

BOARD OF COUNTY COMMISSIONERS' MEETINGTuesday, March 20, 1990

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

(Commissioners Bailey and Thompson were not present at beginning of meeting.)

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 13, 1990. Motion carried.

APPROVAL OF BILLS

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

COUNTY ADMINISTRATOR ITEMS1) BOARDS, COMMITTEES, COMMISSIONS

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to make the following appointments:

<u>COMMISSION FOR WOMEN</u>	<u>TERMS TO EXPIRE</u>
Beth Cooper-Joseph	6/30/92/96
<u>RECYCLING COMMITTEE</u>	
Brian Smith	No Term

2) BUDGET AMENDMENT NO. 90-45  
OFFICE OF PLANNING AND ZONING

The County Administrator presented the referenced Budget Amendment recommended for approval by the Director of Finance with the following justification: Unutilized funds are needed for progress towards completion of a computer mapping project (contingent upon approval by the State of change to Critical Area grant) in the amount of \$25,875.

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

3) HOLLYWOOD VOLUNTEER FIRE DEPARTMENT

The County Administrator presented correspondence responding to the President of the Hollywood Volunteer Fire Department's request for a statement indicating that the Hollywood Volunteer Fire Department is authorized to provide fire protection and firefighting services in St. Mary's County. The response acknowledges this authorization.

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to sign the letter recognizing Hollywood Volunteer Fire Department as requested. Motion carried.

4) HOSPITAL DAY CARE

The County Administrator presented correspondence addressed to the Department of Housing and Community Development advising that the construction of the hospital day care facility has been successfully completed and is now in operation. The letter states that the Board of County Commissioners is prepared to execute the close-out documents.

The Commissioners agreed to sign the letter as presented.

5) PERSONNEL

The County Administrator presented the following personnel items for the Commissioners' consideration:

° Typist Clerk III  
Office of Community Services

Memorandum from Personnel Office requesting approval to reclassify Typist Clerk II, Grade 11, position to Secretary, Grade 12, because of increased responsibilities and duties. The position is currently vacant.

Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve the reclassification as requested. Motion carried.

° Senior I&A Caseworker  
Office on Aging

Memorandum from Personnel Office advising that the Commissioners had approved changing one of the permanent part time senior I & A Caseworkers to full time; however, due to an oversight, action was never taken to finalize the change.

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to approve change the position as requested, to be effective immediately. Motion carried.

6) H.B. 626 - PARTNERSHIP RENTAL HOUSING PROGRAM

The County Administrator presented correspondence addressed to the Chairman of the Economic Matters Committee expressing support of H.B. 626 which would make permanent the Affordable Housing Project called Partnership Rental Housing Program.

The Commissioners agreed to sign and forward the letter.

7) STATE HIGHWAY ADMINISTRATION GARAGE

The County Administrator presented correspondence to SHA expressing the County's interest in the SHA garage once it becomes vacated, and stating that the County would be willing to negotiate with the State when it does become available.

The Commissioners agreed to sign and forward the letter.

MARYLAND ROCK NONCONFORMING USE SITE

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

Mr. Cox distributed to the Commissioners a memo from Mr. Grimm providing parameters set by the Board of Appeals, at Mr. Grimm's request, for establishing and defining the physical area of the nonconforming use site.

The memo provides an estimate of \$10,000-\$15,000 for research and preparation of an independent survey requested by the Board of Appeals. The Board strongly suggests the survey be done by an independent third party, not an employee of the County, the property owner, or Maryland Rock. He said his estimate was quickly done in response to Mr. Cox's request, and is based on local estimates for services and the time involved in researching the volume of material. The Board suggests 1974-75 and 1978 aerial photos be obtained as available and suggests County permits and Army Corps permits may provide a chronology useful in documenting the legality of on-site activities.

The Board discussed funding, and Mr. Cox said it seemed to him that the property owner is responsible, not the County; the owner cannot do the survey, but he can pay for it. Mr. Jarboe suggested the USGS has aerial photos that go back a long time and they should also have maps. He said if you take the 213 acres and subtract what is left you will have the nonconforming use area, but what is being referred to is the processing area, which never has been defined by metes and bounds. Mr. Grimm said when he saw the survey he asked whether the 213 acre conditional use area defined the nonconforming use area - the Board's answer was that it does not and a decision needs to be made of what constitutes the nonconforming use area.

Commissioner Loffler asked if it would be appropriate to ask for State help but stated he would like to commit to doing the survey and determine who is going to pay for it later, even if the County has to foot the bill - if we can recover some of the money, fine. There is enough community involvement in this case that it's got to be resolved.

Commissioner Jarboe agreed, and moved to ask the County Administrator to meet with the Finance Director to locate the funds to clarify this. The motion was seconded by Commissioner Lancaster and passed unanimously.

PUBLIC HEARINGS

SPEC #89-1667 - RIVERHOUSE CONDOMINIUMS

Requesting a change in water and sewer category from W-6D to W-3D and from S6 to S-3D. The property is zoned C-1/R-1 & RCA and is located in the 8th District at MD Route 5 and Goddard Road, also known as Langley Road, identified as Tax Map 51, Block 19, Parcels 95 and 166.

Owner : Henry T. Waring  
Present: Mr. Waring  
Larry Day/Bill Humenik, of Larry Day Surveying  
and Land Planning

Mr. Grimm stated both of these public hearings were advertised on February 28 and March 9, 1990 in The Enterprise. The property is currently vacant; however a site plan is being processed for a condominium and this is one of the remaining considerations of the site plan approval. Staff recommends approval and the Planning Commission recommends approval. MetComm states the owner must tie into the Great Mills sewer line, sharing in the costs. This category change will allow him to do that.

Commissioner Loffler opened the floor to public comment. Hearing none, the public portion was closed. The record will be held open and the Board will render a decision in two weeks - April 3rd.

Mr. Grimm proffered the site plan for the condominium development, saying the property is being designed in such a way that treatment of the St. Mary's River and protection of some streamside buffers have been incorporated into the site. The plan has been through the TEC process and is ready for approval.

SPEC #89-1797 - ST. MARY'S REGIONAL PARK

Requesting change in water/sewer category from W-6 to W-4D and from S-6 to S-4D. The property contains 23.82 acres and 44.94 acres, zoned R-2, and is located in the 8th Election District south of Norris Road on the western side of Chancellors Run Road; further identified as Tax Maps 42 & 43, Parcels 90 & 116.

Owner : St. Mary's County  
Present: John Baggett, Director, R&P  
Bill Ball and Claude Clarke, R&P

Mr. Grimm stated this site plan has also been through the TEC process and is awaiting the water/sewer category change so it can proceed to actual construction. Staff recommends approval; Planning Commission recommends approval. Mr. Grimm offered the site plan, showing ball diamonds, soccer fields, and additional facilities such as the Baseball Hall of Fame, Teen Center, etc.

The President opened the hearing public comment. Seeing no hands, he closed this portion and the public hearing. Decision is scheduled for April 3rd.

DISCUSSION REGARDING MOTOROLA APPEAL

Mr. Grimm stated Mr. Cox has asked him to bring the Commissioners up to date on an appeal of a decision of the Planning Commission for site plan approval for a communication tower off of McIntosh Road.

Providing some history, Mr. Grimm said OPZ has recently received several requests for erection of communication towers, and staff reviewed and interpreted the zoning ordinance, determining they were not specifically permitted in certain zoning categories - this particular request being located in an AR district with an RPD overlay. Staff went to the Planning Commission and asked what the past procedure had been and found that the Commission had reviewed a couple of requests in the past, but had not conducted the public hearing required by the Ordinance to determine that this type of use was similar to other permitted uses in the zoning district.

From there a public hearing was held by the Commission in which a series of technical as well as neighborhood concerns were raised with respect to this particular plan as well as communication towers in general. A subcommittee was formed, consisting of staff and Planning Commission members, to develop a recommendation as to how these towers should be treated. Input was received from SMECO, C&P Telephone, the emergency services community, including fire and rescue, the Airport Commission, and others, and the recommendation was presented to the Planning Commission. The Commission established those for the current Ordinance and made some recommendations transmitted to the Commissioners last week for the proposed ordinance, and then moved on to consider site plans for the two towers currently in the review process - one in a commercial zone, which was granted, and this one located in a agricultural-residential zone, which was also granted.

By a 4 to 1 vote, the site plan for Motorola was approved by the Commission, which approval has been appealed to the County Commissioners by an adjacent property owner. Our next step, he said, is to determine whether the appeal to the Commissioners is the appropriate action, and he needs to do that. Mr. Grimm said he knows subdivision appeals of the Planning Commission come before this Board. And we have had a recent precedent before the Board of Appeals in which the Board determined they did not have jurisdiction to hear an appeal of the Planning Commission's decision. Mr. Grimm said he will have to talk with the County Attorney to determine whether the appeal is appropriate to the Commissioners or the Circuit Court.

Mr. Cox stated he and Mr. Grimm will work out a memo as to the course of action. He advised that a second appeal has been received in a case involving litigation, and suggested this be discussed in executive session later today when the County Attorney will be present.

Commissioner Loffler stated there is an awful lot involved (in the Motorola case), and if this appeal comes before them he would like to make sure they are briefed and given information prior to the hearing process so they can absorb it. Staff will comply.

COMMENDATION  
WILLIAM BALL - RECREATION AND PARKS

Present: John Baggett, Director, Recreation and Parks  
William Ball, Maintenance Supervisor

The County Commissioners presented a Commendation to Mr. Ball recognizing him for outstanding initiative and concern for county government property by efficiently handling an equipment malfunction and its repair at minimal cost.

PROCLAMATION  
GIRL SCOUT WEEK

The Commissioners presented a Proclamation recognizing the week of March 11 - 17, 1990 as Girl Scout Week in St. Mary's County.

CENSUS '90

Present: Mary Brisker, Community Awareness Specialist  
U. S. Bureau of Census  
Mary Pat Agostinelli, Administrative Officer

The referenced individuals appeared before the Commissioners to present an update on the Census '90 Program for St. Mary's County. Ms. Brisker explained that approximately 400 individuals have been recruited qualified for census positions in the County. The questionnaires will be mailed on March 23. Ms. Brisker and Ms. Agostinelli further reported that assistance centers are being established to help those individuals who are unable to complete the census questionnaires. Public Service Announces and radio spots will give coverage to the Census Program.

In closing, Ms. Agostinelli informed the Commissioners that Governor Schaefer will be attending a Maryland Day celebration at the State Office complex in Baltimore on Friday, March 24, the theme of which is "This Year Counts More Than Ever." She stated St. Mary's County will be present with a sign "St. Mary's County Counts."

DEPARTMENT OF PUBLIC WORKS

Present: Dan Ichniowski, Director

1) Recycling Program

Also Present: Dave Gerdel, Supervisor, Engineering Services

Mr. Ichniowski and Mr. Gerdel appeared before the Commissioners to present and review information relative to St. Mary's County's Recycling Program as required by the Maryland Recycling Act - H.B. 714. Mr. Gerdel reviewed the background indicating requirements, county's actions, and efforts currently underway. Also reviewed was the Preliminary Recycling Plan including components, "eligible waste stream," and statistics.

During discussion Mr. Ichniowski requested approval for submission of the Preliminary Plan to the Maryland Department of Environment. The final Plan should be prepared by July 1990. In addition Mr. Ichniowski requested the Commissioners' support in the FY '91 Capital Budget and and future Operating Budget regarding this program.

After discussion Commissioner Thompson moved, seconded by Commissioner Lancaster, to approval the submittal of the Preliminary Recycling Plan for St. Mary's County to the Maryland Department of Environment. Motion carried.

EXECUTIVE SESSION

Present: Joseph Densford, County Attorney  
Phil Dorsey, Attorney

Commissioner Thompson moved, seconded by Commissioner Bailey, to meet in Executive Session to discuss matters of litigation. Motion carried. The session was held from 11:50 a.m. to 12:35 p.m. Mr. Dorsey left the meeting at 12:20 p.m.

PROCLAMATION  
NATIONAL AGRICULTURE WEEK

The Commissioners presented the referenced proclamation to members of the St. Mary's Agriculture Seafood Commission designating the week of March 19 - 24 as National Agriculture Week in St. Mary's County.

AGRICULTURE SEAFOOD COMMISSION  
ANNUAL REPORT

Present: George B. Reeves, Chairman  
Walter Raum  
James Beaven, Sr.  
James Beaven, Jr.  
Bill Trossback  
Joseph Mitchell, Director, DECD

The referenced individuals appeared before the Commissioners to present the Agricultural Seafood Commissions' Annual Report for 1989 discussing its purpose, activities, and plans for the current year. The members gave subcommittee reports on aquaculture, livestock, forestry, etc.

A copy is on file in the Commissioners' Office.

HOUSING AUTHORITY  
ANNUAL REPORT

Present: John Madel, Chairman  
Joseph Mitchell, Director, DECD

The referenced individuals appeared before the Commissioners to present the Housing Authority's Annual Report for 1989 discussing its establishment, purpose, and programs. Mr. Madel explained several of the programs including the Homeownership at Tubman Douglas, the Tubman Douglass Child Care Center and Training Institute, and the Low Rental Housing Project.

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

ECONOMIC DEVELOPMENT COMMISSION  
ANNUAL REPORT

Present: Jim Kenney, Chairman  
F. Elliott Burch, Jr., Vice-Chairman  
Kennedy Abell, Fiscal Analysis Sub-committee  
Joe Gough  
Joseph Mitchell

The referenced individuals appeared before the Commissioners to present the Economic Development Commission's Annual Report for 1989 explaining its purpose, programs and activities, including subcommittees and project rating system. Discussion ensued regarding the Comprehensive Plan in conjunction with long-range planning by EDC.

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

ETHICS COMMISSION  
ANNUAL REPORT

Present: Charles Mander, Chairman  
George Barnes  
Louis Eberle  
Virginia Sapp

The referenced individuals appeared before the Commissioners to present the Ethics Commission's Annual Report for 1989 explaining its establishment, purpose, and activities, including advisory opinions and complaints. During discussion Mr. Mander expressed the Ethics Commission's concerns regarding the County Attorney serving as attorney to the Ethics Commission and the possibility of conflict of interest. Commissioner Loffler pointed out that the County Attorney represents the corporate body of St. Mary's County and should a need arise, he could designate another attorney to handle a particular case. A fund is available in the Legal Department for such situations. The Ethics Commission would be allowed to recommend an attorney if needed.

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

CHAPTICO RECREATION ADVISORY BOARD  
ANNUAL REPORT

Present: John Baggett, Director, Recreation and Parks  
Mel Reed  
Bert Fenwick

The referenced individuals appeared before the Commissioners to present the Chaptico Recreation Advisory Board's Annual Report for 1989. Mr. Baggett reviewed the financial situation of Wicomico Municipal Golf Course from December 1986, pointed out the revenue from golf from FY'88 to projected for FY '91, and explained the financial statement for FY '91 (projected). Mr. Baggett further discussed the Operating Budget and Capital Improvements completed and planned.

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

LIBRARY BOARD OF TRUSTEES  
ANNUAL REPORT

Present: Lynne Redmond, Chair  
Marianne Chasen

The referenced individuals appeared before the Commissioners to present the Library Board of Trustee's Annual Report for 1989 pointing out its purpose, significant activities for the past year, problems and challenges, and plans for the current year.

During discussion Mrs. Redmond and Mrs. Chasen advised the Commissioners of two programs being held at the libraries - St. Mary's County Chamber of Commerce "Business After Hours" on April 19 and the Memorial Library's "A Night of a Thousand Stars" on April 25 and invited the Commissioners to attend.

OFFICE ON AGING  
RETIRED SENIOR VOLUNTEER PROGRAM GRANT RENEWAL

Present: Gene Carter, Director, OOA  
Mary Ruth Horton

Mr. Carter appeared before the Commissioners to present and request approval of the RSVP Grant renewal in the amount of \$52,000. The County contributes 30% of that amount - \$17,500. Mr. Carter advised that it is a continuing level grant and continuing level of county participation. During discussion Mr. Carter pointed out that the grant provides the County with approximately 300 volunteers who serve in varied capacities.

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

CRITICAL AREA ORDINANCE

Present: Joseph Densford, County Attorney

Mr. Densford presented three versions of the Ordinance entitled "Text Change to Zoning Ordinance to Include Critical Area Ordinance" for review by the Board.

Version One, also distributed last week, includes a provision (3c) concerning IDA and LDA classifications for one dwelling per three acres.


Version Two, removes the provision for IDA and LDA.

Version Three includes separate provisions (3c and d) for IDA and LDA and a "Whereas" clarifying clause.

After discussion it was the consensus of the Commissioners to wait until next week to consider the adoption of the Ordinance. The County Attorney was requested to correspond to the Critical Area Commission to advise of the County's intent.

ADJOURNMENT

The meeting adjourned at 4:40 p.m.

APPROVED,  
  
Carl M. Loffler, Jr.  
President