

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS
MARCH 5, 1996**

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Present Commissioner Barbara R. Thompson, President
 Commissioner D. Christian Brugman
 Commissioner Paul W. Chesser
 Commissioner Frances P. Eagan
 Commissioner Lawrence D. Jarboe
 Aleck Loker, County Administrator
 Judith A. Spalding, Recorder

CALL TO ORDER

The meeting was called to order at 12:30 p.m.

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve the minutes of Tuesday, February 27, 1996 as presented. Motion carried.

FEBRUARY 6, 1996 MINUTES

The secretary brought to the Commissioners' attention a correction to the minutes of the Commissioners' meeting of February 6, 1996 regarding a statement made by Don DeGraves at the Public Forum relative to the transfer of funds for ball field improvements. The statement should read "thanked the Commissioners for their quick action in transferring \$25,000 in funding. . ."

Commissioner Brugman moved, seconded by Commissioner Eagan, to accept the correction as presented. Motion carried.

ADDITIONS/DELETIONS TO AGENDA

Commissioner Brugman moved, seconded by Commissioner Chesser, to approve the addition of the General Obligation Bond Sale to the Agenda. Motion carried.

APPROVAL OF BILLS

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

COUNTY ADMINISTRATOR ITEMS

Present: Aleck Loker, County Administrator

1) **Airport Manager/Assistant Airport Manager Positions**

The County Administrator requested the Commissioners' approval of the following:

- To authorize Commissioner Thompson to sign the contract with James P. Haley as Airport Manager

Commissioner Chesser moved, seconded by Commissioner Jarboe, to authorize Commissioner Thompson to sign the Contract for the Airport Manager as presented. Motion carried.

- To authorize advertising for the Assistant Airport Manager position, Grade 19.

Commissioner Jarboe moved, seconded by Commissioner Chesser, to proceed with advertising the position as requested. Motion carried four to one with Commissioner Eagan voting against.

- To authorize the distribution of the Information Release regarding the Airport Manager position

The Commissioners gave their concurrence to distribute the Information Release as presented.

2) Correspondence

The County Administrator presented the following correspondence for the Commissioners' review and consideration.

- To Andrew and Susan Morrison thanking them for their comments concerning Animal Welfare League.
- To St. Mary's Nursing Center regarding transfer of custody of the former nursing home
- To St. Mary's County Correctional Officer Association regarding its request for a meeting.

Commissioner Jarboe moved, seconded by Commissioner Chessser, to sign and forward the letters (a,b and c), as presented. Motion carried.

- To St. Mary's County Department of Assessments and Taxation requesting examination of tax exempt property
- To Community Leaders inviting them to attend the Alliance for Alcohol/Drug Abuse Prevention Policy Council meeting on March 26.

Commissioner Eagan moved, seconded by Commissioner Jarboe, to sign and forward the letters (d and e), as presented. Motion carried.

2) Boards, Committees, Commissions

a) Appointments

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

<u>Airport Commission</u>	<u>Terms To Expire</u>
Daniel J. Guenther	06/30/98
<u>Board for the Community College at St. Mary's</u>	
Bobbi Everett	06/30/97/2002
<u>Colton Endowment Task Force</u>	
Norman Breslauer	NO TERM
Jerry Cheseldyne	NO TERM
Rev. Thomas D. Clay	NO TERM
John Hanson Colton	NO TERM
Walter D. Cooper	NO TERM
Francis X. Forrest	NO TERM
Ella May Russell	NO TERM
<u>Council on Children and Youth</u>	
Bobbi Jo Knott	6/30/96

b. **Membership Applications**

As a follow up to previous discussion, the County Administrator presented the revised Membership Application for Boards and Committees pointing out that a sentence has been added requesting the applicant to select no more than three boards. The revised application also noted that the names will be released to the public.

After discussion Commissioner Eagan moved, seconded by Commissioner Chesser, to revise the amended application by adding the words "if requested" after "released to the public" and further to accept the revised Membership Application as amended. Motion carried.

4) **Department of Economic and Community Development
Grant Documents**

Also Present: Nancy Hutson, Fiscal Officer, DECD
Doug Durkin, County Attorney

On behalf of the Department of Economic and Community Development, the County Administrator presented the following grant documents

- Emergency Shelter Grant for Federal Fiscal Year 1995 approved by the Board of County Commissioners on January 16, 1996. Approval needed to authorize Commissioner President Thompson to sign the Addendum to the Grant which provides for the county's indemnification.
- Community Development Block Grant Agreement for Neighborhood Center, Patuxent Woods; and Subrecipient Agreement for receipt of a portion of funding.

During discussion of the CDBG Commissioner Eagan requested information regarding the differences and similarities regarding the Head Start program and the public school's Pre-K program

Commissioner Jarboe moved, seconded by Commissioner Eagan, to approve and authorize Commissioner Thompson to sign the Emergency Shelter Grant Addendum and the CDBG Agreement and Subrecipient Agreement as presented.

During discussion of the motion, County Attorney Durkin advised that the CDBG required an Addendum for a Non-Appropriations Clause, and that he would prepare it and return to the Board for signature by the President.

Commissioner Jarboe moved, seconded by Commissioner Eagan, to amend the Main Motion to include the Addendum for a Non-Appropriations Clause. Motion Carried.

Vote on the Amended Main Motion was unanimously carried.

5) **Budget Amendments**

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

- a. **No.96-33 - Emergency Management Agency (\$9,000)**
To provide funding for two generators

After receiving an explanation that these were new generators for the Lexington Park and the Ridge Volunteer Rescue Squads, Commissioner Jarboe moved, seconded by Commissioner Brugman, to approve and authorize Commissioner Thompson to sign Budget Amendment No. 96-33. Motion carried.

- b. **No. 96-34** - Department of Public Works (\$135,934)
To supplement the budget of DPW for 2/16 and 17 snow removal costs
- c. **No. 96-35** - Department of Public Works (\$4000)
To provide funding for snow removal costs for balance of fiscal year
- d. **No. 96-36** - Department of Recreation and Parks (\$3,974)
To provide funding for snow removal costs.

Commissioner Jarboe moved, seconded by Commissioner Chesser, to authorize Commissioner Thompson to sign Budget Amendment Nos. 96-34, 96-35, and 96-36. Motion carried.

6) **Resolution No. 96-10**
Maryland Neighborhood Business Development Program
(Uncle George's Restaurant)

The County Administrator presented the referenced Resolution indicating the Commissioners' support for the proposed renovation, improvement to Uncle George's Restaurant located in St. Mary's Square, Lexington Park, Maryland. Mr. Loker explained that the Governor had established a *Maryland Neighborhood Business Development Program*, and the Commissioners, by Resolution No. 95-43, designated Lexington Park as a "Designated Neighborhood" for participation in the program. County Administrator Loker pointed out that this project is the first application for the program funds and there may be others in the future. He indicated that the program is handled by a "First Come First Served" basis, and suggested that a policy may need to be developed wherein the Housing Authority could review them on a competition basis.

After discussion Commissioner Eagan moved, seconded by Commissioner Brugman, to approve and sign Resolution No. 96-10. Motion carried.

ST. MARY'S COUNTY AIRPORT

Present: James Haley, Airport Manager
Douglas Durkin, County Attorney

The referenced individuals appeared before the Commissioners to present the following documents, which have been approved by the Airport Commission on February 13, 1996, relative to certain tenants located at the St. Mary's County Airport:

- Subordination of Landlord's Lien for Aircraft Refinishing Technology, Inc. and Amendment to Agreement regarding Aircraft Refinishing Technology, Inc.

Commissioner Eagan moved, seconded by Commissioner Brugman, to approve and authorize Commissioner Thompson, to sign the two documents as presented. Motion carried.

- Amendment to Airpark Sales & Services, Inc. FBO Lease and Operating Agreement.

Commissioner Eagan moved, seconded by Commissioner Chesser, to approve and authorize Commissioner Thompson to sign the Amendment, as presented. Motion carried.

- Sublease with Allied Hangars for Airport Manager Office Space.

Commissioner Chesser moved, seconded by Commissioner Eagan, to approve and authorize Commissioner Thompson to sign the Sublease as presented. Motion carried.

**PROCLAMATION
PURCHASING MONTH OF MARCH**

Present: James Haley, Procurement Officer

The Commissioners presented the referenced Proclamation designating the month of March as Purchasing Month in St. Mary's's County.

**COMMENDATION
VISTA WORKER**

The Commissioners presented a Commendation to Jeppa V. Harrison for her work with the VISTA program.

MARYLAND ENVIRONMENTAL SERVICE

Present: James W. Peck, Director
Annette Anselmi, Treasurer

The referenced individuals appeared before the Commissioners to provide information about the Maryland Environmental Service (MES), and the services it provides. Mr. Peck advised that MES, an independent state agency, was established in 1970 to provide assistance to local governments. MES services include the following: Water supply and wastewater treatment; waste management; recycling and sludge management. Mr. Peck displayed charts indicating dollar value of MES operations for Fiscal year 1987 and Fiscal Year 1995; use Oil and Antifreeze Collection Program; and compost sales for 1990 - 1995.

At the conclusion of the presentation the Commissioners requested additional information regarding Hazardous Waste Collection Days and the Chromium Clean Up Project.

GREENWELL STATE PARK

Present: Phil Rollins, Director, Recreation and Parks

Mr. Rollins appeared before the Commissioners to present a draft letter addressed to the Department of Natural Resources requesting that strong consideration be given to providing adequate facilities at Greenwell State Park. He advised that the State, after having differences of opinion with the Greenwell Foundation regarding funding, assumed management responsibilities for the State Park. He further pointed out that DNR is looking for new partnerships to manage and operate the park, which is now being manage by staff from Point Lookout State Park, and that Recreation and Parks is looking to operate a self-supporting summer day camp at the site as well as the possibility of other programs.

After some discussion Commissioner Brugman moved, seconded by Commissioner Chesser, to sign and forward the letter as presented.

PINEY POINT SHORES

Present: Doug Durkin, County Attorney

Mr. Durkin appeared before the Commissioners to advise them of a situation at Piney Point Shores relative to rights of way to the water, specifically, extensions of Holly and Laurel Streets. He explained that a property owner brought the matter to his attention in that another property owner had erected a fence which obstructed the right of way to the water. He displayed a 1926 plat of the property outlining the subdivision and the roads in question and provided the Commissioners with a chronology of events regarding the property. He pointed out that although a 1955 deed indicated that Piney Point Shores, Inc. conveyed the property to the County, the document does not contain any evidence that it was accepted by the County. Furthermore, other deeds convey interests I n the same property to persons other than the County; therefore, a cloud may exist on the title. Another

issue is the fact that a decree had been filed in the '70's which prohibited any construction within the right-of-way by Harry Lundeberg School of Seamanship.

During his presentation Mr. Durkin noted that because of the cloud and the uncertainty of ownership, the County may not be in a position to assert complete ownership of this property. Before any action can be taken the cloud on the title would have to be removed, which would require an action by Circuit Court, and the property owners, if they so desired, could form a homeowners' association to take the matter to Court.

In conclusion the Commissioners directed the County Administrator to send correspondence to the property owners explaining that County Government will take no action with regard to the property and setting forth what options are available to residents.

THE SKYDIVING CENTER LEASE APPLICATION

Present: Doug Durkin, County Attorney

Findings/Conclusion

As a follow up to February 13, 1996 public hearing and the subsequent deliberations on the issues on February 27, 1996, the County Attorney appeared before the Commissioners to present Findings of Fact and Conclusions relative to The Skydiving Center's Application for Lease and Operating Agreement. Mr. Durkin explained that the Findings have been divided into three major categories--business related; Minimum Standards; and other additional information.

During review of the 70 Findings, Commissioner Brugman questioned #17 relative to the Workmen's Compensation insurance requirement and TSC's claim that it has no employees. Four Commissioners agreed to change #17 by replacing the word "incredible" with the word "questionable." Commissioner Eagan did not agree and directed the County Attorney to prepare an Addendum to the Findings/Conclusions indicating her dissent with regard to Finding No. 17 in that she believed there was sufficient doubt as to whether workers of TSC are employees or independent contractors.

After thorough review and discussion, Commissioner Chesser moved seconded by Commissioner Eagan, to accept the Findings as presented by the County Attorney and as corrected. Motion unanimously carried.

After Commissioner Thompson read the Conclusion rejecting the application by The Skydiving Center into the record, Commissioner Eagan moved, seconded by Commissioner Chesser to amend the Conclusion (changing on page 17 the word "six" to "seven" of "the ten basic fixed base operator qualifications. . .") Motion carried.

TSC - Temporary Operation Lease

The County Attorney advised that TSC's temporary agreement for operation at the Airport expires at 5 p.m. this date and raised the question as to when TSC should be directed to vacate the premises. He pointed out that the federal court, in a scheduling conference conducted in Baltimore last week scheduled TSC's case against the County for motion hearings on April 10 and 11 with a possible third date of April 12 and suggested that the Commissioners consider granting a temporary operating agreement through the next Tuesday (April 16, 1996) following the last day of the hearing. Not granting the temporary lease could place the federal judge in a difficult situation because TSC will probably file a motion for a temporary restraining order which would disrupt the Judge's schedule by requiring a hearing within the next few days.

Mr. Durkin indicated that another issue was the matter of insurance. He stated that last week he had incorrectly advised that TSC did not have proof of current insurance before the Commissioners; however, TSC did file on October 13, 1995 a binder for aircraft liability and aircraft hull policy; however, it does not adequately meet minimum coverage requirements. Some individual skydivers have \$50,000 liability insurance through the U. S. Parachutes Association, but those who do not belong to the Association and do not have the insurance.

After discussion Commissioner Brugman moved, seconded by Commissioner Chessser, to extend the temporary operating agreement with The Skydiving Center to April 16, 5 p.m., which is the Tuesday following the motions hearing in federal court. Motion unanimously carried.

COUNTY COMMISSIONERS' TIME

Indian Bridge Road

Commissioner Brugman advised that a letter was received from DNR regarding the Indian Bridge Road project and the wildlands designation, and he noted that he contacted DNR and Senator Dyson's office stating that there was no reference to the shooting range or hunting as the Commissioners had requested in previous correspondence.

Football Franchise in Maryland

Commissioner Brugman referred to correspondence dated February 26 from Paul Nickolaus regarding the naming of the new football franchise and reminding Governor Glendening that he is the Governor of Maryland and not the Mayor of Baltimore. He suggested that a letter be forwarded to Governor Glendening indicating that the team should be named after Maryland and not Baltimore.

SADD/SHOP Students

Commissioner Eagan advised that St. Mary's County SADD and SHOP Students will be hosting the State of Maryland School Alcohol/Drug Abuse Prevention Conference in Baltimore on April 15 and 16.

Ferry Boat Service

Commissioner Jarboe advised that he had spoken with Paul Tobin regarding the ferry boat service and he still needs to locate a landing site in St. Mary's County so that he can proceed with getting his permits. He is still looking at the site at the Governor Johnson Bridge and State Highway Administration has requested public input prior to making a decision on the site.

After discussion the Commissioners requested the County Administrator to draft correspondence to Mr. Tobin suggesting that he conduct a public meeting to allow him and SHA representatives an opportunity to brief the public on the proposed ferry boat operation.

EXECUTIVE SESSIONS

Commissioner Eagan moved, seconded by Commissioner Chessser, to meet in Executive Session to discuss matters of Litigation (The Skydiving Center), as provided for in Article 24, Section 4-210(a)8 and Personnel (Sheriff's Department; Public Information Specialist Position and Boards and Committees), as provided in Article 24, Section 4-210(a)1. Motion failed four to one with Commissioners Thompson, Brugman, Eagan and Jarboe voting against.

Commissioner Eagan moved, seconded by Commissioner Jarboe, to meet in Executive Session to discuss a matter of Litigation (The Skydiving Center), as provided for in Article 24, Section 4-210(a)8. Motion carried.

Commissioner Jarboe moved, seconded by Commissioner Eagan, to meet in Executive Session to discuss a matter of Personnel (Sheriff's Department and Public Information Specialist), as provided for in Article 24, Section 4-210(a)1. Motion carried.

Commissioner Eagan moved, seconded by Commissioner Chessser, to meet in Executive Session to discuss a matter of Personnel (Consideration of Appointments to Boards and Committees), as provided for in Article 24, Section 4-210(a)1. Motion carried three-one-one with Commissioner Jarboe voting against and Commissioner Brugman abstaining.

Litigation - The Skydiving Center

Present: Commissioner Barbara R. Thompson, President
Commissioner D. Christian Brugman
Commissioner Paul W. Chesser
Commissioner Frances P. Eagan
Commissioner Lawrence D. Jarboe
Aleck Loker, County Administrator
Doug Durkin, County Attorney
James Haley, Airport Manager
Judith Spalding, Recorder

Authority: Article 24, Section 4-210(a)8
Time Held: 4:28 p.m. to 4:55 p.m.

Action Taken: The County Attorney reviewed a matter of litigation relative to The Skydiving Center and received direction from the Board.

Personnel (Consideration of Appointments to Boards)

Present: Commissioner Barbara R. Thompson, President
Commissioner D. Christian Brugman
Commissioner Paul W. Chesser
Commissioner Frances P. Eagan
Commissioner Lawrence D. Jarboe
Aleck Loker, County Administrator
Doug Durkin, County Attorney
Jim Haley, Airport Manager
Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a)1
Time Held: 4:55 p.m. to 5:05 p.m.

(Commissioner Eagan left the session at 4:56 p.m. and returned at 5:05 p.m.)
Action Taken: The Commissioners discussed membership of a particular board.

Personnel (Public Information Specialist)

Present: Commissioner Barbara R. Thompson, President
Commissioner D. Christian Brugman
Commissioner Paul W. Chesser
Commissioner Frances P. Eagan
Commissioner Lawrence D. Jarboe
Aleck Loker, County Administrator
Doug Durkin, County Attorney
George Foster, Personnel Officer
Judith Spalding, Recorder

Authority: Article 24, Section 4-210(a)1
Time Held: 5:25 p.m. - 5:40 p.m.
continued 5:55 p.m. - 6:30 p.m.

Action Taken: The Commissioners discussed the options relative to the referenced position.

1996 GENERAL OBLIGATION BOND SALE

Via a telephone call, Mr. Steve Welkos, County Director of Finance, provided the Commissioners with bids for the sale of St. Mary's County General Obligation Bonds in the aggregate principal amount of \$18,965,000, designated as Public Facilities and Hospital Refunding Bonds of 1996. The firm of Ferris, Baker Watts, Inc. was the successful bidder for the \$18,965,000 at the rate of 4.511387; The sale of Metropolitan Commission's bonds was awarded to Ferris, Baker Watts, Inc.

Commissioner Eagan moved, seconded by Commissioner Chesser to approve the award of the sale of the referenced bonds to Ferris, Baker Watts, Inc.

**PUBLIC HEARING
LEXINGTON PARK - TULAGI PLACE MASTER PLAN**

Present: Jon Grimm, Director, Planning and Zoning
Jeffrey Jackman, Senior Planner
Doug Durkin, County Attorney
David Blaha and Clive Graham, of ERM, Inc., Consultants
Peggy Childs, Recording Secretary

Also present were Dan Ichniowski, Valentino Johnson, Don Megby, Rachele Millison, and other members of the Lexington Park Task Force.

A list of other attendees is on file in DPZ.

Presentation of a Master Plan for the revitalization of Lexington Park.

Commissioner Thompson opened the public hearing at 6:44 p.m., explaining that the Commissioners had been detained in an executive session and in open sessions regarding bond sales.

Mr. Grimm gave a brief background, stating that the Lexington Park Task Force was appointed by the County Commissioners in February 1994 and included representatives of the Navy and the Lexington Park community. The resulting Master Plan is the work of the Task Force in conjunction with the consultants, ERM, Inc., and was the subject of a 12/11/95 Planning Commission Public Hearing. On January 29, 1996, the Planning Commission forwarded a reorganized document to the County Commissioners, recommending that the body of the plan, with its Vision, Goals & Objectives, be adopted as a Policy Statement for the revitalization of Lexington Park. Implementation issues were attached as Appendices, with the hope that the Commissioners would turn to the Planning Commission and other citizen boards to develop implementation procedures following adoption of the plan.

Mr. Blaha provided an overview of the Master Plan as recommended by the Planning Commission. The study area covers the triangle from the NAWC North Gate on 235, down Pegg Road to Great Mills High School, east to Hermanville Road and the NAWC South Gate, then back up 235 to the North Gate. Transportation improvements include a connection from Hermanville Road to 246 (Great Mills Road) and the provision of a traffic light at Route 235/Hermanville Road; but a more indirect connection is recommended between Bay Ridge Road and Essex Drive. Recreational amenities include a greenway loop through Lexington Park to include Nicolet Park and the creation of recreation/activity centers, with possibly a bicycle path.

The proposed Town Center is a smaller area located near the intersection of Route 235 and Great Mills Road; Tulagi Place will be extended to Shangri-la Drive with the focal point being a town circle with some identifying sculpture, perhaps something tied to the NAWC or to the County; e.g., a lighthouse. Pedestrian accesses and streetscapes will be provided and mixed uses of offices and commercial will be encouraged with an "urban" rather than a suburban flavor; the storefronts will be upgraded. There will be abundant open spaces, and the remaining residential units will be rehabilitated. Development within the AICUZ is recommended at a Floor Area Ratio of .17.

The Tulagi Place Library is recommended to be added on to for continued use as a library or, if the Library should be relocated elsewhere, as some type of public building, possibly a police station. FDR Boulevard is proposed to be extended across Great Mills Road to the Gabrelcik property, where public greenspace will be created along with a new community center, which could house a relocated library. Residential development will be encouraged west of FDR extended.

The Naval Air Station (NAS) has agreed to participate by placing landmarks at the main gate with possibly wrought iron fences and low brick walls replacing the existing fence to help lessen the isolation between the Navy and the community. Trees and sidewalks will be installed along 235 with pedestrian crosswalks across that highway to the community; the existing Naval Air Test &

Evaluation Museum will be made more visually appealing.

Capital Improvements would include the extension of Tulagi Place, creation of the Town Center and the acquisition of Rose's Place to allow extension of FDR Boulevard. These would require public hearings. The appointment of a Redevelopment Authority by the County Commissioners is considered vital for the implementation of the Plan. The "Action Plan" recommended by the Task Force and the Planning Commission has been reorganized as Appendices A through G of the Plan.

Input and questions from the Board of County Commissioners followed. Commissioner Jarboe advised that he had recently attended a meeting of the Navy and SHA with CAPT Standridge, of the NAS, who told him that the Museum building will be demolished within the next year, because it is in the way of the proposed 235 expansion.

Commissioner Eagan commented regarding the Floor Area Ratio and asked if, using an example of an existing building (Skipjack), that building would be allowed to be constructed tomorrow under the recommended FAR? Mr. Blaha replied it would be smaller than the original building; with an FAR of .17 and his recollection of what the original square footage was, what would be allowed would be approximately 28,000 sq. ft. What they are proposing would not require existing places to tear down part of their buildings, and they would be allowed to redevelop within their existing footprint. Primarily the FAR would apply to new development.

Mr. Grimm emphasized that the Commissioners' approval of this Plan would not adopt the Floor Area Ratio. If the Plan is adopted, it would require an amendment to the Zoning Ordinance and there would have to be a separate public hearing to enact the FAR and set the level, whether it is .17 or as, CAPT Standridge proposed, on a range based on the specific use. The planning staff would work with the Task Force and Planning Commission to develop a recommended FAR and come back to the Commissioners for a public hearing based on that recommendation. No projects with a currently valid approval would be impacted by the adoption of this Plan.

Commissioner Eagan stated that she represents Lexington Park and she is very proud of the Naval Base, she is happy they're here and she never wants to see them go; they put bread and butter on our tables and she thanks them very much for that. But she doesn't understand, when it comes to the AICUZ, how the Navy Base can have the new development that they have aboard their facility - the parking garage, the large installations both on the north side of the Base and those proposed on the south side of the Base, the existing housing near the Commissary and the new Commissary, and the Frank Knox Training Center - and then question whether or not what is being done by citizens outside of the Base is proper. In other words, by reducing the areas of development, what is the double standard here and why is that?

Mr. Grimm replied that he cannot speak for Navy officials but he does know that any proposal for building development on the Base goes through their own review process. The boundaries of the Overflight zones *do* exist on Base; they are mapped, the Public Works Engineering Facilities staff and officials involved in making those development decisions review them, and Navy officials told the Task Force that they consider development on the Base as significant in terms of encroaching upon their air space as any off the Base, and that they seek to maintain it at an acceptable level. He stressed that this plan, *should it be adopted as it is written*, does not propose to make the AICUZ any more restrictive than it currently is on private property outside the NAS, nor does it impose any standards on the Base; we do not regulate Federal property.

Mr. Blaha added the important thing here is that most of the development that is within Lexington Park today occurred *before* the County adopted its AICUZ regulations; so some of that development wouldn't be allowed *today* under current regulations. He said they believe, after running the numbers on a couple of properties and looking at how the County has treated proposals for development within the AICUZ, that what they are proposing is *very similar to current policy*; it only formalizes it and makes it more predictable. To be honest, Mr. Blaha said what the Navy has proposed is in the same range. In some cases the Navy's proposal compared to the Plan was more strict and in some cases it was significantly more lenient; it varied by different land use categories.

Commissioner Brugman asked what justification there is to use taxpayer dollars to buy Rose's

Place in order to access a private tract of land? Mr. Blaha replied that this linkage of FDR Boulevard is much more than just to allow development of the land behind Rose's Place; it is to provide 3 cross-connections to create an integrated street network. FDR Boulevard currently carries more traffic than Coral Drive, and it is a key proposal for creating a more integrated streetscape and encouraging more pedestrian movement to relieve traffic on Great Mills Road; it has a lot of public purpose.

Commissioner Jarboe asked how many businesses in Lexington Park are as old and as established as Rose's Place? He said he watched The Piccolo and the Gay Nineties go, and Rose's Place is a historical entity that has been there for a long time. When you look at a town you look at different historical places within the town as well; for example, the Courthouse in Leonardtown. Mr. Blaha stated, theoretically, there would be opportunities for Rose's to relocate elsewhere within the Town Center.

Mr. Grimm stated he would provide the Commissioners with some records that relate to the construction authorization of that building back in 1954 and 1957; there is a platted right-of-way on the subdivision plat of Patuxent Park that shows the reservation for FDR Boulevard, and he will provide that to the Commissioners. Commissioner Brugman asked if it wouldn't be more appropriate for Mr. Gabrelcik to negotiate with the owner of Rose's Place and for him to buy the property, and said he would consider it a misappropriation of taxpayers' funds for the County to purchase the right-of-way on behalf of the developer. Mr. Blaha replied that, again, their purpose was to see the road construction, and the developer only controls a portion of the necessary right-of-way. He said they had envisioned this entire portion of FDR being constructed by this developer, but he may or may not be able to acquire all the rights-of-way necessary to construct it.

Commissioner Thompson opened the hearing to public comment, announcing there would be a time limit of 3 minutes per speaker; after everyone who wants to speak has had the opportunity, she would allow speakers to come back a second time.

Don Megby of Callaway, a member of the Lexington Park Task Force, objected to the \$8,000,000 to \$10,000,000 of taxpayer dollars for capital improvements required by the Plan. His other concern was Willows Road Park, the old Center Gardens property, and said he can't think of a bigger disaster waiting to happen than a soccer field in the middle of the APZ-2 zone on a Saturday afternoon, at a cost of \$1,000,000. He said there are a lot of problems with the plan; there are some very workable things in here, but certainly a whole lot less money can do some good for Lexington Park without further burdening the taxpayers and over-regulating property owners.

Valentino Johnson, Chairman of the Lexington Park Planning Task Force, said he still has some concerns with the Plan: one is cost; and the second is that it seems the government has a lot of input on things the citizens should have input on. He said he disagrees with FDR Boulevard because the Main Gate will be moved to the North Gate of NAWC. Mr. Johnson said the Plan still needs fine-tuning and as a member of the Task Force he is willing to look at it a little more in-depth.

Mr. Johnson said he has lists of the people ERM talked to and no one on the list makes under \$35,000 a year, and he thinks we need a lot more input from people at the grass roots level up, particularly our senior citizens. He offered to go to some of the community leaders and talk to these people in the affected areas, because some of them are functionally illiterate and are afraid to speak at public hearings; they will talk to him and the community leaders but not to the County Commissioners because they feel like nothing is going to be done. Commissioner Thompson asked that Mr. Johnson enumerate his reservations with the Plan in writing to the Commissioners, and asked him to include the concerns he has heard from people who haven't been comfortable in coming out to a public meeting.

Shelby Guazzo, of Chaptico, responded to Mr. Brugman's comment about Rose's Place. She noted in the correspondence the Planning Commission received, which would be included in the remarks for the public hearing, were minutes of a Board of Appeals meeting from 1957 which seemed to state what rights the owners of Rose's Place have regarding condemnation and reimbursement proceedings. The County Attorney was not present so the Commission was not able to ask him about this, but perhaps the Commissioners could ask him to look into this.

Karen Abrams, Attorney for John Chamberlin and Club Properties, the owner of Lexington

Manor, stated that Lexington Manor and Rose's Place will be the existing properties most impacted by the Plan, and she has some very serious concerns about the FAR, particularly since CAPT Standridge, in his letter of November 1955, recommends a range of .30 to .50 for commercial development. Even at its lowest, that is considerably higher than this plan is recommending. She said Lexington Manor is one of the few housing developments left that very low income people can afford and it's an economically viable enterprise for Club Properties, so if the idea is to get that to change and/or improve it, there has to be some economic incentive. Ms. Abrams referenced a letter from Dennis Nicholson, of DECD, recommending that the redevelopment of Lexington Manor not be "hamstrung" or there would be no incentive to develop and this intensive residential use would be left in the AICUZ.

Mr. Abrams said she doesn't know of any legal way Lexington Manor can be taken away unless the County wants to buy it, and the developer does not see a .17 FAR as a viable incentive. Ms. Abrams' other concern was that the Plan dictates to Club Properties what kinds of buildings will go on that property, where and how they will be built and landscaped, where the parking will go, and in what order the buildings should be built. She said that is a serious mistake; it creates a disincentive for the owner to do anything and takes away the opportunity to work with the property and use it for its best result, and she would be very concerned to have that much detail and dictatorship involved in how this property will be developed.

Keith Fairfax, of Lexington Park, and former Chairman of the Planning Commission, asked Commissioner Eagan to contact Navy officials and have them work with her staff to clarify the issues she referred to, because he thinks someone has given her some misinformation. The Navy can tell her exactly what's in the AICUZ on their property and what is not, and he doesn't think she will find a double standard, with the exception of Frank Knox.

Mr. Fairfax stated he strongly supports the Plan as forwarded to the Commissioners by the Planning Commission and asked that they review it, consider the public comments, and make their approval at a policy level. Everything he has heard so far has been related to the implementation (Appendices); it is the County Commissioners who set the Policy.

Secondly, Mr. Fairfax said he would support a strong AICUZ plank. Staff will work out the numbers for the Commissioners' consideration but it is the Commissioners who have the final decision on whether there is or is not an FAR, and what the numbers are. He asked that they look at that very carefully considering the fact that the Navy is our prime employer; we want to make sure we do the right thing.

Thirdly, Mr. Fairfax asked that those who served on the Task Force be included in the Redevelopment Authority, or whatever it is called, to implement the Plan, or the Policy, that the Commissioners set in place.

Frank Fox of Mechanicsville, Chairperson of the Sierra Club for Southern Maryland, applauded the vision and the process by which this Plan was developed, stating it will benefit the residents of Lexington Park and a lot of people in the County - young people and senior citizens as well. His one concern was whether the number of approved and proposed townhouse and multi-family units will be sufficient for the diverse population of Lexington Park? He said sees a very strong emphasis on single-family dwellings and he hopes that that will be something the planners consider as they go forward.

Regarding planning and the commitment to implement it, he said he thinks that is necessary to preserve community integrity and livability while controlling growth and development, and both the Navy and the county citizens will benefit from clear, enforced guidelines. He commended the Planning Commission, DPZ, the Task Force and especially the Commissioners for the citizen input allowed in this process and the Myrtle Point process, and said he hopes there will be continued citizen involvement in other issues, such as the acquisition of park land elsewhere in the County, and the Sierra Club and other interested organizations will want to be part of that process.

Mary Ann Chasen of Lexington Park, stated that she is so happy with the high priority that the Master Plan has given to the Library. She said she hopes the Commissioners will really consider that and said she and other trustees of the Library want to work with the Commissioners, whether

they decide to add on to the existing library or to move it to a different location. She said she appreciates the work of the Task Force in emphasizing the importance of the library, and she hopes it follows through.

Vaughn McCall of Lexington Park, said the County must consider the liability of the AICUZ zone. The Navy can handle "planting an airplane" in the middle of a building on Base, including the insurance liability, but they can't handle the liability of "planting an airplane" in the middle of town. He called the Plan a beautiful document, adding if only it had a proposal for getting some State funding it would be complete.

John Turner, owner of Rose's Place, agreed that acquisition of Rose's Place should be by the developer and not by the county. He stated the existing portion of FDR is not to County standards and would never be accepted by the County, so if the County accepts title to FDR Boulevard to run half a block, he doesn't think they will have done anything. He concluded that there's a lot to be looked at in this Plan before any final decisions are made.

Rex Eagan of Lexington Park, commented on the recommended FAR, saying there was a comment during the presentation that there were no major changes to land use in the Plan. If you don't own the property or have an investment in it, he said he is sure the changes don't seem significant, but the current FAR is .5 and the recommended FAR is .17; that is taking away from the property owner approximately 65% of their development rights.

Mr. Grimm replied that the current FAR in Commercial districts is .5, without applying the AICUZ overlay. The reason they settled on .17 in the Plan is, as they ran some numbers using Lexington Manor and the Skipjack property as examples, .17 was the "break-even" point. If it was higher than that we would be allowing more intensive development than our current process; if it was less than that, we would be restricting development more stringently than we currently do within the AICUZ.

Doug Ritchie of Oakville, stated the Plan will affect people in the Lexington Park area and stated he doesn't think it's fair that taxpayers in the rest of the County should have to help pay for it. He said before we get done doing all this in Lexington Park it will cost not \$6M but \$26M and he doesn't want to see a bill on his property taxes to pay for it. He suggested a taxing district be set up. He noted that the Commissioners represent all the citizens in the County and the people in this room tonight do not equal the 80,000 people that are out there.

Larry Pinto asked what the procedure for comments will be following the public hearing and what steps the Commissioners will take? Commissioner Thompson stated there will be a 10-day period for additional written comment, but that doesn't mean the Commissioners would preclude further comment, and she could not say when it will be put on the County Commissioners' agenda for further discussion or decision. Mr. Grimm noted the Commissioners' options, saying they can deliberate on the plan presented; they can also remand the plan to the Planning Commission or the Task Force; or they can seek further clarifications on questions that have been asked tonight. Mr. Grimm will provide the Commissioners with information in response to some of the questions that have been raised, with copies to the Planning Commission and the Task Force.

Commissioner Thompson stated that the proposed Plan has been in the making for a long time and there is no heavy push to adopt it, but we are in the process of updating the Comprehensive Plan and will try to mesh the timing with that update and the update of the Zoning Ordinance. She pointed out that some of Mr. Ritchie's criticisms of Lexington Park are a direct result of the fact there was no planning for Lexington Park - it just happened; what this plan is trying to do is to lay out something so that in the future, as Lexington Park redevelops and grows, there is a Plan, instead of just a conglomeration of buildings.

Commissioner Eagan made one final comment, noting that she asks questions sometimes because there are citizens who have asked those questions of her; also it puts the questions on record. Not all the questions she asks should be taken defensively, she said; they need to be addressed and she is usually the first one out, so she asks them. Mrs. Eagan said the questions are not because she doesn't like the Navy; she loves the Navy and thinks they are tremendous and what they do in our community is admirable and there is no way she wants them to leave here. But the fact of the matter

is those questions need to be asked.

A final comment was made by Shelby Guazzo, who said she has been a resident of this County for almost 30 years now, and she thinks the basic question we need to ask ourselves is, "Does Lexington Park need help?" The Task Force has spent a couple of years agreeing that it does need help; it is certainly not a very attractive place to travel through, and the basis for this plan is to make Lexington Park a nice place to visit and, hopefully, spend some money in for the retailers who live and work there.

Mrs. Guazzo commended the Task Force for working on this assumption, stating that she thinks most of the people that live in the county probably agree. She continued that most of the people here tonight have some iron in the fire; there are not many John Q. Citizens here from the Lexington Park area, and the ones that are are on the task force.

She agreed with the Commissioners that there is no rush, but said she doesn't think you can argue with the Vision and Goals of the Plan. Regarding the recommendations of the consultant, the Commissioners can accept them or reject them and she thinks they should take their time to do that, but Lexington Park needs the kind of Goals and Visions that should come out of this deliberation.

Commissioner Thompson closed the public hearing at 8:35 p.m.

PUBLIC FORUM

The Commissioners conducted the regular monthly public forum accepting comments and questions from the audience.

Ed Bergen - (1) Suggested that the County should have a policy to accept unsolicited proposals. (Commissioner Thompson responded that the County was open to proposals to operate the county more efficiently; however, there would be a question of fairness if it was a proposal to actually provide a service.) (2) Indicated that the county was losing money by operating the Wicomico Shores Golf Course because funds from private tournaments do not return to the County. (Mr. Loker advised that an audit is being conducted for the golf course as well as an internal investigation.

Vaughn McCall - (1) Presented Commissioners with a brochure which will be mailed to 70 high tech businesses regarding *The Computer-Based Communications and Commerce Conference* to be held March 27, 1996 and sponsored by the Southern Maryland CALS Regional Interest Group. (2) Advised the Commissioners of a potential liability situation at the Tulgai Place park, specifically, that there are lights that have fallen onto the park benches. (County Administrator Loker will look into this.)

Terry Eisenhute - Supported Mr. Bergen's comments and stated that the federal government accepts unsolicited proposals. (County Administrator Loker indicated that accepting unsolicited proposals was acceptable by the federal government, but it was discouraged because it inhibited open competition)

Pam Latvala - Stated there was more to the story regarding Piney Point Shores and pointed out that the property in question was an extension of someone's yard and that the fence was put up for safety reasons. She further pointed out that the fence was put up for safety reasons and believed that it was not an issue that involved the County Commissioners.

Agnes Burch - Displayed a plat of the property and indicated that all property owners have access to the water.

Lee Soderberg - Thanked the Commissioners for their efforts regarding Myrtle Point and advised that five additional checks have been received.

Walter Burch - Inquired about the Sign Ordinance and the fact that there is a billboard on Route 235 and indicated he believed that the grand fathering of this particular sign was no longer valid. (County Administrator Loker was directed to contact DPZ about the status of this sign as well

as other signs in the County.)

Ken Hastings - Gave a presentation on Solid Waste Costs including landfill, recycling, transfer stations, current operations, estimates taking into consideration growth projections for equipment and tonnage, operating costs, bond rates; risks (including reduced revenues, bond rate fluctuations) and certain philosophical issues. (A copy of the presentation is on file in the Commissioners' Office.)

Leonard Greess - Reiterated his previous concerns relative to the Parcel of Record litigation by the PRA and urged the Commissioners' compliance with the Judge's Order.

Minnie Russell - Requested the Commissioners to identify all county-owned public landings. (The County Administrator will contact the Department of Recreation and Parks with the list.)

ADJOURNMENT

The meeting adjourned at 10:00 p.m.

Minutes Approved on MARCH 12, 1996
by Board of St. Mary's County Commissioners

Judith A. Spalding
Recording Secretary