

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, July 9, 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, July 2, 1991. Motion carried.

COUNTY ADMINISTRATOR'S ITEMS

Present: Edward V. Cox, County Administrator

1) **DEPARTMENT OF HUMAN RESOURCES
EMERGENCY FOOD ASSISTANCE PROGRAM AGREEMENT**

The County Administrator presented correspondence dated June 26, 1991 from the Department of Human Resources, Community Services Administration authorizing an initial one-year renewal of the Agreement for Distribution of Commodities and Funds for the Emergency Food Assistance Program. The letter requests the County to indicate its assent to the Letter of Agreement by signing the letter.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Loffler to sign the Letter of Agreement. Motion carried.

2) **CORRESPONDENCE**

The County Administrator presented the following items of correspondence for the Commissioners review and signature:

Enforcement of Zoning Ordinance - To Co-chairmen of Potomac River Association indicating that the Planning and Zoning Office has been requested to review the status of Zoning Ordinance enforcement efforts in the areas noted in their June 30 letter.

Private Prison Facility - To Margaret C. Taylor informing her that the County plans to do a complete evaluation and public hearing process before making a decision regarding the proposed private prison facility.

Property Tax Assessment - To Carmen Johnson advising that the St. Mary's County Assessment Office has agreed to change the decision on her application for residential use assessment.

State Certified Agriculture Land Preservation Program - To R. Johns Dixon regarding referenced program.

The Commissioners agreed to sign and forward the referenced letters.

3) ENHANCED 911 SYSTEM PLAN

The County Administrator presented correspondence addressed to appropriate agencies requesting a designee to serve on the task force for the development and oversight of the County's Enhanced 911 System - Permanent Address Plan.

The Commissioners agreed to sign and forward the letter.

Information Release

The County Administrator presented an Information Release soliciting citizens from each Commissioner district to serve on the Enhanced 911/Uniform Addressing Task Force which will develop and oversee its operation. The Task Force will be convened in the fall after the base tax maps are completed.

The Commissioners agreed to issue the Information Release as presented.

**4) FISCAL YEAR 1991 SECTION 8 RENTAL VOUCHER
AND RENTAL CERTIFICATE PROGRAMS APPLICATION**

The County Administrator presented correspondence addressed to the U. S. Department of Housing and Urban Development approving the use of Housing Certificates and Vouchers for St. Mary's County, which satisfies the necessary local comments under Section 213(a) of the Housing and Community Development Act of 1974. On an annual basis the Certificates or Vouchers represents approximately \$299,270 of housing assistance benefiting four St. Mary's County families.

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

**5) RESOLUTION NO. 91-24
WATERFORD TOWNHOMES - WESTBURY SUBDIVISION**

The County Administrator presented a Resolution approving the development of housing at Westbury Subdivision under the Maryland Department of Housing and Community Development's Maryland Housing fund - Homeownership Programs. Interstate General has made application to CDA for 100% first mortgage insurance in the amount of \$2,378,600 for 20 units under the Maryland Housing Fund Program.

Commissioner Thompson moved, seconded by Commissioner Bailey, to approve and sign Resolution No. 91-24. Motion carried.

6) INFANT AND TODDLERS PROGRAM - LEAD AGENCY

The County Administrator presented a statement formally recognizing St. Mary's County Health Department as the lead agency in the Multiagency (Board of Education, Department of Social Services, Health Department) Infant and Toddlers Program in St. Mary's County. County Administrator Cox indicated that the Health Department has been performing this function and this statement formalizes the appointment.

Commissioner Thompson moved, seconded by Commissioner Bailey to formally recognize the St. Mary's County Health Department as the lead agency for the Infant and Toddlers Program in St. Mary's County. Motion carried.

7) **BOARDS, COMMITTEES, COMMISSIONS
APPOINTMENTS**

Commissioner Bailey moved, seconded by Commissioner Lancaster and motion carried, to make the following appointments:

	<u>Terms to Expire</u>
<u>BOCA Code Appeals Board</u> Patrick Mudd, Jr.	6/30/95
<u>Commission for Disabled</u> Charles Ridgell	12/31/95
<u>Environmental Review for Critical Area Analysis</u> Paul Chesser	No Term
<u>Hollywood Wood Treatment Plant Task Force</u> Dr. Jay Gooch (Chesapeake Bio.Lab. Rep) David Healey (Dept. of Env. Rep.)	No Term

8) **BUDGET AMENDMENT NO. 92-05
VARIOUS SPENDING UNITS**

The County Administrator presented the referenced budget amendment recommended for approval by the Director of Finance with the following justification: To provide budget authority to departments based on encumbrances unliquidated at year's end - \$4,617,703.

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

DEPARTMENT OF PUBLIC WORKS

Present: Dan Ichniowski, Director

1) **PROJECT STATUS REPORT**

Mr. Ichniowski presented and reviewed the Department of Public Works Project Status Report in the areas of engineering, highways, marine, solid waste, development and Fiscal Year 1991 completed projects.

During discussion of the report, the Commissioners requested Mr. Ichniowski to review the financial arrangement for the proposed development in the area of Yowaiski Mill Road with regard to the portion to be paid by the developer.

In addition the Commissioners requested Mr. Ichniowski to determine if the County had made a financial commitment relative to the bridge on Indian Bridge Road.

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

2) **SCOTT CIRCLE - GOLDEN BEACH
SPECIAL TAXING DISTRICT**

Mr. Ichniowski advised the Commissioners that the Commissioners will conduct a public hearing on August 13 on the establishment of a Special Taxing District for Scott Circle in Golden Beach. Lots included in the special taxing district as shown on Plat II, Section I, Golden Beach Subdivision, Plat Book 5, Folio 54B are Lots Nos. 773-788 and Lots 799-811.

3) **DEAN'S ACRES SUBDIVISION
SPECIAL TAXING DISTRICT**

Mr. Ichniowski presented the handout that will be distributed at the public informational meeting to be held July 17 on the establishment of a special taxing district for the construction of sub-standard roads in Dean's Acres Subdivision (Montiego Drive).

4) **EPA PERMITS FOR STORM WATER DISCHARGE**

Mr. Ichniowski advised the Commissioners of the EPA's issuance of new regulations requiring permits for storm water discharge and distributed a handout setting for requirements, effect on county government, and effect on the community.

5) **ADDENDUM TO PUBLIC WORKS AGREEMENT**

Mr. Ichniowski presented a addendum to the Public Works Agreement between Ripple Brothers Contractors, Inc. and Board of County Commissioners extending the deadline for completion of improvements to Richneck Subdivision, Section 3, Sixth Election District to July 15, 1992.

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

6) **ACCEPTANCE OF DEED
ROAD RESOLUTIONS
STONEY RUN DRIVE (STONEY RUN SUBDIVISION)**

Mr. Ichniowski presented the following documents relative to Stoney Run Drive:

Deed dated March 10, 1988 between Wayne A. Wise and Anna P. Wise and Board of County Commissioners of St. Mary's County accepting Stone Run Drive into the County Highway Maintenance System.

Road Resolution No. R91-05 posting Stoney Run Drive at 25 miles per hour.

Road Resolution No. R91-06 designating Stoney Run Drive as a Stop Street at its intersection with Flat Iron Run Road.

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

7) **SIERRA HOUSE CONSTRUCTION PLANS**

Mr. Ichniowski presented the plans for the new Sierra House and requested authorization for Commissioner Loffler to sign the cover sheet.

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to sign the plans as presented. Motion carried.

GROUNDWATER PROTECTION REPORT

Present: Tom Russell, Director, Environmental Health
Eric Dougherty, Md. Dept. of Environment
Thomas Teutche, "
Clarence Fox, St. Mary's County Health Dept.

At the invitation of the Commissioners the referenced individuals appeared before the Commissioners to request approval to proceed with groundwater protection report for St. Mary's County.

Mr. Russell explained that prior to 1985 repairs to failing septic systems were done by the way they had been initially approved; however, in 1985 the State adopted new, more stringent standards and systems installed prior to 1985 may not meet the new standards. The standards require a minimum four-foot soil treatment buffer zone, and many legally established pre-existing homes cannot meet this criteria.

In looking at solutions to handle this problem, Mr. Dougherty stated that are guidelines for Groundwater Protection Reports which addresses the practices and impacts of citing on-site sewage disposal systems in areas of high groundwater.

Mr. Russell requested the Commissioners' approval for the St. Mary's County Environmental Health Department to perform in-house a groundwater protection report, which is required by the State, before allowing groundwater penetration to handle failing septic systems. Mr. Russell indicated that there is no anticipated costs to the County.

Discussion ensued regarding pollution of groundwater with respect to expansion of existing structures, and the Commissioners stressed the importance of not creating a problem in trying to resolve another problem.

During discussion Mr. Russell pointed out that allowing groundwater penetration would require an amendment to the County's Water and Sewer Plan, which would require a public hearing process.

In closing the Commissioners advised that this would be an item of discussion at next week's meeting.

**OFFICE OF PLANNING AND ZONING
DECISION DISCUSSIONS**

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

1. ZONE #91-0883 - SMCo OFFICE OF PLANNING & ZONING

Requesting zoning map amendment from Commercial General (C) zone with RCA Overlay to RL zone. The property contains one acre and is located on the south side of MD Route 5, approximately 700 ft. east of MD Route 4, behind the former Willows Restaurant; Tax Map 41, Block 7, Parcel 288.

Owner: C. Fenwick, III

This public hearing was held on June 25, 1991. Mr. Grimm stated no new information or comments have been received since the public hearing. Staff and the Planning Commission recommend approval.

Commissioner Bailey moved for approval of the zoning map amendment from Commercial General (RCA Overlay) to RL. The motion was seconded by Commissioner Thompson and passed by unanimous vote of the Commissioners present.

2. SPEC #89-1551 - CALVERT ESTATES/CHESAPEAKE IND PARK

Requesting water/sewer category change from W-6 and S-6 to W-3D and S-3D to serve portion of property currently designated as W-6 and S-6. The property contains 4.34 acres, is zoned I-1 (LDA Overlay), RL (LDA Overlay), and RL, and is located south

of MD Route 5 between Cedar Lane and Gregory Road; Tax Map 40, Parcels 52, 57, 113.

Owner: Phil Dorsey & Maryland Capital Corporation
Agent: Norris, Gass & Ocker Engineering, Inc.

This public hearing was also held on June 25, 1991. Mr. Grimm stated no comments or new information have been received since the hearing. Both staff and the Planning Commission recommend approval.

Commissioner Bailey moved for approval of the water/sewer category change from W-6 and S-6 to W-3D and S-3D to serve the portion of property currently designated as W-6 and S- 6. The motion was seconded by Commissioner Jarboe and passed by unanimous vote of Commissioners present.

EXECUTIVE SESSIONS

Present: Edward V. Cox, County Administrator

Commissioner Bailey moved, seconded by Commissioner Thompson, to meeting in Executive Session to discuss matters of Litigation and Property Acquisition. Motion carried. Sessions were held as follows:

Litigation

Also Present: Joseph Densford, County Attorney
Charles Wade, Director of Finance
John Cox, Cox, Long, and Colvin (CPA)

Session held from 11:20 a.m. to 11:55 a.m.

Litigation

Also Present: Dan Ichniowski, Director, Public Works
Mark Stevens, St. Mary's Disposal
Bill Mattingly, "

Held from 11:50 a.m. to 12:45 p.m.

Property Acquisition

Also Present: Dan Ichniowski, Director, Public Works
Joseph Densford, County Attorney

Held from 12:45 p.m. to 1:10 p.m.

COUNTY COMMISSIONERS/BOARD OF EDUCATION - JOINT MEETING

Present: Joan Marsh, President, Board of Education
Jean Campbell, Board of Education
Robert Kirkley, "
Al Lacer "
Jonathan Nelson "
Frank Barnett, Asst. Superintendent of Administration
Joan Kozlovsky, Asst. Superintendent for Curriculum
Charles Himmelheber,
Don O'Neal, Coordinator, Health & Security
Charles Wade, County Director of Finance

The Commissioners conducted the monthly joint meeting with the Board of Education.

1) **HOLLYWOOD SCHOOL SITE**

Commissioner Loffler requested a drawing delineating area to be used for the elementary school site and for the future middle school so that the middle school portion could be identified and sold off if the project did not go forward.

Commissioner Jarboe questioned why the Board of Education did not consider other parcels. Rev. Kirkley and Mrs. Campbell pointed out that other sites were investigated and deemed unsuitable because of additional funding required for roads and other improvements.

Mr. Wade distributed a handout indicating that the appropriation for acquisition of the Hollywood School site was \$325,000 for Fiscal Year 1990 and listing the site acquisition costs totalling \$202,419.57 and other outstanding costs (attorney's fees, engineering costs, finder's fee, etc.)

2) **TEXTBOOKS**

Mr. Barnett distributed handouts citing the Board of Education's goals for FY '90 - FY '94 for various areas including textbooks. The Board of Education has adopted a cycle for review, selection, and purchase of textbooks. Also distributed was a handout outlining textbook allocations, adoptions and replacements.

3) **STATUS OF INSURANCE DISCUSSION BY ACCOUNTANTS/ATTORNEYS**

Mrs. Marsh advised that Dr. Burroughs has requested Karen Abrams, Attorney to the Board of Education, to take the lead in arranging the meeting with County/Board of Education accountants and attorneys to determine the procedures regarding the insurance stabilization fund.

4) **HANDLING OF SCHOOL CONSTRUCTION BIDS AND ALTERNATES**

Mr. Himmelheber advised that there is an Interagency Committee requirement that 10% of a construction project be alternates in the event that the project goes over budget. The alternates are listed in priority order and taken in priority order up to the budget limits. Commissioner Bailey indicated that he felt the alternates were things that are "nice to have" but not required.

5) **USE AND ASSIGNMENT OF NEW TEACHERS FOR FISCAL YEAR 1992**

Mr. Barnett distributed a memorandum indicating the assignment of new teachers and available space and noting those positions not requiring a classroom.

In response to questions from Commissioner Jarboe regarding the effectiveness of reduced class size, Mrs. Kozlovsky stated that reduced class size not only served the students, but the teachers as well in terms of stress and opportunity to interact with the students. She offered to meet with Commissioner Jarboe and provide him with information she has on the subject.

6) **STUDENT POPULATION FORECASTING COMMITTEE REPORT**

Discussion ensued regarding the fact that the Student Population Forecasting Committee has not been able to submit a report and what direction should be taken in this regard. Mr. Lacer indicated that it was important to get this information as soon as possible in order to avoid planning problems in submitting the facilities plan to the State.

Commissioner Loffler pointed out that the county is in the process of establishing an enhanced 911/uniform addressing system which would help provide some of the data needed for population forecasting.

Mr. Wade advised that he has a model that would give fiscal impact in terms of new development which would project the cost of roads, cost of schools and costs per child.

Mr. O'Neal presented information showing projected enrollments up to the year 2000, which are based on three-year averages. He stated that the model he has developed will provide long-range projections, but cannot build changes in community factors (e.g. numbers of persons assigned to the Naval Air Station).

In conclusion the Commissioners and the Board of Education requested Mr. O'Neal and Mr. Wade to develop a plan for proceeding in this effort and return in a month with a report.

BOARD OF EDUCATION AUDIT

Present: Charles Wade, Director of Finance

Mr. Wade requested the Commissioners to authorize engaging the firm of Cox, Long and Colvin to conduct an audit of the Board of Education for Fiscal Year 1990.

After discussion Commissioner Jarboe moved, seconded by Commissioner Bailey, to engage the firm of Cox, Long & Colvin to conduct an audit of the Board of Education for Fiscal Year 1990 due to material errors in existing financial statements of the Board of Education on St. Mary's County. The Board of County Commissioners will identify specific areas of audit in addition to requirements of the firm of Cox, Long & Colvin to express an unqualified opinion on the Financial Statements of the Board of Education of St. Mary's County. Motion carried.

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to sign and forward a letter to the Board of Education advising them of the County's action to direct Cox, Long & Colvin to conduct an audit of the accounts of the Board of Education for Fiscal Year 1990. The letter stated that the financial statements issued by the Board of Education's auditing firm will not be accepted for inclusion in the St. Mary's County Financial Statements for Fiscal Year 1991 and recommending that the Board engage another public accounting firm. Motion carried.

LEONARD HALL JUNIOR NAVAL ACADEMY

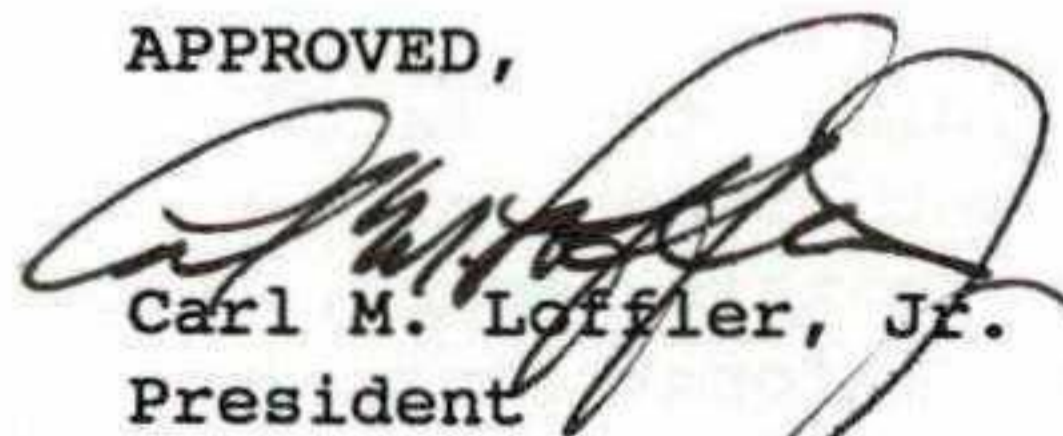
The County Administrator presented a memorandum indicating that by correspondence dated July 8, the Headmaster of Leonard Hall requested replacement of the school's heating and air conditioning units. He suggested that the Commissioners give consideration to certain aspects prior to acting on the request.

In conclusion the Commissioners agreed that the County Administrator request the Department of Public Works to look at the request and report back to the County Commissioners.

ADJOURNMENT

The meeting adjourned at 3:05 p.m.

APPROVED,


Carl M. Loeffler, Jr.
President