

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, July 10, 1990

Present: Commissioner Carl M. Loffler, Jr., President  
Commissioner Robert T. Jarboe  
Commissioner John G. Lancaster  
Commissioner Rodney Thompson  
Edward V. Cox, County Administrator  
Judith A. Spalding, Recording Secretary

(Commissioner Bailey was not present.)

CALL TO ORDER

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, July 3, 1990. Motion carried.

APPROVAL OF BILLS

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to approve the bills as submitted. Motion carried.

PROPOSED RESEARCH PARK  
(BRISCOE RESEARCH PARK)

Present: Sue Wilkerson, Economic Development Specialist

Ms Wilkerson appeared before the Commissioners to show a video prepared by Arthur Esche of the Economic Development Commission. She stated that it was a draft of a marketing tape, and Mr. Esche will be getting the EDC's reaction to it at the next EDC meeting on August 3.

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) APPOINTMENT

Commissioner Lancaster moved, seconded by Commissioner Thompson and motion approved, to make the following appointments:

AIRPORT COMMISSION      TERM TO EXPIRE

William D. McGarity      6/30/91/94

COMMUNITY COLLEGE ADVISORY BOARD

William E. Curtis      6/30/90/95

HOUSING AUTHORITY

Lula T. Biscoe      6/30/95

2) BUDGET AMENDMENTS

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

No. 90-81  
States Attorney

Justification: Attorney's fees ordered by District Court (\$1,200)

No. 91-01  
County Administrator

Justification: Decision by the Board of County Commissioners to provide for Public Information Specialist (\$20,000)

3) ZONING BOARD OF APPEALS  
TRANSFER STATION - CHARLOTTE HALL

The County Administrator presented correspondence addressed to the Zoning Board of Appeals confirming the need for the transfer station project at Charlotte Hall and endorsing its placement at the Md. Rte. 6 site.

The Commissioners agreed to sign and forward the letter.

4) DELIVERY PLAN FOR SCHOOL-AGE CHILD CARE

The County Administrator presented correspondence addressed to Governor Schaefer forwarding the Delivery Plan for School-Age Child Care which had been submitted to the Board at last week's meeting.

The Commissioners agreed to sign the letter as presented.

5) REQUEST FOR ADDITIONAL STATE POLICE

The County Administrator presented correspondence addressed to the Secretary of the Department of Public Safety and Correctional Services formally requesting assistance in assigning additional officers of the Maryland State Police to St. Mary's County

The Commissioners agreed to sign the letter as presented.

6) FY '90 RESTRICTED GRANTS PROGRAM  
BOARD OF EDUCATION

The County Administrator presented correspondence to the Board of Education approving the Fiscal Year 1990 Restricted Grants Program in response to the June 7 request from the Superintendent of Schools and as modified by June 26 correspondence from James Marsh.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve the FY '90 Restricted Grant Program as presented. Motion carried.

7) LEONARD HALL DRILL HALL LEASE

The County Administrator presented the renewal Lease between the Leonard Hall Board of Directors and the Board of County Commissioners. He stated that the Lease is the same as it has been in the past with the exception of the ball field in front of the gymnasium, which has been maintained and coordinated for its use by the Department of Recreation and Parks.

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

8) REQUEST FOR USE OF FRANK KNOX ELEMENTARY SCHOOL

The County Administrator presented correspondence from the Assistant Director of Recreation and Parks advising that he has received request from teen and civic groups for the use of Frank Knox Elementary School as a teen center site. A donation in the amount of \$7,000 has been received from the Teen Center Committee for operation of the center.

Mr. Cox expressed concerns regarding the County's liability and about temporary use turning into a permanent need.

After discussion Commissioner Jarboe moved, seconded by Commissioner Lancaster, to authorize the use of Frank Knox School as a temporary teen center for this year. Motion carried.

#### TRANSFER TAX

Present: Edward V. Cox, County Administrator  
Joseph Densford, County Attorney  
Charles H. Wade, Director of Finance

As a follow up to previous discussions, the referenced individuals appeared before the Commissioners to present a revised Ordinance adopting a transfer tax in St. Mary's County.

The County Administrator advised that the draft Ordinance has been revised to exempt first-time homebuyers. Mr. Wade indicated that the impact on revenues of this exemption is at a range from \$19,000 to \$230,000.

In that Commissioner Bailey was not present, Commissioner Loffler suggested that the Board not take action until next week. The Commissioners concurred.

In closing the Commissioners indicated that the effective date of the Ordinance would be 30 days from the day of its adoption.

#### OFFICE OF PLANNING AND ZONING

##### PUBLIC HEARING

##### ZONE #90-0441 - BAY CENTER

Present: Jon Grimm, Director, OPZ  
Peggy Childs, Recording Secretary  
Mike O'Brien, Partner  
Jim Kenney, Attorney for Applicant  
John Norris, NGO Engineering

Mr. Grimm announced that the request was legally advertised in The Enterprise on June 20 and June 27, 1990, and stated the property has been posted, adjoining owners notified, Staff Report distributed to the Commissioners (including TEC comments, staff comments and recommendation, and Planning Commission comments and recommendation). The Planning Commission has recommended that the rezoning be approved with the condition that when the adjacent Burke property is developed in the future, the agreement with SMECO and the County Commissioners will state that the existing access to Route 4 will be closed and a new entrance developed on the Burke property to access this site.

Mr. Kenney offered as Applicant's Exhibit A-1 the certified letters and return receipts to/from property owners within 200 feet of the subject property and as Applicant's A-2 a photo of the notice of public hearing posted on the property. Mr. Kenney stated that, although the Commissioners have adopted the new Zoning Ordinance effective August 1, 1990 which would designate the property as commercial, their purpose is to get the public hearing and findings of fact on record in the event the new Ordinance is not implemented on August 1 planned. Mr. Kenney stated, though, that he had no problem if the Commissioners wanted to wait until after August 1 to render a decision.

Mr. Norris reviewed a plat of the property showing the surrounding commercial properties and defining the neighborhood as being within 1 1/2 mile radius of the site, including the Railroad Right-of-Way and recent commercial rezoning for the Hart & Lytle property. Mr. Norris cited the 8Th. District population increase of 21% and the availability of public sewer, saying public water is planned and the rezoning is consistent with the Comprehensive Plan and the proposed Ordinance.

Commissioner Loffler said he sees a lot of things that he questions whether they can comply under the new regulations - one is the request for a permanent access into the railroad r/w, as the intent of the Comprehensive Plan is to protect the r/w, not to consume it - the others being setbacks and buffers. Even with commercial zoning, he said, he has a problem that this would be allowed as there is a 50 ft. setback required off of Rt. 235, and this property is only 50 ft. wide.

Mr. Grimm advised that this is a conceptual design only and must go through the TEC process to determine what considerations need to be given to setbacks and buffering; the new Ordinance does allow for certain relaxation of bufferyards depending on the constraints of the individual property. Any exceptions, or variances, would go to the Board of Appeals for approval; however, he said, these are parcels of record with legitimate rights for the use requested.

Mr. Kenney replied that even under the new Ordinance there are certain property rights - these are lots of record and carry rights with them, and this property has commercial all around it. He said if you want to take the position that the State of Maryland should have acquired the property when it widened Rt. 235 that's another thing, but he doesn't think you can take a situation and say "no, you can't do anything with your property." Mr. Kenney said he knows we don't have a perfect situation - if SHA had bought the property all these issues would have gone away, but as it is we are stuck with it.

The basis for rezoning, Mr. Kenney submitted, is change in the character of the neighborhood; furthermore, neither the railroad r/w access nor site plan requirements are the issues before us today, only the rezoning request.

Providing some background, Mr. Grimm said the Planning Commission had some serious concerns about the access onto Md. Rt. 4, and asked the applicant to propose some relief for the congestion there. There was a lot of debate, he said, as to whether this would actually improve it or not, but that decision would have to be held off for site plan approval. The railroad right/way access is a County Commissioner decision and would have to come back to this Board for approval. The Planning Commission has recommended joint use access to any adjoining property, but the design is not part of the condition, only that the two properties be tied together if the Commissioners approve the rezoning.

It was clarified that the only issue for the Commissioners's consideration today is the rezoning, which Commissioner Jarboe said may not even be needed, as the new Ordinance designates the property commercial and the specific issues will be addressed during the TEC process, Mr. O'Brien said the applicants are not married to this plan, they did it to create some traffic relief, and he is still working on some alternatives, but it has taken him 3 1/2 years to get to this point, and he just doesn't want to get caught in another bottleneck.

Commissioner Loffler said he doesn't believe they have ever turned anyone down to allow crossing of the right-of-way, but this would be a whole new issue. Mr. O'Brien replied he doesn't expect them to approve this particular plan today; in fact, he suspects they will be moving further away from this plan.

The Chair opened the hearing to public comment; hearing none, testimony was closed. The Commissioners will hold the record open for ten days and render their decision the first week of August.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator

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

Property Acquisition

Also Present: Mary Pat Agostinelli, Adm. Officer  
Charles Wade, Director of Finance

The Session was held from 11:15 a.m. to 11:54a.m.

Litigation

Also Present: Joseph Densford, County Attorney  
Charles Wade, Director of Finance

The Session was held from 11:40 a.m. to 11:55 a.m.

BOARD OF EDUCATION

Present: William Burroughs, Superintendent  
John McFadden, President  
Robert Kirkley  
Al Lacer

Joan Marsh  
Jonathan Nelson  
Jean Campbell (New Member)

1) INTRODUCTION OF NEW BOARD MEMBER

Mr. McFadden introduced Jean Campbell, the newly appointed Board of Education Member, who will be taking his place on the Board as his term had expired.

2) INTRODUCTION OF ASSISTANT PRINCIPAL

Dr. Burroughs introduced Joan Kozlovsky, the new Assistant Principal for Instruction.

3) SUPPLEMENTAL BUDGET

Dr. Burroughs advised that the Board will be making a supplemental budget request in the fall for some of the items that were unable to be funded in the Board of Education Fiscal Year 1991 budget. He stated that the Board's fund balance would be used and also requested consideration by the Commissioners for allocation of the fund balance on the County's side.

4) BOARD OF EDUCATION ADMINISTRATIVE FACILITIES

The County Administrator advised that County and Board of Education staff have developed alternatives for the construction of the Board of Education administrative offices. He stated that staff recommends the

preparation of a Request for Proposal in order to solicit proposals to provide the Board with a facility. Proposals would be compared with the cost of building the facility on the Governmental Center grounds. County Administrator Cox indicated that there has been an expression of interest in the community to provide a facility for the Board of Education, and the RFP process would respond to that interest.

After discussion the County Commissioners and Board of Education gave concurrence in proceeding as outlined.

BUDGET AMENDMENT NO. 91-02  
VARIOUS SPENDING UNITS

Present: Charles Wade, Director of Finance

Mr. Wade presented Budget Amendment No. 91-02 which provides budget authority to departments based on encumbrances unliquidated at end of Fiscal Year 1990.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator  
Joseph Densford, County Attorney

Commissioner Jarboe moved, seconded by Commissioner Thompson to meet in Executive Session to discuss a matter of litigation. Motion carried. The Session was held from 1:40 p.m. to 2:50.

ST. GEORGE ISLAND CIVIC ASSOCIATION

Present: Viki Volk, St. George Island Civic Assoc.  
Richard Kline, Consultant  
Larry Petty, Director, Metropolitan Commission

Ms. Volk appeared before the Commissioners to request the Board to enter into an Agreement Restricting Service to St. Georges Island relative to sewer line service. The Agreement, among the U.S. Environmental Protection Agency, Board of County Commissioners, Metropolitan Commission, and St. George's Island Improvement Association, sets forth the number of EDU's that will be serviced by the proposed force main and collection system to be constructed with EPA grant funds.

During discussion amendments to the Agreement were offered, and the Association will bring the Agreement back to the Board for formal approval.

SEWER PROJECT - RIDGE AREA PUBLIC MEETING

Present: Larry Petty, Director, Metropolitan Commission


In response to an inquiry from Commissioner Jarboe, Mr. Petty advised that the Public Meeting scheduled for this evening at Ridge Elementary School has been postponed. A letter has been received from the Maryland Department of Environment on behalf of the Department of Natural Resources declining to participate in the project, and Mr. Petty indicated that the project would probably be limited to Airedele Road. He further stated that the Metropolitan Commission had planned to have lines installed for Airedele Road and have the sewerage pumped to the Point Lookout Sewage Treatment Plant; however, the State is planning to reconstruct the Point Lookout plan to make it smaller, which would then make it too small to handle the extra sewerage.

In closing Mr. Petty stated that the public meeting will probably be rescheduled to July 18.

ADJOURNMENT

The meeting adjourned at 3:50 p.m.

Approved,



Carl M. Loffler, Jr.