

**BOARD OF COUNTY COMMISSIONERS' MEETING**

**Tuesday, May 28, 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 9:10 a.m.

**APPROVAL OF MINUTES**

Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve the minutes of the Commissioners' meeting of Tuesday, May 21 and Thursday, May 23, 1991. Motion carried.

**APPROVAL OF BILLS**

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

**EXCHANGE STUDENT FROM GERMANY**

Commissioner Bailey introduced Janek Pfeifer, an exchange student from Germany after which the Commissioners presented him with a county seal signed by the Board.

**COUNTY ADMINISTRATOR'S ITEMS**

**Present:** Edward V. Cox, County Administrator

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

Commissioner Thompson moved, seconded by Commissioner Bailey, and unanimously carried, to make the following appointments:

<b>HOUSING AUTHORITY</b>	<b>TERMS TO EXPIRE</b>
W. McGordon Ferguson	6/30/95/2000
<b>MARCEY HOUSE BOARD</b>	
Muriel A. Snyder	12/31/94

**2) METROPOLITAN COMMISSION**

The County Administrator presented correspondence dated May 17 from the Metropolitan Commissioner requesting approval of a Fiscal Clerk position.

Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve the position as requested. Motion carried.

**3) FISCAL YEAR 1992 CLASSIFICATIONS**

As a follow up to action taken by the Board at last week's meeting, the County Administrator presented a memorandum dated May 24 from the

Personnel Officer submitting recommended grades for the new positions approved by the Board: Office of Planning and Zoning - Planner II, Permits Coordinator, Grade 19; Sheriff's Department - Records Supervisor, Grade 16.

The Commissioners requested that this request be held until after the FY '92 budget is approved.

4) **MARYLAND YOU ARE BEAUTIFUL**

The County Administrator presented correspondence from the Governor's Office of the Maryland You Are Beautiful Program requesting the appointment of a local coordinator. Mr. Cox recommended the appointment of Cynthia Brown, Director, Office of Community Services.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to appoint Cynthia Brown as recommended. Motion carried.

5) **DISPOSAL OF 1987 ALFA ROMEO**

The County Administrator presented correspondence dated May 10 from Sheriff Pettit requesting permission to sell the confiscated 1987 Alfa Romeo, proceeds of which to be used towards the purchase of an undercover vehicle for the Criminal Investigation Division.

Commissioner Bailey moved, seconded by Commissioner Jarboe, to approve the sale of the referenced vehicle and to use the proceeds for the purchase of an undercover vehicle. Motion carried.

6) **NOXIOUS WEED CONTROL AGREEMENT**

The County Administrator presented correspondence from the Maryland Department of Agriculture dated May 17 submitting the 1992 Agreement for the control and eradication of certain designated weed species. County Administrator Cox pointed out that the Program has been reduced by \$3,000 for Fiscal Year 1992.

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

7) **BUDGET AMENDMENTS**

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

No. 91-66  
Various Departments

Justification: Final sale of annual leave.

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

No. 91-70  
Sheriff's Department

Justification: To support the cost of installing a video bail bond hearing system between the Detention Center and District and Circuit Courts for the purpose of conducting bond hearings. (\$58,000)

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

**PROCLAMATION  
SAFE BOATING WEEK**

The Commissioners presented the referenced Proclamation designating the week of June 2 - 8, 1991 as Safe Boating Week in St. Mary's County.

**ST. MARY'S REGIONAL PARK**

Present: John Baggett, Director, Recreation Parks

Mr. Baggett appeared before the Commissioners to discuss the funding situation of the St. Mary's Regional Park and to request the Commissioners' consideration for a transfer of funds. He advised that he originally was going to request the use of Open Space Funds for the Park; however, because of State funding problems, the County will be losing \$1,000 in Open Space funds.

Mr. Baggett presented a handout setting forth appropriated revenues and expenses for Fiscal Years 1987 - 1991. The information further included revenues requested for Fiscal Year 1992. Senate Bill #174 will provide \$200,000 if the Governor signs the bill. Mr. Baggett requested the Commissioners consideration in allowing a transfer of funds from Nicolet Park (\$34,063) and Piney Point Development (\$242,180) to use toward certain minimum construction expenses in order for the regional park to function as a park.

Commissioner Jarboe raised concerns regarding the Piney Point project stating that he would be hesitant to approve transferring those funds until the State Board of Public Works made a decision about purchasing that property. He stated that the County has a goal of providing public waterfront property and the County should determine first what the State will be doing with regard to this.

The Commissioners deferred action on the request for a transfer of funds.

**DEPARTMENT OF PUBLIC WORKS**

Present: Dan Ichniowski, Director

1) **ST. JEROMES CREEK  
ARMY CORPS OF ENGINEERS PERMIT**

Mr. Ichniowski presented the Army Corps of Engineers Permit for the dredging of the Southern Prong of St. Jerome's Creek and recommended the president of the Board be authorized to sign the permit as presented.

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to authorize Commissioner Loffler to sign the referenced Army Corps of Engineers Permit as presented. Motion carried.

2) **ACCEPTANCE OF DEED  
PEGG'S ROAD CONSTRUCTION PROJECT**

Mr. Ichniowski presented a Deed dated May 22, 1991 between Regina L. Gannaway and the Board of County Commissioners of St. Mary's County in conjunction with the acquisition of right-of-ways for the Peggs Road reconstruction project.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to accept and authorize Commissioner Loffler to sign the Deed as presented. Motion carried.

3) **EASEMENT AGREEMENT**  
**EMMART SUBDIVISION - LOT 1**

Mr. Ichniowski presented an Easement Agreement between the Board of County Commissioners, Southern Maryland Electric, and Daniel A. and Ellen K. Emmart granting access to Lot 1, Emmart Subdivision, Eighth Election District.

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

4) **ADDENDUM TO PUBLIC WORKS AGREEMENT**  
**PYLES ACRES**

Mr. Ichniowski presented an Addendum to the Public Works Agreement between Edward B. Howlin, Inc. and the Board of County Commissioners for St. Mary's County extending the deadline for completion of improvements in Pyles Acres, Sixth Election District, to June 1, 1992. The Addendum is backed by a Letter of Credit with Maryland National Bank in the amount of \$142,000.

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

5) **CORRESPONDENCE CALLING LETTERS OF CREDIT**

Mr. Ichniowski presented the following correspondence calling Letters of Credit as indicated:

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

**Stoney Run Suvdivision, Section III**  
Public Works Agreement; Letter of Credit No. A2-3-15-1988  
with First National Bank of St. Mary's in the  
amount of \$39,000

**Swan's Rest, Section 2**  
Public Works Agreement; Letter of Credit #A2-8-24-1990  
with First National Bank of St. Mary's in the  
amount of \$10,000

**Boatel California**  
Construction Permit #CP 02/90 ROW-04;  
Letter of Credit #1990-287  
with Annapolis Federal Savings Bank in the  
amount of \$46,700

**Potomac Sands Mobile Home Park**  
Construction Permit CP #09/89 ROW-20  
Letter of Credit #A1-6-5-90  
with First National Bank of St. Mary's in the  
amount of \$27,000

**Wildewood - Hickory Nut Drive**  
Public Works Agreement; Letter of Credit #371-A  
with Maryland Bank and Trust Company in the  
amount of \$10,000

**Stoney Run, Section 3**  
Grading Permit #88-28; Letter of Credit No. A1-3-15-1988  
with First National Bank of St. Mary's in the  
amount of \$23,600

**CORRESPONDENCE CALLING LETTERS OF CREDIT (continued)**

McDonald's Site, Lexington Park  
Grading Permit No. 90-13  
Bond No. 3SM 606 532 00  
with American Motorists Insurance Company in the  
amount of \$10,000.

Commissioner Lancaster moved, seconded by Commissioner Bailey, to authorize Commissioner Loffler to sign the correspondence as presented, which will be forwarded if necessary. Motion carried.

**7) CARVER HEIGHTS ELEMENTARY SCHOOL**

Commissioner Lancaster requested that some type of traffic control be installed at the intersection of Lincoln Avenue and Cambridge because of the number of students walking from Southampton to Carver Elementary School. Mr. Ichniowski suggested a crossing guard and stated that he would look into this.

**OFFICE OF PLANNING AND ZONING**

Present: Jon Grimm, Director;  
Peggy Childs, Recording Secretary.

**ZONING ORDINANCE AMENDMENTS TO #90-11**

Mr. Grimm distributed, under memo dated May 23, 1991, a final draft of the proposed amendments as instructed by the Commissioners on May 14, 1991, and the proposed adopting Resolution. At their meeting on May 14 the Commissioners requested the language and methodology by which the Planning Commission would determine extension of waterfront property lines into State waters under 53.20.

Under the method recommended by staff, the Intent section establishes the right of every riparian property owner to have access to the water, and then provides three ways to extend the property lines, taking the points where the waterfront and the property lines intersect and drawing a straight line between them for Points of Land, Coves, and a Straight Shoreline. Once the cord is drawn, you bisect it. On a cove, the intersects join in the water, on a point of land the intersects join on the land, and on a straight shoreline they don't intersect. The proposed language takes each of those 3 situations and draws an extended property line to the intersecting point in the water on a cove, from the land into the water on a peninsula, and perpendicular to the cord at the point of intersection on a straight shoreline.

The intent of doing that, Mr. Grimm said, is to provide areas on every property that you could use to construct a pier, and to also define the areas which would be excluded from pier construction so as not to encroach on adjoining property.

Current policy is to measure a 25 ft. setback from the point of intersection at the waterfront rather than extending the line into the water, because of the problems encountered. In fact, the Corps of Engineers has essentially stopped St. Mary's County from extending the property lines into the water.

Staff recommends this be approved as an administrative policy, but it has been drafted as a section so it could be included in legislation now or in the August review.

After discussion, the Commissioners determined the Planning Commission should establish a policy subject to the Commissioners' concurrence.

**10.09 - Inoperable Vehicles** - The Commissioners reiterated their concerns of May 14, and directed staff to hold this provision for the

Annual Review. Staff is asked to look into an exempt antique/historic/classic car status, for vehicles non-visible from public roads via "covers" or fencing, and show the Commissioners some cases where the current provision is inadequate.

Staff will revise the amendments and the Resolution in accordance with today's instructions and bring back for final approval.

**RESOLUTION NO. 91-17 - FISCAL YEAR 1992 BUDGET**

Present: Edward V. Cox, County Administrator  
Charles Wade, Director of Finance  
Marty Jones, Budget Analyst

With regard to the motion postponed on May 21, Commissioner Bailey renewed his motion to set the tax rate for Fiscal Year 1992 at \$2.19, stating that he would be willing to work with the Commissioners to determine what cuts would be necessary in order to compensate for the loss of revenue; Commissioner Jarboe seconded the motion. Commissioners Loffler, Thompson, and Lancaster voted against the motion. Motion was defeated three to two.

Commissioner Lancaster moved, seconded by Commissioner Thompson, to set the tax rate at \$2.33 and to approve the FY 1992 Budget as presented. Commissioners Loffler, Bailey, and Jarboe voted against the motion. Motion defeated three to two.

Commissioner Loffler stepped down as Chairman and moved, seconded by Commissioner Lancaster, to set the tax rate at \$2.32 by reducing the County's reserve from \$150,000 to \$29,788, and to approve the FY '92 Budget as amended. Commissioners Bailey and Jarboe voted against the motion. Motion carried three to two. Commissioners Loffler, Lancaster, and Thompson signed Resolution No. 91-17 approving the Operating and Capital Budgets, Fire and Rescue Capital Revolving Fund, Special Assessments Fund, Recreation and Parks Enterprise Fund, Wicomico Shore Enterprise Fund, and the County's Property Tax Rate.

**RESOLUTION NO.18 - FIRE TAX**

Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve and sign Resolution No. 91-18 assessing a Fire Tax on every \$100 of assessed valuation of all real and personal property, effective July 1, 1991 as follows: First District - \$.09; Second District - \$.05; Third District - \$.06; Fourth District - \$.11; Fifth District - \$.11; Sixth District - \$.11; Seventh District - \$.11; Eighth District - \$.11; Ninth District \$.05. Motion carried.

**PROPOSED ETHICS ORDINANCE**

The County Administrator advised that copies of the revised Ethics Ordinance had been placed in the Commissioners' boxes last week and inquired whether the Commissioners had any comments on the document. Commissioner Thompson pointed several errors contained in the draft Ordinance. After the review, the Commissioners agreed to include this as an item of discussion at next week's meeting.

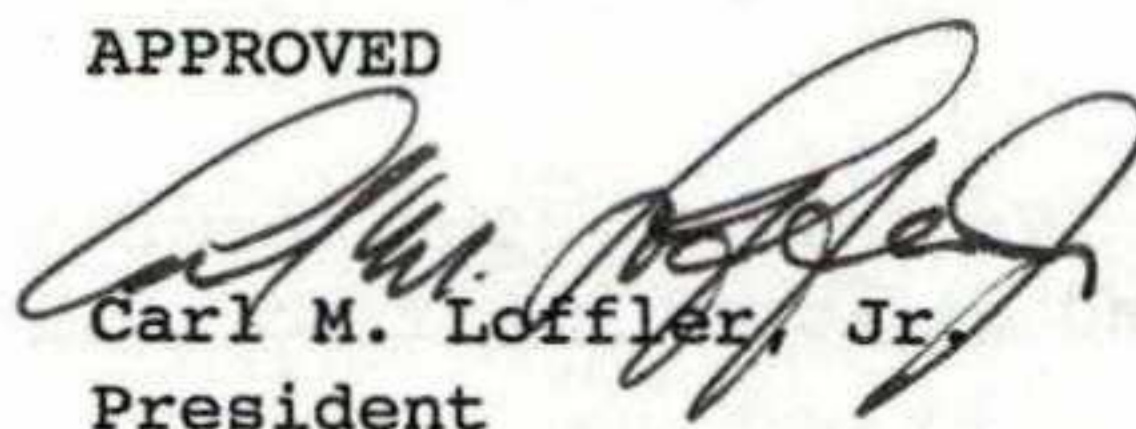
**ADJOURNMENT**

The meeting adjourned at 11:55 a.m.

**VISIT TO ELMS PROPERTY**

The Commissioners left at 12:00 Noon to visit the Environmental Education Camp at the Elms Property.

APPROVED

  
Carl M. Loffler, Jr.  
President