

BOARD OF COUNTY COMMISSIONERS' MEETINGTuesday, October 10, 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

(Commissioner Bailey entered the meeting at 9:20 a.m.)

The meeting was called to order at 9:05 a.m.

APPROVAL OF MINUTES

Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve the minutes of the Commissioners' meeting of Tuesday, October 3, 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) TRI-COUNTY COMMISSIONER MEETING

The County Administrator inquired if the Commissioners had any additional agenda items for the Tri-County Commissioner meeting scheduled for October 18. Commissioner Jarboe suggested that Tri-County Council budget be discussed and that the Executive Director be invited.

2) PERSONNEL - DRAFTSMAN POSITION
DEPARTMENT OF PUBLIC WORKS

The County Administrator presented a memorandum dated October 10, 1989 from the Personnel Officer requesting the Commissioners' approval of a request from the Director of Public Works to convert the vacant Engineering Technician I position, Grade 12, to a Draftsman position, Grade 13.

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to approve this request. Motion carried.

3) CRITICAL AREA PROGRAM

The County Administrator presented a memorandum dated October 5, 1989 from the Director of Planning and Zoning stating that the Critical Area Commission has reviewed the County's Plan and has requested certain amendments. He stated that the Chairman of the Critical Areas Task Force, Ford Dean, will come before the Board at a later date to discuss the requested amendments and to request the Board's concurrence with the changes.

4) LEONARDTOWN COUNCIL
LIVABILITY CODE

The County Administrator presented correspondence addressed to the Mayor and Council of Leonardtown regarding the County providing livability code inspection services in the Town of Leonardtown with the County being reimbursed accordingly.

Commissioner Loffler raised questions regarding the rate of the fee to Leonardtown, and therefore, the Commissioners agreed to defer decision until next week's meeting.

(Commissioner Bailey entered the meeting.)

5) CORRESPONDENCE TO LOUISE B. GOUGH

The County Administrator presented correspondence responding to Louis B. Gough regarding the zoning of a parcel of land involved in an estate settlement. The letter indicated that the Office of Planning and Zoning would assist her in this situation.

The Commissioners agreed to sign and forward the letter.

6) CHILD DAY CARE CENTER
AMENDMENT TO SUBRECIPIENT AGREEMENT

The County Administrator presented an Amendment to the Agreement between St. Mary's Hospital and the Board of County Commissioners increasing the grant for the Child Day Care Center from \$98,000 to \$123,000.

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

7) "DEVELOPING CAPABLE PEOPLE" GRANT PROPOSAL

On behalf of the Office of Community Services, the County Administrator presented a St. Mary's County Government community Alcohol and Drug Abuse Prevention Program Grant Proposal for Governor's Children and Youth Initiative of 1985 funds. The purpose of the funding request of \$5,000 is to continue the ongoing parent training project "Developing Capable People" as part of the County's comprehensive alcohol and drug abuse prevention planning.

Commissioner Jarboe moved, seconded by Commissioner Thompson, to approve and authorize Commissioner Loffler to sign the grant proposal to be submitted to the State Alcohol and Drug Abuse Administration. Motion carried.

PROCLAMATION
COLLEGIATE ALCOHOL ABUSE AWARENESS WEEK

Present: Sandy Tull, Charles County Community College

The Commissioners presented the referenced Proclamation designating the week of October 16-21 as Collegiate Alcohol Abuse Awareness Week.

ROAD INSPECTION FEES

Present: Israel Swarey, Developer, Laurel Ridge, Section III
Robert Erickson, "
Michael Harris, Attorney "
Ben Burroughs, Developer, Country Lakes, Section V
F. Elliott Burch, Jr., "
Dan Ichniowski, Director, Department of Public Works

Representatives of Laurel Ridge and Country Lakes Subdivisions appeared before the Commissioners to discuss the recently imposed 7% Road Inspection Fees by the Department of Public Works.

With regard to Laurel Ridge, Mr. Harris stated that the road inspection fee is unfair and needs to be readdressed by the County Commissioners. Mr. Harris indicated that the road plans were in process prior to the new fee and were completed August 18, 18 days after the fee went into effect. He stated that the 7% of project cost caused an extremely high per lot cost as opposed to the previous per-lot-fee method. Mr. Harris further pointed out that the County is stressing lower density subdivisions; however, because of the method of imposing road inspection fees, developers will create higher density subdivisions instead of rural in order to recoup their investment.

Mr. Burch, representing Country Lakes, stated that plans for Country Lakes were submitted in September of 1988, and because of the high turnover of employees in the Department of Public Works, the plans were not approved until after the new fee went into effect. Mr. Burch stated that the contracts on the lots were based on costs anticipated at the old rate. Mr. Burroughs pointed out that the plans for Country Lakes were submitted and returned four times because of new people in the Department of Public Works each interpreting the rules differently.

During discussion Commissioner Loffler indicated that there were two issues regarding the fee:

1. Whether the projects were "in process" and would, therefore, not be subject to the new fee.
2. Whether or not the 7% inspection fee is cost recovery or revenue production.

In conclusion Commissioner Loffler requested Mr. Ichniowski to gather information regarding the timing and sequence of events for the referenced projects and return to the Board in two weeks with a report.

With regard to the 7% fee, Commissioner Loffler suggested and the Board concurred that the developers pay the road inspection fee "under protest," and that an evaluation will be done to determine actual costs and the amount of the fee. Should the actual county costs be less than the fee paid, the developer will receive a refund. Representatives of Laurel Ridge and Country Lakes were agreeable with this suggestion.

The County Commissioners directed the County Administrator to prepare a recommendation on the feasibility of escrowing fees, accounting for actual cost of inspections, and returning overages at the conclusion of the projects.

OFFICE OF PLANNING AND ZONING
ALPD #89-0429 - THOMAS COX & WALDO BURNSIDE

Present: Jon Grimm, Director
Peggy Childs, Recording Secretary

ALPD #89-0429 - THOMAS COX & WALDO BURNSIDE
Requesting designation of 181 acres as an Agricultural Land Preservation District. The property is zoned R-2/RPD and RCA and is located on MD Route 252 in Ridge, First Election District; shown on Tax Map 70, Blocks 12 and 17, Parcels 41 and 203.

Owners/Applicants: Thomas Emory Cox
Waldo Howard Burnside

Mr. Grimm reminded that the public hearing on this request was held on September 26, 1989 and stated, to his knowledge, there have been no additional comments from the public hearing.

As there was no further discussion, Commissioner Bailey moved to approve the ALPD; seconded by Mr. Lancaster and unanimously carried.

DEPARTMENT OF PUBLIC WORKS

Present: Dan Ichniowski, Director

1) PUBLIC WORKS AGREEMENTS
ADDENDA TO PUBLIC WORKS AGREEMENTS

Mr. Ichniowski presented Public Works Agreements and Addenda to Public Works Agreements as follows:

Public Works Agreements

- ° Laurel Ridge Subdivision, Section 3A - By and Between Swarey Builders, Inc. and St. Mary's County guaranteeing completion of Overlook Court by September 1, 1990. Agreement is backed by a Letter of Credit with Maryland Bank and Trust in the amount of \$225,750.
- ° Chestnut Ridge Subdivision, Section 1 - By and between Delmarva Property, Inc. and St. Mary's County guaranteeing completion of Chestnut Ridge Drive and Bayberry Court by September 1, 1990. Agreement is backed by a Letter of Credit with Citizens and Farmers Bank in the amount of \$230,800.

Addenda to Public Works Agreements

- ° Tosca Subdivision - By and between Interstate General and St. Mary's County extending the deadline for completion of roads in Tosca Subdivision to October 1, 1990, and amending Letter of Credit with Maryland National Bank to \$296,000.
- ° Essex South Subdivision, Section 4-A - By and between Michael P. O'Brien and St. Mary's County extending the deadline for completion of roads in Essex South to November 1, 1990 and replacing First National Savings Bank Letter of Credit with Maryland Bank & Trust Letter of Credit in the amount of \$40,000.
- ° Stoney Run Subdivision, Section III - By and between Wayne A. Wise and St. Mary's County extending the deadline for completion of Stoney Run Drive to June 1, 1990, and amending Letter of Credit with First National Bank of St. Mary's to \$39,000.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Loffler to sign the Public Works Agreements and Addenda as presented. Motion carried.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator

Commissioner Bailey moved, seconded by Commissioner Thompson, to meet in Executive Session to discuss matters of litigation and personnel. Motion carried. The Commissioners met with the County Administrator on matters of personnel from 10:35 to 11:10 a.m. and with the County Administrator and Director of Finance Charles Wade on a matter of litigation from 11:10 a.m. to 11:25 a.m.

RIBBON CUTTING - CHILD DAY CARE CENTER

The Commissioners left the meeting at 11:30 to attend the ribbon cutting for the Child Day Care Center at St. Mary's Hospital.

ADJOURNMENT

The meeting adjourned at 11:25 a.m.

APPROVED,


Carl M. Loffler, Jr.
President