

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, May 22, 1990

Present: Commissioner Carl M. Loffler, Jr., President
Commissioner W. Edward Bailey
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 Thompson moved, seconded by Commissioner Lancaster, to approve the minutes of the Commissioners' meeting of Tuesday, May 15, 1990. Motion carried.

APPROVAL OF BILLS

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

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) HOMELESS SERVICE PROGRAM
GRANT APPLICATION

The County Administrator presented a grant application for the Homeless Service Program in the amount of \$145,517 to be submitted to the Department of Human Resources, Community Services Administration. It is a totally state-funded grant with local in-kind contributions from Walden and Department of Social Services.

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

2) MINORITY ALLIANCE

The County Administrator presented correspondence addressed to the Minority Alliance expressing congratulations for continued success on the occasion of their Eighth Annual Installation of Officers.

The Commissioners agreed to sign and forward the letter.

3) BUDGET AMENDMENT NO. 90-69
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: To provide funds for legal advertisements from OPZ for public hearings held with the County Commissioners, Planning Commission, and Board of Appeals.

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

4) RESOLUTION NO. 90-06A
ABANDONMENT OF PORTION OF OLD COUNTY ROUTE 249

The County Administrator advised that the Commissioners had approved Resolution No. 90-06 on March 6 which approved the abandonment of a portion of Old Route 249. The County route was incorrectly stated as No. 3824; therefore Resolution No. 90-06A corrects the route as No. 3823.

Commissioner Bailey moved, seconded by Commissioner Thompson, to approve and sign Resolution No. 90-06A correcting the county route as referenced. Motion carried.

5) ST. MARY'S GARDEN CLUB

The County Administrator presented correspondence addressed to the St. Mary's Garden Club expressing appreciation for donation of time and effort on behalf of St. Mary's Nursing Center.

The Commissioners agreed to sign and forward the letter.

6) ALL AMERICA CITY AWARD

The County Administrator presented correspondence addressed to the various news media inviting them to attend the All America City Award presentation in Phoenix if their budgets allow.

The Commissioners agreed to sign and forward the letter.

7) TRI-COUNTY COUNCIL
REGIONAL WASTE DISPOSAL

The County Administrator presented a response to May 11 correspondence from the Tri-County Council indicating that for the last three years the three counties have cooperatively reviewed regional waste disposal issues. The letter points out that the Director of Public Works will be reviewing this issue and will be returning to the Commissioners with a recommendation.

The Commissioners agreed to sign and forward the letter.

8) APPOINTMENTS
BOARDS, COMMITTEES, COMMISSIONS

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

<u>Commission on Aging</u>	<u>Term to Expire</u>
George A. Bailey	06/30/92/95
Viola M. Gardner	06/30/92/95
<u>Social Services Board</u>	
Donald Barber	05/30/93
James Neal	06/30/91/94
Carletta Cyrus Parmes	06/30/90/93
<u>Regional Tourism Council</u>	
Joseph Mitchell, Dir., DECD	
Cindy Woodburn, Tourism Coordinator	
Betty Koehl, Vice-President, Chamber of Commerce, Tourism	

9) FISCAL YEAR 1990 AUDIT
COX, LONG, & COLVIN

The County Administrator presented a letter of understanding dated May 8, 1990 from the firm of Cox, Long, & Colvin to provide auditing services for St. Mary's County for the year ending June 30, 1990.

Commissioner Lancaster moved, seconded by Commissioner Bailey, to approve and authorize Commissioner Loffler to sign the renewal letter of understanding with Cox, Long and Colvin as presented. Motion carried.

10) REGIONAL TOURISM PROGRAM

The County Administrator presented correspondence addressed to the Commissioners of Calvert and Charles Counties indicating that on May 15 the St. Mary's County Commissioners voted to endorse the proposal to move the regional tourism program from Tri-County Council to a group of 12 appointed by the three boards (four from each county). The Commissioners also endorsed the proposal that Calvert County will administer the regional tourism grant from the State on behalf of the three boards.

The Commissioners agreed to sign and forward the letter.

11) PATUXENT PARK WEST - TOWNHOMES III

The County Administrator presented correspondence from the Maryland Department of Housing and Community Development inviting the Commissioners comments on the referenced development. An application had been received from the developer for low-income housing tax credits. Mr. Cox proposed that the following comment to be forwarded to the Department of Housing and Community Development: "This project helps meet an important need for affordable housing. The project meets the objectives and requirements of the county's planning and regulatory process.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to forward the comment as presented. Motion carried.

12) CITIZEN ADVISORS' APPRECIATION NIGHT

The County Administrator presented a proposal for the annual Citizen Advisors' Appreciation Night to be held August 17 at the Officers' Club at an estimated cost of \$3,500 to \$4,000.

After discussion Commissioner Thompson moved, seconded by Commissioner Bailey, to authorize the County Administrator to proceed with the Citizen Advisors' Night as presented. Motion carried.

13) MENTAL HEALTH CORE SERVICE

The County Administrator presented correspondence addressed to the County Commissioners of Calvert and Charles Counties recommending that the three boards endorse the new mental health core service initiative for Southern Maryland. The core service will be funded entirely by the State and will only be maintained with continuing state support.

After discussion Commissioner Thompson moved, seconded by Commissioner Bailey, to sign and forward the letter as presented. Motion carried.

14) AIRPORT PROPERTIES, INC.
AGREEMENT

The County Administrator presented an Agreement between Board of County Commissioners of St. Mary's County and Airport Properties, Inc. and Calvert Bank & Trust Company which would afford Calvert Bank & Trust Company the same rights as Airport Properties, Inc. under the terms of the lease.

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

15) EXTENDED DAY CARE PLANNING COMMITTEE - BY-LAWS

The County Administrator presented correspondence addressed to the Extended Day Care Planning Committee indicating that the Committee's by-laws are in compliance with Resolution No. 88-03.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve the by-laws for the Extended Day Care Planning Committee as presented. Motion carried.

PEOPLE TO PEOPLE INTERNATIONAL YOUTH EXCHANGE

Present: Lisa Fortin

Miss Fortin appeared before the Commissioners to inform them of her acceptance into the People to People International Youth Exchange for a trip to Russia in July. She stated that she was accepted into the program for the medical and health delegation and that the cost of the program is approximately \$4,000 which she is trying to raise.

The Commissioners wished Miss Fortin well in her efforts to raise funds and brought to the news media's attention these efforts so that the community could be made aware of her need for funds.

COMMENDATION

Present: Kevin Williams

The Commissioners presented a Commendation to Kevin Williams recognizing his four years of contributions to the St. Mary's Council on Children and Youth.

BOARD OF EDUCATION
FISCAL YEAR 1991 BUDGET

Present: Dr. William Burroughs, Superintendent
Al Lacer, Board of Education
Rev. Bob Kirkley, "
Jim Marsh, Fiscal and Administrative Services
Charles Wade, St. Mary's Director of Finance

The referenced Public School and Board of Education representatives appeared before the Commissioners to present a list of priority items and a suggested source of funding. Dr. Burroughs explained the use of funds received from the County and stated that the Board would like to use the \$800,000 fund balance (\$40,000 toward funding of same level of service and the balance toward expanded service).

Discussion ensued regarding the need for an audit before a fund balance amount can be determined.

The Commissioners agreed to review the requests during the budget review.

FISCAL YEAR 1991 BUDGET

Present: Charles Wade, Director of Finance

Mr. Wade appeared before the Commissioners to discuss the FY 1991 budget including fund balance track, recommended capital budget, local funding, excess liability insurance, revised revenues and expenditures, requested reinstatements and recommended.

Mr. Wade recommended that the Commissioners only use fund balances for non-recurring expenses and pointed out that the items on the Board of Education priority list are recurring expenditures. He further pointed out the fund balance trends of the Board of Education stating that past history indicates that this windfall is not likely to happen again.

During discussion Commissioner Loffler indicated that the primary goal of the Board of Education and County Commissioners is to reduce class size. He felt that rather than allocate \$586,226 towards Local Government Insurance Trust (LGIT) that \$500,00 of that amount be allocated to the Board of Education budget. Once after the audit is completed, the fund balance is realized, the Commissioners could make a decision about allocate funds for LGIT.

Commissioner Bailey moved that the Commissioners defer a decision on this until he had a chance to review the Board of Education's priority list and until Commissioner Jarboe returned. The motion died for lack of a second.

Commissioner Lancaster moved, seconded by Commissioner Thompson, to accept the staff's recommendation to approve the reinstatement of funds as listed below and further to approve the allocation of an additional \$500,000 to the Board of Education, said funds to come from the LGIT allocation. Reinstatements are as follows:

Board of Education		\$200,000
		+ 500,000
Sheriff		312,825
3 deputies	\$199,221	
3 correctional officers	104,604	
radio contract	9,000	
Friendly Hands		5,000
Library		22,500
Extension Service		5,000
Community College		43,763
Civil Defense		7,975
Catholic Charities		5,000
Commissioners' Reserve		3,922
	Total	\$605,985

Commissioner Bailey voted against the motion stating that he was not opposed to the Board of Education budget, but felt that the decision should be delayed until the priority list could be reviewed. Motion carried three to one.

PROCLAMATION
MARYLAND WEEK OF THE WORKING PARENT

Present: Children from Sunshine Day Care Center and Parents

The Commissioners presented the referenced Proclamation designating the week of May as Maryland Week of the Working Parent.

COMMENDATION - WPTX/WMDM

Present: John Baggett, Director, Recreation and Parks
Claude Clarke, "
Yogi Yoder
Mary Yoder

The Commissioners presented Commendations to the referenced representatives of WPTX/WMDM for assistance provided to the Department of Recreation and Parks.

COMMENDATIONS

MARYLAND YOU ARE BEAUTIFUL
SENIOR CITIZENS WRITING CONTEST

The Commissioners presented Commendations to the winners of the Maryland You Are Beautiful Senior Citizens Writing Contest.

A reception for the winners was held at the Garvey Senior Center following the presentation of Commendations.

INNOVATIVE AND ALTERNATIVE SEWAGE DISPOSAL SYSTEMS

Present: Tom Russell, Director, Environmental Hygiene
Clarence Fox, Health Department
Cliff Stein, Division of Residential Sanitation

In response to a request by the Board, the referenced individuals appeared before the Commissioners to explain the innovative and alternative onsite sewage disposal grant program.

Mr. Stein stated that the program was created through the 1984 Maryland General Assembly and began in 1985. St. Mary's County was one of the original four counties participating in the program, and there are now 14 counties participating. He stated that additional funding has been provided through the Chesapeake Bay Implementation Grants Program which will supplement the I & A funds.

Mr. Stein reviewed and explained each of the ten experimental systems that are available. Funds are available for property owners with failing septic systems or houses without indoor plumbing. The properties must undergo detailed site evaluations in order to qualify, and if accepted, the property owner must enter into an agreement with the County and Health Department.

During discussion Mr. Stein advised that there is a supplemental grant that would provide an additional \$28,000 to the County and it may be increased in the next fiscal year. The Commissioners will be receiving information on another program, the septic system modernization and indoor plumbing assistance program. These funds can be used for community-type systems.

In conclusion Commissioner Loffler stressed the importance of keeping the Comprehensive Plan and Critical Area requirements in mind when looking at alternative sewage disposal systems.

PLANNING AND ZONING
SITE PLAN FOR INDUSTRIAL MARINE EXPANSION

Present: Jon Grimm, Director
Peggy Childs, Recording Secretary
Joe Densford, County Attorney
Chuck Kimball
Donnie Ocker, Of NGO

SITE PLAN FOR INDUSTRIAL MARINE EXPANSION

#90--0193 - ST. PATRICK CREEK MARINA & CAMPGROUND

Requesting approval for expansion of marine, piers, and mooring facilities at existing marina. The property contains 2.563 acres, is zoned IM, and is located on Golden Thompson Road on St. Patrick's Creek in the 7th District; Tax Map 46, Block 18, Parcel 45.

Owner: Chesapeake Land Development Limited
Applicant: Norris, Gass & Ocker Engineering, Inc.

Mr. Grimm said he asked that this be added to today's agenda because OPZ's error had delayed it and distributed the staff report, stating this plan has been through the TEC and Planning Commission and has been issued a permit by the Army Corps of Engineers. The Planning Commission recommended approval with 4 conditions: pumpout facility be installed as required by Health Dept.; water quality protection zone plan as required by Critical Area Ordinance; mitigation plan for "historic waterfowl staging area" offshore from this property; and requiring "no wake" posting in the channel. The recommendation states further that if the applicant has any objections to the mitigation plan for the "diving ducks", which has not yet been formulated, he will come back before the Commission to discuss it. This condition was agreeable to Mr. Kimball.

Commissioner Bailey moved for approval and that Commissioner Loffler sign the site plan, seconded by Commissioner Thompson; motion carried.

SHORT ACRES APPEAL

In the Matter of the approval and Recording of a Three Lot Subdivision known as Short Acres, Plat 2, Lots 5, 6 & 7, recorded in the Plat Records of St. Mary's County, Maryland, in Plat Liber 32, Folio 49, by the Planning Commission of St. Mary's County, acting through the Department of Planning and Zoning for St. Mary's County, Maryland.

Testimony having been heard for this appeal on May 8, 1990, the President asked if there was any further information to be presented. Attorney Al Lacer, representing John Cook and Ann Loker, stated he and Mr. Izydore, representing applicant Al Watson, have reached a conceptual settlement regarding the easement across their property, and are confident they can work out the details.

Attorney Karen Abrams, representing the Green Holly Pond Association, stated their meeting with the applicant had not materialized. She added they are asking the subdivision be remanded to the Planning Commission so she and her clients can review the approvals which affect their properties, including approval of the subdivision prior to the Critical Area Ordinance and rights-of-way to pump to the sewage disposal area. Their position, she said, is that the rights-of-way, utility lines, and ownership should have been in place before the plat was recorded, and this was not done.

Commissioner Loffler stated he did not see the argument, as there have to be rights-of-way to subdivide the plat. Mr. Grimm replied that the appeal is of his action, not the Planning Commission's, based upon approval by the Health Department and their statement on the plat that the plan conformed to the Water and Sewer Plan, but had he known at the time that a water/sewer category change was required, he would not have recorded the plat. He added, though, that he believes everything else has been adequately addressed and approved except the water/sewer category change.

County Attorney Joe Densford suggested to the Commissioners that they temporarily suspend the validity of the plat until the Water and Sewer Plan is amended to allow the subdivision to move forward.

It was moved by Commissioner Lancaster to uphold the appeal and suspend development rights of the subdivision plat, on a temporary basis, pending application and approval of a water/sewer category change for the sewage disposal area. Commission Thompson stated he believes this is a housekeeping change, but seconded the motion. Motion carried. The Planning Commission will hold a meeting on the W/S category change and make a recommendation to the Commission for approval or denial, following which the Commissioners will hold a public hearing and make their decision.

DEPARTMENT OF PUBLIC WORKS

Present: Dan Ichniowski, Director

1) PUBLIC WORKS AGREEMENT
POPLAR RIDGE, SECTION 3A

Mr. Ichniowski presented the referenced Public Works Agreement dated January 30, 1989 between Marvin C. Franzen and St. Mary's County guaranteeing completion of David Way in Poplar Ridge, Section 3A, by April 1, 1991. The Agreement is backed by a Letter of Credit with Maryland National Bank in the amount of \$23,500.

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

2) ADDENDUM TO THE PUBLIC WORKS AGREEMENT
ST. MARY'S HANGAR ASSOCIATION, INC.

Mr. Ichniowski presented an Addendum to the Public Works Agreement between St. Mary's Hangar Association, Inc. and St. Mary's County extending the deadline for completion of improvements to the St. Mary's County Airport Hangar Association hangars to October 1, 1990. The Addendum is backed by an amended Letter of Credit with Maryland Bank and Trust Company in the amount of \$5,000

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

3) CALLING LETTERS OF CREDIT

Mr. Ichniowski presented the following items of correspondence calling letters of credit:

- ° National Mobile Home Park, Section 5
Grading Permit #88-24
Letter of Credit #244-E with Maryland Bank & Trust Company
- ° Greenview Business Park and Longfield Village
Grading Permit #87-42
Letter of Credit #A1-7-28-1987 with First National
Bank of St. Mary's

- Greenview West PUD; Greenview Business Park
and Longfield Village
Grading Agreement
Letter of Credit #A2-7-28-1987 with First National Bank
of St. Mary's
- Cedar Cove, Section III
Public Works Agreement
Letter of Credit #52-D with Maryland Bank & Trust Company
- Brickhouse Manor (Minor Subdivision)
Public Works Agreement
Letter of Credit #332 with Maryland Bank & Trust Company
- Stoney Run, Section III
Public Works Agreement
Letter of Credit #A2-3-15-1988 with First National Bank
of St. Mary's
- Brooks Cluster Apartments
Construction Right-of-Way Agreement
Letter of Credit #A2-6-29-1989 with First National Bank of
St. Mary's
- Brooks Cluster Apartments
Grading Permit #89-62
Letter of Credit #A1-6-29-1989 with First National Bank of
St. Mary's
- Sands Mobile Home Park
Construction Right-of-Way Agreement
Letter of Credit #A1-6-30-1989 with First National Bank
of St. Mary's

Commissiner Lancaster moved, seconded by Commissioner Thompson, to authorize Commissioner Loffler to sign the correspondence and to forward if necessary. Motion carried.

EXECUTIVE SESSIONS

Present: Edward V. Cox, County Administrator

Commissioner Bailey moved, seconded by Commissioner Thompson, to meet in Executive Session to discuss matters of Litigation, Property Acquisition, and Personnel. Motion carried. The Sessions were held as follows:

Litigation

Also Present: Joseph Densford, County Attorney
Dan Ichniowski, Director, Public Works

Session held from 3:00 p.m. to 3:40 p.m.

Property Acquisition

Also Present: Dan Ichniowski, Director, Public Works

Session held from 3:40 p.m. to 4:00 p.m.

Personnel

Session held from 4:00 p.m. to 4:20 p.m.

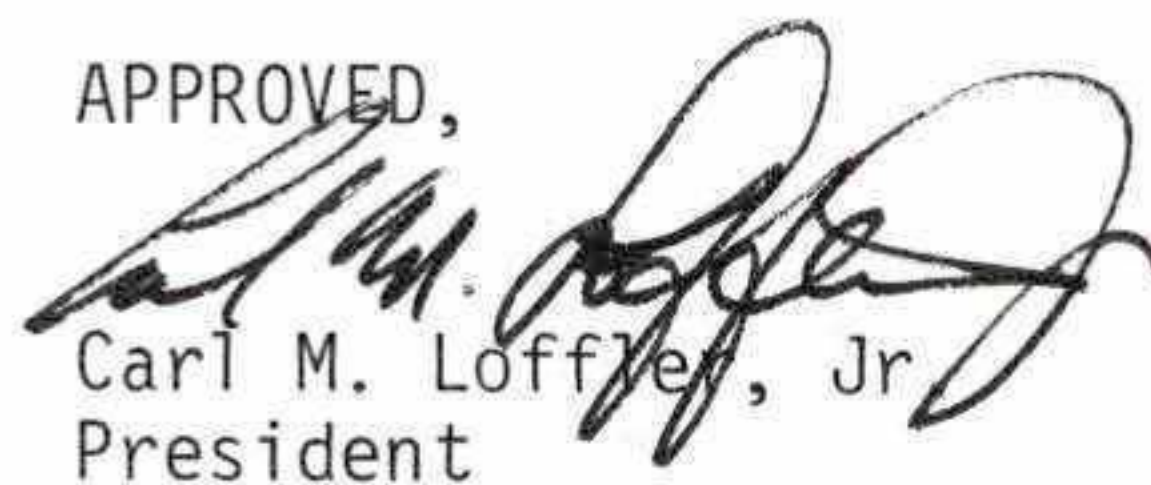
SUBURBAN ESTATES EXPANSION
PEGG'S ROAD CONSTRUCTION

Commissioner Bailey moved, seconded by Commissioner Lancaster, to sign the letter to Mr. William t. Poole, President, Pascal-Turner Ltd. setting forth the county's position with regard to Pegg's Road construction. Motion carried.

ADJOURNMENT

The meeting adjourned at 4:25 p.m.

APPROVED,



Carl M. Loffler, Jr.
President