previous discussions Mr. Marsh appeared before the Commissioners to present a status report on the Tulagi Place Redevelopment project. He displayed the concept drawing of the project that had been accepted by the Commissioners and advised that the drawing has been revised. Revisions include change of location of entrance, parking lot changes, and landscaping. Mr. Marsh noted the proposed improvements in the park area which included trash receptacles, lighting and benches and stated that the group is looking at placing a pavilion in the park area instead of bus shelters.

During his presentation Mr. Marsh distributed a tentative schedule for the Tulagi Place project which includes: demolition of Felix Johnson (completed); survey work (completed); land borings (awaiting results); design/drawings (to be 100% completed by December 1); contract let for construction by December 14; and groundbreaking in December.

Discussion ensued regarding stormwater management, appropriate buffers and in conclusion the Commissioners suggested that Mr. Marsh get assurance that all state and county departments will submit necessary information in a timely manner in order to keep the project on track.

#### **INNOVATIVE AND ALTERNATIVE SEWAGE DISPOSAL SYSTEMS STATUS REPORT**

Present: Tom Russell, Director, Environmental Hygiene  
Sheryl Skrabacz, Sanitarian

The referenced individuals appeared before the Commissioners to present a status report on the Innovative and Alternative Sewage Disposal Systems. Mr. Russell advised that all of the available state grant money has been allocated; however, not all of the systems have been installed. Seven new projects have been recommended for I & A systems--five marginal mounds and two drip irrigation (new technology). Construction for 1994 includes two constructed wetlands, one mound system and one nutrient reduction.

Mr. Russell reported that there are different systems being looked at by the Maryland Department of Environment in conjunction with the local Health Department. He also indicated that there may be some changes in the program including: increasing mound test rates from 60 minutes to possibly 120 minutes; and the possibility of creating a separate category for mound systems as no longer being an I&A system and that the drip irrigation be included as an I&A.

In conclusion Commissioner Loffler suggested that Mr. Russell look into the possibility of getting the State to provide funding from the Chesapeake license plates for this program in that these funds are intended for the clean up of the Chesapeake Bay.

#### **RESOLUTION NO. Z94-15 ENHANCED 911 UNIFORM ADDRESSING SYSTEM ROAD NAMING AND ADDRESSING MANUAL AMENDMENT TO INCORPORATE THE PETITION PROCESS**

Present: Paul Wible, Chairman, 911 Task Force  
Connie Johnson, Addressing Technician  
Mary Pat Pope, Administrative Officer

The referenced representatives of the 911 Uniform Addressing System Task Force appeared before the Commissioners to present an amendment to the St. Mary's County Road Naming and Addressing Manual. The amendment adds a new section, 2.2.d. - Petitions for the Naming and Renaming of Roads and indicates that only property owners, as opposed to tenants, may participate in the petition process.

Mr. Wible noted that the Enhanced 911 System must be implemented by July 1, 1995 and reviewed the process for naming and renaming roads. He explained that after the initial naming and renaming process and the implementation of the addressing system for Enhanced 911, the process as described in Section 3 of the manual would no longer be in effect. After July 1, 1995 petitions for the renaming of a road will be accepted, and a public hearing scheduled, if at least 51% of the property owners on the road signed the petition. Ms. Pope indicated that this is the process that had been used by the Department of Public Works prior to the 911 addressing project.

During discussion Commissioner Loffler questioned the petition process and stated that he did not want to discourage other than property owners from participating in the process. Commissioner Lancaster was of the opinion that the petition should be allowed to contain 51% of people who live on the road, not just property owners. Commissioners Bailey and Thompson pointed out that the public would have an opportunity to comment during the public hearing process on road naming/renaming and also through written comment.

After discussion Mr. Wible presented a Resolution amending the St. Mary's County Road Naming and Addressing Manual dated July 13, 1993 and amended April 26, 1994 to incorporate the petition process for the naming and renaming of roads.

**Commissioner Jarboe moved, seconded by Commissioner Bailey, to approve and sign Resolution No. Z94-15 as presented. Motion carried three to two with Commissioners Loffler and Lancaster voting against.**

#### **DEPARTMENT OF PUBLIC WORKS**

Present: Dan Ichniowski, Director

1) **Route 6 Park and Ride**

Mr. Ichniowski advised that the request for a variance of the 300 foot buffer requirement for the Park and Ride facility to be located on Route 6 adjacent to the Charlotte Hall transfer station went before the Board of Appeals and was denied. He stated that the Department of Public Works will be working with State Highway Administration to find an alternate location for the Park and Ride facility.

2) **Easement Agreement  
Lot #3, Donald P. Carrico Subdivision**

Mr. Ichniowski presented an Easement Agreement between Board of County Commissioners and Southern Maryland Electric Cooperative and Donald P. Carrico granting a 30 foot wide easement across the utility corridor (formerly the railroad right-of-way) to provide access to Lot 3 of the Donald P. Carrico Subdivision in the Fifth Election District.

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

3) **Road Resolution No. R94-08  
Sandgates Road**

Mr. Ichniowski presented the referenced Road Resolution posting Sandgates Road as a No Parking Zone starting at a distance of approximately one-tenth of a mile from the Sandgates Bridge for a distance of 350 feet on the northern (river side) of Sandgates Road.

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

3) **Development Documents**

Mr. Ichniowski presented the following documents for the Commissioners' consideration:

**Addenda to Public Works Agreements**

**Cedar Cove** Between Patuxent Development, Inc. and St. Mary's County extending the deadline for improvements to August 1, 1995. The Addendum is backed by a Letter of Credit with Maryland National Bank of St. Mary's in the amount of \$353,000.

**Cook Hall Run** Between Henry J. Fowler, Jr. and St. Mary's County extending the deadline for improvements to December 1, 1994. The Addendum is backed by a Letter of Credit with Maryland National Bank of St. Mary's in the amount of \$35,300.

**Claim Letter**  
**Heard's Estates, Phase 2**

Correspondence to Washington Savings Bank calling the Letter of Credit #278-A in the amount of \$45,000;

**Commissioner Jarboe moved, seconded by Commissioner Thompson, to approve and authorize Commissioner Loffler to sign the referenced documents (the claim letter to be forwarded if necessary). Motion carried.**

**(Commissioner Loffler left the meeting at 12:00 Noon.)**

**STAFF MEETING**

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

**PICKETT'S HARBOR AT CEDAR COVE  
VILLAS AT WATER'S EDGE  
VESTED RIGHTS**

Present: John Norris, Norris, Gass and Ocker  
Jon Grimm, Director, Planning and Zoning

Mr. Norris appeared before the Commissioners to request reconsideration for the inclusion of Pickett's Harbor in the list approved for Vested Rights. He stated that Mr. Grimm had sent a memorandum to the Commissioners on July 23 indicating that Cedar Cove did fulfill all conditions of approval and should have been included on the list for vested rights extension. He stated that Pickett's Harbor should also have been included.

Mr. Grimm explained his July 23 memorandum stating that in July 7 correspondence to the Commissioners he had indicated that The Villas had not met the required conditions; however, the project had completed the site plan process and should have been included in the list. He further pointed out that there was a second error in that he had incorrectly told the Commissioners that this project would not have to be redesigned if it used design standards for the PUD; however, this PUD never had design standards approved for it; therefore, the zoning change does affect its design.

Regarding Pickett's Harbor, Mr. Grimm stated that in 1991 the Planning Commission granted final approval with conditions which included approvals for stormwater management, a recreation and parks issue and some other technical requirements prior to site plan approval. This information had not been received from the consultant, which was not NGO at that time. Mr. Grimm stated he worked with Mr. Norris on August 1 and discovered that all of the information required for final site plan approval in the appropriate time table set by the Planning Commission and County Commissioners had been achieved. Mr. Grimm noted that had he had this information the project would have been included in the list for vested rights.

Mr. Grimm advised the Commissioners that The Villas at Cedar Cove and Pickett's Harbor should be given consideration for extension, just as the Commissioners had granted the other projects.

**After discussion Commissioner Bailey moved, seconded by Commissioner Lancaster, to grant an extension of vested rights for one year (to July 12, 1995) for The Villas at Cedar Cove and Pickett's Harbor. Motion carried.**

7:00 P.M.

## PUBLIC FORUM

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

**Ken Hastings** - (1) Referred to the Board of Appeals' decision to deny the county's application for a variance for the buffer zone for the park and ride facility adjacent to the Charlotte Hall transfer station. (2) concerned about proposed amendments to the Zoning Ordinance including a new definition for "buffer," which is significantly different than the current definition and the addition of a provision to allow an individual to apply to the Planning Director for a variance from the dimensional requirement specified in the Ordinance. He questioned whether the applicant would be charged a fee; if there is an appeal to the Board of Appeals would a fee be charged; and would citizens who oppose a decision have to pay a fee to go to the Board of Appeals for relief. He recommended that the Commissioners defer a decision on this administrative process until the impact on citizens is determined. Commissioner Thompson indicated that the Commissioners will get answers to these questions.

**Vaughn McCall** - (1) Commended the County Administrator for being responsive to his questions; Procurement for its purchasing system; and the Department of Planning and Zoning for assisting an individual in getting a CO. (2) Expressed opposition to SHA for using state employees for removing development signs off of state roads. He suggested that the owners of the signs be charged for removal. (3) Regarding his previous comments about a local business putting recyclable metals in the transfer station, he advised that the company had indicated that no one from the county or the trash hauler has contacted them about it. (4) Inquired whether the County was going to have a hazardous waste collection program. (Commissioner Thompson responded that funds were included in the FY '95 budget for hazardous waste collection.)

**Larry Pinto** - Pointed out that the advertisement for changes to the Zoning Ordinance indicated there were minor changes as did the Department of Planning and Zoning. He believed that the proposed changes are significant. He indicated agreement with having an administrative variance process, but was concerned that citizens would not have a role in the process if they have concern about a decision.

(As a Community Preservation Coalition representative) - Reiterated his concerns expressed at the July public forum relative to his Freedom of Information requests to MDE as to whether farms in the County have municipal solid waste compost applied, and if so, which farms and how much. He had learned that 421 tons of municipal solid waste compost had been applied to farms in the county and requested the Commissioners to write to MDE regarding the Attorney General's decision to not provide the information and indicating that it is the citizen's right to know.

**Leonard Greess** - (1) Referred to recommendations he had submitted relative to the Board and Committee appointment process and noted the improvements that had been made to the process. He expressed concern relative to the process used by the Commissioners in making the two recent Ethics Commission appointments stating that the Ethics Commission had conducted interviews and made recommendations to the Commissioners none of which were accepted. He stated that there was no announcement as to when the Commissioners would discuss or make a decision on the appointments and there was no news release about the qualifications of the individuals selected. (2) Referred to the League of Women Voters' as well as his recommendations to the Commissioners regarding improvements to the budget and accountability procedures, specifically, multi-year planning, annual and long range goals and objectives and performance measurements. Mr. Greess requested the Commissioners to have a discussion on this topic at a regular meeting or at a public forum.

**Minnie Russell** Expressed opposition to the Resolution approved by the Commissioners earlier in the meeting regarding a petition process for the naming and renaming of roads in accordance with the Enhanced 911 Uniform Addressing System. She indicated she was opposed to naming Route 5 from Halfway House to Point Lookout as Leonardtown Road and that the process adopted on this date required waiting until July 1, 1995 to request a change. She also expressed opposition to the requirement that only property owners can sign the petition citing that all citizens have some involvement with Route 5 and that this denies some citizens of their constitutional rights. In addition Mrs. Russell inquired what number constitutes 51% as required after July 1, 1995 for a petition of the property owners to change the name of the road. In conclusion Mrs. Russell inquired if the Commissioners would be willing to test the Resolution in court.

The Commissioners explained that the process for naming and renaming roads must be completed by July 1, 1995 and that changing names of roads that have been named in this process would slow down the project. The County will accept petitions for changes after July 1, 1995. Regarding the number that would constitute 51% the Commissioners indicated that this information may be with the Department of Planning and Zoning or the Assessments Office and that county staff would get this information.

**Heather Combs** - Requested clarification regarding the location of the part of Route 5 that has been named Leonardtown Road. (The Commissioners advised that it was from Halfway House to Point Lookout.)

**Paul Chesser** - Pointed out the importance of the Enhanced 911 addressing system for emergency vehicles and that what the road was called was not as important.

**Alan Moore** - Inquired whether the County had met its recycling goal of 15%. (The County Administrator advised that the goal has been met.)

**Viki Volk (The Enterprise)** - As a follow up to Mr. Pinto's comments inquired whether Commissioner Jarboe agreed that the county should know where municipal solid waste compost was being applied. (Commissioner Jarboe responded that if the County is informed where sludge is applied then the location of where compost should also be identified.)

The Public Forum concluded at 8:35 p.m.

**Minutes Approved by Board of  
County Commissioners on 8/9/94**

Judith A. Spalding  
**Recording Secretary**