

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, January 8, 1991

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

(Commissioner Bailey was not present at beginning of meeting.)

CALL TO ORDER

The meeting was called to order at 9:00 a.m.

APPROVAL OF MINUTES

Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve the minutes of the Commissioners' meeting of Tuesday, December 31, 1990. Motion carried.

APPROVAL OF BILLS

Commissioner Bailey moved, seconded by Commissioner Lancaster to authorize Commissioner Loffler to sign the Check Register for payment of the bills. Motion carried.

COUNTY ADMINISTRATOR'S ITEMS

Present: Edward V. Cox, County Administrator

1) BUDGET AMENDMENT NO. 91-34
OFFICE OF PLANNING AND ZONING

The County Administrator presented the referenced Budget Amendment recommended for approval by the Director of Finance with the following justification: Legal advertising funds needed for advertising of County Commissioners hearing, Planning Commission and Board of Appeals hearings.

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

2) INFORMATION RELEASE
FINANCIAL REVIEW BY RATING AGENCIES

The County Administrator presented an Information Release regarding the high marks the County has received in a December 1990 Municipal Credit Report by Moody's Investors. The Commissioners agreed to distribute the Information Release as presented.

3) PERSONNEL
DRAFTSMAN - DEPARTMENT OF PUBLIC WORKS

The County Administrator presented a memorandum dated January 7, 1991 from the Personnel Office advising that the Grade 13 Draftsman position had been re-advertised, and the selection panel recommended the appointment of Allen M. Settle for the position. Because of Mr. Settle's experience and training, Mr. Ichniowski has requested that the position be a Grade 13, Step 4.

Commissioner Jarboe moved, seconded by Commissioner Thompson, to approve the request as presented. Motion carried.

3) APPOINTMENTS
BOARDS, COMMITTEES, COMMISSIONS

Commissioner Jarboe moved, seconded by Commissioner Lancaster, with motion carried to make the following appointments with terms as indicated:

Economic Development Commission	Terms to Expire
R. Johns Dixon (Agr. Rep.)	6/30/93/95
Cable TV Advisory Committee	
Harry Gieske	12/31/93
Environmental Review for critical Area Analysis	
Dr. Garner D. Morgan, DDS, PA	
Metropolitan Commission	
Rufus N. Dyer	12/31/93
William (Billy) J. Fitzgerald	12/31/93
Nursing Center Expansion Building Committee	
James Banagan	No Term
Jerry W. Cheseldyne	"
Joseph R. Densford	"
Daniel F. Ichniowski	"
Charles H. Wade	"
Walter Szot	"
Recreation and Parks Board	
Edward S. Elam (reappt)	"
St. Clement's Island Potomac River Museum Board	
Kim Cullins	12/31/94
Robert H. Kopel	12/31/94
Grace M. Sheaffer	12/31/94
Deborah L. Taylor	12/31/94

4) PROPOSED MARYLAND GROWTH AND CHESAPEAKE BAY PROTECTION ACT

The County Administrator presented correspondence addressed to Senator Bernie Fowler from the Chairman of the Tri-County Council requesting on behalf of Charles, Calvert and St. Mary's County that he submit a "minority report" to Governor Schaefer on the draft "Proposed Maryland Growth and Chesapeake Bay Protection Act of 1991" recommended by the Governor's Commission on Growth in the Chesapeake Bay Region.

County Administrator Cox indicated that because the 20-20 Commission was meeting on January 7, it was necessary for Tri-County Council to submit the letter on behalf of the three counties; however, Mr. Cox noted that should the Commissioners not agree with the comments in the letter, a separate letter could be prepared for the Board's signatures to Senator Fowler.

After discussion the Commissioners agreed with the contents of the letter from the Chairman of the Tri-County Council.

6) PLANNING FOR PROGRESS '91

The County Administrator advised that the Enterprise will be publishing its annual Planning for Progress edition; therefore, Mr. Cox presented a letter addressed to the Citizens of St. Mary's County expressing appreciation for the contributions made by the county's volunteers.

The Commissioners agreed to sign the letter as presented.

(Commissioner Bailey entered the meeting - 9:30 a.m.)

100/200-DAY SICK LEAVE CLUB

The Commissioners presented Certificates to the following individuals who have accumulated 100 and 200 days of unused sick leave:

100 - Day Club:	William I. Abell F. Michael Harris Samuel T. Haynie Jean S. Jager Francis T. Klear Mary Evelyn Wood
200 - Day Club	Walter Wise

DEPARTMENT OF RECREATION AND PARKS

Present: John Baggett, Director

1) Softball Hall of Fame

Also Present: Deedy Garner
Kenney Dement

The referenced individuals appeared before the Commissioners to discuss the construction of the Softball Hall of Fame at the Regional Park and to present a draft Agreement between the Board of County Commissioners of St. Mary's County and St. Mary's County Softball Hall of Fame, Inc. The Agreement indicates that the County will lease to the Hall of Fame the first floor of a building which will house restroom facilities and exterior concession area. The Softball Hall of Fame will construct its portion of the building with the County to supply materials.

After discussion Commissioner Bailey moved, seconded by Commissioner Jarboe, to approve the Agreement in concept and which will be prepared in final form for the Commissioners review. Motion carried.

2. Great Mills High School Facilities

Mr. Baggett advised that converting the Great Mills High School recreational site back to the Board of Education is taking longer than anticipated. He stated that federal government monies are involved and that evidently a great number of other jurisdictions are doing the same thing. He pointed out that his department is proceeding with improvements, including repairing of the bleachers.

During discussion of the lease for the Great Mills property, Mr. Baggett stated that there is no "sunset" clause, and he has been working with the U.S. Department of Interior and the State to reach an agreement that this was an oversight. In explaining the conversion process, Mr. Baggett advised that the value of the property at Chancellors Run Road and substitute it for the value of the property at Great Mills.

In closing he stated that the delay in the conversion process does not prevent bring the facility up to county standards.

3) SWANN PROPERTY - PUBLIC PARK

Mr. Baggett stated that the State has indicated an interest in acquiring and developing the Swann property at Piney Point for a public park. The County has committed funds in the amount of \$250,000 towards construction of this project to match \$750,000 from the State. Mr. Baggett indicated that there would be a Lease Agreement whereby the County would lease the park from the State and operate it as a county park.

Mr. Baggett requested the Commissioners to sign correspondence to the Secretary of the Department of Natural Resources indicating the County's agreement with the conversion of two parcels at St. George's Park and a parcel at Carver Heights (outside the Naval Air Station), which would be replaced with the acquisition of the Swann property.

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to sign correspondence to Secretary Brown, Department of Natural Resources agreeing to the conversion. Motion carried.

Mr. Baggett stated that the acquisition of the Swann property is still on track and is scheduled to go before the Maryland Board of Public Works on January 30. The Board of Public Works has requested:

1. A letter from the Board of County Commissioners re-affirming the County's commitment to the \$250,000 (county's share) of the development of the Swann's recreational facility, and
2. That he and a County Commissioner go before the Board of Public Works on January 30.

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to authorize Commissioner Loffler to sign the letter to the Board of Public Works reconfirming the County's commitment of \$250,000 matching funds. Motion carried.

DEPARTMENT OF PUBLIC WORKS

Present: Dan Ichniowski, Director, Public Works

1. SNOW STORM COSTS

Mr. Ichniowski presented information setting forth the costs of the first two snow storms: December 27, 1990 - \$2727; January 7/8, 1991 - \$8532.

2. WATERWAY IMPROVEMENT FUND GRANT APPLICATIONS

Mr. Ichniowski presented the following Waterway Improvement Fund Grant Applications for the Commissioners' review and approval:

Cat Creek Dredging Project

Maintenance dredging of Cat Creek Entrance channel and extension of existing timber jetty another 250 feet to protect the channel.

(\$50,000 - FY '92 100% state grant)

Island Creek Federal Navigation Project

St. George Island

Construction of a 1200 stone jetty.

(\$100,000 - FY '92 100% state grant)

Commissioner Jarboe moved, seconded by Commissioner Bailey, to approve and authorize Commissioner Loffler to sign the grant applications as presented. Motion carried.

3. SPECIAL TAXING DISTRICTS

Mr. Ichniowski advised that there are several Special Taxing Districts in process:

Golden Beach Subdivision

Scott Circle, Section II

Public informational meeting is scheduled for January 23 at White Marsh Elementary School for a special taxing district. Mr. Ichniowski distributed the handout that will be provided at that meeting.

Rodo Beach

Public Informational meeting to be held January 24 at the Ridge Volunteer Fire Department - 7:00 p.m.

**Ingleside Subdivision
(Off of Smith-Nursery Road, Hollywood)**

A minor subdivision wherein residents have requested roads to be improved. Information for a special taxing district has not been finalized. There will be a public informational meeting in February.

Southampton Subdivision

There are requests for street light special taxing district which will be presented at a later date.

4) PUBLIC WORKS AGREEMENT/ADDENDUMS

Mr. Ichniowski presented the following Public Works Agreement and Addendums for the Commissioners' consideration:

Richneck Subdivision. Section 3

Public Works Agreement dated August 21, 1990 between Ripple Brother Construction and St. Mary's County guaranteeing completion of Richneck Court by July 15, 1991. The Agreement is backed by a Letter of Credit with First National Bank of St. Mary's in the amount of \$18,000.

Wildewood Subdivision

Addendum to Public Works Agreement between Paragon Builders, Inc. and St. Mary's County leaving the deadline for completion of Hickory Nut Drive (Sta. 0+00 to 15+00) at November 1, 1991 and reducing the Letter of Credit with Maryland Bank & Trust to \$26,000.

Wildewood Subdivision

Addendum to Public Works Agreement between Paragon Builders, Inc. and St. Mary's County extending the deadline for completion of Hickory Nut Drive (Sta 15+00 to 21+19.59). The Addendum is backed by a Letter of Credit with Maryland Bank & Trust in the amount of \$10,000.

Wildewood Subdivision

Addendum to Public Works Agreement between Paragon Builders, Inc. and St. Mary's County extending the deadline for completion of Ash Court (aka Sequoia Lane) to August 1, 1991. The Addendum is backed by a Letter of Credit with Maryland Bank & Trust in the amount of \$10,000.

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

**5) PEACHTREE SUBDIVISION
ACCEPTANCE OF DEED
ROAD RESOLUTIONS**

Mr. Ichniowski presented a Deed dated November 16, 1990 between Heritage Manor Homes of Lexington Park, Inc. and St. Mary's County Commissioners accepting Peachtree Way into the County Highway Maintenance System.

In addition Mr. Ichniowski presented the following Road Resolutions:
No. R90-55 - Posting speed limit of roads in Peachtree Subdivision at 25 miles per hour;

No. R90-56 - Designating Peachtree Way as it intersects with Old Route 235 as a Stop Street.

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

6) PARKING AT COURTHOUSE

For the Commissioners' information, Mr. Ichniowski advised that he received a telephone call from the Judge's Office advising that jury selections for both Circuit Courts were being held between 9:00 and 11:00 a.m. today. There will be approximately 70 people, and there is inadequate parking. Mr. Ichniowski stated that the County may need to talk to the Leonardtown Council again regarding this.

OFFICE OF PLANNING AND ZONING

Present: Jon R. Grimm, Director, Planning and Zoning
Barbara Midkiff, Recording Secretary

1) SPEC #90-1862 - PROPOSED AMENDMENT TO ZO #90-11 VESTING RIGHTS FOR SITE PLANS AND SUBDIVISIONS

Mr. Grimm presented the Commissioners with a list prepared by the Office of Planning and Zoning showing the projects that will be impacted by the proposed change. The engineering community indicated to the Commissioners that they have a count of 31 projects, however, the Office of Planning and Zoning shows 28 projects.

Mr. Grimm indicated that the list starts with October 25, 1988 at the adoption of the Comprehensive Plan. At the time of the adoption of the Comprehensive Plan when density was changed in the rural area from one (1) unit per acre to one (1) unit per three (3) acres, the county set up a separate vesting policy. Other projects that are not listed on the list, which may not have received final approval, are ones which did not meet the old vesting policy as of October 1988.

Mr. Grimm stated that the Planning Commission's recommendation is to modify the requests from the engineering agencies, to keep the time table to August 1, 1990, but to bring the vesting provisions for the additional projects as listed, and allow them to operate under the 1978 Zoning Ordinance for the purposes of design and approval until the August 1, 1991 deadline.

Commissioner Loffler questioned if the wording should read, "those in process from the period of October 1988 to August 1, 1990."

Mr. Grimm agreed with Commissioner Loffler as to the use of these dates.

Mr. Larry Day came forward in agreement of the dates as stated.

After further discussion, Commissioner Bailey moved, seconded by Commissioner Jarboe, to accept the recommendation from the Planning Commission. Those items being grandfathered would be those processed through TEC from October 19, 1988 to August 1, 1990. Motion carried.

2) ADEQUATE PUBLIC FACILITIES

County Administrator Ed Cox indicated that public hearings have been held and presentations completed by the Board of Education. Mr. Cox indicated that the question at this time is if the Commissioners want to adopt what the Board of Education has proposed, by way of recommendation.

Commissioner Loffler stated his concern of adopting adequate public facilities policies of 22 and 25 students per classroom.

Commissioner Bailey brought out that he felt the state guidelines of 30 students per classroom should be used.

Mr. Cox stated that a document would have to be drafted that would demonstrate the schools and how they fit the state standards, and return to the Commissioners with such a document.

Commissioner Loffler stated that he would like to see the Board say that the goal will remain 22 and 25.

The Commissioners had no objection to the goals being added.

Mr. Cox questioned if this would be an amendment to the Zoning Ordinance.

Mr. Grimm stated that this is a policy recommended by the Planning Commission to be implemented as part of the Zoning Ordinance rather than an amendment.

All Commissioners were in agreement to discuss this further at a later date.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator

Commissioner Bailey moved, seconded by Commissioner Lancaster, to meet in Executive Session to discuss a matter of Litigation and Personnel. Motion carried. The sessions were held as follows:

Litigation

Also Present: Dan Ichniowski, Director, Public Works
Joseph Densford, County Attorney
Sheriff Pettit
Wayne and Anne McLeod

The Session was held from 10:50 a.m. to 12:20 p.m. (The referenced individuals entered the session at 11:15 and the McLeods left at 11:55 a.m.)

Personnel

The session was held from 12:20 p.m. to 12:30 p.m.

BOARD OF EDUCATION

Present: Dr. William Burroughs, Superintendent
Joan Marsh, President, Board of Education
Jean Campbell, "
Robert Kirkley, "
Al Lacer, "

1) Joint Committee on Student Population

Also Present: Al Gough, Chairman
Members of the Committee

Mr. Gough presented the Joint Committee on Student Population Forecasting's Final Report. The Committee was established by the County Commissioners and Board of Education on November 14, 1990.

Mr. Gough pointed out that several issues could not be adequately addressed because of limited and inadequate data base, which require a modeling capability. The firm of KMPG Peat Marwick submitted a proposal for the development of modeling capabilities tailored to the county's needs. Mr. Gough pointed out that such a model would be necessary to proceed with the needed forecasting.

Included in the Report are population projections for the school year 1990-91 made by the Board of Education in October 1989, which exceeded the actual enrollment by 57 students.

The Committee has recommended a universal address system in order to identify each household which would provide information to the Board of Education, the County Commissioners, and public safety agencies.

In conclusion the Report indicates that if the Board of Education and the Board of County Commissioners determine that the forecasting process is an important element for planning and development, that the membership of the Committee be expanded to include non-governmental representatives. The Committee feels that the process would best serve under the umbrella of the Planning Commission.

In conclusion Commissioner Loffler indicated that the next step would be for Planning Commission to review and comment on the Report.

2) ADEQUATE PUBLIC FACILITIES

Commissioner Loffler stated that after review of the Adequate Public Facilities requirement, for the purpose of the State's Capital Improvement Program, the Commissioners are requesting the Board of Education to take back the recommendation for a ratio of 1-22/25 (teacher per student) and return it to 1-30 with the commitment that there agreement between the two Boards that the goal is still 1-22/25. He stated that because of difficult economic times and the cutbacks by the State that this could have a devastating effect on the economy. He stressed the point that this would not change the commitment to the Board of Education for 1-22/25, but for the purposes of planning to set it at 1-30.

Rev. Kirkley, Mrs. Campbell and Mr. Lacer expressed opposition to this change, indicating that the Commissioners had made a commitment for the reduction of class size, and that the adequate public facilities would help plan the school system in a positive way.

Discussion of relocatable units to help meet the adequate public facilities requirement ensued, to which Commissioner Loffler stated that these are temporary measures which do not meet the adequate public facilities requirements. He further stated that adequate public facilities is strictly capital project policy, and that relocatables do not meet that policy.

Mrs. Marsh requested that the Commissioners put the recommendation in writing to the Board of Education so that it can be reviewed and commented on appropriately.

During discussion Commissioner Lancaster expressed his disagreement with Commissioner Loffler's proposal to change the teacher/student ratio pointing out that the goal of the adequate public facilities is the County's commitment. He stated that if the Commissioners see later that it will adversely impact development necessary adjustments could be made at that time.

In conclusion the Commissioners agreed to get the County Attorney and Planning Commission to review this matter and present options to the Commissioners.

3) GREAT MILLS HIGH SCHOOL FACILITY

Commissioner Loffler apprised the Board of Education with the information provided by Director of Recreation and Parks John Baggett regarding the delay in the conversion of the Great Mills High School recreational facility back to the Board of Education. He pointed out that Mr. Baggett had assured the Commissioners that the federal government will eventually approve the conversion, and that improvements can move forward.

4) EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator
Dr. William Burroughs
Joan Marsh, President, Board of Education
Jean Campbell, "
Robert Kirkley, "
Dr. Joan Kozlovsky
Frank Barnett
Jerry Himmelheber

(Al Lacer did not participate because of possible conflict of interest.)

Commissioner Thompson moved, seconded by Commissioner Lancaster, to meet in Executive Session to discuss a matter of property acquisition. Motion carried. The Session was held from 3:50 p.m. to 4:30 p.m.

7:00 P.M.

PUBLIC HEARING

ELECTRIC EXAMINERS BOARD RULES AND REGULATIONS

Present: Kirk Sterling, Chairman, Electrical Examiners Board
Robert Russell, "
Adrian Hall, "
Tom Clark, "
Paula Martino, Chief, Permits & Inspection
Joe Mike Weiland
Interested Citizens and representatives of the
electrician community

The Commissioners conducted a public hearing on revisions to the Board of Electrical Examiners' Rules and Regulations, particularly the establishment of an examination and licensing procedure for journeyman electricians and the requirement for a licensed individual be present during all phases of electrical installation and inspections.

Mr. Sterling reviewed and explained the proposed changes to the rules and regulations.

The hearing was opened for questions and comments from the audience.

Jim Lanham - Questioned the change from four to two times a year for taking the examination. Mr. Sterling responded that there has not been enough people taking the exam to warrant offering it four times a year.

- Questioned the reason for requiring an application each time a person takes the exam. Mr. Sterling responded that it was necessary because of experience changes and Code changes that a new member of the Board may not be familiar with the applicant.

- Questioned a Board member not attending meetings. Mr. Sterling responded that the individual has been ill and the Commissioners have been notified.

- Questioned why the Board no longer sends out rule books. Mr. Sterling responded that the books are out of date.

- Questioned process if a person fails the examination. Mr. Sterling responded that if a person fails the examination three consecutive times, that this person would have to wait a year to take it again.

Commissioner Loffler questioned the practicality of having a journeyman at the site for single family houses, and perhaps there should be a difference between commercial and multifamily projects requiring a journeyman's license as opposed to single family housing.

Jim Young - Questioned having on two or three journeymen employed and having three or four jobs requiring a journeyman on site.

Tim Farrell - Suggested that all journeymen be required to take the test. Mr. Russell replied that so a burden would not be placed on electricians, there is a waiver of the test requirement for journeymen with four years experience.

George Wiggin (Middle Department Inspection Agency) - Stated that a journeyman license would be very beneficial to St. Mary's County.

Bill Mattingly - Suggested that there be some flexibility with the requirement; i.e, that a helper could be left on job to do small tasks.

Dave Montgomery - Supported proposed change regarding journeymen

Don Haskin - "

Chris Worch - "

Tom Clark - "

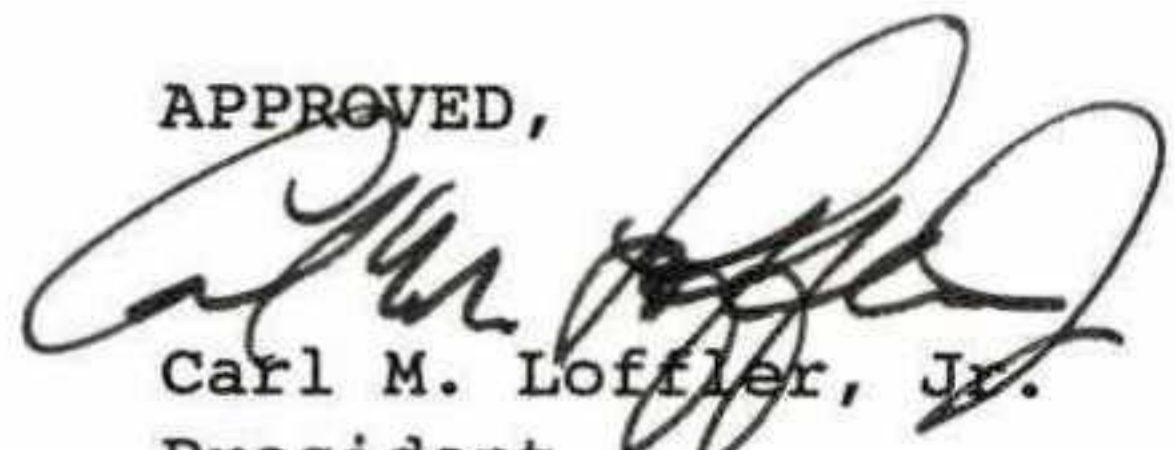
Bob Andrews - "

In closing Mr. Sterling stated that the Electrical Examiners Board may have been premature in presenting this proposal to the Board of County Commissioners. Mrs. Martino suggested that she work with the Electrical Examiners Board in reviewing the comments from this hearing and the EEB would return to the Commissioners with a revised proposal.

A tape of the hearing is on file in the Commissioners' office.

ADJOURNMENT

The regular portion of the meeting adjourned at 8:20 p.m.

APPROVED,

Carl M. Loffler, Jr.
President

PUBLIC FORUM

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

Minnie Russell - Reiterated her concern over an Ordinance for public piers.

Commissioner Loffler suggested getting a signed agreement with the Sheriff's Department giving them authority to go out on pier.

Inquired whether Planning Commission had made decision regarding critical areas growth allocation. (No decision had been made because the Planning Commission did not have a quorum.

Pointed out that the inventory of marinas distributed during the Zoning Ordinance update contained inaccuracies.

County Administrator Cox suggested that she inform Planning and Zoning of this.

Jack Witten (on behalf of Leonard Greess) - Requested that the study of the boundaries of Maryland Rock be released. particularly some plats that are a part of that study.

County Administrator Cox indicated that the study has been released and suggested that Mr. Witten contact the Commissioners' office.

