

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, July 3, 1990

Present: Commissioner Carol M. Loffler, Jr., President
 Commissioner W. Edwar Bailey
 Commissioner Robert T. Jarboe
 Commissioner John G. Lancaster
 Commissioner Rodney Thompson
 Edward V. Cox, County Administrator
 Judith A. Spalding, Recordin Secretay

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, June 19, 1990. Motion carried.

APPROVAL OF BILLS

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

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) PUBLIC RELATIONS STUDY COMMITTEE

The County Administrator clarified with the Commissioners the purpose of the mailing of a survey regarding production of a series of informational videotapes. He stated that the mailing was not a solicitation, but informational. The replies received to date have been favorable. Mr. Cox advised that a report will be presented to the Commissioners at a later date.

2) 1990 CENSUS UPDATE

The County Administrator presente an Information Release regarding the "Were You Counted?" phase of the 1990 Census.

3) OFFICE SPACE - PUBLIC SCHOOL SYSTEM

The County Administrator presented correspondence to Edmund Wettengel and to Larry Millison expressing ppreciation for information relative to providing office space for the county's public school system. The letter states that county staff will be meeting with their staff and will develop information on the various alternatives.

4) NOTIFICATION OF GRANT AWARDS
SUPPLEMENTAL STATE GRANTS - OFFICE ON AGING

The County Administrator presented correspondence from the State Office on Aging forwarding 1991 Notification of Grant Awards as follows:

<u>Grant</u>	<u>Amount</u>
Senior Nutrition	\$58,408
Senior Center	10,123
Senior Visitation	9,315
Guardianship	6,600
Senior Information & Assistance	23,150
Senior Health Insurance Counseling	3,000

Commissioner Bailey moved, seconded by Commissioner Lancaster, to to accept the Notification of Grant Awards as presented. Motion carried.

5) NOTIFICATION OF GRANT AWARDS
SHERIFF'S DEPARTMENT - SOUTHERN MARYLAND DRUG TASK FORCE

The County Administrator presented Notification of Grant Awards for the Southern Maryland Drug Task Force, Drug Diversion Unit, and for the Southern Maryland Drug Task Force, Assets Forfeiture Unit, which have been funded in modified amounts.

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Loffler to sign the Notification of Grant Awards as presented. Motion carried.

6) RESOLUTION NO. 90-10
SEWAGE SLUDGE COMPOST

The County Administrator presented the referenced Resolution not opposing the land application and use of compost meeting state requirements in St. Mary's County on the condition that all carriers, providers, and users of said product, regardless of brand name or marketing title, be able to demonstrate State of Maryland, Department of Environment approval.

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

7) CEDAR COVE MARINA

The County Administrator advised that correspondence had been received from the Metropolitan Commission regarding action taken by the Metropolitan Commission relative to public sewer service to the Cedar Cove Marina. Mr. Cox presented correspondence indicating that the Commissioners concur with the allocation of seven EDU's instead of eight, and that there is not need for a meeting to further discuss this matter. The Commissioners signed the letter as presented.

8) PARKING IN VICINITY OF COURTHOUSE

The County Administrator presented correspondence addressed to the Maryland Council of the Town of Leonardtown indicating that the County's plans for the use of the area in question are now stabilized with the opening of the Carter State Office Building and there are no plans for the addition of any other agencies. The letter request the Town to develop additional parking for needs of businesses in the area which now encroach upon the use of county government-provided parking.

The Commissioners agreed to sign and forward the letter.

9) HISTORICAL SIGNIFICANCE - BUSHWOOD AREA

The County Administrator presented correspondence addressed to Julia King, Regional Archaeologist for Southern Maryland expressing appreciation for her interest in the historical significance of the Bushwood area.

The Commissioners agreed to sign and forward the letter.

10) CLEARINGHOUSE PROJECT NO. MD900402-2238
HICKORY HILLS - HUD SECTION 106 REVIEW

The County Administrator presented the referenced clearinghouse project, which had been held until clarification from the Office of Planning and Zoning regarding the request for a archaeological survey. He stated that this has been requested in compliance with a request from the Maryland Historical Trust.

After discussion the Commissioners agreed concur with the project in that it is consistent with the County's plans, programs, and objectives and with the comment that that an archaeological survey should be made and the results reported to Marland Historical Trust.

11) BUDGET AMENDMENT NO. 90-76
RECREATION AND PARKS

The County Administrator presented the referenced budget amendment recommended for approval by the Director of Finance and which had been held until the Commissioners met with Dr. Jamie Boyd. Justification for the budget amendment is: To provide funds for construction to satisfy terms of agreement dated December 19, 1989 with Robert Steele Pogue. Funds necessary to complete essential upgrade (\$3,500).

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

12) 1991 LEGISLATIVE PACKAGE

The County Administrator presented correspondence addressed to agencies, boards and committees soliciting proposals for the 1991 Legislative Package and setting forth a proposed schedule.

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

13) BOARD OF EDUCATION
FISCAL YEAR 1991 OPERATING AND CAPITAL BUDGET

The County Administrator presented the the Board of Education's Fiscal Year 1991 Operating and Capital Budget which has been reviewed by the County's Director of Finance and the Public School's Director of Financial and Administrative Services. The document is in keeping with the figures that had previously been reviewed.

Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve the Board of Education Budget as presented. Motion carried.

EXTENDED DAY CARE COMMITTEE
SCHOOL AGE CHILD CARE DELIVERY PLAN

Present: Becky Stevens
Jayne Sullivan
Flo Chakales
Kathy Glaser
Bonnie Hernandez
Rhodessa Lee Millham
Elaine Ohler

The referenced individuals appeared before the Commissioners to presented the St. Mary's County School Age Child Care Delivery Plan, which sets forth the goals of the County for before and after school child care. Ms. Stevens advised that the Committee had been established in May 1989 with members officially appointed by the Commissioners in February 1990. The Committee was charged with the development of the Plan which is to be submitted to the Governor by August 1, 1990. Ms. Stevens explained that grants have been made available for start-up costs for the centers which are sponsored by the Department of Recreation and Parks. She discussed the number of children in need of before and after school care and that funding mechanisms to implement the county's plan are being explored.

After discussion the Commissioners gave their concurrence for the Committee to submit the Plan to the Governor as requested.

OFFICE ON AGING
GATEWAY II

Present: Gene Carter, Director, Office on Aging
Ella May Russell, Director, Department of Social Services

The referenced individuals appeared before the Commissioners to request the Commissioners' approval of the Senior Coordinated Community Care Program (Gateway II). Mr. Carter advised that this program, which is an interagency program with the Office on Aging, Department of Social Services, and the Health Department, provides services for the county's most frail and needy elderly. He presented the Program Summary for Fiscal Year 1990 and the Projected Program Operations for Fiscal Year 1991. The Program budget for FY '91 is \$73,319.

After discussion Commissioner Jarboe moved, seconded by Commissioner Bailey, to authorize Commissioner Loffler to sign the Gateway II grant for FY '91 as presented. Motion carried.

DEPARTMENT OF PUBLIC WORKS

Present: Dan Ichniowski, Director

1) INDIAN BRIDGE ROAD BRIDGE

For the Commissioners' information Mr. Ichniowski presented correspondence from the State Highway Administration indicating that work on the replacement of Md. Rt. 471 bridge over St. Mary's River near St. Mary's State Park will begin in mid-July.

2) MD. RT. 5 BYPASS STATUS

Mr. Ichniowski advised the Commissioners of the bid protests in the referenced project. The project has not been awarded to the lowest bidder, and a protest has been filed.

3) ACCEPTANCE OF DEED
BAYVIEW COURT

Mr. Ichniowski presented a Deed dated June 1, 1989 between Delmarva Properties, inc. and County Commissioners of St. Mary's County accepting Beauvue Court (Extended) into the County Highway Maintenance System.

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

4) ACCEPTANCE OF DEED
ROAD RESOLUTIONS
INDIAN RIVER ESTATES

Mr. Ichniowski presented a Deed dated June 28, 1988 between Accent Mobile Homes, Inc. and Ken Cross Construction, Inc. and the Board of County Commissioners of St. Mary's County accepting Cherokee Court and White Feather Lane into the County Highway Maintenance System.

Mr. Ichniowski also presented the following Road Resolutions:

- ° R90-17 - posting White Feather Lane and Cherokee Court at 25 miles per hour.
- ° R90-18 - designating the following streets as "stop streets":

White Feather Court as it intersects with Cochise

All Commissioners were present as were Ed Cox, County Administrator; Joe Densford, County Attorney; and OPZ staff as follows: Jon Grimm, Director; Jeff Jackman, Land Use Planner; Mary Elizabeth Gibson, Planner; and Peggy Childs, Recording Secretary.

ZONING ORDINANCE DISCUSSION

Mr. Grimm distributed to the Commissioners his memo dated June 27, 1990 forwarding final recommended changes, which have been reported to the Planning Commission, and which OPZ could implement between now and August 1st, should the Ordinance be approved today. Also presented was a Draft adopting Resolution, prepared by the County Attorney, and a list of items identified as areas where more review is needed, which staff recommends be held in a file for future study.

The Commissioners discussed the Ordinance at some length. Of particular concern was paragraph 4 of the proposed resolution, calling for a review "at least annually". Commissioner Loffler felt a more specific time should be set; i.e., January and July; Commissioner Jarboe felt at least an approximate date should be given; however, it was generally agreed the term "at least annually" was acceptable, Mr. Grimm suggesting the review be done (1) geographically; and (2) functionally.

Commissioner Bailey expressed concern about nonconforming uses not being allowed to expand without going through a lengthy process, particularly citing Swann's Pier and Restaurant in Piney Point. Commissioner Bailey was also concerned about RPD zoned land just outside the development district not being allowed the same development rights as land immediately adjacent, but within the development district.

Commissioner Jarboe was also concerned about the Swann's property, and about property that is split by zoning districts, citing a property in the northern end of the County which is partly in the Charlotte Hall Town Center. Commissioner Jarboe said he can accept the Ordinance because he knows there is no such thing as a perfect system and we can continue to review and modify, but said he is most disappointed with the maps and the fact that they have been changed so many times.

Commissioner Loffler asked that the record show that the list of items in Mr. Jackman's July 3, 1990 memo on the "Future File" does accurately reflect the items of concern discussed in the past by the Commissioners to be held for further study. A published list of illegal uses had not been prepared by staff, Mr. Grimm stating that he did not believe it appropriate to publish a list, but said he can tell the Commissioners the ones he is aware of.

Commissioner Thompson stated that his position is that he is not in favor of zoning, and he has said that all along.

Mr. Densford stated there was an omission in the Ordinance in that there is no statement repealing and rescinding other ordinances. Mr. Grimm stated the Ordinance should also contain the Planning Commission's recommendation that any site plans and subdivisions which have received concept or preliminary approval by the Commission should be granted a specific time period to receive final approval under the current ordinance. This paragraph will be added to the adopting Resolution as paragraph 5) and the language repealing other ordinances will be added as paragraph 6). The effective date language will become paragraph 7).

Commissioner Lancaster moved that the Zoning Ordinance be adopted as presented, with the changes to the Resolution noted above, effective August 1, 1990. The motion was seconded by Commissioner Jarboe and passed by a vote of 3-2; Commissioners Loffler, Jarboe and Lancaster voted in favor and Commissioners Bailey and Thompson voted against. Mr. Cox advised that the amended Resolution would be ready for the Commissioners' signatures at 3:00 p.m. today.

STAFF MEETING

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

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator

Commissioner Lancaster moved, seconded by Commissioner Thompson, to meet in Executive Session to discuss a matter of personnel. Motion carried. The Session was held from 2:30 p.m. to 2:50 p.m.

ORDINANCE NO. 90-11
ADOPTION OF ZONING ORDINANCE

Present: Jon Grimm, Director, Planning and Zoning

Later in the meeting Mr. Grimm presented Ordinance No. 90-11 adopting the St. Mary's County Zoning Ordinance and pointed out a correction Paragraph 5 regarding site plan and subdivision Technical Evaluation Committee review.

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to approve and sign Ordinance No. 90-11 adopting the St. Mary's County Zoning Ordinance. Commissioners Bailey and Thompson voted against the motion. Motion carried three to two.

ADJOURNMENT

The meeting adjourned at 3:15 p.m.

7:00 P.M.

PUBLIC FORUM

The Commissioners conducted the regular monthly public forum accepting questions and comments from the audience as follows:

Oran Wilkerson - Inquired as to response to May 2 letter regarding landscaping and parking provisions of the Ordinance relative to San Souci and Wildewood.

Questioned whether County Attorney received Release of Liens for Boatel California and that the County should determine cause and extent of delay.

Minnie Russell - Commented on public's use of Fox Harbor pier;

Questioned the pier expansion Smith Creek. Mr. Cox explained the process of the permit stating that expansions, once approved by Army Corps of Engineers, must go through County's process.

Frances Anderson - Questioned County's policy on speed bumps and would like them in Town Creek. Mr. Cox advised that the County's policy is not to have speed bumps because of emergency vehicles.

Questioned an area of the Boatel California property that is zoned residential. Commissioner Loffler explained that that area can only be used as buffer or parking area.

Questioned status of appeal on strip of land at Town Creek. Mr. Cox responded that the appeal is in process and the County has not yet received a report.

Regina Abell - Expressed concerns regarding Office on Aging activity fees. The Commissioners suggested that she attend a Commission on Aging meeting to discuss this.

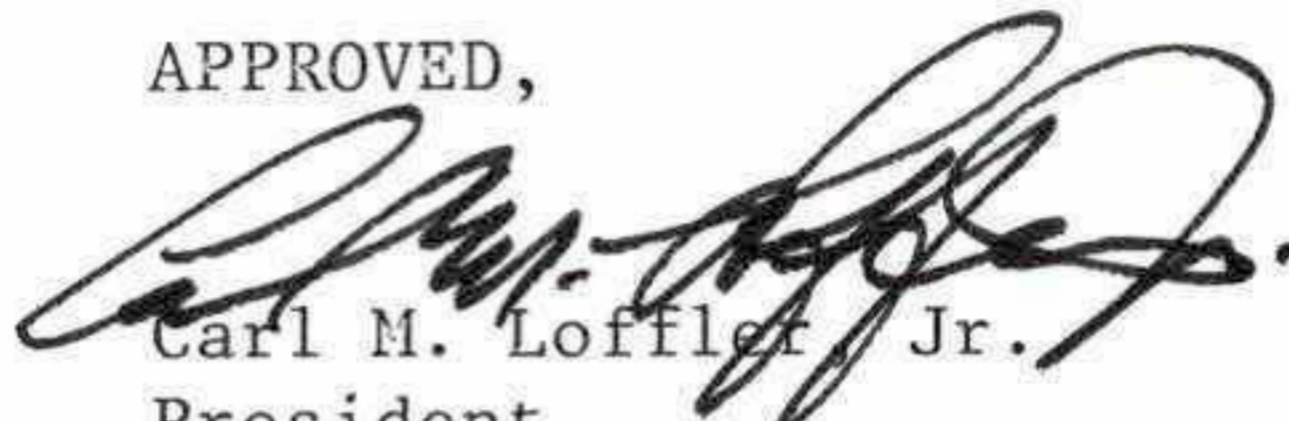
Viki Volk - Requested Commissioners' comments on transfer tax;

Questioned if Commissioners submitted Recycling Plan. The County Administrator responded that it has been submitted to the State.

Questioned whether Recreation and Parks will be using Frank Knox School. Commissioner Loffler responded that Recreation and Parks has submitted a proposal but it has not yet been discussed by the Board.

The public forum concluded at 8:25 p.m.

APPROVED,



Carl M. Loffler, Jr.
President

July 3, 1990

Page 234