

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, October 30, 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 Secretary

CALL TO ORDER

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

APPROVAL OF MINUTES

Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve the minutes of the Commissioners' meeting of Tuesday,. Motion carried.

APPROVAL OF BILLS

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

COUNTY ADMINISTRATOR'S ITEMS

Present: Edward V. Cox, County Administrator

1. MEMORANDUM OF UNDERSTANDING  
DAY CARE CENTER

The County Administrator presented a Memorandum of Understanding between the Commissioners of Leonardtown, who will be providing funds, and Board of County Commissioners for the construction of a child day care center to be located behind the Leonardtown Library. Authorization is needed for the president of the board to sign the Memorandum of Understanding and related documents whereby the County agrees to comply with HUD regulations.

Commissioner Bailey moved, seconded by Commissioner Jarboe, to authorize Commissioner Loffler to sign the documents as presented. Motion carried.

2. CLEARINGHOUSE PROJECT NO. MD901011-0955  
SECTION 106 WATER QUALITY PLANNING AND MANAGEMENT GRANT

The County Administrator presented the referenced clearinghouse project and recommended that it be forwarded to the State with the comment that it is consistent with the County's plans, programs and objectives.

The Commissioners gave their concurrence.

3. RUNAWAY AND HOMELESS YOUTH DRUG ABUSE TREATMENT  
AND PREVENTION PROGRAM

The County Administrator presented documents to be signed by the president of the board relative to the referenced \$70,782 grant, which had been approved by the Board on September 24.

Commissioner Thompson moved, seconded by Commissioner Jarboe, to authorize Commissioner Loffler to sign the documents as presented. Motion carried.

4. BUDGET AMENDMENT NO. 91-20  
COUNTY COMMISSIONERS

The County Administrator presented the referenced Budget Amendment recommended for approval by the Director of Finance with the following justification: To provide funds for unbudgeted Customer Service Workshop for Board of County Commissioners and Department Heads (\$3600).

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

5. "PICK-UP" OF EMPLOYEE CONTRIBUTIONS TO RETIREMENT SYSTEM

Relative to last week's approval and discussion of a Resolution regarding "pick-up" of employee contributions to the Retirement System, County Administrator Cox presented a memorandum from the Director of Finance indicating the Employees' Association's concurrence with the Resolution.

6. PUBLIC SAFETY RADIO COMMUNICATIONS PLAN FOR REGION 20

The County Administrator presented correspondence prepared by the Director of the County's Emergency Management Agency responding to the Radio Communication Plan Committee regarding the referenced Plan relative to improvement of the county's radio frequencies.

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

ST. MARY'S COUNTY ZONING ORDINANCE  
SITE PLAN APPROVAL

Present: Larry Day, Larry Day Associates  
Engineer/Surveyor Representatives  
Jon Grimm, Director, Planning and Zoning

On behalf of county engineers and surveyors, Mr. Day appeared before the Commissioners to present a petition proposing a revision of Item 5 in the new Zoning Ordinance. The requested revision is as follows:

That any site plan submitted for Technical Evaluation (TEC) review and/or approved by the Planning Commission in concept or preliminary form before the effective date hereof is granted six (6) months from the adoption of this resolution to complete final design and receive final approval under existing standards of Ordinance No. 78-43. Any subdivision plan submitted for TEC review and/or approved by the Planning Commission in concept or preliminary form before the effective date hereof is granted one (1) year from the adoption of this resolution to complete final design and receive final approval under the existing standards of Ordinance No. 78-43.

Mr. Day pointed out that his group was under the impression that plans with TEC would be grandfathered in the new Zoning Ordinance, and because they were not has created a hardship on plans in progress. He

stated that the engineers/surveyors' concerns have been discussed with Planning Commission and the Director of Planning and Zoning.

During discussion the Commissioners requested Mr. Day to submit the number of projects impacted by this change in the new Zoning Ordinance. It was agreed that the Commissioners would request comments from the Planning Commission and also request opinion from the County Attorney as to the process (whether a public hearing would be required to change the Ordinance) after which the Commissioners would make a determination.

**PROCLAMATION**  
**CYSTIC FIBROSIS AWARENESS MONTH**

The Commissioners presented the referenced Proclamation designating the month of November as Cystic Fibrosis Awareness Month.

**PROCLAMATION**  
**NATIONAL HOSPICE MONTH**

The Commissioners presented the referenced Proclamation designating the month of November as National Hospice Month.

**OFFICE ON AGING**  
**SENIOR OLYMPICS**

The Commissioners presented Commendations to the following individuals for their accomplishments during participation of the Maryland Senior Olympics in Towson October 4 through 6:

- James Wooten - Gold Medal - 1500 meter race walk
- Donna Hall - silver medal - 10-pin women's bowling
- Margaret Stolmeier - silver medal - 1 mile recreational walk  
for women
- Charles Archer - two bronze medals in 5 kilometer and 1 mile  
cycling events; 4th place ribbon - 10K and  
20K cycling.
- Jackie Bailey - bronze medal - women's horseshoes
- Ellen Mielke - bronze medal - women's golf tournament
- Donminic Mori - bronze medal 1500 meter race walk; 4th place  
ribbon - shot put throw; 4th place ribbon -  
50 yard breaststroke; 5th place ribbon - 400  
meter dash.
- Margaret Mahone - 4th place ribbon - 10-pin bowling for women  
(80 to 84 age category)
  
- Harry Stolmeier - 4th place ribbon - one mile recreational walk.

**OFFICE OF PLANNING & ZONING**  
**PUBLIC HEARINGS**

Present: Jon Grimm, Director, OPZ  
Joe Meinert, Deputy Director, OPZ  
Peggy Childs, Recording Secretary

**SOUTHGATE PARK WATER/SEWER CATEGORY CHANGE**

Requesting water/sewer category change from S-6/W-6 to S-3/W-3D for the entire property, including the commercial space and 62 townhouse lot development, containing 8,735 acres, zoned C-Commercial, located in the 8th Election District at the southwest corner of Route 235 and Hermanville Road; Tax Map 52, Block 8, Parcel 114.

Mr. Meinert stated this development proposal includes a commercial component and 62 townhouse lots. The application was reviewed by the

Planning Commission, which recommended approval of the water/sewer change as well as approval of the final subdivision plan and the site plan for the property. Staff also recommends approval.

Mr. Runco spoke briefly, saying that the water/sewer category change is necessary in order to proceed with the project.

Commissioner Loffler opened the hearing to public comment; hearing none, the public portion of the hearing was closed. No questions were raised by the Commissioners and Mr. Loffler announced the decision would be made in two weeks.

ZONE #85-1181 - BOWLING TRUSS COMPANY

Requesting rezoning of 6 acres, located in the 3rd Election District on the east side of Big Chestnut Road, south of Route 234, from AR/RPD to I-1, Industrial. The property is identified specifically as Tax Map 31, Block 12, Parcel 167.

Owner/Applicant: Bowling Truss Company

This public hearing was held on October 16, 1990. Testimony was received from staff, the applicant, and area residents who opposed the hearing. Letters of opposition from 44 residents were entered into the record. The applicant cites that the mistake issue is one failure to recognize a long term business necessary for the growth of the County and to create viable economic places where it can develop, and contends the zoning of the property is a "one use zoning." Staff feels this is not a correct statement, as there is an extensive list of permitted and conditional uses in this district. Applicants state they cannot obtain financing to improve their site without industrial zoning. Staff's response is that the applicant received approval for expansion of the nonconforming use several years ago that was never implemented, and the Ordinance does provide for expansion and continuation of these uses within the RPD zone.

The Department of Economic & Community Development states that currently there is not much industrial land available where the applicant can relocate. However, staff estimates approximately 710 acres of land in the Mechanicsville, New Market, and Charlotte Hall Town Center are designated in the Comprehensive Plan for industrial development through the PUD process or rezoning to Industrial.

The opposition argues that the area is agricultural in character and that industrial zoning and land uses would conflict with existing development permitted in the RPD, and notes that the original rezoning filed in 1976 for 12.5 acres was not approved. During the course of that discussion Commissioner Loffler asked staff to look at when the property was deeded in relation to the Zoning Ordinance. The 6 acres was transferred to Bowling Truss in 1978.

The Planning Commission recommended denial of the rezoning but asked the Commissioners to do everything within their power, short of rezoning, to keep the business in the County. Staff recommends denial for the reasons stated and for reasons contained in the staff report of August 27, 1990.

Commissioner Bailey stated the Commissioners have not gotten a report from DECD and suggested postponing the decision for two weeks. Commissioner Jarboe said it was his hope that Mr. Mitchell could get together with the Bowlings and find them enough acreage in the northern part of the County that would be a better location even if it is not industrially zoned. He said his concern is not only for the people who work at Bowling Truss and the \$6,000,000 in sales but people who are building in the County that use the Bowlings' product. If we move the Bowlings out of the County, he said, it will cost additional dollars to bring the material and products into the County.

Commissioner Loffler stated the Bowlings are not interested in relocating, they are worried about a technical change in zoning to allow them to obtain financing, and suggested we may want to define the conditional use a little broader but of the same impact to the community so that nothing extraordinary could be placed on that piece of property. Mr. Loffler asked if the property had been reduced from 12.5 acres to 6 acres as a nonconforming use in 1978. Mr. Meinert replied originally the property was about 81 acres in one ownership, owned by Mr. Bates; the truss plant did not include the 12.5 acres but became a 6-acre nonconforming use through the 1974 zoning. Two years later, after the denial of the rezoning, the 6 acres which sustained the always existing use of the truss plant was conveyed from Bates to the Bowlings.

Commissioner Bailey asked staff to provide the Commissioners with a list of uses under the conditional use category and uses under the old nonconforming use category.

Mr. Mitchell stated that, although the Comprehensive Plan provides for more than 700 acres, there is today no land in the 4th District that can be used for industrial, and only 37 acres in the 5th District, and in order to transplant the Bowlings they would have to go through the rezoning process even though the land is in a development district. He said one of the recommendations that will probably come back to the Commissioners from DECD is that they reexamine the use of land in the town center development districts. He said he has been discussing with Mr. Bowling the potential for a land swap, but Mr. Bowling is concerned because he has quite an investment there, and if the only use is a truss plant he would have to market it as a truss plant.

Commissioner Jarboe reiterated that Mr. Bowling needs a location where he can expand, as he is almost growing out of the 6-acre site, and he would like Mr. Mitchell to sit down with him and find him a location where he will be protected and he could get the financing he needs and then see where the Commissioners could help him. Commissioner and find him a location where he will be protected and he could get the financing he needs and then see where the Commissioners could help him. Commissioner Jarboe said he would like to hold the decision for the time being to get the information requested by Commissioner Bailey and then see what they can do.

Commissioner Loffler asked staff to bring back the comparison of uses under the conditional use and the 1978 nonconforming use in two weeks.

**SPEC #88-1986 - SHORT ACRES**

Requesting a sewerage category change from S-6 to S-3D to accommodate a shared sewage disposal facility in the Critical Area. The property contains 6,317 acres, is zoned RL with LDA overlay, and is located in the 8th Election District on Rue Purchase Road/Camp SAYSF Road; Tax Map 43, Block 4, Parcels 209 and 490.

Owner/Applicant: Al Watson

Mr. Grimm reminded the Commissioners that this public hearing was also held on October 16, 1990 at which time testimony was heard from staff, the applicant, Green Holly Civic Association, and other area residents. Additional background information was provided at the public hearing and is attached to the staff report. He stated the Planning Commission voted to recommend approval provided the project meets the Critical Area Commission's recommended policy on shared facilities.

Staff recommends the formulation of a County Policy on Shared Facilities and approval or denial of the category change in accordance with that policy, and offers three alternatives for adoption as a County policy:

- (1) Critical Area Commission Policy  
(Proposal doesn't meet).
- (2) State Environmental Regulations  
(Proposal meets, in fact must meet in order to  
be approved by Health Department and MetComm.
- (3) "Modified Critical Area Policy"  
(Policy does not meet as submitted).

The Commissioners grappled with the issue of establishing a policy, but felt the category change could be approved and the applicant would have to meet the Critical Area criteria, and they could come back with a more restrictive policy in the future, if they felt it necessary. Commissioner Loffler asked whether this would be subtracted from the County's growth allocation policy. Mr. Grimm replied he believes we could argue that it should not be, because of the LDA designation.

Commissioner Thompson moved for approval of the category change from S-6 to S-3D) with the least restrictive of the policy recommendations to apply (State Environmental Regulations). The motion was seconded by Commissioner Jarboe and passed by a vote of 4-1, with Commissioner Loffler voting against the motion.

**HISTORIC NEWTOWNE MANOR**  
**PRESENTATION OF CHECK**

Present: Secretary Jacqueline Rogers, Dept/Housing/Community Dev.  
Father William Berry  
Louanne Bailey  
Rodney Little, Md. Historical Trust

Secretary Rogers and Mr. Little presented a check in the amount of \$40,000 from the Maryland Historical Trust to Historic Newtowne Manor.

**AFFORDABLE HOUSING TASK FORCE**  
**PRESENTATION OF REPORT**

Present: Secretary Rogers, Housing/Community Development  
Maxine Saunders, HUD  
Joseph Mitchell, Director, DECD  
Joe Daley, Consultant with St. Mary's County  
Affordable Housing Task Force Members

Mr. Mitchell opened the meeting by introducing members of the Affordable Housing Task Force and stated that the Task Force was appointed by the Board of County Commissioners in 1989 to develop a strategy for the provision of affordable housing in St. Mary's County.

Mr. Daley reviewed the report and described the housing needs of the county. He pointed out that St. Mary's County has a 3,525 housing shortfall. He went on to review housing needs of the elderly, special needs housing (battered women, youths, and handicapped), and residents of substandard housing, working poor individuals.

Mr. Mitchell highlighted the 12 recommendations of the Task Force pointing out that some actions are recommended to be undertaken as soon as possible others may take several years to implement. He indicated that some of the recommendations will require the participation of several different entities. Recommendations include: Reorganizing the Housing Authority of St. Mary's County; request revised upper loan limits for all CDA programs; establish master plan for Lexington Park development district; apply for 50 units Maryland Partnership Rental Housing; continue to pursue the funding of 8 to 10 units of HUD low-rent conventional public housing; request lower local financial contributions required; fine tune population and employment growth statistics; provide

transfer tax and impact fee assistance; review potential housing resources; establish Enterprise Fund; encourage employer-assisted housing; and consider Housing and Community Development as a separate county department.

After his presentation, Mitchell requested that the Commissioners review these 12 recommendations and respond back to the Affordable Housing Task Force with comments.

Secretary Rogers indicated that she will be requesting additional funds in the State's budget for housing for Fiscal Year 1991 and pointed out that the legislators will work together to get something accomplished in the housing effort.

In conclusion Secretary Rogers indicated her department's cooperation in a working relationship with St. Mary's County in a partnership for housing efforts.

**BOARD OF EDUCATION**  
**ADMINISTRATION FACILITY**

Present: Dan Ichniowski, Director, Public Works

As a follow up to last week's discussion, County Administrator Cox rather than revise the internals of the 40,000 square foot building, that the Commissioners authorize the submission for bids a 40,000 square foot building to the standards of the Governmental Center.

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to authorize the submission of the Request for Proposals for the Board of Education administration facility. Motion carried.

**BOARD OF EDUCATION**  
**SUPPLEMENTAL BUDGET REQUEST**

Present: Charles Wade, Director of Finance

Mr. Wade presented correspondence dated October 24, 1990 received from the Superintendent of Schools summarizing the requests of the Board of Education as discussed at last week's meeting. Mr. Wade distributed a response to the Superintendent's October 24 letter setting forth designation of funds for the Board of Education.

Commissioner Jarboe moved, seconded by Commissioner Bailey, to sign and forward the correspondence to the Board of Education as presented. Motion carried.

**FISCAL YEAR 1990**  
**ST. MARY'S COUNTY - DESIGNATION OF FUNDS**

Mr. Wade distributed a listing of requested and recommended supplemental funds for Fiscal Year 1990.

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to approve the listing which will be subject to a public hearing in January. Motion carried.

**CORRESPONDENCE TO FIRE BOARD AND AMBULANCE RESCUE ASSOCIATION**

Mr. Wade presented the referenced correspondence advising that the Commissioners will take action to provide the requested \$20,000 as a part of the mid-year supplemental appropriation in January of 1991.

The Commissioners agreed to sign and forward the letter.

(Commissioner Loffler left the meeting at 2:15 p.m.)

DEPARTMENT OF PUBLIC WORKS

Present: Dan Ichniowski, Director

1. DEPARTMENT OF TRANSPORTATION

Mr. Ichniowski presented correspondence addressed to the State Department of Transportation submitting a list of projects to be continued or included in the state's construction program. Also submitted is a listing of other projects for consideration to address the increased traffic and inadequate capacity along existing state roads.

The Commissioners agreed to sign and forward the letter.

2. STATE HIGHWAY ADMINISTRATION

Mr. Ichniowski presented correspondence addressed to the State Highway Administration summarizing several highway concerns that were expressed by the County Commissioners and delegates at the annual State Department of Transportation tour.

The Commissioners authorized Mr. Ichniowski to sign and forward the letter as presented.

3. INFORMATION RELEASE

Mr. Ichniowski presented a Public Information Release advising that on November 12 St. Mary's County will be opening a new solid waste facility, the St. Andrews Transfer Station.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to authorize the release of the Public Information Release as presented. Motion carried.

4. ACCEPTANCE OF DEEDS  
ROAD RESOLUTIONS

Mr. Ichniowski presented the following Deeds and Road Resolutions for the Commissioners' review and consideration:

- **Greenview West Subdivision**

Deed dated April 8, 1988 between James Dobry and County Commissioners of St. Mary's County accepting Greenview Parkway into the County Highway Maintenance System.

Road Resolution No. R89-24 - Posting Greenview Parkway at 25 miles per hour.

Road Resolution No. R89-25 - Designating Greenview Parkway as a Stop Street at its intersection with Md. Rt. 237.

- **Maydel Manor**

Deed dated July 14, 1988 between The Cryer Company and Board of County Commissioners of St. Mary's County accepting Maydel Drive and Cryer Court into the County Highway Maintenance System.



Road Resolution No. R90-34 designating the following as Stop Streets: Maydel Drive at its intersection with Breton Beach Road; Maydel Drive at its intersection with Cryer Court.

Road Resolution No. R90-35 posting Maydel Drive and Cryer Court at 25 miles per hour.

**Flower of the Forest Subdivision**

Deed dated August 15, 1990 between John T. Daugherty and Katherine Daugherty and St. Mary's County accepting Bradley Boulevard into the County Highway Maintenance System.

Road Resolution No. R90-26 designating Bradley Boulevard as a Stop Street at its intersection with Willows Road.

Road Resolution No. R90-27 posting Bradley Boulevard at 25 miles per hour.

**Patuxent River Farms**

Deed dated October 5, 1990 between Route 347 Realty Corporation and County Commissioners of St. Mary's County accepting Patuxent Boulevard into the County Highway Maintenance System.

**Peggs Road**

Road Resolution No. R90-38 posting Peggs Road as a "No Parking" zone on both sides starting at the end of the surface for approximately one-tenth of a mile in a northerly direction.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Loffler to sign the referenced documents. Motion carried.

**5. CORRESPONDENCE CALLING LETTERS OF CREDIT**

Mr. Ichniowski presented correspondence calling Letters of Credit:

**Cedar Cove, Section III**

Public Works Agreement

Letter of credit #52-E with Maryland Bank & Trust Co.  
in the amount of \$97,000

**Mulberry North**

Public Works Agreement

Letter of Credit #A1-9-1-1987 with First National Bank  
of St. Mary's in the amount of \$54,000.

**Essex South, Section 4-A**

Public Works Agreement

Letter of Credit #353 with Maryland Bank & Trust Co.  
in the amount of \$40,000

**Patuxent River Farms Subdivision, Phase I**

Public Works Agreement

Bond No. PO1424 with Homestead Insurance Co.  
in the amount of \$473,000.

**84 Lumber Company Storage Shed Addition**  
Grading Permit #90-08  
Bond No. 400HY 5689 with St. Paul Mercury Insurance Co.  
in the amount of \$50,000

**Essex South, Section 3 and 4A**  
Grading Permit #88-05  
Letter of Credit 349-A with Maryland Bank & trust Co.  
in the amount of \$33,000

**McDonald's Site**  
Grading Permit #90-13  
Bond No. 3SM 606 532-00 with American Motorists Ins. co.  
in the amount of \$50,200.

**San Souci Estates, Sec. 3, 5, 6**  
Grading Permit #88-47  
Letter of Credit #628788 with Maryland National Bank  
in the amount of \$135,000.

**Wilderness Cluster, Section 1**  
Public Works Agreement  
Bond No. 828340 with International Fidelity Ins. Co.  
in the amount \$129,000.

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to authorize Commissioner Loffler to sign the correspondence calling Letters of Credit if necessary. Motion carried.

6. PUBLIC WORKS AGREEMENT  
ADDENDUM TO PUBLIC WORKS AGREEMENT

Mr. Ichniowski presented the following Public Works Agreement and Addendum to Public Works Agreement:

**Hayden Green Subdivision**

Public Works Agreement dated October 22, 1990 between James Dobry and St. Mary's County, Maryland, guaranteeing the completion of Valleyview Drive by November 1, 1991. the Agreement is backed by a Letter of Credit with The First National Bank of St. Mary's in the amount of \$182,900.

**The Landings at Piney Point**

Addendum to Public Works Agreement between Piney Point Landing Partnership and St. Mary's County extending the deadline for completion to November 1, 1991. The Addendum is backed by an amended Letter of Credit in the amount of \$1,000,000 with Second National Federal Savings Bank.

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

BUDGET AMENDMENTS

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

**No. 91-18  
Public Works**

Justification: To provide funds for contract recycling service - \$56,640

**No. 91-19  
Public Works**

Justification: To replace fund to landfill transferred to Sierra House - \$50,000.

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

**EXECUTIVE SESSION**

**PERSONNEL**


Present: Edward V. Cox, County Administrator  
Sheriff Pettit

Commissioner Bailey moved, seconded by Commissioner Jarboe, to meet in Executive Session to discuss a matter of Personnel. Motion carried. (Commissioner Loffler was not present.) The Session was held from 3:00 p.m. to 3:30 p.m.

**ADJOURNMENT**

The meeting adjourned at 3:30 p.m.

**APPROVED**

  
Carl M. Loffler Jr.  
President

