

BOARD OF COUNTY COMMISSIONERS' MEETINGTuesday, March 13, 1990

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 Jarboe moved, seconded by Commissioner Lancaster, to approve the minutes of the Commissioners' meeting of Tuesday, March 6, 1990. Motion carried.

APPROVAL OF BILLS

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

CHESAPEAKE BAY CRITICAL AREA ORDINANCE

Present: Joseph Densford, County Attorney
Jeff Jackman, Land Use Planner

Mr. Jackman presented a copy of the Ordinance adopting and incorporating by reference the St. Mary's County Chesapeake Bay Critical Area Program, rescinding Section 38.07 of the Zoning Ordinance and substituting a new Section 38.07 regarding Critical Area (CA) District. Section 38.07 had referred to this area as RCA, which is a Critical Area map designation and would cause confusion. He stated that the County had 90 days (which is March 14) to enact its local Ordinance from the date the State Critical Area Commission the Chairman notified the County of the State's approval.

During discussion the Commissioners indicated that they would prefer to wait until next week to make a decision on the Ordinance. Mr. Jackman indicated that other jurisdictions have gone beyond the 90-day period without jeopardizing their programs. However, he suggested that the County forward correspondence to the State Critical Area Commission forwarding the draft Ordinance and stating that the Commissioners intend to act upon it at next week's meeting. The Commissioners agreed to suggestion and directed the County Administrator to prepare the correspondence.

ALL AMERICA CITY AWARD UPDATE

Present: Judy Landau Pedersen, Public Information Specialist

Mrs. Pedersen appeared before the Commissioners to present an update of the All-America City Award Committee's efforts regarding the County's nominations for the award. She stated that the Committee will be making a decision for the submission of for St. Mary's County's application in the next few weeks. The Committee has narrowed the field to include nine nominations, of which three will be selected for submission for the award. Mrs. Pedersen advised the Commissioners that on March 27 the final nominations will be presented to the Commissioners and then prepared in final form for submission to the contest office by April 20. A copy of the update is on file in the Commissioners' Office.

PUBLIC INFORMATION RELEASE

Mrs. Pedersen presented an Information Release announcing the implementation of the Safe Homes Program by the Alliance for Alcohol/Drug Abuse Prevention, Students Against Drunk Drivers and The Board of County Commissioners. She stated that the program requests parents to educate and set the example for young people by pledging to support safe home environments where young people may gather free from the pressures of alcohol and drug abuse. Parents will be asked to sign pledge cards agreeing to certain conditions.

LEONARDTOWN COUNCIL
TAX DIFFERENTIAL

Present: Maguire Mattingly, Mayor
Becky Proffitt, Leonardtown Council
Tom Shea, Town Manager
Rebecca Sothern, Comptroller, Leonardtown
Charles Wade, Director of Finance

The referenced representatives of Leonardtown appeared before the Commissioners to request an increase in the Tax Differential paid to Leonardtown from the County from \$18,858 to \$31,917. Mr. Mattingly pointed out that there has not been an increase since 1983. The current formula treats the County as a taxpayer, for calculation purposes, within the Leonardtown corporate limits. This payment is designed for the County pay for the services provided to the County facilities within Leonardtown.

After discussion the Commissioners agreed to consider this request during the budget process.

MARYLAND INFANTS & TODDLERS PROGRAM

Present: Dr. William Marek, Health Officer)
Carolyn D'Wynter, Health Dept.)
Carol Pinckney, Health Dept.)
Marilyn Beach, Public Schools) Planning Team
Ann Williams, Physical Therapist)
Pat Murphy, Dept. of Social Services)

The referenced individuals appeared before the Commissioners to present information regarding Public Law 99-457 - Infants and Toddlers Program and to explain the efforts in Maryland, and in particular, St. Mary's County. Ms. D'Wynter presented a packet of information relative to the program and stated that the program is a multi-agency effort for handicapped children from the ages of 0-2. A grant has been provided for planning, and another grant for technical planning will be submitted this year. The program will be fully implemented by the fall. She explained the services provided and indicated that there will be a system of data collection designed to collect unduplicated counts of children.

During discussion Ms. D'Wynter requested the following from the Board:

- o That a Commissioner serve on the Interagency Coordinating Council in compliance with the mandate of the law that one of the members be an elected official.
- o That the Commissioners give approval of the Council and of the Health Department being the lead agency to move forward with this program.

The Commissioners requested that the team provide names of appointments, terms, and functions of the ICC and a letter of recommendation from the Health Department. The County Administrator and Ms. D'Wynter will work on preparing this letter.

In closing Mrs. D'Wynter stated that the planning team will provide the Commissioners with information on the program

DEPARTMENT OF PUBLIC WORKS

Present: Dan Ichniowski, Director

(Commissioner Thompson left meeting - 10:30 a.m.)

1) ADDENDA TO PUBLIC WORKS AGREEMENTS

Mr. Ichniowski presented the following Addenda to Public Works Agreements for consideration:

- ° Wildewood By and between Paragon Builders, Inc. and St. Mary's County extending the deadline for completion of Poplar Wood drive to May 1, 1991 and reducing the Letter of Credit with First National Bank of St. Mary's to \$10,000.
- ° Wildewood By and between Paragon Builders, Inc. and St. Mary's County extending the deadline for completion of Wildewood Parkway and Almond Court to July 1, 1991 and reducing the Letter of Credit with Maryland Bank & Trust to \$36,000.
- ° Wildewood By and between Paragon Builders, Inc. and St. Mary's County extending the deadline for completion of Redwood Lane to July 1, 1991 and reducing the Letter of Credit with Maryland Bank and Trust to \$16,000.
- ° Tosca Subdivision, Parcel D, Carmen Woods By and between Interstate General Company and St. Mary's County extending the deadline for completion of roads by March 1, 1991 and reducing the Letter of Credit with Maryland National Bank to \$71,500.

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

(Commissioner Thompson returned to the meeting - 10:40 a.m.)

2) PUBLIC WORKS AGREEMENT
TOSCA, PARCEL "C" (WARWICK)

Mr. Ichniowski presented a Public Works Agreement dated January 29, 1990 by and between Interstate General Company and St. Mary's County guaranteeing the completion of Warwick Drive and Warwick Court by February 1, 1991. The Agreement is backed by a Letter of Credit with Maryland National Bank in the amount of \$230,500.

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

3) EASEMENT AGREEMENT
RAILROAD RIGHT-OF-WAY - BOWLING

Mr. Ichniowski presented an Easement Agreement among St. Mary's County, Southern Maryland Electric and George M. Bowling Sr., George M. Bowling Jr. and Dorothy M. Bowling granting a 20 foot wide easement located on a portion of the railroad right-of-way to be used an ingress and egress. The property is located in the Eighth Election District of Charles County.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to authorize Commissioner Loffler to sign the Easement Agreement as presented.

OFFICE OF PLANNING AND ZONING

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

PRESENTATION OF ZONING ORDINANCE

Mr. Grimm presented a transmittal letter from the Planning Commission forwarding the recommended plan and maps and enclosing a summary of the Commission's recommended changes from the November 1, 1989 Public Hearing Draft with a brief rationale for the recommended changes. The Commission has also instructed OPZ to prepare reports on several items in conjunction with a biennial review, stressing their support for three comprehensive planning projects within the next fiscal year:

- (1) Investigation of the need for
 - (a) additional industrially zoned property; and
 - (b) required supporting infrastructure (water/sewer/roads, etc.) to serve new economic development in the northern end of the County, specifically the 4th and 5th Election Districts.
- (2) An aggressive capital improvement program of funding for new infrastructure improvements in the Lexington Park Development Districts, including official road mapping, road building, and other planned facility expansions.

The Commission states these have their highest support.

The recommended document is entitled "Planning Commission Draft - 3/13/90" and includes:

- (1) Technical revisions directed by the Planning Commission;
- (2) Technical revisions based on staff agreement to public hearing comment;
- (3) Technical revisions resulting from repeated staff review of the document through time.

Mr. Grimm presented the "Summary of Recommended Changes to the 11/1/89 Draft", with supporting documentation:

- (1) Additional Public Comments received after 11/1/89 public hearing
- (2) District Mapping Rules/General Mapping Rules
- (3) OPZ Staff and PC recommendations regarding written requests for zoning classifications
- (4) Nonconforming Uses
- (5) Inventory of Nonconforming Uses in St. Mary's County
- (6) Inventory of Critical Area and Commercial Marine Facilities
- (7) PUD-X - Mixed Uses within a PUD
- (8) Apartments in Commercial Zoning Districts; Noise Limitations
- (9) PC Staff Report on Communication Towers.

The Commissioners will review the document in depth and instructed staff to advertise the required public hearing for April 10, 1990.

DISCUSSION/DECISION

ZPUD #86-1058 - LAUREL GLEN RESIDENTIAL

Requesting a major amendment to an approved PUD concept plan for a change in original access points to MD Route 235 and Old Rolling Road for the residential section, by eliminating direct access on Route 235 and only using Old Rolling Road for residential access. The property contains 80.92 acres, is zoned PDR5.0 and located on the east side of Old Rolling Road, south of its intersection with MD Route 235.

Present: Dan Ichniowski, DPW

Mr. Grimm stated that, in response to the Commissioners' request for information relative to the location of the intersection and the curve on Old Rolling Road, DPW had prepared a graphic. Mr. Ichniowski stated the 376' distance is acceptable to accommodate the safety provision for the turning lanes at the intersection. Mr. Loffler stated the intersection had been relocated from a less desirable point, turning lanes have been added, and a traffic light will be installed at 235; making it more acceptable from a public safety standpoint.

Commissioner Bailey moved for approval of the PUD amendment and the change in access point as requested; Commissioner Lancaster seconded; motion carried.

BOATEL CALIFORNIA BUFFER MAINTENANCE PLANTING AGREEMENT

Mr. Grimm presented the Agreement for the Commissioners' signature, stating it requires the applicant to plant the buffer in accordance with the Bay Forester Plan and to replace any plantings which may die for a 5-year period to maintain the critical area buffer as a condition of the Planning Commission site plan approval. The document has been reviewed by both the Bay Forester and the County Attorney, who recommend acceptance by the County.

Commissioner Thompson moved to authorize the President to sign the Agreement; Commissioner Bailey seconded; motion carried.

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) IMPACT FEE WAIVER REQUEST

The County Administrator advised that a request had been received from Mary E. Nealis to waive the impact fee for the construction of a home on a site on which an old home was demolished. In that the request met the waiver provision of Resolution No. 89-06, the County Attorney has recommended grant the exemption providing certain conditions are met. Therefore, the County Administrator presented correspondence addressed to Mrs. Nealis indicating approval of the exemption from the impact fee provided that proof is submitted satisfying the conditions. The Commissioners agreed to sign and forward the letter.

2) RESTROOM FACILITIES

The County Administrator presented correspondence responding to concerns expressed by members of the National Association of Retired Federal Employees, regarding a need for a restroom facilities requirement for certain business. The letter states that the Office of Planning is being requested to determine if this should be a requirement of site plan evaluations. The Commissioners agreed to sign and forward the letter.

3) BUDGET AMENDMENT NO. 90-44
ANIMAL CONTROL

The County Administrator presented the referenced Budget Amendment recommended for approval by the Director of Finance with the following justifications: To provide funding for regular operations, new vehicles materials, new tires for other vehicle.

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

4) CEDAR COVE MARINA

As a follow up to previous discussions, the County Administrator presented correspondence addressed to the Metropolitan Commission setting forth the understanding from the February 6 Commissioners' meeting regarding sewer service at Cedar Cove. The Commissioners raised questions relative to whether or not the addition of pump out facilities would be taken from the EDU's (equivalent dwelling units) and whether it would jeopardize the grant.

The County Administrator stated he would get an opinion from the State in writing with regard to this prior to the Commissioners sending a letter to the Metropolitan Commission.

5) RETIRED SENIOR VOLUNTEER PROGRAM

The County Administrator presented response to the Director of ACTION regarding his Internal Monitoring and Audit of the County's RSVP. The letter states that the County is actively recruiting for a part-time Volunteer Coordinator position and will fill it in the near future.

The Commissioners agreed to sign and forward the letter.

6) MARYLAND HISTORICAL TRUST
ST. MARY'S COUNTY SURVEY AND REGISTRATION PLANNING PROJECT

The County Administrator presented correspondence dated February 21, 1990 from the Maryland Historical Trust advising that funding has been approved for the referenced project in the amount of \$7,500 and requesting a signed Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Loffler to sign the referenced Certification. Motion carried.

7) COMMUNITY COLLEGE SITE

The County Administrator presented a memorandum to the Commissioners requesting direction as to designation of a project manager for the Community College feasibility study project and recommending the designation the Department of Public Works.

After discussion Commissioner Jarboe moved, seconded by Commissioner Lancaster, to designate the Department of Public Works as Project Manager for the referenced project. Motion carried.

8) PROPERTY TAX CREDIT LEGISLATION
PROPERTY SUBJECT TO CONSERVATION EASEMENT

The County Administrator advised that via a telephone call from Delegate Kremer, the Commissioners are being requested to indicate support of referenced H.B. 1329 which is being introduced by Delegates Slade and Kremer. The bill provides authorization for jurisdictions to grant a property tax credit for certain real property that is subject to a perpetual conservation easement that was donated by a certain date.

The Commissioners agreed to take the matter under advisement.

BLUE CROSS BLUE SHIELD
FLEXIBLE BENEFIT PLAN PROPOSAL

The County Administrator presented a memorandum dated March 8 from the Personnel Office requesting approval to proceed with establishment of a Flexible Benefits program for county employees to become effective July 1, 1990. Mr. Cox stated that briefings on the plan have been held with County Commissioners, employees, and department heads at the staff meeting.

After discussion Commissioner Lancaster moved, seconded by Commissioner Thompson, to proceed with the establishment of the Flexible Benefits health insurance program. Commissioner Jarboe voted against the motion stating that the program was not completely clear to him. Motion carried four to one.

FOREST LANDING
EASEMENT AND ROAD MAINTENANCE AGREEMENT

Present: Joseph Densford, County Attorney

As a follow up to last week's discussion, Mr. Densford presented the Easement and Road Maintenance Agreement between the Board of County Commissioners and Joseph Paul Jones, Jr. and M. Doris Jones, representatives of the Estate of John H. Kuderer, and Arnold H. Carter and Donna M. Farrish-Carter whereby the County grants an easement over the existing ten-foot right-of-way which runs across county property, for ingress and egress from their properties to Forest Landing Road.

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

MONTHLY PUBLIC FORUM

Commissioner Jarboe moved, seconded by Commissioner Bailey, that the monthly public forum of the Board's agenda not be considered a business meeting at which votes are taken, but rather a means of receiving comments and questions from the citizens. The business part of the agenda will be adjourned prior to the public forum which will be limited to two hours duration; to be effective the first Tuesday of April.

During discussion of the motion Commissioners Loffler and Thompson indicated that they were opposed to limiting the public forum stating that they believed the Board should continue operating as a Board during the public forum.

Commissioner Lancaster stated that the Commissioners should have an opportunity to study any issues raised at the public forum and should not vote on them at that time.

Commissioner Bailey indicated that the public forum should be for what it was set up to be--to get input and questions from the public, not a voting session.

Commissioner Jarboe Called for the question on the motion. The motion carried three to two with Commissioners Loffler and Thomson voting against.

COMMENDATION - GREAT MILLS HIGH SCHOOL INDOOR TRACK TEAM

The Commissioners presented the referenced Commendation recognizing Great Mills High School Indoor Track Team for outstanding athletic accomplishments as Regional Finalists 3A and as State Finalists 3A.

BOARD OF EDUCATION

The Commissioners met with the Board of Education at the Board of Education conference room.

CRITICAL AREA PROGRAM

Present: Jeff Jackman, Land Use Planner

Mr. Jackman appeared before the Commissioners to present correspondence addressed to Dr. Sarah Taylor of the Chesapeake Bay Critical Area Commission stating that because of the draft status of the Critical Area Ordinance, \$25,875 will have been unspent by the end of this fiscal year. The letter indicated that those funds should be directed forward completing computer mapping, approval was requested to revise the grant accordingly.

Commissioner Jarboe moved, seconded by Commissioner Thompson, to authorize Commissioner Loffler to sign the letter as presented. Motion carried. A budget amendment will be submitted next week for approval.

TRI-COUNTY GROUP HOME BOARD

Present: Michael Whitson, President
Dennis Scott, Director

The referenced individuals appeared before the Commissioners to present the Tri-County Group Home Board's Annual Report for 1989 explaining the purpose and composition, significant events and programs, plans for 1990. Mr. Whitson discussed the improvements and funding efforts for Loretta House. He stated that the Annual Open House will be held May 6 and invited the Commissioners to attend.

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

TRI-COUNTY YOUTH SERVICES BUREAU - ANNUAL REPORT

Present: Jane Sypher, President
Sam Bauman, Director

The referenced individuals appeared before the Commissioners to present the Tri-County Youth Services Bureau's Annual Report for 1989 explaining the purpose, significant activities of the past year, problems and challenges and plans for the current year. Mrs. Sypher further pointed out the goals of the Board for Fiscal Year 1991.

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

MARCEY HOUSE BOARD - ANNUAL REPORT

Present: Edward Kerns, Chair
Maguire Mattingly

The referenced individuals appeared before the Commissioners to present the Marcey House Board's Annual Report for 1989 explaining the programs, capacity, budget, services and volunteers, and staff.

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

COMMISSION ON AGING - ANNUAL REPORT

Present: Rona Harding, Chair
Norman Breslauer
Grace Loffler
Gene Carter, Director

The referenced individuals appeared before the Commissioners to present the Commission on Aging's Annual Report for 1989 explaining the purpose, significant activities, problems and challenges of the past year and plans for the current year. During the presentation, Rev. Harding advised that the Commission recommended the following:

- ° That the Commissioners establish another Care for the Elderly Task Force to make recommendations for the next decade.
- ° That the Commissioners fund the SMILE Program director's position until the program is again self-supporting.

During discussion the Commission on Aging members suggested that the Nursing Home and Office on Aging work together to actively recruit individuals from the waiting list of the Nursing Home to participate in the SMILE program. The County Administrator indicated that a meeting is scheduled Friday with the Nursing Home director, Office on Aging Director and the County Administrator and invited members of the Commission on Aging to attend.

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

ADJOURNMENT

The meeting adjourned at 5:00 p.m.

APPROVED,


Carl M. Loffler, Jr.
President