

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, October 6, 1987

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

CALL TO ORDER

The meeting was called to order at 9:00 a.m.

APPROVAL OF MINUTES

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve the minutes of the Commissioners' meeting of Tuesday, September 29, 1987, as amended. Motion carried.

APPROVAL OF BILLS

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

PROCLAMATION  
LUPUS AWARENESS MONTH

Present: Cecilia Bennett

The Commissioners presented the referenced Proclamation designating the month of October as Lupus Awareness Month.

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) BUDGET AMENDMENTS

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

a) No. 88-15  
Office on Aging

Justification: To adjust guardianship grant budget to actual - as per NGA.

Commissioner Thompson moved, seconded by Commissioner Bailey to approve Budget Amendment No. 88-15. Motion carried.

b) No. 88-16  
Personnel

Justification: To provide funds for salary for part-time Typist Clerk in Personnel Office.

Commissioner Thompson moved, seconded by Commissioner Jarboe, to approve Budget Amendment No. 88-16. Motion carried.



2) INSTITUTE FOR GOVERNMENTAL SERVICES  
BOARDS, COMMITTEES AND COMMISSION SURVEY

The County Administrator presented a memorandum addressed to the Chairpersons of the County's Boards and Commissions and department heads requesting review and comments on the survey completed by the Institute for Governmental Services. He stated that the Board will be taking certain actions in the near future as a result of this survey.

The Commissioners agreed to sign and forward the memorandum.

3) PERSONNEL

The County Administrator presented the following personnel items for review and consideration by the Board:

a) Typist Clerk  
Department of Public Works

Memorandum dated October 5, 1987 from Personnel Office requesting conversion of a temporary Typist Clerk position to a full time position in the Department of Public Works.

Commissioner Bailey moved, seconded by Commissioner Lancaster moved, seconded by Commissioner Jarboe, to approve the request and to begin the hiring process. Motion carried.

b) Conversion of IJO Specialist Position  
Department of Economic & Community Development

Memorandum dated October 2, 1987 requesting conversion of the IJO position held by Serah Hyde, from temporary to contract.

Commissioner Bailey moved, seconded by Commissioner Jarboe to approve the request as presented. Motion carried.

c) Leave Without Pay Request  
Kathleen Tennison - Recreation and Parks

Memorandum dated October 2, 1987 from Personnel Office requesting extension of Leave without Pay for Kathleen I. Tennison in the Department of Recreation and Parks.

Commissioner Lancaster moved, seconded by Commissioner Bailey, to approve the extension as requested. Motion carried.

4) HOMELESS SERVICE PROGRAM LEASE

The County Administrator presented a Lease for a temporary facility for the Homeless Service Program for Walden/Sierra.

Commissioner Bailey moved, seconded by Commissioner Thompson, to approve and authorize Commissioner President Loffler to approve the Lease as presented. Motion carried.

5) CORRESPONDENCE

a) Visitors' Information Center - To Calvert County Commissioners endorsing the proposed Visitors' Information Center to be located on Rt. 301 one mile north of the Lower Potomac River Bridge and that the County is committed to contributing one third of the local government share of \$50,000 (\$16,667) in FY '88.

The Commissioners agreed to sign and forward the letter.



b) Regional Tourism Promotion - To Calvert County Commissioners expressing endorsement of a regional tourism promotion effort within the framework of the Tri-County Council, and further indicating that the efforts would be best served under the policy directions of a nine-member committee from the three counties.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve the regional tourism efforts as set forth in the referenced letter. Motion carried.

PUBLIC HEARING  
MARYLAND TRANSPORTATION BONDS

Present: Charles H. Wade, Jr., Director of Finance  
John Norris, Director, Department of Public Works

The Commissioners conducted a public hearing to present a proposed Maryland Transportation Bonds Ordinance authorizing St. Mary's County to enter into a Participation Agreement with the Department of Transportation of Maryland in the amount of \$1,200,000 for the purpose of securing the payment of principal and interest on bonds to be issued by DOT (Transportation Bonds - First Issue, Tenth Series)

The secretary read the Notice of Public Hearing.

Mr. Wade explained that the bonds will be used for the County's Asphalt Overlay Program, which includes various safety improvements.

Commissioner Loffler inquired whether there were any comments or questions from the audience. Hearing none, Commissioner Jarboe moved, seconded by Commissioner Bailey, to close the hearing. Motion carried. A decision will be made after ten days.

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

DEPARTMENT OF ECONOMIC & COMMUNITY DEVELOPMENT

Present: Joseph Mitchell, Director

1) ST. MARY'S COUNTY AIRPORT SITE PLAN

Also Present: John Norris, Director, DPW

Mr. Mitchell indicated that a number of businesses have expressed interest in locating at the Airport Industrial Park, and that an Economic Impact Study has been initiated. RFP's are in the process of being developed. He stated that the Director of Public Works feels we should proceed with a preliminary site plan (Phase 1) and preliminary engineering design (Phase 2) while working on the RFP's. The cost to do the preliminary site plan is approximately \$10,000-\$12,000 and approximately \$40,000 for the engineering design which will include Stormwater Management, water/sewer extension, roadways.

During discussion Mr. Mitchell presented a Letter of Intent addressed to Maryland Small Cities Block Grant Program requesting funding in the amount of \$52,000 for Phase I and Phase II as set forth above.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to authorize Commissioner President Loffler to sign the Letter to Intent, and further to authorize Department of Public Works to proceed with Phase I. Motion carried.



In closing Mr. Mitchell advised that should the grant funds not be available, the various businesses wishing to locate at the Industrial Park may be requested to participate in the funding.

## 2) FHA MAXIMUM MORTGAGE LIMITS

Mr. Mitchell presented correspondence to the U. S. Department of HUD requesting an increase in the FHA maximum mortgage limits for single family residences. Mr. Mitchell indicated that a similar request was submitted in June of 1986, and an increase was granted at that time to \$75,500; however, that increase did not compare equitably with the \$90,000 mortgage limits for neighboring counties. The median sales price for single-family homes from June 1 to October 1 was \$86,217.50, the average being \$96,173.33.

After discussion, Commissioner Bailey moved, seconded by Commissioner Lancaster, to authorize Commissioner President Loffler to sign the correspondence as presented. Motion carried.

## OFFICE OF PLANNING AND ZONING

Commissioners present: Carl M. Loffler, Jr., W. Edward Bailey, Robert Jarboe, John G. Lancaster and Rodney Thompson. Staff present included: Frank J. Gerred, Director, Betsy Anthony, Recording Secretary, and Mr. Steve King, Metropolitan Commission.

Members of the audience included: Vince Del Gavio, Viki Volk, Dick Meyers, John L. Dudzinsky, Louis Eberle, Dana Gladysz, Agnes Weeden, and Bruce Haskell.

## CRITICAL AREA DISCUSSION

Mr. Gerred distributed the revised version (Draft #6) of the Critical Areas Program for the Commissioners review and comments. He explained that there were two additional items to be reviewed; one being a clarification of the area to which it was clearly defined from the head of tide (1000'), and the second item was the motion made by the Planning Commission on October 5, 1987, recommending to the Commissioners to adopt the plan with added objections.

Mr. Gerred explained to the Commissioners that Maryland Rock had been discussed by the Citizens Advisory Committee, and they had recommended that it be designated on the critical area maps in the RCA category, not the IDA category. The Planning Commission had recommended that the Plan should stay with the criteria as it presently was. The Planning Commission had also recommended to approve Draft #6 with one change. The Commission members were requiring that a cover letter be drafted to include the following statement: "On page A9 and 28 of Draft #6, we strongly disagree with the one in twenty criteria and are reviewing alternatives".

Commissioner Loffler indicated that the submission of the Plan was not a county but state mandate. Mr. Gerred informed the members that the one in twenty was the criteria adopted by the legislation.

Mr. Gerred again urged the Commissioners to submit the plan but explained that submission was not an adoption of the program.

Commissioner Jarboe inquired as to whether there would be any penalties against the county if the program was not submitted on time, and Mr. Gerred stated that the only penalty the county would incur was that the Critical Areas Commission had the authority to proscribe a program. Commissioner Jarboe asked who/what would be funding the program once it was adopted, and Mr. Gerred explained that the state Critical Areas Commission had made a change in the legislation to allow money to be used for implementation and had budgeted \$100,000 in the next year for St. Mary's County.



Commissioner Bailey inquired as to what the document (Critical Areas Plan) had done for St. Mary's County, and Mr. Gerred informed him that the document had allowed the county to research and amend the Comprehensive Plan. Commissioner Bailey indicated that the program may be good, but he did not see where it had done anything for the people who own the property.

The Commissioners took up the matter of the Maryland Rock issue and were all in agreement to accept the Planning Commission's recommendation to submit the map accordingly with Maryland Rock to remain classified in the IDA category (no motion was received to change the classification).

The Commissioners then took up the issue of the criteria of one lot in twenty acres in the RCA zone.

Commissioner Bailey stated that he felt they were wasting their time with regards to the one in twenty criteria because it was unreal.

Commissioner Jarboe indicated that somewhere in the document it should be stated that the Commissioners were not in agreement with the one in twenty criteria. Whether it be a footnote or a cover letter that would become a part of the document, he did not want to be a part of it.

After further discussion, the Commissioners concurred to submit the plan to the Chesapeake Bay Critical Areas Commission with a cover letter attached noting their objections to the plan.

#### PINEY POINT SEWER POLICY

Present: Mr. Frank J. Gerred, Director, OPZ  
Mr. Steve King, Assistant Director, Metropolitan Commission

Mr. Gerred explained the situation of the Piney Point area where Met Comm was under contract to build the sewer that would impact the people who can/cannot build, indicating that the sewer plan was much the same as that of St. Clements Shores. It had been reviewed by the Health Department, Met Comm, and Office of Planning & Zoning and all offices believed that a policy should be set by the Board of County Commissioners for house tap-ons to the sewer. The policy would let people know how many lots they would have to have to obtain a sewer tap-on.

Mr. Steve King, of Met Comm, explained that the system was designed based on the old language in the Zoning Ordinance and its basic design was to handle approximately 3,000 gallons per day.

Mr. Gerred stated that the plan had worked for the St. Clements Shore area, and he felt that it could work for the Piney Point area as well.

Commissioner Jarboe indicated that he had heard the St. Clements Shore sewer plan had problems with the road and asked if anyone had spoken with John Norris, DPW, about the subject. Mr. Gerred explained that they may have some problems in Piney Point too.

Commissioner Loffler inquired as to the zoning of the area, and Mr. Gerred replied that it was R-1 (one acre lots).

Commissioner Jarboe commented that it seemed to him the sewer system was obsolete before it was even built.

After much discussion among the Commissioners, Commissioner Loffler felt it was necessary to have Mr. Norris look at the road situation to see if construction would cause disorder and confusion to the roads; and to review the 1980 justification (decision) of the Zoning Ordinance regarding sewer systems and tap-ons.



REVENUE TASK FORCE  
INTERIM REPORT

Present: Richard Wilson, Chairman  
Louis Eberle  
Jeffrey Errington  
Janice Hockersmith  
Kenneth Kelley  
Joseph Slater  
Don Weigle  
Mary Whetstine  
Dennis Younkin  
Charles Wade, Director of Finance

The referenced representatives of the Revenue Task Force appeared before the Commissioners to present an Interim Report on Potential Revenue Sources. By way of a chart presentation explained that the potential sources are divided into two categories, those requiring state legislative action and those within the powers of the County Commissioners. The list of possible sources are as follows:

A. Sources requiring Legislative Action

1. Energy Consumption Tax
2. Marina/Boat Slip Tax
3. Boat Tax
4. Motor Vehicle/Trailer Tax
5. Alcoholic Beverage License Fees
6. Natural Resources Severance Tax

B. Sources Not Requiring Legislation

1. Trailer Park Tax
2. Public Accommodations Tax
3. Cable TV Franchise Tax
4. County Government Services User Fees

After discussion the Commissioners directed that the Task Force proceed to put together the material for the sources requiring legislative action so that it can be included in the County's Legislative Package.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator

Commissioner Bailey moved, seconded by Commissioner Jarboe, to meet in Executive Session in order to discuss matters of Personnel (with the Director of the Area Agency on Aging) and Property Acquisition. The Session was held from 11:50 a.m. to 12:30 p.m.

DEPARTMENT OF PUBLIC WORKS

Present: John Norris, Director

- 1) ADULT DETENTION CENTER  
BID TALLY SHEETS

Mr. Norris presented the following bid tally sheets and recommended awarding the bids to the lowest bidders as indicated:



a) Project No. SM 87-4-7A  
Food Service Equipment

C. David Hudson, Inc. of Lorton, Virginia in the amount of \$234,726

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to accept the bid as recommended. Motion carried.

b) Project No. SM 87-4-6A  
Laundry Equipment)

Standard Laundry Machine Co., Inc. of Mt. Ranier, Md. in the amount of \$17,106.85 (only bidder)

Commissioner Thompson moved, seconded by Commissioner Lancaster, to accept the bid as recommended. Motion carried.

Mr. Norris was directed to correspond to those firms that received specifications and inquire as to why no bids were submitted.

2) DELABROOKE ROAD BRIDGE  
BUDGET AMENDMENT

Mr. Norris advised the Commissioners that the Board had approved and authorized the contract for the design work for the Delabrooke Road Bridge in August of 1986. The engineering firm of Beavin Company was approved as the contractor in the amount of \$32,344; however, because of the delay in getting Federal Highway Administration approval, there is a 10% increase in the contract in the amount of \$3,329.25. Mr. Norris indicated that funds are only available through re-arrangement of the bridge construction accounts. Therefore, Mr. Norris presented a Budget Amendment in the amount of \$3,329.25 to provide funds for the contract as presented.

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

3) DUKEHARTS CREEK DREDGING

Mr. Norris presented correspondence from Department of Natural Resources dated September 25 advising that the total cost of project is approximately \$70,000 (\$22,500 for dredging; \$32,500 for stone jetty; \$15,000 for the revetment). There is a \$15,000 grant available for this project, and additional funding will have to be in the form of a 50/50 matching fund grant or a taxing district loan.

Mr. Norris indicated that he would forward correspondence to the residents to inform them of DNR's position.

4) JEFFERSON ISLAND CLUB  
SHORE EROSION CONTROL

Mr. Norris presented correspondence dated September 17, 1987 from the Department of Natural Resources indicating work will commence on the construction plans and specifications for a shore erosion control project for the Jefferson Island Club Shore Erosion Control District. Therefore, Mr. Norris presented correspondence addressed to DNR indicating the Commissioners' support of this project and authorizing DNR to proceed with the design.

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



ST. MARY'S PUBLIC SCHOOLS FUNDING CATEGORIES

Present: Charles H. Wade, Jr., Director of Finance

Mr. Wade presented correspondence dated September 10, 1987 from St. Mary's Public Schools requesting approval of General Fund Categorical variances for FY '87. The letter indicated the following: Revenues exceeded budgeted Revenues by \$167,055; Expenditures exceeded budget by \$83,811 - Revenue over Expenditures = \$83,244. There was a recorded FY '86 Deficit in the amount of \$97,419 and for FY '85 a \$46,162 adjustment for a total prior year deficit of \$143,581, resulting in a net deficit of \$60,337 as of the end of FY '87.

Because by law the Commissioners were required to act on the request within 30 days, Commissioner Bailey moved, seconded by Commissioner Thompson, to deny the request for the purpose of continued discussion and explanation by the Board of Education officials of the law. Motion carried. A meeting between the Commissioners and school officials is to be scheduled as soon as possible.

CRITICAL AREA PROGRAM

Present: Frank Gerred, Director, Office of Planning and Zoning

Mr. Gerred appeared before the Commissioners to present correspondence addressed to the Chesapeake Bay Critical Area Commission forwarding a preliminary Local Critical Area program, proposed language for ordinances to implement the Program, a set of maps illustrating the Critical Area boundary, and another required maps and inventories in order to comply with the Critical Area legislation. The letter indicates that while the County believes in the goals and intent of the Program, there are serious reservations the County has concerning certain aspects of the Program provisions which the County finds unreasonable and unduly restrictive. Of particular objection is the maximum one dwelling unit per twenty acres density limit for resource conservation areas. Other objections are the requirements for reforestation and the inclusion of regulations which duplicate existing state regulations.

After discussion, Commissioner Lancaster moved, seconded by Commissioner Jarboe to approve submission of the Plan with accompanying letter setting forth the concerns of the County. Motion carried.

PUBLIC FORUM

At this time the Commissioners opened the meeting for questions and comments from the audience. Questions were as follows:

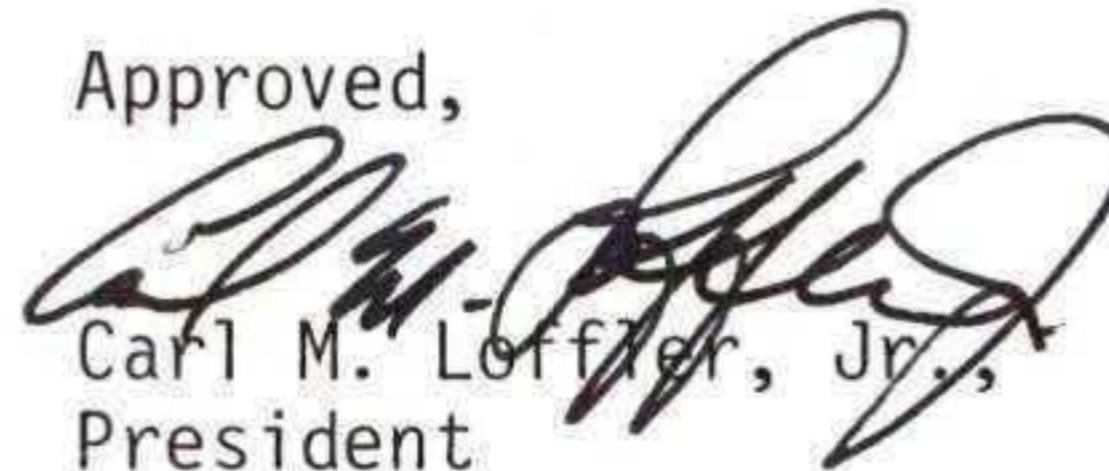
Viki Volk - Critical Area Program

ADJOURNMENT

The meeting adjourned at 2:20 p.m.

(At this time the Commissioners departed for Charlotte Hall for the groundbreaking ceremony of the Southern Maryland Regional Resource Center/Charlotte Hall Library.)

Approved,



Carl M. Loeffler, Jr.,  
President