

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS
AUGUST 9, 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 Bailey, to approve the minutes of the Commissioners' meeting of Tuesday, August 2, 1994. Motion carried.

APPROVAL OF BILLS

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

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) **Calvary Baptist Church of Lexington Park, Inc.
Building Permit Fee Waiver**

The County Administrator advised that by correspondence dated March 21 the Pastor of the Calvary Baptist Church of Lexington Park requesting a waiver of the Building Permit Fee for the construction of an addition to the church. In that the request is in compliance with the County's Resolution No. 75-53 County Administrator Cox presented a response approving the waiver of the Building Permit Fee as requested.

Commissioner Bailey moved, seconded by Commissioner Thompson, to grant the waiver of the building permit fee as requested. Motion carried.

2) **Grants**

The County Administrator presented the following grant documents for the Commissioners' consideration:

Office on Aging

Rural Public Transportation Operating Grant Agreement for Fiscal Year 1995 in the amount of \$120,337 (Federal - \$31,374; State - \$58,427; Local - \$30,536)

Office on Aging

St. Mary's County Medical Adult Day Care Agreement for Fiscal Year 1995 in the amount of \$84,091 from State Health and Mental Hygiene (total budget - \$727,538)

Office of Community Services

VISTA Grant (county wide project to reduce and prevent alcohol and drug abuse among low income communities) in the amount of \$2,000 for transportation reimbursement.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Loffler to sign the grant documents as presented. Motion carried.

**3) Commission on the Environment
Timber Lakes Development**

The County Administrator presented correspondence responding to the Commission on the Environment's offer of assistance in reviewing environmental assessments of the proposed Timber Lakes Development. The return letter indicates that the Commission's letter has been forwarded to the Department of Planning and Zoning.

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

**4) Antidisplacement and Relocation Assistance Plan
1994 Community Development Block Grant**

On behalf of the Department of Economic & Community Development, the County Administrator presented the County's Antidisplacement and Relocation Assistance Plan which details how the County intends to provide relocation assistance to the four businesses that will be displaced by the acquisition of the Skipjack Motel and the adjacent commercial strip shopping center.

During discussion Commissioner Thompson indicated that she did not see a reference to the commercial establishments in the planning document.

The Commissioners agreed to defer a decision until after a presentation by the Director of Economic and Community Development on the status of the Tulagi Place Redevelopment project later in the meeting.

Later in the meeting after the presentation by Mr. Loker, Commissioner Lancaster moved, seconded by Commissioner Bailey, to sign the Antidisplacement and Relocation Assistance Plan as required by the 1994 Community Development Block Grant. Motion carried.

**5) Nursing Center Administrator
Employment Contract**

The County Administrator presented the contract for Jeffrey B. Lloyd, Administrator of the St. Mary's Nursing Center and advised that the Building Authority Commission has approved the contract. He stated that the contract has been reviewed, approved and signed by the Nursing Center Board and the Building Authority and is now ready for the Commissioners' approval.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Loffler to sign the Contract as presented. Motion carried.

**6) Sewage Sludge Utilization Permit Application
Clayton Cullison Property**

The County Administrator presented correspondence from the Maryland Department of Environment forwarding a Sewage Sludge Utilization Permit Application for the Clayton Cullison property on Route 244, Valley Lee (27-SM). The return letter waives the Commissioners' right to request a public information meeting/hearing and reiterates the Board's ongoing concerns over environmental safety and land records notification.

Commissioner Bailey moved, seconded by Commissioner Thompson, to sign and forward the letter as presented. Motion carried four to one with Commissioner Jarboe voting against.

7) **Board of Education**
Fiscal Year 1995 Categorical Budget Approval

Also Present: Charles Wade, Director of Finance

As a follow up to previous discussion Mr. Wade presented a memorandum to the Commissioners advising that the Board of Education by letter dated July 27 responded to the Commissioners' letter of July 12 requesting clarification of certain issues relative to the Board of Education's Fiscal Year 1995 Categorical Budget. The issues are as follows: data processing, health insurance, county's \$900,000 one-time grant, teacher salary increases, and surplus funds.

Mr. Wade recommended that the Commissioners approve the categories in the Board of Education Fiscal Year 1995 budget and that an agreement be worked out with the Bd/Ed relative to the health insurance issue.

After discussion Commissioner Lancaster moved, seconded by Commissioner Jarboe, to sign a letter to the Board of Education approving the Fiscal Year 1995 Categories for the Board of Education. Motion carried.

8) **Budget Amendment No. 95-4**
Board of Education

The County Administrator presented the referenced Budget Amendment recommended for approval by the Director of Finance with the following justification: To provide funding for interim design and repairs of the Spring Ridge Middle School roof (\$15,000).

Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Loffler to sign Budget Amendment No. 95-4 as presented. Motion carried.

ST. GEORGE ISLAND SEWER ALLOCATION
CHARLES YOST PROPERTY

Present: Charles Yost, property owner
Jon Grimm, Director, DPZ

Mr. Yost appeared before the Commissioners to appeal a decision made by the Department of Planning and Zoning that his property (Parcel 096) was not eligible to participate in St. George Island sewage collection system. The Department of Planning and Zoning had submitted a list of properties that were reviewed to determine if there were additional properties eligible to be included in the St. George Island Sewer Allocations pursuant to Resolution W/S 92-01. He referred to July 1, 1994 correspondence from Planning and Zoning indicating that his property was not eligible. Mr. Yost also presented correspondence from the St. George Island Improvement Association confirming that improvements had been made to Mr. Yost's property and that the Association supports his claim that his property is eligible to participate.

Mr. Grimm advised that DPZ reviewed the list and made recommendations to amend Resolution No. W/S 92-01 which did not include Mr. Yost's property. Mr. Yost subsequently presented information and requested that his property be reconsidered. Mr. Grimm stated that after reviewing the information and meeting with Mr. Yost DPZ had mistakenly not recognized a nonconforming use on his property. He indicated that Mr. Yost had two camper trailers on his property that should have been recognized as a modified nonconforming use.

Mr. Grimm requested authorization that he prepare letter for the Commissioners' signatures to the St. George Island Improvement Association asking if they would like to review and comment on the recommendation that Mr. Yost's property be included in the St. George Island Sewage Allocations after which the amended Resolution including all the properties that were omitted from W/S 92-01 be presented to the Commissioners for consideration.

The Commissioners gave their concurrence.

**RESOLUTION NO. Z 94-16
ROAD NAME CHANGES (ADMINISTRATIVE CORRECTIONS)**

Present: Paul Wible, Chair, 911 Task Force
Jon Grimm, Director, DPZ
Connie Johnson, Addressing Technician
Mary Pat Pope, Administrative Officer

As a follow up to the July 26 public hearing, the referenced individuals appeared before the Commissioners to present the referenced Resolution for administrative corrections to roads as they appear on the Official Road Name List. The corrections include spelling errors and deletion of those roads that: have been renamed, are duplications, are listed incorrectly, do not exist, or are not located in St. Mary's County.

Mr. Grimm indicated that only two comments had been received: correcting the spelling of "Blakeney" Road and "Morning" Court.

After discussion Commissioner Lancaster moved, seconded by Commissioner Jarboe, to approve and sign Resolution No. Z 94-16 as presented. Motion carried.

DEPARTMENT OF PLANNING AND ZONING

Present: Jon Grimm, Director
Peggy Childs, Recording Secretary

1) **St. Clements Shores Growth Allocation**

Mr. Grimm advised the Commissioners of the Critical Area Commission's action outlined in their letter dated 6/30/94, by which they granted approval of this single-lot request with the condition that the entire parcel of 18.5 acres be subtracted from the County's growth allocation reserve. This condition exceeds the 1.5 acre maximum set by our local program and is based on a policy adopted by the CAC which states that where there is a parcel which cannot reserve a 20-acre set-aside, the entire size of the parcel must be deducted. This is a State-wide policy enacted by the CAC and they have conditioned at least one other application from another county in this manner. Wicomico County has also had significant differences with the CAC which relates to the State approving a local program and then adopting a policy that puts the local program at odds with the CAC's position.

Mr. Grimm said staff does not recommend that the Commissioners accept the CAC's action, based upon the philosophy of our local program to maximize the distribution of growth allocation and using the single-lot subdivision category as a way of doing that.

First of all, the State has told us that they intend to pursue modifications and change the Critical Area regulations so this provision of our local program would no longer be in effect; however as it stands now the provision is in effect and the County sued the CAC about this in 1991 for Maydel Manor, Eppert, and Lore's Landing.

Secondly, if it is the State's intention to change the regulations so our program will no longer be in compliance, in the future the County will have to deduct the entire size of the parcel for the single-lot category if the parcel is less than 21-1/2 acres. In this case, the 18.5 acres of St. Clements Woods would have to be shown as LDA, which would allow the landowner to come back in for a minor subdivision at the 1-3 density, or 6 more lots. This in effect negates the single-lot category and almost forces development within the Critical Area.

The Commissioners have until October 20, 1994 to respond to the CAC's action; they felt that they should fight it to protect the future use of our waterfront properties and to allow government reasonable control for the intended purposes.

Commissioner Thompson pointed out that, at MACO (Maryland Association of Counties), Mr. Grimm had made the point that counties have been told by the Legislature that these are local programs, but in practice they are not, and Senator Dorman expressed the fact that they have never been told that. She suggested letting the Legislators know that the regulations are forcing us to do far worse in the Critical Areas than we would otherwise allow, and show how that would happen. Mr. Grimm said he told the Critical Area Commission's attorney that, in his opinion, if they disagree with this, rather than adopting a policy which changes our program they should find our program not in compliance with the law, which he doesn't think they can do, and declare this portion of the program invalid. But, as yet, they have not done that.

The Commissioners questioned what this will do to the St. Clements Woods application. Mr. Grimm pointed out the CAC has taken themselves out of the role of holding up the single-lot application and thrown it back at the County.

It was moved by Commissioner Thompson and seconded by Commissioner Lancaster that Mr. Grimm be directed to prepare correspondence to the CAC for the Commissioners' signature stating that their request is invalid according to our County plan, asking them to remove the condition so as to not hold up this application, requesting that they follow the letter of the law, and advising that the County will argue the other issue with them, but we feel it is not the intent of the Critical Areas legislation to intensely develop small parcels and that we feel that this is a problem. The motion was passed by unanimous vote. A copy of the letter will be sent to Senator Dorman as suggested by Commissioner Thompson.

2) **Water/Sewer Amendment Decisions**

#94-0228 - Wildewood Technology Park - S-6 to S-3D

#94-0380 - Gordon H. Ragan - W-6/S-6 to W-3D/S-3D

#95-0586 - Wicomico Shores - S-6 to S-3 for certain lots added by Ord #91-06

These decisions have been pending since the public hearing on 6/21/94, awaiting the result of litigation regarding the airport runway acquisition. Mr. Cox advised that settlement has been authorized but has not yet taken place; however the check has been cut. Mr. Grimm stated the County Attorney has advised him that action by the Commissioners is appropriate at this time.

Commissioner Bailey moved for approval of the category changes, as requested. The motion was seconded by Commissioner Lancaster and passed by unanimous vote.

(Commissioner Jarboe left the meeting - 11:00 a.m.)

**TULAGI PLACE REDEVELOPMENT
SKIPJACK HOTEL PROPERTY STATUS REPORT**

Present: Aleck Loker, Director, Economic and Community Development
Nancy Hutson, DECD

Relative to the Tulagi Place Redevelopment project, the referenced individuals appeared before the Commissioners to present a status report on the Skipjack Hotel property. Mr. Loker explained the proposed uses of the Community Development Block Grant (acquisition, relocation, demolition, park area, landscaping, and lighting) and pointed out that a number of things have been accomplished: task force appointed to meet with State Highway Administration to begin the design work; meetings with residential and business tenants of the Skipjack to discuss relocation and their rights; and hiring of consultant to do environmental assessment relative to asbestos and underground storage tanks.

Mr. Loker advised that since the grant award was received on June 30 a number of activities have begun: negotiations with the owner of the Skipjack Hotel, continued work on design of physical improvements to the property; RFP prepared by Planning and Zoning; and eligible residential tenants have been relocated.

Mr. Loker explained that in order to reduce costs and risks by the County, there may be a change to the original plan for property acquisition, remediation and demolition. Under the current plan the County would acquire the property, contract for the remediation of the environmental problems, and contract for demolition. Negotiations are underway with the Skipjack owner for these three activities; however, approval is needed by Department of Economic and Employment Development and Department of Housing and Community Development, and he is awaiting a response. He stated he has also made an inquiry of DEED and DHCD as to whether these agencies would provide additional funds through a budget amendment.

Mr. Loker reviewed the status of the Skipjack tenants, discussed the allowable items for reimbursement to the tenants for moving and relocation, and explained problem areas. The business owners have been requested to submit an estimate of projected costs for relocating. All residential tenants have been relocated and most have been reimbursed for moving costs.

In conclusion Mr. Loker advised that he would keep the Commissioners informed as to the progress of the referenced project.

ADJOURNMENT

The meeting adjourned at 11:35 a.m.

**Minutes Approved by Board of
County Commissioners on 8/16/94**

Judith G. Spaulding
Recording Secretary