

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, January 31, 1989

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

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

APPROVAL OF MINUTES

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve the minutes of the Commissioners' meeting of Tuesday, January 24, 1989. Motion carried.

APPROVAL OF BILLS

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

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) BUDGET AMENDMENT NO. 89-34
COUNTY ADMINISTRATOR

The County Administrator presented the referenced Budget Amendment recommended for approval by the Director of Finance as follows:

Justification: To provide funds for consultant fees for operational analysis of St. Mary's County Nursing Center. (\$15,000)

Commissioner Thompson moved, seconded by Commissioner Bailey, to approve the Budget Amendment as presented. Motion carried.

2) CORRESPONDENCE

The County Administrator presented the following items of correspondence for the Commissioners' review and signatures:

1989 Voucher Program - To U. S. Department of Housing and Urban Development accepting the 1989 Housing Voucher Program for St. Mary's County.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve and sign the letter as presented. Motion carried.

FHA Maximum Mortgage Limit To U. S. Department of Housing and Urban Development requesting an increase for the FHA mortgage limit for St. Mary's County to the maximum permitted by federal regulation.

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

Circuit Court Space Needs To Judge John Briscoe regarding development of short-term solutions for the second Circuit Court facility and long term solution for the question of renovations and additions to the present Courthouse or of construction of a new facility at the Governmental Center.

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

Removal of inoperable Vehicles To Mr. Gerald Holland responding to concerns regarding the need for removal of inoperable motor vehicles from certain properties and advising that the matter has been forwarded to the Sheriff and Department of Planning and Zoning.

Public Water Policy To Chairman of Planning Commission requesting assistance in the study recommended by the Metropolitan Commission regarding the issue of residential sprinkler systems.

Discussion ensued as to whether there was a need to address this issue in St. Mary's County. After discussion, Commissioners Bailey, Jarboe, and Lancaster agreed to sign and forward the letter as presented.

OFFICE OF PLANNING AND ZONING

Present: John Grimm, Director

- 1) STSP#82-1471
FLOWER OF THE FOREST INDUSTRIAL BUILDING 2

Also Present: Robert Gabrelcik

(Requesting site plan approval for a second building located on the east side of Willows Road off Bradley Road. The property is zoned Planned Unit Development-Industrial Park (PD-IP) and is shown on Tax Map 51, Block 11 as part of Parcel 54.)

Mr. Grimm presented the referenced industrial site plan which has been reviewed by the Planning Commission and recommended for approval with the condition that all appropriate agencies permits, such as Grading Permit, be obtained.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve the site plan as presented. Motion carried.

- 2) STSP#88-1718
ST. MARY'S PRESS ADDITION

(Commissioner Loffler left the meeting and did not participate in the discussion.)

Also Present: Mark Kanowicz

(Requesting site plan approval to add a 14,000 square foot addition to the existing facility in the St. Mary's Industrial Park. The property is shown as Lots 16 and 11 in Section 1 of the Industrial Park and is zoned I-1. Lots are located on the north side of Airport View Drive and are shown on Tax Map 34, Block 1 as Part of Parcel 548.)

Mr. Grimm presented the referenced industrial site plan which has been reviewed by the Planning Commission and recommended for approval by the County Commissioners.

Commissioner Thompson moved, seconded by Commissioner Bailey, to approve the site plan as presented. Motion carried.

(Commissioner Loffler returned to the meeting.)

3) REDMAN/JOHNSTON ASSOCIATES
CONTRACT ADDENDUM

Mr. Grimm requested the Board's authorization for an addendum to the Contract with Redman/Johnston Associates in order to allow the consultant to complete the revisions to and presentation of the County's land development regulations (Zoning Ordinance, Subdivision Regulations, etc.) to the Advisory Committee, Planning Commission, and County Commissioners. Work items will include preparation of zoning summary; preparation of memoranda addressing recommendations concerning mechanism for ensuring 1.3 density; recommendations concerning central water supply definition changes; and recommended changes for limiting the number of principal structures per lot.

In addition Mr. Grimm requested the approval to process a budget amendment request through an intradepartmental transfer to cover the additional \$4,150 necessary to complete the proposed scope of work.

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

4) CLARIFICATION OF INTERIM IMPACT FEE

Mr. Grimm referenced his memorandum dated January 19 in which he requested clarification regarding imposition of the impact fee when replacing one existing structure with another. He stated that Planning and Zoning has not required payment of the economic impact fee for this; however, a literal interpretation of the Resolution imposing the fees requires the fee with all building permits issued.

After discussion Commissioner Loffler directed that Mr. Grimm prepare an amendment to the Resolution clarifying this issue by stating that an economic impact fee will not be required in the reference instance. The amendment will be reviewed by the Assistant County Attorney and presented to the Board for vote at next week's meeting.

RESOLUTION NO. 89-04
CONSTRUCTION AND DEVELOPMENT USER FEES

Present: Charles H. Wade, Jr., Director of Finance
Bruce Jennings, Cox, Long, & Colvin

The referenced individuals appeared before the Commissioners to present and review the proposed Resolution and User Fee Schedule regarding construction and development user fees. Also reviewed was a memorandum dated January 26 from Mr. Wade setting forth actions necessary as a result of a meeting with developers on the proposed fees.

During discussion Commissioner Loffler recommended reducing the Appeal Fee under Item 1h to the current level of \$150.

After discussion Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve and sign Resolution No. 89-04 and attached Fee Schedule, which will be amended to reduce the Appeal Fee under Item 1h. Motion carried.

IMPACT FEE STUDY - DRAFT REPORT

Present: Charles Wade, Director of Finance
Edward Donahue, KPMG Peat Marwick
Jack Qutub, "
Bruce Jennings, Cox, Long and Colvin
McGuire Mattingly, Leonardtown Commissioner
Edward Long, "
Becky Profitt, "

Because of the significant amount of development St. Mary's County is experiencing, the Board of County Commissioners authorized the firm of Peat Marwick to conduct a study of impact fees.

Mr. Donahue explained that Peat Marwick reviewed the County's capital improvement projects and identified those that are related to growth (roads, schools, parks, libraries, etc.), identified state/federal funding, which may provide funds for a portion of the cost of growth-related facilities, and are in the process of developing a method for establishing impact fees. Mr. Donahue distributed a list of areas addressed in the study and the maximum impact fee level and how the fees were developed. He stated that the total maximum impact fee needed to recover costs of growth-related infrastructures is \$11,000; however, most jurisdictions have set their fees from \$3,000 to \$5,000.

In conclusion Mr. Donahue explained that Peat Marwick will develop specific recommendations with regard to impact fees to recover the costs of growth-related infrastructures.

The County Administrator recommended, and the Board concurred, that the impact fee be reviewed on February 21 to determine the amount to be set.

DEPARTMENT OF PUBLIC WORKS

Present: Dan Ichniowski, Director

1. DUKEHART'S CREEK PROJECT
WETLANDS LICENSE

Mr. Ichniowski explained the procedure for obtaining a Wetlands License stating that it goes through the Department of Natural Resources and once approved by them is referred to the Board of Public Works. Mr. Downs, a property owner along the dredging project has been invited to appear before the Board of Public Works on February 1. Mr. Ichniowski indicated that he, Commissioner Bailey and the Assistant County Attorney will be representing the County on this project in Annapolis on February 1.

2) TALL TIMBERS SHORE EROSION PROJECT

Mr. Ichniowski advised that the County had signed a Local Cooperation Agreement with the Army Corps of Engineers stating that the County would be responsible for costs over \$1 Million regarding the referenced project. Cost overruns were in the amount of \$215,359. Through the assistance of Congressman Dyson, the federal government determined that it was a federal expense. In order to receive those funds, the County must sign an amended Agreement. Therefore, Mr. Ichniowski presented Amendment No. 1 to the Agreement between the United State of America and St. Mary's County for Local Cooperation at Herring Creek, Tall Timbers, Maryland.

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to authorize Commissioner Loffler to sign Amendment No. 1 to the Agreement as presented. Motion carried.

3) PUBLIC WORKS AGREEMENT
THE LANDINGS AT PINEY POINT

Mr. Ichniowski presented a Public Works Agreement dated December 23, 1988 by and between Piney Point Landing and St. Mary's County guaranteeing the completion of the following roads in The Landings at Piney Point Subdivision by December 1, 1989: Driftwood Drive, Shallow Ford Court, Bellview Court, Whitestone Court East, Whitestone Court West, Whitestone Place, and Whitestone Drive. The Agreement is backed by a surety bond in the amount of \$1,000,000.

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

4) PUBLIC WORKS AGREEMENT
TOSCA (PARCEL B)

Mr. Ichniowski presented a Public Works Agreement dated November 28, 1989 by and between Interstate General Company and St. Mary's County guaranteeing the completion of Mikado Drive in Tosca Subdivision (Parcel B) by November 1, 1989. The Agreement is backed by an Irrevocable Letter of Credit in the amount of \$293,000.

Commissioner Thompson moved, seconded by Commissioner Bailey, to authorize Commissioner Loffler to sign the Public Works Agreement as presented. Motion carried.

5) ACCEPTANCE OF DEED
ROAD RESOLUTIONS
SAN SOUCI SUBDIVISION

Mr. Ichniowski presented the following documents relative to San Souci Subdivision:

- Deed dated December 30, 1986 by and between Jay Laurence Millison and the Board of County Commissioners of St. Mary's County accepting the following roads into the County Highway Maintenance System: Cornwall Drive, McArthur Boulevard, Novosel Court, and Shields Court.
- Road Resolution No. 89-01 posting the streets in San Souci Subdivision, Section IV, at 25 miles per hour.
- Road Resolution No. 89-02 designating the following streets in San Souci, Section IV, as Stop Streets:
 - Cornwall Drive at its intersection with Novosel Court
 - Shields Court at its intersection with Cornwall Drive

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

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator
Charles H. Wade, Director of Finance

Commissioner Bailey moved, seconded by Commissioner Jarboe, to meet in Executive Session in order to discuss matters of Personnel. Motion carried. The Session was held from 11:15 a.m. to 11:40 a.m.

PROCLAMATION
NATIONAL COLLEGE DRUG AWARENESS WEEK

Present: Dawn Schwabcine
Bill Comey
Ed Delaney
Phebe Barth
Joe Dick

The Commissioners presented the referenced Proclamation designating the week of February 13-16, 1989 as National College Drug Awareness Week in St. Marys' County.

BOARD OF EDUCATION

The Commissioners held their monthly joint meeting with the Board of Education at the Board of Education office.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator
Charles Wade, Director of Finance
James Weber, Chief, Permits and Inspection
Joseph Mitchell, Director, DECD

Commissioner Bailey moved, seconded by Commissioner Lancaster, to meet in Executive Session in order to discuss a matter of litigation. Motion carried. The Session was held from 3:45 to 5:00 p.m.

ADJOURNMENT

The meeting adjourned at 5:00 p.m.

APPROVED,



Carl M. Loffler, Jr.
President