

BOARD OF COUNTY COMMISSIONERS' MEETINGTuesday, March 27, 1990

Present: Commissioner Carl M. Loffler, Jr., President
Commissioner Robert Jarboe
Commissioner W. Edward Bailey, Commissioner
Commissioner John G. Lancaster
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, March 20, 1990. Motion carried.

APPROVAL OF BILLS

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

COUNTY ADMINISTRATOR ITEMS1) CYCLE ACROSS AMERICA

The County Administrator distributed a flyer announcing the Summer Festival - Cycle Across Maryland on Saturday, August 11 at St. Mary's College. The event is being sponsored by the Leonardtown Rotary.

2) CENSUS '90

The County Administrator presented a flyer announcing the location of assistance centers in St. Mary's County. The flyer will be posted throughout the County and will be distributed to various county agencies.

3) OLD CENTER GARDENS PROPERTY

The County Administrator presented correspondence addressed to the Commanding Officer of the Naval Air Station requesting that the approximately 90 acres that housed the Navy's old Center Gardens complex be leased to the County on a 50-year lease for use as a park.

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

4) RECREATION AND PARKS BOARD - BY-LAWS

The County Administrator advised that the Recreation and Parks Board has submitted its by-laws which meet the criteria of Resolution No. 88-03. Therefore, Mr. Cox presented correspondence indicating the Commissioners' approval of the by-laws.

Commissioner Bailey moved, seconded by Commissioner Jarboe, to sign the letter approving the by-laws as presented. Motion carried.

5) DRUG FREE SCHOOL ZONE SIGNS

The County Administrator presented correspondence addressed to the Governor's Executive Assistant for Operations stating that State Highway Administration guidelines that Drug Free School Zone signs can only be placed upon the School Caution signs. Because of this restriction 25-30 Drug Free School Zone signs have not yet been posted, and assistance is requested in working with SHA to amend these guidelines to allow the remaining signs to be posted.

The Commissioners agreed to sign and forward the letter.

6) DEPARTMENT OF NATURAL RESOURCES
REFORESTATION LAW

The County Administrator presented correspondence addressed to the Department of Natural Resources designating Daniel F. Ichniowski, Director, Department of Public Works, as contact person to coordinate projects impacted by the Reforestation Law.

Commissioner Lancaster moved, seconded by Commissioner Jarboe to designate Mr. Ichniowski as recommended. Motion carried.

7) BUDGET AMENDMENTS

The County Administrator presented the following budget amendments recommended for approval by the Director of Finance with justifications as indicated:

No. 90-46
Office of Planning and Zoning

To provide funds for independent research - Maryland Rock non-conforming use (\$15,000)

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

No. 90-47
Board of Election Supervisors

To get forecast expenditures for remainder of FY '90.

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

8) MOSQUITO CONTROL PROGRAM

The County Administrator presented correspondence dated March 20, 1990 from the Maryland Department of Agriculture requesting the President of the Board to be authorized to sign the updated amendments to the cooperative mosquito control agreement assuring that the County has budgeted funds for the Mosquito Control Program.

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

9) TRI-COUNTY YOUTH SERVICES BUREAU
STATEMENT OF FINANCIAL SUPPORT"

The County Administrator presented correspondence dated March 20 from Tri-County Youth Services Bureau forwarding a "Statement of Financial Support" which is required as part of the budget request to the State.

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to authorize Commissioner Loffler to sign the Statement of Financial Support as presented. Motion carried.

10) PERSONNEL
NOTICE TO APPLICANTS FOR POSITIONS

The County Administrator presented a memorandum dated March 26 from the Personnel Office requesting permission to discontinue sending out written notices advising all applicants when a selection has been made and their overall status. Applicants who are interviewed would still continue to be notified.

After discussion the Commissioners did not agree with this request and directed that all applicants continue to be notified.

11) NURSING CENTER - HEALTH CARE FACILITY LICENSE

The County Administrator presented correspondence dated March 23 from the Nursing Center forwarding a Health Care Facility License form and requesting the Commissioners' approval.

Commissioner Jarboe moved, seconded by Commissioner Bailey, to authorize Commissioners Loffler and Lancaster to sign the form as presented. Motion carried.

12) TECHNICAL CENTER HOUSE
ECONOMIC IMPACT FEE

The County Administrator advised that the Commissioners had approved waiving the building permit fee for the construction of a house built by the St. Mary's Technical Center students. When application was made for the building permit, it was learned that an Economic Impact Fee was required. Mr. Cox indicated that it is staff's recommendation that the payment of the fee be delayed until the house is sold.

After discussion Commissioner Lancaster moved, seconded by Commissioner Bailey, to be allow the Economic Impact Fee to be delayed until the sale of the house. Motion carried.

13) TRI-COUNTY COMMISSIONERS' MEETING

The County Administrator advised that one of the items on the agenda for the referenced March 28 meeting is regional tourism. He stated that members of the Regional Tourism Committee recommended that for a year the three counties try to coordinate the tourism program rather than the Tri-County Council. The three counties will be looking toward a resolution of this issue. County Administrator Cox further pointed out that correspondence has been received from the State indicating that they will not release regional tourism funds until this issue is resolved.

14) REGIONAL HEALTH PLANNING

The County Administrator reminded the Commissioners of the Regional Health Planning proposal presented by Health Officer Dr. Marek on February 13 and recommended that the Commissioners accept the proposal and also take the lead role in this effort. He stated if the Commissioners agree to take the lead, he would prepare a handout for discussion at the March 28 Tri-County Commissioners' meeting.

The Commissioners gave their concurrence.

15) MARYLAND ASSOCIATION OF COUNTIES SUMMER CONFERENCE

The County Administrator presented correspondence dated March 20 from Calvert County Commissioners offering to coordinate the Southern Maryland exhibits for the 405h Annual Maryland Association of Counties Summer Conference.

The Commissioners gave their support toward this effort.

16) REQUEST FOR USE OF GOVERNMENTAL CENTER GROUNDS

The County Administrator advised that a request was received from Mrs. Helen Hebb for permission to use the Governmental Center grounds for her daughter Tanya's wedding on August 18.

After discussion Commissioner Lancaster moved, seconded by Commissioner Jarboe, to approve this request with the understanding that the property be left in the condition in which it was found. Motion carried.

SIGNING OF FISCAL YEAR 1991 RECOMMENDED BUDGET

Present: Charles Wade, Director of Finance

Mr. Wade appeared before the Commissioners to present the Fiscal Year 1991 Recommended Budget for the Commissioners' approval. He stated that the Recommended General Fund is \$60,608,972; Capital Fund Budget - \$18,242,071.

Commissioner Loffler stated that he feels strong about some of the education elements and hoped that the needs will be addressed during the public hearings.

Commissioner Lancaster stated that the Board of Education and other departments should look at their allocated funds and determine priorities because there is not enough revenue to fund all request.

Commissioner Jarboe indicated that prior to the signing of the final budget, there may be a need to increase taxes or shift funds, but noted that increased property tax assessments would make it difficult to raise taxes.

Commissioner Bailey stated the Commissioners are sending a message to spending units as to what they are receiving and priorities should be set.

After discussion Commissioner Jarboe moved, seconded by Commissioner Bailey, to approve and sign the Fiscal Year 1991 Recommended Budget as presented. Motion carried.

The County Administrator reported that Commissioner Thompson had indicated before he left that he was in favor of the Recommended Budget and that this is a unanimous decision by the Board.

PROCLAMATION
FAIR HOUSING MONTH

Present: Nancy Hutson, DECD
Sandra Johnson, DECD
Joe Kuhna, Leonardtown Council Office

The Commissioners presented the referenced Proclamation designating the month of _____ as Fair Housing Month.

PROCLAMATION
WOMEN IN HISTORY WEEK - WOMEN RESCUE SQUAD VOLUNTEERS

Present: Representatives of the Rescue Squads

The Commissioner presented the referenced Proclamation designating the month of March as Women in History Month.

REQUEST FOR EXCHANGE OF EDU'S (EQUIVALENT DWELLING UNITS
(COMPTON TREATMENT CENTER))

Present: Mike Harris, Attorney for Applicant
Steve King, Deputy Director, Metropolitan Commission
Laura Clark, Office of Planning and Zoning

Mr. Harris stated that the purpose of this meeting was to request the Commissioners' approval for the exchange of five EDU's from Foxview Subdivision, a 13-lot approved subdivision, to Glasgow Subdivision, a five-lot approved subdivision. He stated that the Planning Commission has denied the request stating that it would change the development potential as outlined in the Comprehensive Plan, and EDU's should not be transferrable. Mr. Harris indicated that if certain safeguards were in place, perhaps the County Commissioners would look favorably upon this request. He pointed out that the transfer would result in an economic benefit to the County because of the waterfront lots in Glasgow. During his presentation, Mr. Harris suggested that the Commissioners develop a policy for transfers with the following parameters:

- ° That the transfer be within the same sanitary district
- ° That it should be a transfer of property with same property owners.
- ° That the transfer of EDU's would displace an equal number of lots so that it would result in no additional sewer hookups.
- ° That all costs of the transfer of EDU's (administrative and improvement-wise) be borne by the person seeking transfer.

Mr. King advised that the Metropolitan Commission requested the Planning Commission to act on this request in September of 1989 and that the Metropolitan has not yet made a decision. He stated that there are two issues to consider:

- 1) Whether a property owner would be given right to transfer EDU rights or whether that decision should be reserved by the County.
- 2) Whether permitting the transfer would be fair to the rest of the public. The capacity of the treatment plant is at 100% and there are other property owners who need to be hooked-up. EDU's are allotted on a first-come first-served basis after completing their engineering at the time of record plat approval. Mr. King stated that a decision is needed as to whether the five EDU's should go back into the "pot" and allotted according to the policy.

During discussion Commissioner Loffler suggested that the Metropolitan Commission develop a policy whereby some EDU's would be returned to the system in return for the ability to transfer EDU's.

In conclusion the Commissioners directed that the Metropolitan Commission develop a policy for the transfer of EDU's giving priority to existing lots of record over new subdivisions.

ST. MARY'S FEDERAL CREDIT UNION

Present: James Lanham
Thomas Dotson
Bertina Stevens

The referenced individuals appeared before the Commissioners to request assistance with regard to the St. Mary's Federal Credit Union. Mr. Lanham stated that the credit union is currently located at the St. Joseph's project community center, and they are looking for a more suitable location. He further inquired whether the County would be able to invest any county funds in the credit union at normal interest rates.

During discussion Commissioner Lancaster suggested and the Board concurred, that the County Administrator make arrangements for a meeting with Joe Mitchell, Director, Economic & Community Development, to develop recommendations as to a site.

In addition Commissioner Loffler suggested that the County look into the County placing funds in the Credit Union.

METROPOLITAN POLICE BOYS AND GIRLS CLUB

Present: James Lanham

Mr. Lanham advised the Commissioners that he is a member of the Metropolitan Police Boys and Girls Club Board of Directors. He stated that is a very active organization and the services extend to not only the youth but to the elderly, and there is a program whereby the elderly work with the youth. During discussion Mr. Lanham proposed that local police develop some form of program for retired citizens to work with the youth of the county.

In conclusion the Commissioners thanked Mr. Lanham for his report and requested to be kept informed as to the Club's activities.

ORDINANCE NO. Z90-02
TEXT CHANGE TO ZONING ORDINANCE TO INCLUDE
CRITICAL AREA ORDINANCE

Present: Joseph Densford, County Attorney
Jon Grimm, Director, Planning and Zoning

As a follow up to last week's discussion Mr. Densford presented the referenced Ordinance adopting the Chesapeake Bay Critical Area Program and amending Section 38.07 (Critical Area (CA) District) of the St. Mary's County Zoning Ordinance.

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to approve Ordinance No. Z90-02 as presented. Motion carried.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator

Commissioner Lancaster moved, seconded by Commissioner Bailey, to meet in Executive Session to discuss matters of Personnel. Motion carried.

Personnel

Held from 11:55 a.m. to 12:10

Personnel

Also Present: Charles Wade, Director of Finance
George Foster, Personnel Officer
Held from 12:10 p.m. to 12:30 p.m.

Personnel

Held from 12:45 to 1:10 p.m.

MENTAL HEALTH ALCOHOLISM DRUG ABUSE ADVISORY COUNCIL
ANNUAL REPORT

Present: Kathy O'Brien, Chairperson
Sam Bauman
Sue Gelrud
Frank Sullivan
Barbara Taylor
Mary Clements
Becky Stevens, Community Services Coordinator

The referenced individuals appeared before the Commissioners to present MHADAAC's Annual Report for 1989. Mrs. O'Brien described the Council's duties and responsibilities, membership, highlights of FY '90, and priorities for FY '91.

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

DEPARTMENT OF PUBLIC WORKS

Present: Dan Ichniowski, Director

1) CALLING LETTERS OF CREDIT

Mr. Ichniowski presented the following items of correspondence calling Letters of Credit:

Chancellors Village
Stormwater Management
Grading Permit #89-46
Bond No. 8106-89-45 with Federal Insurance Company in the amount of \$155,500.

Foxchase Village
Grading Agreement - Permit #89-54
Bond No. 8106-89-46 with Federal Insurance Company in the amount of \$77,500.

Wildewood Technology Park, Lots 12 and 13
Grading Agreement - Permit #89-57
Letter of Credit #318 with Maryland Bank and Trust Co. in the amount of \$9,500.

Little Holly Subdivision
Grading Agreement - Permit #88-16
Letter of Credit with Citizens and Farmers Bank in the amount of \$6,000.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Loffler to sign the correspondence to be forwarded if necessary. Motion carried.

2) PUBLIC WORKS AGREEMENTS

Mr. Ichniowski presented the following Public Works Agreements for consideration by the Board:

- ° Dated March 14, 1990 between Ripple Brothers Construction and St. Mary's County for completion of Ramble Court in Richneck Subdivision, Section 1, Third Election District, by November 1, 1990.
- ° Dated March 12, 1990 between Summitt Hill, Inc. and St. Mary's County for completion of Thomas Drive and Melissa Court in Summitt Hill, Section I, Fifth Election District, by February 01, 1991.

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

3) ROAD RESOLUTION

Mr. Ichniowski presented the following Road Resolutions for the Commissioners' consideration:

No. R90-04
Old Hermanville Road

Posting at 25 miles per hour

No. R90-03
St. John's Church Road/St. John's Road

Posting St. John's Church Road at 30 miles per hour from its intersection with Md. Rt. 235 to Sandy Bottom Road and posting St. John's Road at 40 miles per hour from its intersection with Sandy Bottom Road to Md. Rt. 245.

Commissioner Bailey moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Loffler to sign the Road Resolutions as presented. Motion carried.

EXECUTIVE SESSION

Present: Dan Ichniowski, Director, DPW

Commissioner Bailey moved, seconded by Commissioner Jarboe, to meet in Executive Session to discuss a matter of Property Acquisition. Motion carried. The Session was held from 1:50 p.m. to 2:20 p.m.

ADJOURNMENT

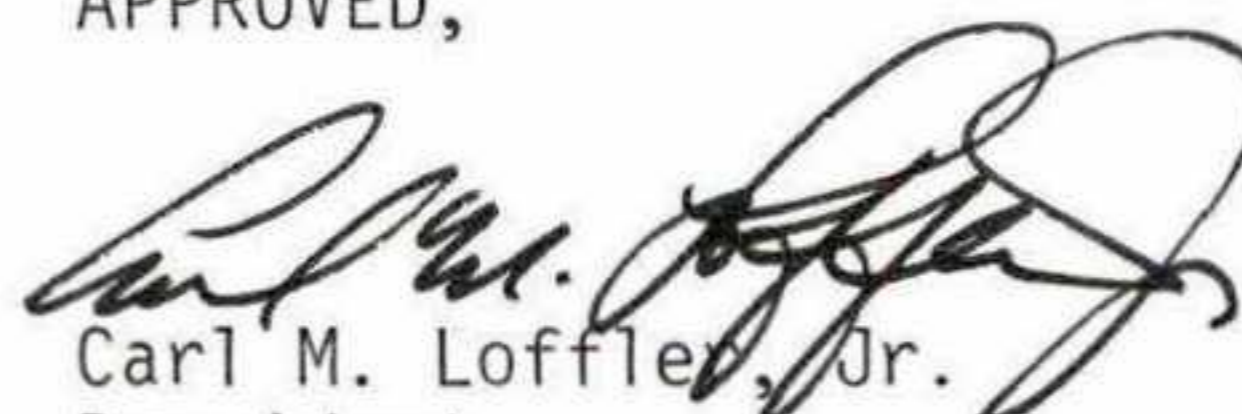
The meeting adjourned at 2:20 p.m.

ROAD TOUR

The Commissioners went on a tour of the following roads:

McIntosh Road
Gallant Man Drive - Land O' Lakes Subdivision
Busy Corner Road
Pincushion Road
Baptist Church Road
Burning Oaks Subdivision
Harper's Corner Road
Patuxent Beach Road - Myrtle Point.

APPROVED,


Carl M. Loffler, Jr.
President