

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, April 2, 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

CALL TO ORDER

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

APPROVAL OF MINUTES

Commissioner Bailey moved, seconded by Commissioner Jarboe, to approve the minutes of the Commissioners' meeting of Tuesday, March 26, 1991. Motion carried.

APPROVAL OF BILLS

Commissioner Bailey moved, seconded by Commissioner Lancaster, to authorize Commissioner Loffler to sign the Check Register as presented. Motion carried.

COUNTY ADMINISTRATOR'S ITEMS

Present: Edward V. Cox, County Administrator

**1) CORRESPONDENCE TO BOARD OF PUBLIC WORKS
PURCHASE OF SWANN PROPERTY**

The County Administrator presented correspondence addressed to each member of the Board of Public Works requesting favorable consideration for the purchase of the Swann property at Piney Point.

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

2) AMENDED FEDERAL RUNAWAY AND HOMELESS YOUTH GRANT

The County Administrator presented the referenced amended grant application for federal assistance in an additional amount of \$8,157 bringing the grant total to \$75,000.

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

**3) BUDGET AMENDMENT NO. 91-54
COUNTY ATTORNEY**

The County Administrator presented the referenced Budget Amendment recommended for approval by the Director of Finance with the following justification: To provide additional funds required for professional services to cover lawsuit expenses.

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

4) **ZONING AMENDMENT RESOLUTION NO. Z91-02
HUNTING QUARTER, PHASE TWO**

The Commissioners having conducted a public hearing on August 7, 1990 and held subsequent decision discussion, the County Administrator presented the referenced Zoning Amendment Resolution approving the application for a major amendment to the approved PUD development plant.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve and sign the Zoning Amendment Resolution as presented. Motion carried.

5) **NATIONAL FLAG DAY CELEBRATION**

The County Administrator presented correspondence from Comptroller Goldstein indicating that the Governor has appointed him as the state's coordinator for the National Flag Day celebration and requesting the Commissioners to designate a local Coordinator. Mr. Cox suggested that Jim Weber be the County's coordinator.

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to appoint Jim Weber as St. Mary's County's Flag Day Coordinator. Motion carried.

6) **STUDENT POPULATION FORECASTING COMMITTEE**

The County Administrator recommended that the Commissioners designate Director of Finance Charles Wade as the County's representative to work with the Board of Education on developing specifications for the student population forecasting model.

Commissioner Lancaster moved, seconded by Commissioner Bailey, to appoint Mr. Wade to serve as recommended. Motion carried.

7) **CUSTOMER SERVICE**

The County Administrator presented a notice to be placed in the local newspaper inviting comments from citizens regarding examples of customer service they have experienced, concerns about services they have received, and requesting suggestions.

Commissioner Bailey moved, seconded by Commissioner Thompson, to proceed to advertise for citizen input as recommended. Motion carried.

8) **COMMISSION FOR THE DISABLED**

The County Administrator advised that Congress passed the Americans with Disabilities Act on July 26, 1991, which applies to all local governments. In order to comply with this legislation and to properly coordinate services and to assist in the enforcement, County Administrator Cox recommended that the Commissioners establish a Commission for the Disabled. In that regard Mr. Cox presented a draft Resolution establishing such a Commission.

The Commissioners agreed to take action at next week's meeting.

PRESENTATION OF CERTIFICATION - PUBLIC PURCHASING OFFICER

Present: Jim Haley, Procurement Officer
Charles Wade, Director of Finance

Mr. Wade presented a Certification for Public Purchasing Officer from the Universal Public Purchasing Certification Council to Mr. Jim Haley, St. Mary's County's Procurement Officer.

CONSTRUCTION AND DEVELOPMENT USER FEES

Present: Mary Pat Pope, Administrative Officer
Jon Grimm, Director, Planning and Zoning

As a follow up to the Public Hearing held March 19, Ms. Pope appeared before the Commissioners to review and discuss the Construction and Development User Fees Schedule. Ms. Pope presented a draft Resolution adopting the fee schedule as presented at the public hearing and a list of items for discussion by the Commissioners which includes the following recommendations.

- o That the effective date be April 3, 1991
- o That the County's 85% subsidy for appeals remain as proposed (\$340).
- o That the fee schedule be updated every two years.

During discussion Commissioners Loffler and Bailey questioned the cost to the county for Board of Appeals' actions. Commissioner Loffler stated that the County should look at categories within the Board of Appeals, and those that are locked into the system such as in the critical areas could be subsidized. Those that are income producing to the applicant should bear majority of government cost.

During discussion of the fees, Ms. Pope advised that the fees were based on averages for three years (1988, 1989, 1990). Commissioner Loffler stated he would like to see projected revenues for fees in conjunction with the Fiscal Year 1992 budget. He pointed out that he was concerned with the substantial reduction of fees for major subdivisions.

The Commissioners will discuss the fee schedule at next week's meeting.

WATER POLICY TASK FORCE

Present: Tom Russell

Mr. Russell appeared before the Commissioners to present an interim report of the Water Policy Task Force. He reviewed the test well sites and well construction standards as set forth in the Maryland Annotated Code. Areas of discussion at the Task Force meetings include: monitoring data, mandating public water systems for subdivisions, water monitoring, and water conservation. Areas to be addressed including the planning process and aquifer usage and designation. Mr. Russell stated that a final report will be presented to the Commissioners in June.

A copy of the report is on file in the Commissioners' Office.

**USE OF RAILROAD RIGHT-OF-WAY
HUGHESVILLE WAREHOUSE**

With regard to previous discussion regarding regarding the Railroad Right-of-Way Agreement for Hughesville Warehouse, Commissioner Bailey reported that the applicant was willing to sign the Agreement as written. He stated that the Agreement states that 30-days notice would be given if the County decided in the future to use the railroad right-of-way, and the applicant was willing to take that chance.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Loffler to sign the Railroad Right-of-Way Agreement with Hughesville Warehouse. Motion carried.

EXECUTIVE SESSIONS

Present: Edward V. Cox, County Administrator

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

Personnel

Held from 10:50 a.m. to 11:25 a.m.

Litigation

Also Present: Sheriff Pettit
Det. Sgt. Robert Hall
Det. Julian Schwab
Dan Ichniowski, Director, Public Works
Joe Densford, County Attorney

Held from 11:25 a.m. to 11:55 a.m.

Personnel

Held from 11:55 a.m. to 12:25 p.m.

REVOCACTION OF PERMIT

Present: Dan Ichniowski, Director, Public Works
Joe Densford, County Attorney

Mr. Ichniowski and Mr. Densford appeared before the Commissioner with regard to St. Mary's Disposal bringing trash from out of the county to the landfill in St. Mary's, which is in violation of the St. Mary's County Solid Waste Ordinance. Mr. Ichniowski stated that correspondence has been forwarded to Mr. A. W. Stevens of St. Mary's Disposal on several occasions advising him of the violation.

Mr. Ichniowski stated it was his and County Attorney Densford's recommendation that the County Commissioners revoke Mr. Stevens' trash hauling permit. Section 9(a) and (c) of the Solid Waste Ordinance grants the Commissioners authority to revoke a permit for violation of the regulations or violation of bringing out-of-county solid waste into St. Mary's County landfills. Mr. Densford suggested that the revocation be effective as of 5:00 p.m. on Tuesday, April 9.

After discussion Commissioner Thompson, seconded by Commissioner Lancaster, to authorize the Director of Public Works and the County Attorney to proceed with the revocation of the permit held by A. W. Stevens, St. Mary's Disposal, and any subsidiary companies. Motion carried.

ANNUAL REPORTS

The following 1990 Annual Reports were presented to the Board of County Commissioners:

St. Mary's Nursing Center

Present: George Smith, Director
Wilmer Bowles
Elizabeth Reynolds
Walter Szot

The referenced representatives of the St. Mary's Nursing Center appeared before the Commissioners to present the 1990 Annual Report for the St. Mary's Nursing Center. Mr. Smith, on behalf of Rose Slade, Chairman, who could not be present, reviewed the Center's

purpose, significant activities of the past year, problems and challenges encountered, and plans for the current year.

A copy of the report is on file in the Commissioners' Office.

Planning Commission

Present: Keith Fairfax
John Dixon
Lanny Lancaster
Hope Swann
Jon Grimm, Director

The referenced individuals appeared before the Commissioners to present the 1990 Annual Report for the Planning Commission. Mr. Fairfax reviewed the purpose of the Planning Commission as set forth in Article 66B, St. Mary's Code of Public Local Laws, and the Zoning Ordinance. Included in the report were tables setting forth development activity during 1990, transportation capital improvement projects, community facility capital improvement projects, zoning map amendments, and summary and recommendations.

A copy of the report is on file in the Commissioners' Office.

Plumbing Board

Present: Lawrence (Deedy) Garner
Joe Mike Weiland

The referenced individuals appeared before the Commissioners to present the 1990 Annual Report for the Plumbing Board. Mr. Garner reviewed the purposes of the Board, activities of the past year, problem encountered, and plans for the current year.

A copy of the report is on file in the Commissioners' Office.

Board of Appeals

Present: Tom Bowles, Chairman
Ed Fitzgerald
Shane Mattingly
Jon Grimm
Laura Clark

The referenced individuals appeared before the Commissioners to present the 1990 Annual Report for the Board of Appeals. Mr. Bowles presented the Board's purpose, functions, problems and challenges (including possibility of increased requests for variances because of new Zoning Ordinance) and critical area legislation, and plans for the current year (including inspection/enforcement). The report included 1990 caseload measures.

A copy of the report is on file in the Commissioners' Office.

(Members of the Planning Commission and Board of Appeals expressed appreciation to the County Commissioners for participating in the joint work session.)

Extended Day Care Planning Committee

Present: Becky Stevens, Co-Chair
Jayne Sullivan, "
Linda Himmelheber

The referenced individuals appeared before the Commissioners to present the 1990 Annual Report for the Extended Day Care Planning Committee. Mrs. Sullivan reviewed the purpose, significant activities, problems and challenges encountered, and plans for the current year.

During discussion of problems and challenges, Mrs. Sullivan suggested that the County may want to look into using schools for day care centers.

A copy of the report is on file in the Commissioners' Office.

OFFICE OF PLANNING AND ZONING

Present. Joe Meinert, Deputy Director
Peggy Childs, Recording Secretary.

Also present was Larry Petty, Director, MetComm; and Tom Russell, Director, Environmental Hygiene, St. Mary's County Health Department.

**PUBLIC HEARING - AMENDMENTS TO WATER/SEWER PLAN
SPEC #91-0121 - METROPOLITAN COMMISSION COMMUNITY SEWER PROJECTS**

Requesting approval of proposed amendments to the Comprehensive Water and Sewer Plan:

Airedele Road Sewerage Project

Change from S-6 to S-3 for 63 Dwelling Units (75 EDUs), First Election District.

Tall Timbers/South Potomac Shores Area

Change from S-5 to S-3 for 145 DUs (162 EDUs), Second Election District.

St. George's Island

Change from S-5 to S-3 for 221 EDUs (221 EDUs), Ninth Election District.

Mr. Meinert stated MetComm has held neighborhood public meetings on each of these projects, and said the projects will serve existing development and currently zoned properties. The projects are also necessary to alleviate a health hazard with on-site sewage disposal in these areas, and are consistent with the Comprehensive Plan in this regard.

The legal ad for this public hearing was published in The Enterprise on March 13 and March 20, 1991. MetComm, the Health Department, and OPZ all recommended approval. On 2/25/91 the Planning Commission recommended approval of the projects and that additional EDUs be allotted for Ridge Elementary School (Airedele Road) and Piney point Elementary School (Tall Timbers/South Potomac Shores).

Commissioners Thompson and Jarboe questioned whether expansion of the schools would be eligible for grant funding. Mr. Petty said he thinks not as they are not failing systems; however, if the Commissioners wished to recommend accepting the expansions because these are public agencies, MetComm would support it.

Mr. Russell said the Ridge sewage disposal system was still functioning as of January 1991 and, in fact, it is the only school in the County still operating on its original septic system. However, he said he thought it is probably working on borrowed time, considering it is approximately 30 years old.

Regarding the St. George's Island project, an agreement has been signed by the Board of County Commissioners, MetComm, the Board of Education, and St. George's Island Improvement Association regarding the formula for calculating EDUs, which is in route to the County Attorney.

Commissioner Loffler opened the hearing to public comment.

Viki Volk, representing the St. George's Island Improvement Association, questioned why the Island is getting new development if service is limited to failing systems. Mr. Petty replied that the service area was originally envisioned to cover St. George's Island, Piney Point, Piney Point Beach, and all the way out to Sheehan Subdivision for existing units and growth that would occur in this area and it was envisioned that a treatment plant would be installed at Piney Point to provide the service; however, after soil borings were done it was determined that the cost of the plant would be astronomical and it would be cheaper to construct a force main to Lexington Park, so that's what they did, and a consent agreement was executed restricting development along the sewer line. That is where the description of new development comes in, he said, not in the service area.

Ms. Volk said the Association is concerned that a large number of bids may drive a more extensive project, and asked if there is a guarantee that any cost overruns will not be passed onto the customers. Mr. Petty said there are no ground rules regarding for money left over, but he thinks the State has squirreled away a slush fund to cover overruns, so there might be some money left over to give service to people in the area not included in the projects. On the other hand, he said, there might be a project in the State with a big overrun, so they really don't know, but if there is any money left over, he would like to have a shot at it.

Ms. Volk stated further their only concern with that is that, because of the wetlands down there, they want to make sure that the mitigation costs are involved, because once the money is gone, it's gone. Mr. Petty replied they are in the process of hiring a consultant to address all these issues.

With this, Commissioner Loffler closed the public comment portion, and stated that he has a concern regarding Airedale Road that we get in there during the critical time frame and get the tests done.

The record will be held open for 10 days for additional comment. The earliest a decision can be made is in two weeks.

DECISION

SPEC #89-1067 - MEADOW WOODS SUBDIVISION W/S CHANGE

Requesting approval of a change in Water Classification from W-6 to W-3D for development of a subdivision containing 55 single family lots. The property contains 165.45 acres, is zoned RPD, and is located on the south side of Bethel Church Road, approximately 1.5 miles south of MD Route 236, adjacent to Country Lakes; Tax Map 12, Block 19, Parcel 23.

Owner/Applicant: Harvest Homes, Inc.

Mr. Meinert reminded that this public hearing was held on March 19, 1991. There was no public participation at the public hearing. Staff and the Planning Commission recommend approval.

It was moved by Commissioner Bailey and seconded by Commissioner Lancaster that the water classification change be approved as recommended. The vote was unanimous in favor of the motion.

7:00 P.M.

ANNUAL REPORT

SOCIAL SERVICES BOARD

Present: Sandra Johnson, Chair
Ella May Russell, Director

The referenced individuals appeared before the Commissioners to present the 1990 Annual Report for the Social Services Board. Ms.

Johnson reviewed the tasks and responsibilities of the Social Services Board, significant activities of 1990 (including special actions and achievements), problems and challenges encountered, and plans for 1991.

A copy of the report is on file in the Commissioners' Office.

ADJOURNMENT

The meeting adjourned at 7:45 p.m.

PUBLIC FORUM

The Commissioners conducted the monthly public forum accepting questions and comment as follows:

Phil Dorsey

(1) Expressed concern regarding his client's application to be included in the Growth Allocation Policy in the critical area and inquired about correspondence received from the Office of Planning and Zoning. (He stated that the County's Critical Area document, which had been approved in March 1990 was on a one-year trial basis, and that the County should now be looking at the process.)

Commissioners Loffler and Bailey explained that the correspondence was providing his client with an alternative rather than continuing with the growth allocation program process. Commissioner Loffler stated that the alternative could be a quicker process for his client in that he may not need the growth allocation process.

The Commissioners suggested that Mr. Dorsey and Mr. John Norris (who was also present) meet with Director of Planning and Zoning, Jon Grimm.

(2) On behalf of client (Buddy Knott, Great Mills Trading Post), Mr. Dorsey stated that Mr. Knott received a Stop Work Order without notice on a farm pond he was constructing. Mr. Knott had been told what permits were necessary (Surface Mine and Sedimentation Control). A Stop Work Order was issued because he had not provided for a commercial entrance. Mr. Dorsey objected to the way this was handled, particularly the timeframe from the notification that a commercial entrance was required to the issuance of the Stop Work Order.

The Commissioners indicated that staff would follow up on this concern.

Oran Wilkerson

(1) Requested to be able to review the County's file regarding the Southern Maryland Wood Treatment Plant.

Commissioner Loffler stated that the record from EPA was available at the Leonardtown Library, and the County Commissioners' file was available in the office.

(2) Inquired whether a response system had been established for individuals requesting a reply.

Commissioner Loffler indicated that staff would forward a copy of our response system to him.

Minnie Russell

Reiterated her concerns regarding the public pier at Fox Harbor (signs, vehicles, boats).

Steve Shakles

Inquired as to whether the County had considered expanding the existing Hollywood School site rather than constructing a new school.

Commissioner Loffler stated there was not enough acreage.

Inquired as to the funding for the new school site.

Commissioner Loffler stated that funding is in the FY '91 capital budget.

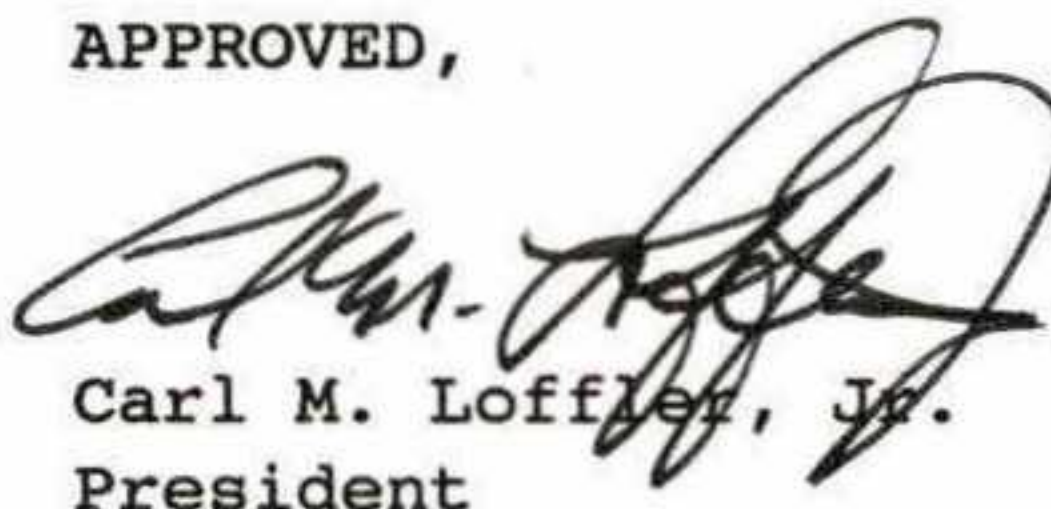
Viki Volk

Inquired as to whether the County's contract for recycling with St. Mary's Disposal would be affected by the Board's decision earlier in the day to revoke his permit for bringing trash to the county landfill.

Commissioner Loffler replied that this was a separate issue.

The meeting ended at 8:55 p.m.

APPROVED,



Carl M. Loffler, Jr.
President

April 2, 1991

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