

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, July 17, 1990

Present: Commissioner Carl M. Loffler, Jr., President

W. Edward Bailey, Commissioner
 Robert T. Jarboe, Commissioner
 John G. Lancaster, Commissioner
 Rodney Thompson, Commissioner
 Edward V. Cox, County Administrator
 Judith A. Spalding, Recording

CALL TO ORDER

The meeting was called to order at 9:50 a.m.

Prior to beginning the meeting, the Commissioners met with the Nursing Center Board and the Building Authority at the St. Mary's Nursing Center to discuss the Expansion Feasibility Study.

APPROVAL OF MINUTES

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to approve the minutes of the Commissioners' meeting of Tuesday, July 10, 1990. Motion carried.

PAYMENT OF BILLS

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

OFFICE OF PLANNING AND ZONING

Present: Jon Grimm, Director
 Peggy Childs, Recording Secretary

1) STSP 385-0063 - THE GREENS AT HILTON RUN
 PHASE II, SECTION II

Requesting site plan approval for 112 garden apartment units on 10 acres, zoned AOA3/PDIP & PDIP & R15, located in the 8th Election District on the northwest quadrant of the intersection of Hilton Drive and Willows Road; Tax Map 51, Block 10, Parcel 265.

Owner: Case Edwards

Applicant: Norris, Gass & Ocker Engineering, Agent

Also Present: Glenn Gass, NGO

Mr. Grimm said all of the requirements have been met by the applicant; there is a proposed transportation alignment in accordance with the Transportation Plan, access to and from the property meets all requirements, staff and the Planning Commission recommend approval, with the condition that a full residential sprinkler system be installed.

Commissioner Bailey moved, that the site plan be approved as recommended by staff and the Planning Commission. Commissioner Lancaster seconded the motion, which passed unanimously.

STSP #88-0999 - SIMMS INSURANCE, INC.

Requesting site plan approval for a 4,096 sq. ft. office facility with 2,560 sq. ft. of basement storage on 1.266 acres, zoned PD-IP/AOA3, located in the 8th Election

District north of the intersection of Route 235 and Thames Avenue, Lot 4, Southampton Industrial Park; Tax Map 51, Block 6, Parcel 190.

This site plan has also been through TEC review, and the one concern that was raised related to a rezoning condition requiring buffering of this property from Rt. 235. The landscaping plan satisfies that condition and provides additional buffering to that required by the Zoning Ordinance, and it has been approved by staff and the Planning Commission, who recommend approval of the site plan.

It was moved by Commissioner Lancaster and seconded by Commissioner Jarboe that the site plan be approved with the landscaping plan as presented. The motion passed unanimously.

SPEC 389-1877 - HAYDEN'S RUNN CLUSTER SUBDIVISION

Requesting a water category change from W-6 to W-3D to permit construction of a community water system. The property contains 75.0709 acres, is zoned AR/RPD, and is located in the 4th Election District on Chaptico-Mechanicsville Road, south of Beverly Estates; Tax Map 12, Block 23, Parcel 30.

Owner: Lawrence H. Adams

Applicant: Heritage Manor Homes

Present: Donnie Ocker, of NGO, Agent

Mr. Grimm stated this public hearing was advertised in The Enterprise on June 27, 1990 and July 3, 1990, satisfying the legal requirement, and said the water category change and public hearing are required for the development to proceed with design and construction plans which must also be reviewed and approved before the applicant can, after subdivision approval, construct the water system. TEC comments are listed in the Staff Report and apply not only to the water category change but to the subdivision as well. Staff and the Planning Commission have recommended approval of the water category change; however, there are some subdivision issues which staff is still working with the applicant to address.

Mr. Ocker stated the 75.0709 acres is what will be disturbed by the cluster subdivision; however, the total acreage is 199.842 acres. The balance of the property will be preserved in the highly wooded deciduous tree canopy cover as much as possible, with the exception of some pedestrian trails or nature walkways, etc. Sixty-five lots are proposed, clustered as tightly as possible to protect the wooded areas and usable land and preserve the natural beauty of the property. Average lot size is 1.3 acres; this will preserve the open space and will not exceed the allowable density; they will never change the open space ratio.

Originally there were 66 lots, Mr. Ocker said, but DPW had a problem with the entrance separation, but it was simply not possible to get a 750 ft. separation, so they worked out an agreement with DPW for the absolute best position of the road. Positioned where it is will also help an existing sight distance problem on Asher Road and will help the people in Country Lakes, so DPW has tentatively waived the separation requirement.

Price range is from \$120,000 up for a single-family residential house. Mr. Ocker said they must have the community water system because they are beyond the 25 lot requirement to allow individual wells; also there are water problems in the northern part of the County, so the central water system would go to a deeper supply. He said Country Lakes

currently has a very bad water system, and they have talked with MetComm about abandoning the idea of an individual well here and connecting to the Country Lakes new well, paying their fair share to upgrade it in size. This would help alleviate the problem at Country Lakes and help with their financial burden, but that has just been a preliminary discussion; they will make the connection, though, to help the water supply.

Commissioner Loffler opened the hearing to public comment; hearing none, testimony was closed.

Commissioner Jarboe asked about protection for the neighboring hog farm, as there is a strong odor and someone buying a lot should be aware that it is there. Mr. Grimm said protection of the farmland has been discussed, including buffering and a note on the plat and the deed that the farm has prior existence, and staff and the applicant are working to determine the best way to handle it--one way would be to take people to the area when the farm is in operation and not just on the best day, so that they would know what they are up against. Mr. Grimm said there are provisions in the Ordinance for protection of farmland and they will be addressed.

This closed the public hearing; the record will be kept open for ten days for written comment, and the decision on the water category change only will be made in two weeks.

PUD 390-0444 - OAK CREST CENTER

Requesting rezoning from I-1 and R-1 to PD-IP. The property contains 146.4 acres, part of which is vacant, the other part is occupied by a concrete plant, located in the 8th Election District off of Md. Rt. 235 across from Wildewood; Tax Map 34, Block 10, Parcels 292 and 521.

Owners/Applicants: Charles County Concrete/
Robert Dean, et al

Present: Jim Kenney, Attorney for Applicants
Herb Redmond, Dave Jenkins, Jacob Hikmat,
and Wendy Stanley, of D. H. Steffens Co.

Mr. Grimm stated this public hearing was also advertised on June 27 and July 3, 1990. The request has been through TEC review and public hearing with the Planning Commission. The Staff Report contains summary comments from TEC review, outstanding issues and staff comments and recommendation. The Planning Commission has recommended approval, noting the environmental concerns and instructing the applicant that these must be addressed as he moves through the development process.

Mr. Kenney offered as Applicant's Exhibit A-1 the letters of notification with certified receipts, and as Applicant's Exhibit A-2 a photo of the property as posted. Mr. Kenney said part of this property is already industrially zoned, and part of the property is a parent district or holding zone for the application of PD-IP.

Mr. Redmond gave an overview of the property and location of the property. There are two tracts involved, which have come together to develop this plan. He provided site statistics, including road frontage, locating the sewer line running down the southeast side of the property, put in by another developer, locating wetlands and providing floodplain and topography and slope information. The larger tract is predominantly wooded; approximately only 10% on these two parcels is not wooded, 5% on the Dean tract and 5% on the Charles County Concrete parcel. Mr. Redmond

showed an aerial photograph of the property, locating the only two commercial sites adjacent; the rest being residences located mostly to the north/northwest within 500 ft. of the property, primarily owned by members of the Stevens family. There is one residence to the southeast, being owned by Kevin Stevens, approximately 225 ft. from the property line. The sewer line has a 20 ft. right-of-way easement and runs along the Stevens and Woodburn property and the southeast boundary.

Mr. Jenkins presented the Development Plan Report and offered as Applicant's Exhibit A-3 a tax map showing proposed zoning of the area and as A-4 a tax map outlining the "neighborhood" and existing land uses.

Mr. Hikmat provided the rationale used for the development plan. Using the natural features of the property, the development will be divided into seven buildable areas with seven types of commercial or industrial units. Examples of how the uses could be mixed on the site were presented. He said Md. Rt. 235 may have to be improved to accommodate the development, but it appears that no other off-site improvements will be required. Mr. Dean has an agreement with the developer of the sewer line for 300 EDU's; this project will require 200.

Mr. Kenney stated at the Planning Commission's public hearing there were concerns raised about Mill Creek Pond, and introduced Ms. Wendy Stanley, offering her resume as Applicant's Exhibit A-5, saying Ms. Stanley is an environmental specialist with D. H. Steffens Co and has prepared an environmental report on the pond to address those concerns. Ms. Stanley said the streams on the property are indicative of the Patuxent River Watershed, with sandy soils sometimes with cobble bottoms. Soils tests run on the site indicate that most of the water infiltrates through the nose and side of the slopes and run down the drainage ways, making up 2/3 of the watershed of Mill Creek Pond. She said Mill Creek Pond has been voluntarily placed in the Cooperative Natural Areas by the adjacent property owners, which is run by the National Heritage Association. The site itself appears to have excellent water quality within the site. Stormwater management basins have been placed well into the site so any default can be taken by the heavily vegetated slopes. She said she has never seen mountain laurel quite as thick as on some of the slopes, and that is what is holding some of the sandy soil in place. She said the developer has overallowed for stormwater management and disturbance will be kept to a minimum

Commissioner Loffler opened the hearing to public comment. Kevin Stevens expressed concerns about the effect of the development on Mill Creek Pond and about the noise from the highway, saying if you go by the present rules the buffer will not be adequate--with the concrete plant moved back into the interior of the property as proposed and trucks routed along the highway, there will be more noise. Mr. Stevens said he has written to Mr. Grimm suggesting a noise abatement plan, as both the concrete and asphalt plant are very loud, and said he feels the applicant should move the road further in or provide for noise abatement. Mr. Stevens said the surrounding area has always been residential, and considering the amount of land the Stevens' family owns, he does not think it is an unreasonable request.

Mr. Grimm replied that the new Zoning Ordinance has industrial performance standards that will be applied on a case-by-case basis which speak to noise generation, not just buffering.

Mrs. Margaret Stevens expressed concerns about the road and the dust, and suggested perhaps the roads could be surfaced.

Viki Volk stated she would like to point out that her two children are part of nine cousins who run on this property, and her three-year old can walk to all the houses owned by the Stevens' family, so the houses are not as far away as you would think. She asked for an increased

buffer to make sure the children, who do not recognize invisible property lines, do not go out on the road. Ms. Volk said her concerns are not only noise abatement and dust, but safety.

Testimony was closed.

Mr. Kenney offered in summation that this plan has been a long time in coming and will not be developed overnight or in a day; it will be an ongoing project to be developed in phases over an estimated 15 or 20 years. He said it meets the Comprehensive Plan, both old and new, and the setbacks and road systems will provide compatibility with the neighborhood. Although they are aware of the comments made here, Mr. Kenney said, the property is in the heart of the development district and the primary zoning is industrial, and has been so since 1974. He added the project must go through a full site plan review and permitting process, so there is no phase of the plan that will not be subject to public comment.

Commissioner Loffler closed the public hearing at 11:22 a.m. and set the decision date for July 31, 1990.

DAY CARE PLANNING COMMITTEE

Present: Becky Stevens, Community Services Coordinator
Joe Kuhna, Community Development Coordinator, Leonardtown

The referenced individuals appeared before the Commissioners to present an update on the St. Mary's County Child Care Center, to request the Commissioners to approve the proposed annual budget, and to absorb the costs for maintenance and custodial services at the center. Ms. Stevens advised that in developing costs for operation of a center with a capacity of 45 children, it appears that there will be a projected deficit of \$6,859. She stated that grant funds are available only for a 45-capacity center; however, it is hoped that the center could be expanded at a later date to 64, which would allow the center to break even.

Discussion ensued regarding staff salaries and rates to be charged. Commissioner Bailey expressed concern that the facility will be starting off at a loss. Commissioner Jarboe suggested that the figures be reworked to see if the facility could break even.

After discussion Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve an amount not to exceed \$10,000 for "starting-up" money for the St. Mary's County Day Care Center, which will be located behind the St. Mary's County Library. Motion carried four to one with Commissioner Jarboe voting against stating that he would like the figures reworked.

FREEDOM FEST '90

Present: Judy Landau Pedersen, Public Information Specialist
Joe Dick, Alcohol/Drug Abuse Prevention Coordinator

The referenced individuals appeared before the Commissioners to present a final report of the Freedom Fest '90 held July 4 at Dorsey Park. Ms. Pedersen advised that the event, which was a culmination of efforts by the Committee and volunteers, was very successful. Freedom Fest '90 was also a financial success--income exceeded expenditures by \$1,350.65.

In conclusion Ms. Pedersen expressed appreciation to all the volunteers for their efforts and to the County Commissioners for their support. Ms. Pedersen and Mr. Dick advised that the Alliance would like to undertake this program as an annual event and would be coming before the Board in a few months regarding plans for next year.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator
Mary Pat Agostinelli, Administrative Officer

Commissioner Bailey moved, seconded by Lancaster, to meet in Executive Session to discuss a matter of property acquisition. Motion carried. The Session was held from 12:40 p.m. to 12:55 p.m.

CRIMINAL JUSTICE MEETING

The Commissioners attended the Criminal Justice Meeting held at the Leonardtown Library.

COUNTY ADMINISTRATOR

Present: Edward V. Cox, County Administrator

1) JULY 24 COUNTY COMMISSIONERS' MEETING

The County Administrator advised the Commissioners that because the Commissioners will be preparing to attend the Maryland Association of Counties Summer Conference next week, he suggested that the Board not hold a meeting on July 24.

Commissioner Lancaster moved, seconded by Commissioner Thompson, to cancel the July 24 meeting. Motion carried.

2) GOVERNMENTAL CENTER LOOP ROAD

The County Administrator presented correspondence to the Mayor and Council of Leonardtown relative to certain improvements connected with the county's completion of the loop road at the governmental center property. The letter recommends a three-party partnership with St. Mary's County, State Highway Administration and Leonardtown regarding the scope of the project and sharing of costs.

The Commissioners agreed to sign and forward the letter.

3) ST. MARY'S COUNTY AIRPORT

The County Administrator presented correspondence addressed to Congressman Dyson requesting assistance in the County's efforts to further develop the St. Mary's County Airport. The letter requests Congressman Dyson to assign one of his staff persons to work with the County and the FAA to effect the airport improvements.

4) METROPOLITAN COMMISSION

The County Administrator presented correspondence addressed to the Metropolitan Commission responding to a proposal regarding water/sewer assessment relief for low income persons. The letter states that the proposal would not provide an effective solution.

During discussion Commissioner Jarboe requested Mr. Cox to see if the Metropolitan Commission could develop suggestions to give relief to low income individuals.

The Commissioners agreed to sign and forward the letter.

5) BUDGET AMENDMENT NO. 90-82
DEPARTMENT OF PUBLIC WORKS

The County Administrator presented the referenced budget amendment recommended for approval by the Director of Finance with the following justification: To cover additional costs associated with recent storm damages and road flooding.

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

6) PERSONNEL

The County Administrator presented the following personnel items for the Commissioners' consideration:

- Office on Aging
Registered Nurse

Memorandum dated July 16, 1990 from Personnel Office requesting approval to appoint Debra J. Gatton as the Registered Nurse Manager, Grade 18, Step 3.

In addition the Personnel Officer requested the Commissioners' approval to adjust the other full time Registered Nurse Manager from Grade 18, Step 2 to Grade 18, Step 3.

- Circuit Court
Law Clerk

Memorandum dated July 16, 1990 from Personnel Office advising that Judge Kaminetz is requesting the grade of Law Clerk Daniel Armitage be changed from Grade 14 to Grade 18, effective July 1. This request is based on the fact that Mr. Armitage has now obtained his Law Degree.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve the referenced personnel items. Motion carried.

- State's Attorney's Office
Establishment of New Positions

Memorandum dated July 16, 1990 from Personnel Office requesting establishment of two full time positions based on the relocation of some personnel to the new state office building and increased workload. The positions are: Assignment Clerk (Grade 13) and a Clerk/Receptionist (Grade 10), which will be funded from increased revenues produced by the State's Attorney's Office.

- State's Attorney's Office
Community Service Program Coordinator

Memorandum dated July 16, 1990 from Personnel Office requesting the establishment of a full-time county Community Service Program Coordinator position (Grade 12) in the State's Attorney's Office. The position is funded by revenues from the State's Attorney's Office. Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve the positions as requested. Motion carried.

- Marcey House
Reclassification of Positions

Memorandum dated July 16, 1990 from Personnel Office requesting approval to change the part-time Clerk/Receptionist position, Grade 10, to a permanent part-time Secretary/Typist II, Grade 12.

In addition, an error was made in the grade for the Addictions Counselor during the preparation of the budget. The position had been classified as a Grade 17; however, it was reported as a Grade 15 in the budget. Approval is requested to correct the error.

Both positions are grant funded.

Commissioner Thompson moved, seconded by Commissioner Lancaster to approve the reclassifications for the Marcey House as presented. Motion carried.

7) DEPARTMENT OF PUBLIC WORKS

On behalf of the Department of Public Works the County Administrator presented the following items:

- Release and Indemnity Agreement
Lot 905 - Golden Beach

By and between Edward J. Gardner and Nancy J. Gardner and the Board of County Commissioners wherein the County has agreed to perform grading and drainage work on Lot 905 of Golden Beach up to a total amount of \$10,000 represented by funds received from USF&G.

The County Administrator advised that there have been a number of legal actions for approximately ten years on this issue and negotiations have been concluded with the property owner agreeing to sign the referenced Agreement.

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

- Public Works Agreement
Chestnut Ridge, Section 2

Dated July 19, 1990 between Delmarva Properties and the St. Mary's County Commissioners guaranteeing the completion of Chestnut Ridge Drive, Prince Pine Court, and Cedar Wood Court by June 1, 1991. The Agreement is backed by a Letter of Credit in the amount of \$170,600 with Citizens & Farmers Bank.

- Addendum to Public Works Agreement
Patuxent Park West

By and between Liberty Land Development Corporation and St. Mary's County Commissioners extending the deadline for completion of improvements in Patuxent Park West (Columbia Commons) by July 1, 1991. The Addendum is backed by an amended Letter of Credit in the amount of \$15,000 with Maryland Bank and Trust Company.

- Addendum to Public Works Agreement
Tosca Subdivision

By and between Interstate General Company (Tosca Boulevard) extending the deadline for completion of improvements in Tosca Subdivision to June 1, 1991. The Addendum is backed by an amended Letter of Credit with Maryland National Bank in the amount of \$79,000.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve and sign the Public Works Agreements and the two Addenda as presented. Motion carried.

8) ST. MARY'S CITY COMMISSION APPOINTMENTS

The County Administrator presented correspondence addressed to J. Patrick Jarboe, John T. Daugherty and Richard Meatyard III inquiring whether they were interested in being reappointed to the St. Mary's City Commission. When responses are received, the Commissioners will submit recommendations to the Secretary of the Department of Housing and Community Development.

The Commissioners agreed to sign the letter.

9) FRANK KNOX ELEMENTARY SCHOOL

The County Administrator presented correspondence addressed to the Real Estate Division of the Department of Navy submitting three revisions to the Memorandum of Understanding regarding the transfer of Frank Knox School in exchange for two Navy parcels.

The Commissioners agreed to sign and forward the letter.

10) PRIVATE INDUSTRY COUNCIL
PROJECT INDEPENDENCE PLAN - FY '91

The County Administrator presented correspondence dated July 12, 1990 from the Private Industry Council forwarding the Project Independence Plan for Fiscal Year 1991. The program assists individuals in training and finding jobs thereby providing self-sufficiency through employment.

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

11) RESOLUTION NO. 90-12
VOLUNTEER FIRE DEPARTMENT/RESCUE SQUAD/
ADVANCED LIFE SUPPORT - WORKMEN'S COMPENSATION

The County Administrator advised that by Resolution No. 89-30 the Commissioners had provided inclusion of members of volunteer fire departments and rescue squads in workmen's compensation coverage. The 1990 General Assembly gave authority to add members of the Advanced Life Support Unit to the list of those eligible. Therefore, County Administrator Cox presented the referenced Resolution amending Resolution No. 89-30 to add the Advanced Life Support members to those eligible for coverage under the worker's compensation laws.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve and sign Resolution No. 90-12 as presented. Motion carried.

12) SECTION 8 HOUSING CERTIFICATE
AND VOUCHER PROGRAM

The County Administrator presented correspondence addressed to the U. S. Department of Housing and Urban Development advised that St. Mary's County will be participating in the Section 8 Housing Certificate and Voucher Program. The program is consistent with the county's housing plans.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to sign and forward the letter indicating St. Mary's County's participation in the Program. Motion carried.

13) ROUNDTABLE - COUNTY'S PERMIT PROCESS

The County Administrator advised that correspondence had been received from SMBIA suggesting that the Commissioners establish a roundtable to review the county's permit process. Mr. Cox stated that if the Commissioners concur, the staff will make the necessary arrangements.

The Commissioners directed staff to proceed.

FIRE DEPARTMENTS/RESCUE SQUADS
LENGTH OF SERVICE AWARDS

Present: Charles Wade, Director of Finance

Mr. Wade advised that the Fire Board has requested changes in the Length of Service Awards Program, and therefore, presented a chart indicating three options including the current plan.

During discussion Mr. Wade recommended that the Commissioners approve both Option Nos. 2 and 3 so that those at age 60 with 20-30 years of service would receive an increase and those in the 55-60 age range would be compensated under this program. The members would elect one of the options. He further recommended that the approval be with the condition that funds would be available from Fiscal Year 1990.

Commissioner Bailey moved, seconded by Commissioner Jarboe, that the Director of Finance prepare a Resolution as outlined above for the Commissioners' consideration. Motion carried.

FEDERAL TAX CODE PROVISIONS
ARBITRAGE REBATE REQUIREMENT

Present: Charles Wade, Director of Finance

Mr. Wade presented correspondence addressed to President Bush, our Congressional Delegation and Secretary of Treasury indicating that the proposed simplifications to the tax code would provide additional relief from the arbitrage rebate requirement. The letters forward a list of the simplification proposals for consideration.

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

MARYLAND YOU ARE BEAUTIFUL

Present: Cynthia Brown, Director, Office of Community Services

Ms. Brown appeared before the Commissioners to present an Information Release and to advise the Board of the nomination process for the Fourth Annual *Maryland You Are Beautiful* Program. Ms. Brown advised

that she is the coordinator for St. Mary's County and nominations must be received in her office by September 11. In closing she reported that she will keep the Commissioners informed on the Program.

RESOLUTION NO. 90-13
TRANSFER TAX

Present: Edward V. Cox, County Administrator
Charles Wade, Director of Finance

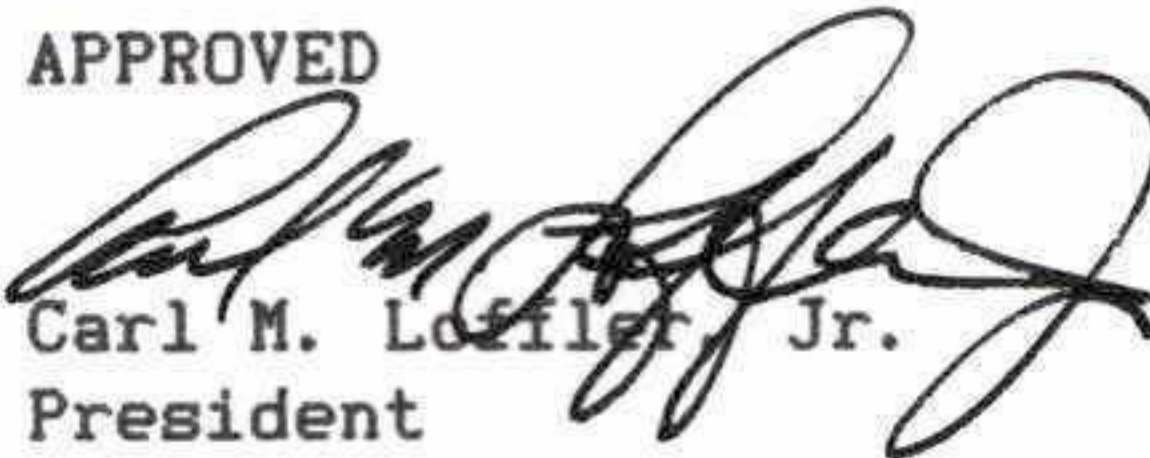
As a follow up to previous discussions, the referenced individuals presented the proposed Ordinance imposing a one (1%) percent transfer tax on instruments of writing conveying title to real property or a leasehold interest therein. The transfer tax does not apply to the first \$30,000 of consideration payable for an instrument of writing for residentially improved owner-occupied property which is the first residential property owned by the grantee named in the instrument.

After discussion Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve and sign Ordinance No. 90-13 imposing the St. Mary's County Transfer Tax, to be effective August 17, 1990. Motion carried four to one with Commissioner Jarboe voting against stating that he felt that the transfer tax should have been approved prior to approving the increase in the Economic Impact Fee and further that the Impact Fee should have been by square footage of a dwelling unit.

ADJOURNMENT

The meeting adjourned at 4:15 p.m.

APPROVED


Carl M. Lofiler, Jr.
President