

BOARD OF COUNTY COMMISSIONERS' MEETINGTuesday, April 24, 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, April 17, 1990. Motion carried.

APPROVAL OF BILLS

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

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) ORRESPONDENCE TO CONGRESSMAN DYSON
BURNING OF WOOD

The County Administrator presented correspondence to Congressman Dyson responding to concerns expressed by Wayne P. Marble relative to burning of good lumber. The Commissioners agreed to sign and forward the letter.

2) APPOINTMENTS
BOARDS, COMMITTEES, COMMISSIONS

Commissioner Thompson moved, seconded by Commissioner Bailey, with motion carried, to make the following appointments:

<u>Council on Children and Youth</u>	<u>Term to Expire</u>
Laura A. Cirrincione	12/31/91/94
<u>Mental Health Alcoholism</u> <u>Drug Abuse Advisory Council</u>	
Lt. Jim Holley	6/30/93/98
<u>Public Relations Study Committee</u>	
Jim Reichard	

3) CLEARINGHOUSE PROJECTS

The County Administrator presented the following clearinghouse projects for the Commissioners' consideration:

Liberty Land Development Corp.
 HUD Mortgage Insurance
 Patuxent Park West Townhomes

Recommended by Office of Planning and Zoning that the project is generally consistent with the County's plans, programs and objectives, and submitting the comment that the property in question should be surveyed for archaeological resources.

MHT
FY '90 Bicentennial Lighthouse Fund Work Program
Architectural and Engineering Analysis of 24 Lighthouses

Recommended by staff that the project is consistent with the County's plans, programs and objectives.

DNR - Tidewater Administration

Recommended by staff that the project is consistent with the County's plans, programs and objectives.

The Commissioners agreed to forward the comments to the State as indicated.

4) BUILDING AUTHORITY COMMISSION BY-LAWS

In that the by-laws for the Building Authority Commission meet the requirements of Resolution No. 88-03, Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve the by-laws as submitted. Motion carried.

5) MENTAL HEALTH CORE SERVICE FOR SOUTHERN MARYLAND

The County Administrator advised that correspondence dated April 12 was received from Dr. Marek suggesting a manner of proceeding with the Mental Health Core Service project. Mr. Cox stated that the three boards of county commissioners reserved the right to designate the core service agency and suggested that this be an item of discussion for the May 2 tri-county commissioners' meeting.

6) WATERWAY IMPROVEMENT GRANTS

On behalf of the Department of Recreation and Parks, the County Administrator presented the following Waterway Improvement Fund Grant Applications":

- ° Sanitary facilities at Piney Point Wharf, Smith Creek Bushwood Wharf and Forest Landing Boat Ramps.
- ° Placing and servicing of portable toilets. Sixteen units at St. Clements Island on October 6 and 7, 1990 for the 20th Annual Blessing of the Fleet.
- ° Refuse collection at Smith Creek, Piney Point Landing, Chaptico Wharf, River Springs Wharf, White Neck Creek Wharf, Forest Landing Ramp and Colton Point Wharf.
- ° Refuse service for the 20th Annual Blessing of the Fleet.

7) BUDGET AMENDMENTS

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

No. 90-53
Animal Control

To replace two tires on vehicle and to provide funds for regular service to vehicles.

No. 90-54
Budget and Finance

To return funds to Margaret Brent kitchen air conditioning used to initiate works on Great Mills High School project.
(Re: 89-34)

No. 90-55
Public Works

To provide funds in replacement vehicles to fund a new replacement. funds needed in Office Communications for new pagers.

No. 90-56
Procurement/Administrative Services

To cover costs of additional rent of Miedzinski Building space for Planning and Zoning.

No. 90-57
Procurement/Administrative Services

To provide for increased cost of non-public school bus operation.

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

8) SOUTHERN MARYLAND ELECTRIC COOPERATIVE
BORROWERS ENVIRONMENTAL REPORT FOR 1990-1991 WORK PLAN

The County Administrator presented correspondence responding to SMECO indicating that the County has reviewed SMECO's Work Plan and has no comment except that permits must be secured in accordance with applicable building, zoning or critical area requirements.

The Commissioners agreed to sign and forward the letter.

9) AIRPORT LEASES

The County Administrator presented the Fixed Base Operator Lease between Airpark Sales and Services, Inc. and St. Mary's County and the Capital Improvements lease between Airport Properties, Inc. and St. Mary's County. He stated that this will be an agenda item for next week.

10) ZONING AMENDMENT RESOLUTION NO. Z90-03
LAUREL GLEN RESIDENTIAL Z-PUD 86-1058

The County Administrator presented referenced Zoning Amendment Resolution No. Z90- approving the application for amendment to the previously approved PUD concept plan. The amendment alters the concept plan for the residential section of Laurel Glen by eliminating direct access on Md. Rt. 235 and using only Old Rolling Road for residential access.

Commissioner Thompson moved, seconded by Lancaster, to approve and sign the Zoning Amendment Resolution as presented. Motion carried.

DEPARTMENT OF PUBLIC WORKS

Present: Dan Ichniowski, Director

1) PROJECT STATUS REPORT

Mr. Ichniowski presented and reviewed the Project Status Report as of March 31, 1990.

Maintenance Storage Facility
Project No. SM SM87-4-14

Mr. Ichniowski presented the title sheet for the referenced project and requested authorization for Commissioner Loffler to sign the document as presented.

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to sign the title sheet as presented. Motion carried.

2) SEDIMENT CONTROL PLAN
HEWITT ROAD

Mr. Ichniowski presented the referenced Sediment Control Plan for Hewitt Road and requested authorization for Commissioner Loffler to sign the Plan as presented.

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

3) TRAFFIC SIGNALIZATION
MD. RT. 235 AND MACARTHUR BOULEVARD

As a follow up to previous discussions and correspondence to the State Highway Administration regarding hazardous safety conditions at the referenced intersection, Mr. Ichniowski presented correspondence to the Administrator of SHA requesting his personal review of the situation. The letter suggests that a left turn signal arrow be provided.

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

4) HIGHWAY PROGRAMS

Mr. Ichniowski presented and reviewed the Asphalt Overlay Program, Slurry Seal Program, and Surface Treatment Program for Fiscal Year 1990.

5) ADDENDUM TO PUBLIC WORKS AGREEMENTS

Mr. Ichniowski presented the following Addendums to Public Works Agreements for the Commissioners' review and approval:

Wildewood

By and between Paragon Builders, Inc. and St. Mary's County extending the deadline for completion of White Oak Parkway to April 1, 1991. The Addendum is backed by a Letter of Credit at the reduced amount of \$37,000 with First National Bank of St. Mary's.

Maple Run Subdivision

By and between Londontowne Development Corporation and St. Mary's County extending the deadline for completion of roads in Maple Run, Section III to April 1, 1991. The Addendum is backed by a Letter of Credit in the amount of \$9,500 with First National Bank of St. Mary's.

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

6) CALLING LETTER OF CREDIT
LEONARDTOWN CENTRE JOINT VENTURE

Mr. Ichniowski presented correspondence addressed to United States Fidelity & Guaranty Company making claim against Bond No. 66 0130 11606 88 in the amount of \$61,500 because of default in the Grading Agreement for the referenced project.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to authorize Commissioner Loffler to sign the letter as presented and forward it if necessary. Motion carried.

7) PUBLIC WORKS AGREEMENT
THE MOORINGS AT CEDAR COVE

Mr. Ichniowski presented a Public Works Agreement between J. L. Millison and St. Mary's County guaranteeing the completion of Mainsail Drive and Keel Drive in The Moorings at Cedar Cove by April 1, 1991. The Agreement is backed by a Letter of Credit with Maryland Bank and Trust in the amount of \$255,600.

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

MARYLAND NATURAL GAS
GAS LINE TO ST. MARY'S COUNTY

Present: Wayne A. Mills, Vice-President, General Manager, MNG
Clyde Myers, Construction Manager and Chief Engineer
Dave Foggo, Public Affairs Coordinator
Ralph Fisher, Counsel, MNG
Phil Dorsey, Attorney
Dan Ichniowski, Director, Public Works
Joseph Densford, County Attorney
Joseph Mitchell, Director, Economic & Community Development
Jon Grimm, Director, Planning and Zoning
Al Gough, SMECO

Representatives of Maryland Natural Gas appeared before the Commissioners to bring the Board up to date with the proposed gas line in St. Mary's County. Mr. Fisher provided a background and history of the natural gas pipeline stating that authorization had been received by the Public Service Commission to provide natural gas service to St. Mary's County. Mr. Myers reviewed a map indicating the proposed route from Calvert County, across the Patuxent River to Myrtle Point. Also presented was a video on the installation of the gas lines using horizontal directional drilling which would ensure safety and would be the least disruptive to the environment.

Mr. Mills pointed out that MNG is anticipating a commitment from the Navy for the purchase of gas. Once the commitment is received construction would begin, and he stated that it would take approximately three to four weeks to cross the river.

During discussion Commissioner Loffler raised questions relative to the size of the pipeline and whether the line could accommodate SMECO's peaking plants. Mr. Mills responded that it would depend on the size of the plant and that the line could only accommodate a small plant.

After discussion Mr. Mills indicated that MNG representatives will keep the Commissioners informed on the progress and would return to the Board once a commitment from the Navy is received.

PROCLAMATION
GENERAL FEDERATION OF WOMEN'S CLUB - 100TH ANNIVERSARY

The Commissioners presented the referenced Proclamation recognizing April 24, 1990 as General Federation of Women's Club Day in St. Mary's County in recognition of its 100th anniversary.

PROCLAMATION
NATIONAL VOLUNTEER WEEK

Present: St. Mary's Nursing Center representatives

The Commissioners presented the referenced Proclamation designating the week of April 22-28, 1990 as National Volunteer Week.

PROCLAMATION
COMMENDATION
NATIONAL VICTIMS RIGHTS WEEK

Present: Jeannie Copsey, State's Attorney's Office

The Commissioners presented the referenced Proclamation designating the week of April 22-28 as National Victims Rights Week.

The Commissioners also presented, on behalf of the Justice Department, a Commendation to Ms. Copsey for dedicated service to crime victims.

PROCLAMATION
BIG BROTHERS/BIG SISTERS

The Commissioners presented the referenced Proclamation designating the week of April 22-28 as Big Brothers/Big Sisters Week in St. Mary's County.

PROCLAMATION
RETIRED SENIOR VOLUNTEER WEEK

The Commissioners presented the referenced Proclamation designating the week of April 22-28 as Retired Senior volunteer Week in St. Mary's County.

CENSUS '90
COMMENDATIONS

Present: Census Assistance Volunteers

The Commissioners presented Commendations to the volunteers who assisted individuals in preparing Census forms.

SHERIFF'S DEPARTMENT
COOPERATIVE REIMBURSEMENT AGREEMENT

Present: Lt. Phil Cooper
Barbara Dotson, Fiscal Specialist
Brian Shea, Department of Human Resources

The referenced individuals appeared before the Commissioners to present and request approval of a renewal for Child Support Enforcement Grant from the State of Maryland, Department of Human Resources in the amount of \$64,359. The grant will continue a program whereby the Sheriff's Department issues summons and warrants in child support cases in Fiscal Year 1991.

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

EXECUTIVE SESSIONS

Present: Edward V. Cox, County Administrator

Commissioner Thompson moved, seconded by Commissioner Lancaster, to meet in Executive Session to discuss matters of personnel and property acquisition/disposition. Motion carried.

Personnel

Also Present: John Baggett, Director, Recreation and Parks

The session was held from 11:40 a.m. to 12:15 p.m.

Property Acquisition/Disposition

Also Present: Capt. R. S. Hadbavny, Public Works Officer, NAS
Kenneth D. Mowbray, NAS
Deborah Moomey, Chesapeake Division
Richard Engel, "
Joseph Densford, County Attorney
Larry Petty, Director, MetComm
Charles Wade, Director of Finance
James Haley, Procurement Officer
Mary Pat Agostinelli, Administrative Officer

Session held from 1:10 p.m. to 2:10 p.m.

OFFICE OF PLANNING AND ZONING
SUBDIVISION PROCESS

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

SUBDIVISION PROCESS

Mr. Grimm stated that at the time of the adoption of the Comprehensive Plan in October 1988 there were approximately 750 applications caught in various stages of processing. With the help of the Health Department, these have been weeded out into three groups or categories which staff and the Planning Commission feel deserve special attention, and, with the Planning Commission's recommendation, staff requests the Commissioners' consideration as stated in our memo of April 11, 1990 to allow them to proceed to recordation. They are:

- (1) Approval of 7 lots which required wet month percs which were applied for before the 1988 wet month testing concluded but which were carried into 1989 by the Health Department due to heavy work loads.
- (2) Approval of 31 lots applied for before the October 25, 1988 adoption of the Plan, but which required wet month perc tests in 1989.
- (3) A group of probably less than 50 subdivisions which received Planning Commission approval prior to October 25, 1988, but, for various reasons, did not go to record by that date. A time period of 6 months from the date of the Commissioners' decision is recommended for the plats to be submitted to OPZ ready for recording.

The Commissioners deferred decision until their next meeting.

ZONING ORDINANCE DISCUSSION

Present: Larry Petty, Director, Metropolitan Commission
Steve King, Assistant Director, MetComm

Mr. Grimm presented a summary of the comments resulting from the Commissioners' public hearing on April 10th for the Commissioners' consideration. However, Commissioner Loffler stated he would like to read the letters received and would like staff's recommendation on each of the requests before decision. Mr. Grimm stated staff would provide the letters and have the staff recommendations for the next meeting.

Mr. Petty asked if the Commissioners could give him some guidance today regarding "3.b zoning," which is a way, under the Critical Areas LDA designation, by which the Commissioners could increase density slightly, in certain areas and under certain conditions, provided the character of the neighborhood is maintained.

Commissioner Loffler expressed great concern, stating the Critical Area zoning is only an overlay, and our Comprehensive Plan is the highest Plan for controlled growth; his fear being that the availability of sewer in areas such as St. George's Island and Airedale Road/Ridge would trigger development outside of the growth areas of the Plan. Mr. Loffler said he thought this should be discussed in more detail - there needs to be an orderly process to allow decisions by elected officials with citizen input, and not an automatic triggering of growth.

Commissioners Loffler, Bailey, and Jarboe discussed in great detail how EDUs should be allocated to the proposed sewer lines in the St. George's Island and the Ridge area; whether the approved lots as of 12/1/85 and failing systems should be used or whether a sq. ft. per lot requirement should be adopted as in Piney Point Shores. Commissioner Jarboe said we need to make that decision quickly to obtain the State money.

Steve King stated that, considering the wetlands areas, MetComm has calculated the additional lots which would be created for St. George's Island with the 3 acre minimum lot size, and the number of lots would be increased from 162 to 212 lots, about a 33% increase if every single developable property actually developed. Commissioner Loffler said, and Commissioner Jarboe agreed to maintain the intent of the Comprehensive Plan, and directed MetComm and OPZ to follow the Piney Point Shores scenario to determine possible EDUs and come back next week with some figures.

Mr. Grimm asked that the sewer issue not sidetrack the Zoning Ordinance and said staff would come back next week and cite the sliding scale for EDUs in the Plan, because the whole basis of the scale was to provide sewer service in areas targeted for growth; the other side is to provide an incentive to develop with sewer rather than without by giving an incentive in the form of increased density.

Nonconforming Uses

Commissioner Loffler said he has a very definite opinion on illegal nonconforming uses whether we are looking backwards or forwards, because either way it is so wrong that it doesn't fit the Plan, and suggested removing this section from the Ordinance for further discussion on much stricter requirements and penalties, but allowing the Ordinance to proceed to adoption.

Commissioner Jarboe said he is upset because of the density buildout in the areas such as St. George's Island because he didn't fully understand we were cranking into that; all of a sudden what he thought was a mapping issue has jumped into additional buildout, and the possible sewer adds even more confusion.

Mr. Grimm said the Planning Commission had withheld a couple of issues for further study, indicating they wanted to address them in more detail and a broader context than was possible with the Zoning Ordinance. He said staff will make a recommendation on the public comments next week, but he sees 2, 3, or 4 areas that are larger than we can deal with in the time frame for the new Ordinance and will ask for instruction on how to approach them, letting staff proceed to prepare the Ordinance for adoption.

BROWN BAG SEMINARS - FAMILY LIFE SERIES

The County Administrator advised that the Office of Community Services is conducting Brown Bag Seminars on Family Life Series and Developing Capable People for one and a half hours during lunch hours. He recommended that the County Commissioners authorize this as a training opportunity for county employees and that leave not have to be taken for the extra half hour.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to accept this recommendation. Motion carried.

LAND EXCHANGE
FRANK KNOX ELEMENTARY SCHOOL

Commissioner Lancaster moved, seconded by Commissioner Thompson, that the Board of County Commissioners requests Congressman Dyson to submit a military appropriations bill authorizing the Secretary of Navy to convey to St. Mary's County, Maryland, all right, title and interest of the U. S. in and to approximately 32 acres of unimproved land, consisting of two severable parcels at the Naval Air Test Center, Patuxent River, Maryland subject to the following:

- (a) In consideration for the above conveyance, St. Mary's County shall convey to the United States approximately 7.2 acres of land, including improvements thereon, known as the former Frank Knox Elementary School, Lexington Park, Maryland.
- (b) The exact acreage and legal description of any property to be conveyed or received under this section shall be determined by surveys satisfactory to the Secretary.

Motion carried.

ADJOURNMENT

The meeting adjourned at 3:45 p.m.

APPROVED,


Carl M. Loffler, Jr.
President