

BOARD OF COUNTY COMMISSIONERS' MEETINGTuesday, September 12, 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 9:05 a.m.

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to approve the minutes of the Commissioners' meeting of Tuesday, September 5, 1989. Motion carried.

APPROVAL OF BILLS

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

CHALLENGE '89ST. MARY'S COUNTY DRUG ALLIANCE
PUBLIC RELATIONS CONSULTANT

Present: Joe Dick, Coordinator, St. Mary's County Drug Alliance

Mr. Dick advised the Commissioners that there will be a Challenge '89 meeting on September 20 at 7:00 p.m. at the Leonardtown Middle School regarding the criminal justice system. He stated that the judges, sheriff, legislators, and state's attorney will be present to answer questions from the public.

During discussion Mr. Dick advised that the County's Public Relations consultant was willing to work with the Alliance two days a week for public relations under the same terms of her contract with the County.

After discussion Commissioner Thompson moved, seconded by Commissioner Jarboe, to approve a contract with the County's PR person, Judy Landau, for the St. Mary's Drug Alliance Challenge '89. Motion carried.

DIRECTOR OF FINANCE

Present: Charles Wade, Director of Finance

1) FISCAL YEAR 1989 CATEGORICAL CHANGES

In response to correspondence dated August 21, Mr. Wade presented correspondence for the Commissioners' signatures addressed to the Board of Education approving the following categorical changes for the General Fund for FY '89:

<u>Revenue</u>	<u>Revised Budget</u>
Local	\$22,292,554
State	20,462,699
Federal	1,144,057
Transfers	24,183
Total Revenue	\$43,923,493

<u>Expenditures</u>	
Administration	2,087,697
Instr. Salaries	21,091,304
Other Instr.	1,756,682
Pupil Services	267,252
Health	3,433
Transportation	3,391,967
Operations	3,879,350
Maintenance	2,151,291
Fixed Charges	4,602,682
Special Education	4,580,919
Total Expenditure	\$43,812,577
Fund Balance Contribution	\$ 110,916

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to sign the letter approving the categorical changes for Fiscal Year 1989 as referenced above. Motion carried.

2) FISCAL YEAR 1990 BUDGET CHANGES

In response to correspondence date August 21, 1989, Mr. Wade presented correspondence for the Commissioners' signatures addressed to the Board of Education approving grant revenue/expenditures and General Fund categorical changes for Fiscal Year 1990 as follows:

<u>State Restricted Grants</u>	<u>Revised Budget</u>
Revenue	\$ 811,342
Expenditures	811,342
<u>General Fund Expenditures</u>	
08 Fixed Charges	5,256,814
01 Administration	2,288,504
07 Maintenance of Plant	2,000,528

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to sign the correspondence approving the categorical changes for FY '90 as presented. Motion carried.

COUNTY ADMINISTRATOR

Present: Edward V. Cox, County Administrator

1) COLUMBUS DAY

The County Administrator advised that Columbus Day is observed on October 12 unless Congress designates otherwise. This year the U. S. Congress designated Monday, October 9, 1989 for the observance of Columbus Day. The State has also designated October 9, and the County follows the State's holiday schedule. For St. Mary's County to change the date would require Board action. Therefore, Commissioner Jarboe moved, seconded by Commissioner Thompson, to observe Columbus Day on October 9, 1989. Motion carried.

2) SHERIFF'S DEPARTMENT

The County Administrator presented a memorandum dated September 11 requesting the Commissioners' approval of the Sheriff's request to convert two sworn uniformed uniform deputy sheriff positions: Crime Lab Technician (classified to Grade 18) and Services Coordinator (classified at Grade 14).

After discussion Commissioner Lancaster moved, seconded by Commissioner Thompson to approve the request as presented. Commissioners Bailey and Jarboe voted against the motion stating they were in favor of the Crime Lab Technician, but felt that the Services Coordinator position should be a higher classification. Motion carried.

3) DEPARTMENT OF FINANCE - PERSONNEL
FISCAL CLERK II - DATA SERVICES

The County Administrator presented a memorandum dated September 11 whereby the Director of Finance requested conversion of the permanent part-time Fiscal Clerk II position in Data Services to full time because of increased workload.

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

4) ST. MARY'S HOSPITAL
DRUG DETECTION TESTING

The County Administrator advised that in order for the County to maintain its standing for receiving grants, the County must have a drug policy, which in some cases requires a reliable testing source. Therefore, Mr. Cox presented correspondence to the Administrator of St. Mary's Hospital requesting assistance in the provision of drug detection testing for St. Mary's County government and other local agencies.

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

5) HOUSING PRESERVATION GRANT

On behalf of the Department of Economic and Community Development, the County Administrator presented an extension for the \$40,000 Housing Preservation Grant for the public facility housing project on Rt. 243. The extension will allow the County until September 30, 1990 to use these grant funds.

Commissioner Bailey moved, seconded by Commissioner Thompson, to approve and sign the Grant extension as presented. Motion carried.

6) STORAGE SPACE - LIGHTHOUSE ROAD

The County Administrator presented a lease agreement for the county's use of 450 square feet of storage space in Building No. 2 located on Lighthouse Road, Piney Point for the period October 1, 1989 to December 31, 1989.

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

The County Administrator was directed to determine the reason why the lease was for just three months.

7) GRANT APPLICATION
ADOLESCENT PREGNANCY AND PARENTING

The County Administrator presented the referenced Grant Application in the amount of \$2,000 from the Maryland Department of Education to be used to support interagency coordination of services in the areas of adolescent pregnancy and parenting prevention.

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

8) GRANT AGREEMENT
SHELTER, NUTRITION AND SERVICE PROGRAM

The County Administrator presented the referenced Agreement between Maryland State Department of Human Resources, Community Services Administration and St. Mary's County Commissioners in the amount of \$53,000 and to be administered by the Department of Social Services.

Commissioner Thompson moved, seconded by Commissioner Bailey, to approve and authorize Commissioner Loffler to sign the Grant Agreement as presented. Motion carried.

9) 1990 LEGISLATIVE PACKAGE

The County Administrator presented the items thus far submitted for the 1990 Legislative Package, explained the process, and stated that after the October 10 public hearing, the Commissioners would take formal positions on the items.

BONDING REQUIREMENT WAIVER REQUEST

Present: Frank Gerred, Permits and Environmental Affairs Engineer, SMECO

Mr. Gerred appeared before the Commissioners to request a waiver of the bonding requirement for work performed by SMECO explaining that SMECO is a public utility firmly rooted in the community and requires bonding by its contractors who perform the work. A specific example was given by Mr. Gerred to explain his request in the project for a switching station on Hewitt Road, the bond for which is in the amount of \$81,900. The Commissioners indicated to Mr. Gerred that they were inclined to approve the waiver request, but that the matter requires research by legal and other staff so that all aspects of the decision would be included. The Commissioners indicated they would respond to Mr. Gerred in the near future and asked that his request be submitted in writing so that it was fully understood.

OFFICE OF PLANNING AND ZONING

Present Jon Grimm, Director
Peggy Childs, Recording Secretary, OPZ.

REZONING DECISION - 9:30 a.m.

ZONE #89-0356 - BAY DISTRICT VOLUNTEER FIRE DEPT.
(Bailey Station)

Requesting rezoning of 13.725 acres + from R-2, Low Density Urban Residential, to C-2, Commercial. The property is located on the east side of MD Route 237, Chancellor's Run Road, adjacent to the railroad right-of-way. Shown on Tax Map 43, Block 1, Parcel 398.

Owner: Bay District Volunteer Fire Department
Applicant/Contract Purchaser: Irene Graves

Present: Jim Kenney, Attorney for Applicant
Irene Graves

This public hearing was held on August 29, 1989.

Commissioner Loffler stated that as he understood it, there were two concerns:

- (1) Use of the railroad r/w as a buffer.
- (2) Realignment of the property for the proposed FDR Boulevard.

Mr. Grimm stated that the Planning Commission had not accepted staff's recommendation that the railroad r/w be used as a boundary separating the commercial and residential properties, and their recommendation was for approval.

Regarding FDR Boulevard, Mr. Kenney confirmed that there was an agreement between the parties regarding the 1.5 acres that would be affected, but stated he did not feel it would be appropriate to impose a condition on the rezoning, since there is no alignment existing for the road at this time. Further, Mr. Kenney said, it was not the recommendation of the Planning Commission to do so.

Mr. Grimm stated firmly that, had the r/w for FDR been mapped or the alignment chosen, the staff report in opposition to this rezoning would have been significantly different, and this type of rezoning would be acceptable.

Commissioner Bailey moved to approve this rezoning from R-2 to C-2, Commercial; seconded by Commissioner Thompson; and passed by a vote of 4 in favor and one abstention. Commissioner Jarboe stated that he had not been present for the public hearing, and felt that he should not participate or vote on this request.

CRITICAL AREA PROGRAM DISCUSSION

Present: Ford L. Dean, Task Force Chairman
Jeff Jackman, OPZ Land Use Planner

Mr. Dean presented the Commissioners with the "final draft" of the Critical Area Program. He said the Task Force had taken the comments received from the Commissioners' public hearing on August 15, 1989 and the marked up copy of the draft received from the Potomac River Association and incorporated those comments into this "final draft" which he presented to the Commissioners. Mr. Dean said the draft contains also some housekeeping changes, and any additions are set out in bold print, whereas any deletions are crossed out.

Mr. Dean said he would like to request that the Commissioners consider taking action on the program next Tuesday, September 19th. Mr. Dean said he has talked with Ren Serey, of the Critical Area Commission staff, and if the program is adopted on the 19th he thinks we can get it on the CAC October 4th agenda. Accompanying the program should be a letter of transmittal setting out those projects the Task Force, the panel, and the CAC understand will be "grandfathered in", Mr. Dean said, adding that he will prepare the letter for the Commissioners' review.

Mr. Dean said the Task Force has worked diligently and long, and, although it has been a long process, that is not entirely the fault of the Task Force, as the County plan submitted to the CAC in July 1988 "languished" at the Critical Area Commission until March 1989 due to personnel changes at DNR.

Commissioner Jarboe raised a question as to what "new" agricultural activities will be subject to an environmental review. Although Mr. Jackman explained he thought it would be uses encroaching on the habitat protection areas, Mr. Dean stated the Task Force will meet again this Friday for "final" review, and he will add that item to his list for clarification. He added that he would encourage the Commissioners to point out any passages they thought were too broad, or too vague, to be addressed and clarified.

Mr. Dean had likened the process of the County Program as to an economics class making a dress. We have been given the pattern by the teacher (the State). Now the teacher will grade us on the dress we made, but, Mr. Loffler said, the County must wear the dress.

EXECUTIVE SESSION

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to meet in Executive Session on a matter of personnel. Motion carried. The Session was held from 10:00 a.m. to 10:30 a.m.

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PUBLIC HEARING

TAX SALE - DELINQUENT PROPERTIES

Present: Charles Wade, Director of Finance

The Commissioners conducted a public hearing on a proposed Resolution to set the tax sale date for property after the tax is delinquent for a period of six months rather than the current one year, effective October 1, 1989.

The secretary read the notice of public hearing.

Mr. Wade explained that 1989 House Bill 855 requires the County to set by Resolution the date and time of a tax sale. He pointed out that delinquent taxes has been a point of issue with the bond rating agencies and further stated that delinquent dollars continues to grow.

The hearing was opened for comments from the audience.

Katherine D'Esposito expressed the opinion that:

- That this change would create a burden to the taxpayer
- That because bills have already been sent out showing payment through June, citizens have not received adequate notice.
- That the public hearing should not have been held during the day on an Election Day.

Jan Norris stated that the tax sale would be during a current fiscal year, and citizens would be asked to pay in advance.

The Commissioners closed the public hearing and stated that the record would remain open for ten days prior to the Board making a decision.

BLESSING OF THE FLEET

Present: Robert Pogue, Seventh District Optimist

Mr. Pogue presented each Commissioner with courtesy passes to the Annual Blessing of the Fleet to be held on St. Clement's Island on October 7 and 8. He stated that there are many new events scheduled and that approximately 7500 people are expected to attend.

EXECUTIVE SESSION

Present: Edward Cox, County Administrator

Commissioner Bailey moved, seconded by Commissioner Jarboe, and motion carried, to meet in Executive Session to discuss matters of Personnel and Property Acquisition as follows:

Personnel

Also present: Mary Agostinelli

(Held from 11:25 a.m. to 11:30 a.m.)

Property Acquisition

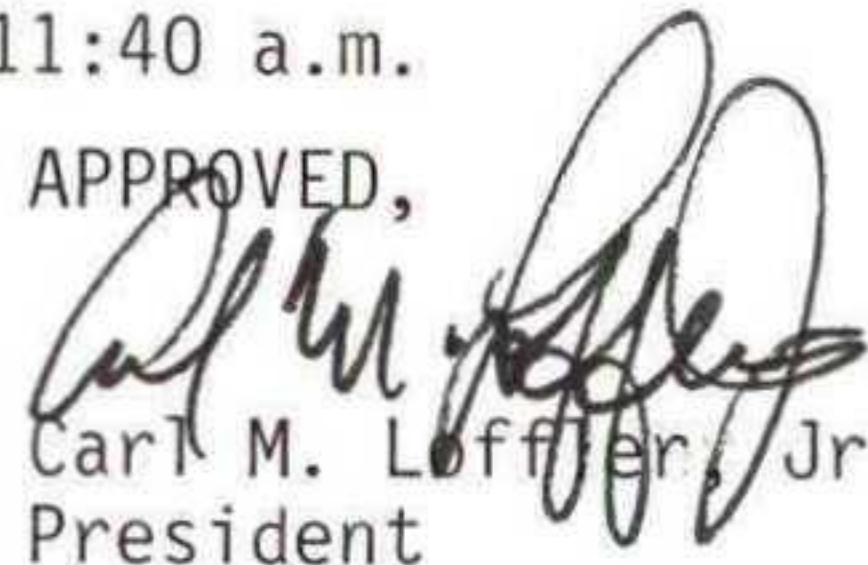
Also present: John V. Baggett, Director of Recreation & Parks
Robert Pogue

(Held from 11:30 a.m. to 11:40 a.m.)

ADJOURNMENT

The meeting adjourned at 11:40 a.m.

APPROVED,


Carl M. Loffler, Jr.
President