

BOARD OF COUNTY COMMISSIONERS' MEETINGTuesday, May 1, 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 24, 1990. Motion carried.

APPROVAL OF BILLS

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

OFFICE ON AGINGFOOD SERVICE PROVIDER

Present: Gene Carter, Director, Office on Aging
 James Haley, Procurement Officer

The referenced individuals appeared before the Commissioners to request the Commissioners' approval to request the Maryland Office on Aging to allow the use of an existing contract for the County's elderly nutrition program food service. Mr. Carter stated that the county detention center food service provider is .85¢ below the meal price from the Office on Aging's current provider, the Board of Education; however, the State has indicated that the food service arrangement must be secured through the bidding process. He stated that the bidding process was used in the selection of the provider for the detention center food service contract, and that he and Mr. Haley believed that the existing contract for the detention center would only need to be modified to include the Office on Aging.

After discussion Commissioner Bailey moved, seconded by Commissioner Thompson, to approve and sign correspondence to the Maryland Office on Aging requesting to be allowed to use the existing detention center food service contract for the elderly nutrition program. Motion carried.

RESOLUTION NO. 90-07EXEMPTION OF BUSINESS STOCK PROPERTY WHICH IS
COMMERCIAL INVENTORY FOR RESALE FROM TAX

(Commissioner Loffler left the meeting and did not participate in the discussion.)

Present: Charles Wade, Director of Finance

Mr. Wade appeared before the Commissioners to present and request approval of the referenced Resolution which exempts the personal property tax on business stock at 40% of its assessment, less \$200,000, and the exemption shall be increased by 10% on July 1 for each following year. The Resolution to take effect July 1, 1990.

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

(Commissioner Loffler returned to the meeting.)

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) CHARLES COUNTY COMMUNITY COLLEGE
PLANNING FORUM

The County Administrator presented correspondence dated April 18 from the President of St. Mary's College advising of a May 11 planning forum in preparation of its annual long-range planning process. In the letter Dr. Sine requested a representative from the Commissioners to attend and present ideas of how the County is developing and how the college can best serve the interests of the County.

Commissioner Loffler indicated he would attend and suggested that a staff person also attend.

2) BUDGET AMENDMENT NO. 90-58
COUNTY COMMISSIONERS

The County Administrator presented the referenced Budget Amendment recommended for approval by the Director of Finance with the following justification: To pay for advertisements and legal notices.

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

3) BUDGET AMENDMENT NO. 90-59
COUNTY ATTORNEY

The County Administrator presented the referenced Budget Amendment recommended for approval by the Director of Finance with the following justification: To provide funding for appraisal of parking area across from Town Creek Marina.

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

4) TRAFFIC SAFETY MEETING

The County Administrator presented correspondence addressed to the Sheriff, Maryland State Police, State Highway Administration, and the Department of Public Works indicating that has been an ever-increasing number of accidents throughout the County. The letter invites them to participate in a meeting with the Commissioners on June 5 at 11:00 a.m. to share information and concerns relative to traffic safety and to develop corrective recommendations. The Commissioners agreed to sign and forward the letter.

5) COUNTY COMMISSIONER/BOARD OF EDUCATION MEETING

The County Administrator advised that the Commissioners will be hosting the May 8 joint meeting with the Board of Education. Suggested agenda items are: Student Drug Summit Report, Joint Committee on Student Population, New Board of Education Office Plans, Escalation of Capital Improvement Program, and Relocatables.

6) CENSUS '90 - UPDATE

The County Administrator distributed an Information Release indicating that beginning May 3 Census takers will be visiting the households in St. Mary's County that have not been counted.

7) DEPARTMENT OF PUBLIC WORKS
REQUEST FOR RECLASSIFICATION

The County Administrator presented a memorandum dated April 30 from the Personnel Officer advising that the Director, Department of Public Works has requested approval to change the vacant Secretary II, Grade 13 position to a Draftsman, Grade 13 position because of increased capital project workload.

After discussion Commissioner Jarboe moved, seconded by Commissioner Lancaster, to approve the request. Motion carried.

8) DEPUTY DIRECTOR
OFFICE OF PLANNING AND ZONING

The County Administrator presented a memorandum dated May 1 from the Personnel Officer requesting approval to hire Joseph M. Meinert as Deputy Director, Grade 24, Step 3, Office of Planning and Zoning. Hiring above the base salary requires County Commissioners' approval.

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to approve the hiring of Joseph Mienert as requested. Motion carried.

9) COURTHOUSE PARKING NEEDS

The County Administrator presented correspondence addressed to the Mayor and Council of Leonardtown requesting assistance relative to the parking in the vicinity of the Courthouse. A renovation plan has been developed leaving the Courthouse at its current location as requested by Leonardtown, and one of the largest obstacles is the lack of parking for Courthouse-related activities. Leonardtown is being requested to develop a plan for meeting the parking needs of the Town and the Courthouse. The County is willing to share in the resolution of this problem.

The Commissioners agreed to sign and forward the letter.

10) ST. MARY'S COUNTY DEVELOPMENT CENTER
CORRESPONDENCE TO GOVERNOR

As a follow up to the April 17 presentation by the Director of the Developmental Center, the County Administrator presented correspondence addressed to Governor Schaefer requesting assistance relative to developmental services for adult mentally retarded citizens provided by the St. Mary's County Developmental Center.

The Commissioners agreed to sign and forward the letter.

11) MECHANICSVILLE LIONS CLUB
REQUEST FOR WAIVER OF BUILDING PERMIT FEE

The County Administrator presented a request by the Mechanicsville Lions Club for a waiver of building permit fee for the construction of a building for use by the Club. In that the project is in compliance with Resolution No. 75-53, the County Administrator presented correspondence to the Mechanicsville Lions Club approving the request.

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to sign the correspondence approving the waiver as requested. Motion carried.

12) WHITE NECK CREEK - USE OF COUNTY DOCK

In response to a request by the Operation Supervisor of Department of Natural Resources, the County Administrator presented correspondence approving the use of the White Neck Creek dock for oyster propagation operation.

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

13) REGIONAL PRIORTIES - TRI-COUNTY COUNCIL

The County Administrator presented correspondence dated April 26 from the Director of the Tri-County Council requesting the Commissioners to review the county's priorities of last year for possible revision. Mr. Hodge will be coming before the Commissioners on May 8 to review the list which will be presented to the Governor at a luncheon meeting on June 8.

14) ROAD RESOLUTIONS

On behalf of the Public Works Director, the County Administrator presented the following Road Resolutions:

No. R-90-08
Governmental Center Property

Posting all streets located on the Governmental Center property, Leonardtown, at 25 miles per hour.

No. R-90-09
Old Rolling Road West

Posting Old Rolling Road West, Eighth Election District at 25 miles per hour.

No. R-90-10
Sotterly Road

Designating Sotterly Road at its intersection with Sotterly Heights Road.

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

(Commissioner Jarboe left meeting - 9:50 a.m.)

OFFICE ON AGING
AREA AGENCY PLAN

Present: Gene Carter, Director

Mr. Carter presented and reviewed the Fiscal Year 1991 Area Plan for the Office on Aging. Mr. Carter advised that the Plan is the main planning and budget tool which is prepared each fiscal year by local Offices on Aging. The Plan describes local OOA to the State, presents goals and objectives for the year, establishes major program budgets, and results in the awarding of grants.

After discussion Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Loffler to sign the the Area Agency on Aging Plan. Motion carried.

(Commissioner Jarboe returned to meeting - 10:05 a.m.)

TRICO CORPORATION - FISCAL YEAR 1990

Present: Bill Arick, Director

Mr. Arick appeared before the Commissioners to request funding assistance by the County in the amount of \$37,000, which represents \$72 per client. Mr. Arick explained that TRICO serves emotionally disturbed and developmentally disabled adults, adolescents, and children, and pointed out the number of clients served and rates charged.

During discussion Mr. Arick suggested that the Commissioners request MHADAAC to make comparisons of service delivery being provided by county funded counseling and prevention programs.

The Commissioners advised that they would consider this request during budgetary deliberations.

WALDEN-SIERRA COUNSELING CENTER
FEDERAL RUNAWAY GRANT APPLICATION

Present: Kathy O'Brien, Director, Walden

Mrs. O'Brien appeared before the Commissioners to present and request approval of a Federal Assistance Application for the Runaway and Homeless Youth Program. The total amount of the grant is \$111,758, with federal share in the amount of \$68,843.

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

PROCLAMATIONS

The Commissioners presented the following proclamations:

National Life Insurance Week

Proclaiming the week of May 7 - 11, 1990.

National Volunteer Week - United Way

Proclaiming the week of April 8 - 14.

National Homemakers' Week

Proclaiming the week of May 6 - 12, 1990.

HISTORY OF ST. MARY'S COLLEGE
MONUMENT SCHOOL OF THE PEOPLE

Present: Chris Cihlar

Ms. Cihlar appeared before the Commissioners to present an autographed copy of the history of St. Mary's College, Monument School of the People written by J. Frederick Fausz.

STAFF MEETING

The Commissioners attended the regularly monthly staff meeting at the Garvey Center.

COMMUNITY COLLEGE STATUS REPORT

Present: Edward V. Cox, County Administrator
Dan Ichniowski, Director, Public Works
Joseph Densford, County Attorney

The referenced individuals appeared before the Commissioners to present a status report on the St. Mary's Campus of the Charles County Community College. The County Administrator distributed correspondence between the Department of Natural Resources and the County regarding a site for the campus. The site being considered is a 150 acre parcel off of Indian Bridge Road owned the State as part of the watershed property.

Mr. Ichniowski presented a list of work elements, which includes: Indian Bridge Road site evaluation, site acquisition, final design and construction. The list also included costs and funding from Fiscal Year 1990 through Fiscal Year 1993 and a time schedule. Mr. Ichniowski pointed out that it has been suggested that a public hearing be held about the site and the need.

After discussion the Commissioners gave their concurrence for staff to proceed with the project according to the schedule presented.

OFFICE OF PLANNING & ZONING

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

SUBDIVISION PROCESS

At the April 24th meeting Mr. Grimm provided the Commissioners with a memo listing three groups of categories caught in various stages of processing at the 3-acre density change of 10/25/88. Staff and the Planning Commission have requested the Commissioners allow these groups to go forward to final approval, with a 6 month time limit to provide P&Z with plats ready for recording.

Commissioner Lancaster moved to approve the 38 lots of groups 1 & 2 - those requiring perc tests applied for, but not completed by 10/25/88. The motion was seconded by Commissioner Jarboe and passed unanimously.

Commissioner Loffler was reluctant regarding the third group - those approved but which, for various unknown reasons, were not taken to record by 10/25/88. Mr. Loffler stated he would rather see these on a case by case basis - Mr. Grimm's estimate is that there are somewhere around 50 cases.

However, Commissioner Bailey felt this would clear these up all at once, with less difficulty, and moved to accept the Planning Commission's recommendation and approve group 3. The motion was seconded by Commissioner Lancaster and passed by a vote of 4-1, with Commissioner Loffler voting against.

ZONING ORDINANCE DISCUSSION

Before staff could present the recommendations requested last week, Commissioner Bailey moved that any further discussion or action on the proposed Zoning Ordinance be deferred until such time as the St. Mary's County Ethics Commission resolves the pending complaint and request for an advisory opinion on this issue. Commissioner Jarboe seconded.

Commissioner Bailey said he and Commissioner Jarboe have been told that they cannot comment and if the Board cannot operate the Board should not vote, and there should be no more discussion until the Ethics Commission decides whether the full Board can hear it. Commissioner Jarboe said he has asked the Ethics Commission for an opinion as soon as they can, because, based on the advice of attorney he could not comment, depending on what items come up.

Commissioner Lancaster said he felt the Zoning Ordinance should be heard by all the Commissioners and was in favor of delaying discussion until everyone can participate. Commissioner Thompson said he felt the other two Commissioners have asked for a delay and, as a courtesy to them, the Commissioners should honor their request.

Motion passed by a vote of 5-0; Commissioner Loffler voted against.

BOATEL CALIFORNIA - QUIT CLAIM DEEDS

Present: Joseph Densford, County Attorney

As a follow up to last week's discussion Mr. Densford reviewed deeds for the Seven Gables property from 1950 to the present. He stated that the deeds do not reference the pier that extends into the Patuxent River; however, deeds in Maryland to property with riparian rights do not specifically describe any piers which may convey with the property and any improvements would be included in language contained in the original Deed ". . . the building and improvements erected, made or being and all and every the rights, alleys, ways, waters, privileges, appurtenances, to the same belonging, or anywise appertaining." Mr. Densford pointed out that there is still nothing definite to identify ownership of the pier; however, his best estimate would be that the pier probably went with the Seven Gables property.

During discussion Commissioner Loffler stated that he could not vote in favor of the quitclaim deed that referenced the pier and access because he did not feel he had enough information to make that decision.

Commissioner Jarboe indicated that he would like to see restrictions placed on the length of the pier to which Mr. Densford stated that the County would have to get the property owner's consent for such a restriction.

After discussion Commissioner Thompson moved, seconded by Commissioner Bailey, to accept the Quit Claim Deed for Parcel A from Hugo Decesaris that reserves the pier and access for the Boatel California property. Commissioners Thompson, Bailey and Lancaster voted in favor of the motion and Commissioners Loffler and Jarboe voted against. Motion carried three to two.

In closing Mr. Densford assured the Commissioners that he would obtain from the applicant's attorney the required release of lien documents prior to recording the Quit Claim Deeds.

ST. GEORGE ISLAND
PROPOSED SEWER LINE

Present: Larry Petty, Director, Metropolitan Commission
Steve King, Assistant Director, "
Jon Grimm, Director, Planning and Zoning
Joseph Densford, County Attorney

As a follow up to last week's discussion regarding possibility of sewer lines triggering development outside the growth areas of the Comprehensive Plan, Mr. King presented sewage treatment alternatives for St. George Island.

Alternative 4 would combine contiguous lots to create building sites of at least three acres.

Alternative 5 would combine all contiguous lots under common ownership; and would allow a maximum of one EDU per lot or groups of contiguous lots under common ownership.

Mr. King requested a recommendation from the Commissioners prior to the public hearing scheduled for May 16 at the St. George Improvement Association Hall.

The Commissioners agreed to make a decision next week.

7:00 p.m.

ANNUAL REPORT
SOCIAL SERVICES BOARD

Present: Ella May Russell, Director, Dept. of Social Services
Sandra Johnson, Chairperson, Social Services Board

The referenced individuals appeared before the Commissioners to present the Social Services Board's Annual Report for 1989. Ms. Johnson reviewed the activities, achievements, and significant challenges of the Board and stated that one of the major problems encountered has been attendance.

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

PUBLIC FORUM

The Commissioners conducted the monthly public forum accepting questions and comments from the audience.

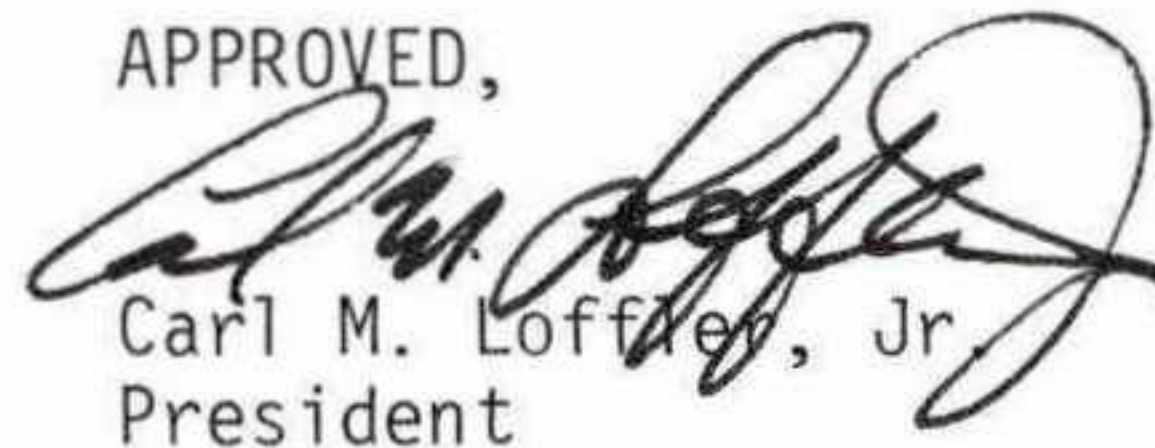
- | | |
|----------------|--|
| Dick Myers | - List of comments on proposed Zoning Ordinance and mechanism for input regarding errors. |
| Viki Volk | - Proposal presented to League of Women Voters regarding boards and committees. |
| Leonard Greess | - Whether all committees have by-laws that address quorums; illegal non-conforming uses and impact on various parties. |
| Oran Wilkerson | - Why Deed is not referenced on the Zoning Permit for Boatel California. Enforcement of Zoning Ordinance. |
| Joseph Ridgell | - Whether County has rules to prevent someone from lying.
In favor of sewer line for Scotland and Airedele Road area. |
| James R. Smith | - Release of Parcel A - Boatel California |
| Ernie Modlin | - Riparian rights - Boatel California does not own pier. |
| John Lore | - In favor of sewer line for Airedele Road |
| Carolyn Drury | - In favor of sewer line for Airedele Road |
| Joe Lore | - " |
| Jim Lanham | - " |
| Alan Pasco | - Concerned about proposed Dorsey development in Evergreen Park. |
| Jack Witten | - Economic Development Commission - Open Meetings Law; (Mr. Cox responded that the Chairman is looking to see if other arrangements can be made for meeting site.) Annual Report of land management; status of railroad right-of-way; Zoning Ordinance comments; response to public forum comments; enforcement of Zoning Ordinance. |
| Eric Janssen | - Concerned with possibility of development |

- with sewer line installation.
- Jean Campbell - Needs of education system
 - Joan Reed - Concerned about development in Evergreen Park (wants response to 3/27 letter.)
 - Kate Overesbeck - Educational needs (class size and federal impact aid.
 - Marie Gardiner - Cherry Cove Marina listed as Commercial on zoning maps and that it was to be changed.
 - Minnie Russell - Sewer line for Airedale Road and Wynn Road and possibility of cost to resident if more than 200 feet off of main road.
 - Betty Ridgell - That land in Scotland area has been designated as wetlands by EPA and whether the County can override that decision.

ADJOURNMENT

The meeting adjourned at 9:30 p.m.

APPROVED,



Carl M. Loffler, Jr.
President