

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, July 31, 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
 (Commissioner Thompson was not present at beginning of meeting.)

CALL TO ORDER

The meeting was called to order at 9:10 a.m.

APPROVAL OF MINUTES

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to approve the minutes of the Commissioners' meeting of Tuesday, July 24, 1990. Motion carried.

APPROVAL OF BILLS

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

INTRODUCTION OF AGRICULTURE DEVELOPMENT SPECIALIST

Present: Joseph Mitchell, Director, DECD
 Donna Sasscer, Agriculture Development Specialist

Mr. Mitchell appeared before the Commissioners to introduce Donna Sasscer the newly hired Agriculture Development Specialist in the Department of Economic & Community Development. Ms. Sasscer began her employment with St. Mary's County on July 23. She will be providing principal staff support to the St. Mary's Agricultural and Seafood Commission.

(Commissioner Thompson entered the meeting 9:15 a.m.)

COUNTY ADMINISTRATOR'S ITEMS

Present: Edward V. Cox, County Administrator

1) **APPOINTMENTS**
BOARDS, COMMITTEES AND COMMISSIONS

Commissioner Bailey moved, seconded by Commissioner Jarboe, and motion carried, to appointment the following individuals with terms as indicated:

<u>Private Industry Council</u>	<u>Terms to Expire</u>
Robert C. Johnson, Voc. Rehab Rep.	6/30/94
Raul Hernandez, Labor Rep.	6/30/94
<u>Wicomico-Zekiah Scenic River</u> <u>Local Advisory Board</u>	
Richard V. Colliflower	No Term

2) HOUSING AND URBAN DEVELOPMENT
APPLICATION BY HOUSING AUTHORITY

The County Administrator presented correspondence addressed to the U. S. Department of Housing and Urban Development supporting the application submitted by the St. Mary's Housing Authority for Fiscal Year 1990 funding of eight three-bedroom, low-rent, public housing townhouse units in the Lexington Park area.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to sign the letter endorsing the Housing Authority's application. Motion carried.

3) SOUTHERN MARYLAND REGIONAL TOURISM COMMITTEE
MISSION STATEMENT

The County Administrator presented correspondence addressed to J. Blacklock Wills, Southern Maryland Regional Tourism Committee approving the draft mission statement for the Tourism Committee and outlining specific goals and objectives.

Commissioner Bailey moved, seconded by Commissioner Thompson, to sign and forward correspondence approving the mission statement. Motion carried.

4) GRANTS

The County Administrator presented the following grants for the Commissioners' review and consideration:

CHESAPEAKE BAY CRITICAL AREA COMMISSION
GRANT RENEWAL

Grant renewal agreement between State of Maryland Chesapeake Bay Critical Area Commission and St. Mary's County and for Fiscal Year 1991 in the amount of \$39,311; said grant for the implementation of County's critical area programs.

COASTAL ZONE MANAGEMENT PROGRAM

Coastal Zone Management Contract between St. Mary's County and the Department of Natural Resources for the period of October 1, 1990 through September 30, 1991. The grant is in the amount of \$10,000 with the local share in the amount of \$2,500.

MEMORANDUM OF UNDERSTANDING
ALCOHOL AND DRUG ABUSE ADMINISTRATION

Dated June 29, 1990 between Alcohol & Drug Abuse Administration and St. Mary's County Commissioners for the period July 1, 1990 - June 30, 1991. The grant is for the following:

- Sierra House - \$157,691
- Walden Center - \$209,572
- Marcey House - \$122,064

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

5) NURSING CENTER - FEASIBILITY STUDY

As a follow up to the Commissioners' meeting with the Nursing Center Board and the Building Authority, the County Administrator presented correspondence addressed to George Smith, Nursing Center Administrator, giving formal approval to proceed with the feasibility study by Ernst & Young.

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

6) CRIMINAL JUSTICE MEETING

The County Administrator presented a memorandum addressed to the Criminal Justice Meeting participants expressing appreciation for their participation, listing a summary of the meeting, and announcing the next meeting which will be held October 16 at the Leonardtown Library.

7) CORRECTIONAL OFFICERS' ASSOCIATION

The County Administrator presented correspondence addressed to Leonard Wathen of the St. Mary's Correctional Officers' Association indicating that the Commissioners have received from Sheriff Pettit a written response regarding the items of concern presented by the Association. The letter further indicates that the Sheriff is working on resolving the problems.

The Commissioners agreed to sign and forward the letter.

8) EAGLE SCOUT

The County Administrator presented correspondence expressing congratulations to Paul R. Balta, Jr., on receiving the rank of Eagle Scout.

The Commissioners agreed to sign and forward the letter.

9) SEVENTH DISTRICT OPTIMIST
WAIVER OF BUILDING PERMIT FEE

The County Administrator presented correspondence addressed to the Seventh District Optimist Club approving waiver of the building permit fee for the construction of a 40' by 60' pavilion.

In that the request is in compliance with County Resolution No. 75-53 Commissioner Thompson moved, seconded by Commissioner Bailey, to approve waiving the building permit fee as requested. Motion carried.

10) PROGRAM OPEN SPACE
DORSEY PARK FOOTBALL FIELD LIGHTING

The County Administrator presented the Program Open Space Application and Project Agreement for the lighting of the football field at Dorsey Park. Estimated cost of the project is \$25,000 (\$18,750 from Open Space and \$6,250 local share).

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

11) AUGUST MEETING WITH BOARD OF EDUCATION

The County Administrator advised that the Board of Education did not have any agenda items for the August meeting and suggested that the meeting be postponed until the September meeting.

The Commissioners gave their concurrence.

DEPARTMENT OF PUBLIC WORKS

Present: Dan Ichniowski, Director

1) **RAILROAD RIGHT-OF-WAY AGREEMENT**
HUGHESVILLE BAPTIST CHURCH

Mr. Ichniowski presented an Agreement among the Board of County Commissioners of St. Mary's County, Southern Maryland Electric Cooperative, and the Hughesville Baptist Church granting use of the railroad bed from mile post 13 to Md. St. Rt. 231 for the purposes of ingress and egress to Hughesville Baptist Church.

During discussion Commissioner Bailey questioned whether access across the right-of-way was being granted or actual use of it.

The Commissioners agreed to defer a decision on the Agreement until Mr. Ichniowski had an opportunity to investigate this matter.

2) **ACCEPTANCE OF DEED**
ROAD RESOLUTIONS
WILDEWOOD - PECAN COURT

Mr. Ichniowski presented a Deed dated November 10, 1988 between Wildewood Builders, Inc. and the Board of County Commissioners of St. Mary's County accepting Pecan Court, Wildewood Technology Park, into the County Highway Maintenance System.

In addition Mr. Ichniowski presented the following Road Resolutions:

R90-20 - Designating Pecan Court as a Stop Street at its intersection with Cottonwood Parkway;

R90-21 - Posting Pecan Court at 25 miles per hour;

Commissioner Thompson moved, seconded by Commissioner Bailey, to accept the Deed and approve the Road Resolutions as presented. Motion carried.

3) **EMPLOYMENT AGREEMENT**
SUPPORT SERVICES

Mr. Ichniowski presented an Employment Agreement between James M. Radford and the Board of County Commissioners of St. Mary's County for support services to the Department of Public Works for various projects.

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

4) **CALLING LETTERS OF CREDIT**

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

Madison Minor Subdivision

Public Works Agreement backed by Letter of Credit #A1-9-26-1989 with First National Bank of St. Mary's in the amount of \$5,900;

Laurel Glen Shopping Center

Grading Permit #89-64 backed by Bond #18384589 with Seaboard Surety Company in the amount of \$269,300.

Wilderness Cluster Subdivision

Public Works Agreement backed by Bond #828341 with International Fidelity Insurance Company in the amount of \$194,000.

Cedar Cove Sales Office

Grading Permit #88-42 backed by Letter of Credit #639288 with Maryland National Bank in the amount of \$15,500.

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to authorize Commissioner Loffler to sign the correspondence to be forwarded by the Department of Public Works, if necessary. Motion carried.

5) ADDENDA TO PUBLIC WORKS AGREEMENTS

Mr. Ichniowski presented the following Addenda to Public Works Agreements:

Laurel Ridge

By and between Swarey Builders, Inc. and Board of County Commissioners extending the deadline for completion of roads in Section 3A, Fifth Election District to June 1, 1990. The Addendum is backed by a reduced Letter of Credit with Maryland Bank and Trust Company in the amount of \$76,000.

Mulberry North

By and between Walter B. Dorsey and John R. Dorsey extending the deadline for completion of roads in Mulberry North, Third Election District to November 1, 1990. The Addendum is backed by a Letter of credit with First National Bank of St. Mary's in the amount of \$54,000.

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

6) FOURTH MAINTENANCE DISTRICT

Also Present: Walter Wise, Supervisor, County Highways

Mr. Ichniowski indicated that the Commissioners, during the FY '91 budget process, approved a fourth maintenance crew. He displayed a map of the County pointing out each of the maintenance areas and specifically the new fourth district. Mr. Ichniowski advised the Commissioners that the anticipated start-up date for the fourth crew is October 1.

KING KENNEDY/ST. JOSEPH'S PROJECT
STREET LIGHTS

Present: George Chase, Resident
Walter Dorsey, State's Attorney
Sheriff Pettit
Dan Ichniowski, Director, Public Works
Dave Gerdel, Engineer, Public Works

Residents of the communities of St. Joseph's Project and King Kennedy explained to the Commissioners the problems they have experienced with open-air drug markets and their respective efforts to counteract the problems. They were supported in their testimony by State's Attorney Dorsey and Sheriff Pettit.

The residents requested the County's cooperation in the placement of street lights in order to lessen the likelihood of the reoccurrence of the open-air drug markets. Director of Public Works Ichniowski explained the county's street lighting policy and provided a information sheet demonstrating the required number of light for those communities, the installation costs, and the annual user fee.

Because of the delay caused by obtaining the requisite number of signatures for the petition for street lights to establish a special taxing district, it was suggested by the Commissioners to fund the installation and related costs for the first year of operation and requested the citizens to continue to obtain the required signatures for petition for the special taxing district, after which establishment the citizens would absorb the operating cost of the second and succeeding years.

After discussion Commissioner Bailey moved, seconded by Commissioner Lancaster, to allocate \$5650 for installation and and the first year's operating costs of the street lights for King Kennedy and St. Joseph's project. Motion carried.

The citizens agreed with this approach and accepted the responsibility to proceed with the petition.

CABLE TELEVISION STUDY COMMITTEE
PRESENTATION OF ORDINANCE

Present: Charles Norris, Chairman
Joseph Densford
Mary Lillian Hewitt

The referenced members of the Cable Television Study Committee appeared before the Commissioners to present the draft Cable Television Ordinance. Mr. Norris advised that the draft is a result of two years of effort by the Committee and took into consideration various FCC regulations. He further pointed out that Ordinance includes granting of franchise requirements, fees, and customer services requirements.

Mr. Densford indicated that the Committee recommends that the Board of County Commissioners schedule a public hearing on the draft ordinance.

After discussion the Commissioners agreed to set August 21, 1990 at 7:30 p.m. for the public hearing.

EXECUTIVE SESSIONS

Commissioner Bailey moved, seconded by Commissioner Thompson, to meet in executive sessions. Motion carried. The Sessions were as follows:

Personnel

Also Present: Sheriff Pettit

Held from 11:30 a.m. to 11:55 a.m.

Property Acquisition

Also Present: John Baggett, Director, Recreation and Parks

Held from 11:55 a.m. to 12:20 p.m.

Property Acquisition

Also Present: Dan Ichniowski, Director, DPW

Joseph Densford, County Attorney

Held from 12:25 p.m. to 12:55 p.m.

OFFICE OF PLANNING AND ZONING

Present: Joseph M. Meinert, Deputy Director

Anita Meridith, Recording Secretary

1) **REZONING DISCUSSIONS/DECISIONS**

CSUB 389-1877 - HAYDEN'S RUNN CLUSTER SUBDIVISION

Also Present: Donald Ocker, Norris, Gass & Ocker Engineering

Requesting concept review for cluster subdivision for

66 lots and recommendation for water category change

from W-6 to W-3D for 199.842 acres, zoned AR/RPD,

located on Chaptico-Mechanicsville Road south of

Beverly Estates; Tax Map 12, Block 23, Parcel 30.

The public hearing on this case was held on Tuesday, July 17, 1990 and evidence and testimony received. Mr. Meinert provided the history of this application and noted that the request before the Board was for change in the water category which would allow the subdivision application to proceed through appropriate channels for further technical review. Both the Health Department and the Metropolitan Commission have reviewed the category change request and have given favorable recommendations. The Planning Commission considered the water category change request on June 11, 1990 and recommended approval. Staff's recommendation was positive.

Commissioner Bailey moved, seconded by Commissioner Thompson to grant approval of the water category change from W-6 to W-3D for this 199.842 acre parcel, zoned AR/RPD. Motion passed unanimously.

ZPUD 390-0444 - OAK CREST CENTER

Requesting rezoning from I-1 to PD-IP for 146.54 acres

located off of Md. Rt. 235 across from Wildewood, Tax

Map 34, Block 10, Parcel 292.

The public hearing on this rezoning matter was previously held by the Board of County Commissioners on July 17, 1990, at which time documentary evidence and testimony was received. Mr. Meinert provided the particulars of the rezoning application, noting that the applicant had provided a revised plan which addressed a number of staff's former comments. Staff advised that the previous concerns of the Planning Commission identified numerous environmental issues and other site design issues which could be addressed through the site plan approval process which would occur through the PUD approval.

An addendum to the Staff Report offering additional information was distributed to the Commissioners which related to two issues: (a) noise abatement; and (b) physical separation of the development pods within the PD-IP form adjoining properties.

Mr. Meinert noted that this property was almost entirely surrounded by property that would be within zones residential and therefore, staff would request protection from noise impact and physical separation of the actual development pods from adjacent properties. He added that noise standards were contained in the proposed zoning ordinance under industrial performance standards which would deal with this specific type of use.

The second item related to physical separation from adjoining properties. Concerns were raised at the prior hearing about the distance of the development pods to adjoining properties. Staff recommended that an additional buffer along the southeast property boundary be provided. This property line is impacted by a 20-foot wide sewage easement which provides some distance but no effective buffering from adjoining residential properties. To address this issue, staff felt that the required 50-foot PUD boundary buffer should be increased to 75 feet or the equivalent of the "E" Bufferyard required for PD-IP abutting residential properties (from the proposed Zoning Ordinance). Mr. Meinert urged that staff would recommend approval of this proposed rezoning application with this imposed restriction that would provide an additional boundary buffer around the PUD. Additional testimony was provided regarding the applicant's flexibility under the new zoning ordinance in meeting the standards for the "E" Bufferyards through various options, i.e. increased setback and fewer plantings vs. berm/wall, denser planting with smaller setback.

Following brief discussion of the Board, Commissioner Thompson moved, seconded by Commissioner Lancaster, and unanimously passed, that the Board instruct the County Attorney to prepare the appropriate resolution approving this rezoning application with the recommended conditions of the Planning Commission and those of staff relative to the inclusion of the "E" Bufferyard requirement.

DISCUSSION ITEMS

Discussion - Treatment of cases which have been filed but not reviewed by the Board of Appeals because of the new Zoning Ordinance.

Mr. Meinert explained that the Commissioners adopting resolution did not include specific language relative to conditional use or variance applications "in process" under which the Board of Appeals had jurisdiction. He asked that the Commissioners provide clarification of the resolution that adopted the Zoning Ordinance so that applications filed prior to the date of the resolution can be processed under the zoning regulations in effect at the time the applications were filed.

A draft resolution offering clarification, provided by the County Attorney, Joseph Densford, was distributed to each of the Commissioners for review. Mr. Meinert noted that said document would provide that any application which was made for conditional use or variance before the Board of Appeal, filed prior to the Commissioners' action on the resolution prior to July 10, 1990, would be grandfathered in. At this point Mr. Densford provided additional information regarding legal implications of the draft resolution.

Commissioner Loffler suggested that the Board be provided one week to review the document, and the members concurred. The matter will be rescheduled for further discussion next week (August 7, 1990).

Signatory Approval of Zoning Maps

Mr. Meinert provided the cover sheet from the official zoning maps for the President's signature, noting that Section 20.03 of the St. Mary's County Zoning Ordinance required that the official zoning maps be identified by the signature of the President of the Board of County Commissioners and must contain the County Seal and date of approval. Commissioner Loffler affixed his signature accordingly.

RESOLUTION NO. 90-14
LENGTH OF SERVICE PROGRAM FOR VOLUNTEER FIREMEN AND
RESCUE SQUADSMEN

AMENDMENT NO. 2

LENGTH OF SERVICE BENEFIT OPTIONS

Present: Charles Wade, Director of Finance

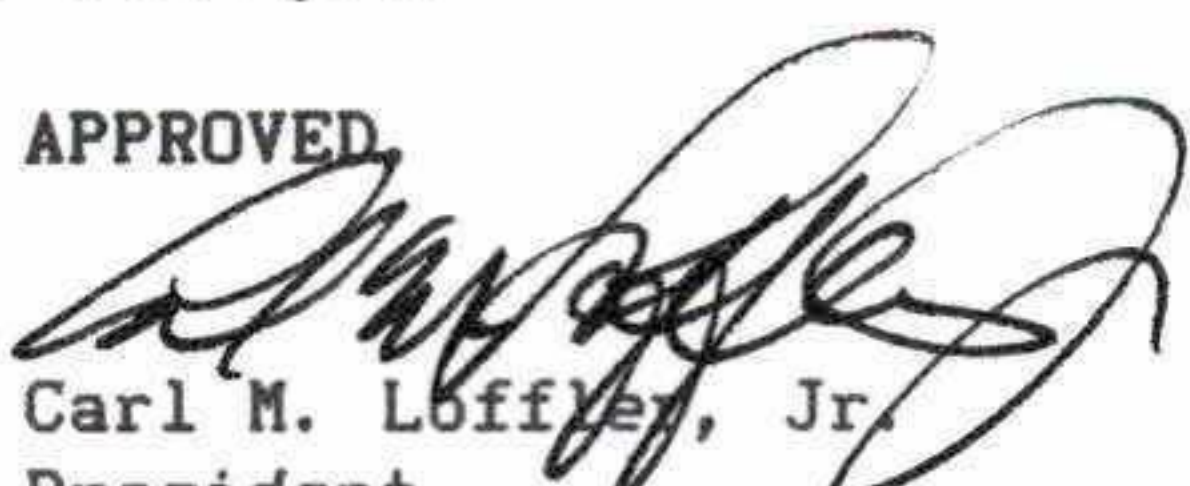
As a follow up to discussion held July 17 Mr. Wade presented the referenced Resolution amending Resolution No. 79-78 by changing references to eligibility and to benefits. The Resolution allows volunteer firemen and rescue squadsmen to select from two length of service program benefit options and takes effect July 1, 1990.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve and sign Resolution No. 90-14 as presented. Motion carried.

ADJOURNMENT

The meeting adjourned at 1:50 p.m.

APPROVED


Carl M. Loffler, Jr.
President

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Emergency Approval of Zoning Maps

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RESOLUTION NO. 90-14
LENGTH OF SERVICE PROGRAM FOR VOLUNTEER FIREFMEN AND
RESCUE SQUADSMEN

AMENDMENT NO. 2

LENGTH OF SERVICE BENEFIT OPTIONS

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