

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING**

Tuesday, August 13, 1991

Present: 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 Loffler was not present at beginning of meeting, and Commissioner Vice-President Bailey presided over the meeting.)

CALL TO ORDER

The meeting was called to order at 9:05 a.m.

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to approve the minutes of the Commissioners' meeting of Tuesday, August 6, 1991 and the Planning and Zoning portion of the August 6, 1991 meeting. Motion carried.

APPROVAL OF BILLS

Commissioner Jarboe 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) APPOINTMENT
COMMISSION FOR DISABLED**

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to appoint Norma Dawson to the Commission for Disabled for a term to expire December 31, 1995. Motion carried.

**2) BLESSING OF THE FLEET
WELCOME LETTER**

The County Administrator presented correspondence for the Commissioners' signatures that will be placed in the Blessing of the Fleet booklet welcoming people to that event.

The Commissioners agreed to sign the letter as presented.

**3) INFORMATION RELEASE
ENHANCED 911/UNIFORM ADDRESSING SYSTEM**

The County Administrator presented an Information Release indicating that volunteers are still needed to serve on the St. Mary's County 911/Uniform Addressing Task Force.

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to distribute the Information Release as presented. Motion carried.

4) SOTTERLY MANSION - FUNDING

The County Administrator advised that the trustees of Sotterly have submitted a request dated August 2 for funding in the amount of \$5,000 for the restoration of three chimneys as part of the capital improvement budget for Fiscal Year 1992. Therefore, the County Administrator presented correspondence indicating that \$5,000 has been included in the FY '92 Budget and that restoration of the chimneys is an appropriate use of these funds.

The Commissioners agreed to sign and forward the letter.

5) **CORRESPONDENCE**

The County Administrator presented the following correspondence in response to letters that have been received:

To Mrs. and Mrs. Charles D. Reynolds regarding their positive experience with the Office of Planning and Zoning and Health Department and regarding recycling at St. Andrews Transfer Station.

To Ms. Dorothy Roland, Ms. Cindy Grove, Mr. Mike Yohn, Peggy Jordan regard proposed private prison facility in St. Mary's County,

To Mr. and Mrs. Brian L. Lovejoy regarding proposed legislation for "quiet hours."

The Commissioners agreed to sign and forward the letters.

6) **ST. MARY'S COUNTY NURSING CENTER - ELEVATOR**

The County Administrator advised that the Nursing Center Board had sent correspondence indicating a unanimous decision by the board to recommend the total replacement of the elevator because of a number of problems. County Administrator Cox presented a response indicating that the Commissioners are pursuing with staff the best and most appropriate solution and that the matter will be addressed with the Nursing Center Board in the near future.

7) **WATER/SEWER AMENDMENTS**

The Commissioners having conducted public hearings and held subsequent decision discussion, the County Administrator presented the following Resolutions amending the Comprehensive Water and Sewer Plan:

Resolution No. W/S91-11
Flower of the Forest, Section 3 (SPEC #82-1471)

Application for property in the Eighth Election District, 354.3 acres, located on the east side of Willows Road, approximately 600 feet east of Bradley Boulevard, Tax Map 51, Block 17, Parcel 54, from W-5D and S-5D to W-3D and S-3D

Resolution No. W/S91-12
Forest Hall Apartments (SPEC #90-0360)

Application for property in the Eighth Election District, containing 28 acres, located on the east side of Willows Road, approximately 0.75 miles east of Md. Rt. 246, Tax Map 51, Block 11, Parcel 177, from W-5D and S-5D to W-3D and S-3D.

Resolution No. W/S91-13
McKay's Plaza at Great Mills (SPEC #90-0794)

Application for property in the Eighth Election District, containing 11.05 acres, located on the southeast corner of Md. Rt. 246 and Lexwoods Drive, Tax Map 51, Block 2, Parcels 400 and 401, from W-4D to W-3D.

Resolution No. W/S91-14
Mattaponi Village (SPEC #88-0814)

Application for property in the Eighth Election District, containing 16.068 acres, located on the west side of Mattaponi Boulevard, approximately 1000 feet south of Md. Rt. 246, Tax Map 51, Block 8, Parcel 76, from W-4D to W-3D.

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to approve and sign the Water and Sewer Amendment Resolutions approving the referenced applications as requested. Motion carried.

8) **TRI-COUNTY RESIDENTIAL ALTERNATIVE FOR YOUTHS (LORETTA HOUSE)**
LORETTA HOUSE

As a follow up to last week's discussion, the County Administrator presented correspondence requesting Charles County Board of Commissioners to reconsider the funding formula for the Tri-County Residential Alternative for Youths by funding \$30,822.75 instead of \$18,746.

The Commissioners agreed to sign and forward the letter as presented.

9) **AMENDMENT TO RESOLUTION NO. 91-08 - USER FEES**
WAIVER OF COUNTY GOVERNMENT PROJECTS

The County Administrator presented a memorandum wherein he recommended the waiver of review fees for county government projects supported entirely by county government and would not come before the Commissioners and would be handled by Planning and Zoning; those projects funded in whole or in part by outside sources (federal or state) would be handled on a case-by-case review by the Commissioners as to a decision for granting a waiver. He stated that research as to how other counties handle this indicated that most counties do waiver county government projects.

After discussion Commissioner Jarboe moved, seconded by Commissioner Thompson, to direct staff to prepare a Resolution amending Resolution 91-08 - User Fees which would include the referenced waiver provision. Motion carried.

DEPARTMENT OF PUBLIC WORKS
CONDEMNATION RESOLUTIONS

Present: Dave Gerdel, Deputy Director

Mr. Gerdel appeared before the Commissioners to request approval of two Resolutions for condemnation regarding the acquisition of rights-of-way for Hewitts Road and Peggs Road extension projects.

With regard to Hewitts Road, Mr. Gerdel presented a draft Resolution for condemnation procedures for the acquisition of property in fee simple and in easement for the realignment of Hewitts Road in accordance with Article 25 of the Maryland Annotated Code and Sections 109-2(1) and (2) of the Code of Public Local Laws.

Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve and sign the Resolution when it is prepared in final form, authorizing condemnation procedures for the Joseph Chase and Lissie Dozier properties on Hewitt's Road. Motion carried.

Regarding Pegg's Road, Mr. Gerdel presented a Resolution for condemnation procedures for the acquisition of property in fee simple and in easement for the widening and extending of Pegg's Road in accordance with Article 25 of the Maryland Annotated Code and Sections 109-2(1) and (2) of the Code of Public Local Laws.

Mr. Gerdel also presented a list of 14 properties that are to be included in the Condemnation Resolution and pointed out those properties that are likely to be settled without condemnation and those that he believed will probably have to be included.

After lengthy discussion Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve and sign the Resolution for condemnation procedures for those properties where agreement cannot be reached. Commissioner Jarboe voted against the motion. Motion carried. three to one.

**PUBLIC HEARING
SCOTT CIRCLE - GOLDEN BEACH ROAD**

Present: Dave Gerdel, Deputy Director, Public Works
Anne Germain, Engineer, Public Works

The Commissioners conducted a public hearing on the creation of a special taxing district for the construction of Scott Circle in the Golden Beach Subdivision, Fifth Election District. Lots included in the proposed taxing district as shown on Plat II, Section 1, Plat Book 5, Folio 54B are Lot Nos. 773-788 and Lot Nos. 799-811. Construction will include Scott Circle from County Oak Road to Sky View Drive. The annual assessment is estimated at \$147.59 per lot, to be assessed over a 20-year period.

Mr. Gerdel read the noted of Public Hearing that had been published in the July 31 and August 7, 1991 edition of the Enterprise.

Ms. Germain displayed the plat indicating the lots to be included and stated that 51% of the property owners signed the petition. She stated that the individual obtaining the signatures did not continue to get signatures once she had the 51%.

Commissioner Bailey inquired whether any one present wished to speak for or against. Hearing none the hearing was closed. A decision will be made after ten days.

OFFICE OF PLANNING AND ZONING

Present: Jon Grimm, Director
Laura Clarke, Planner
Barbara Midkiff, Recording Secretary

A list of attendees is on file at the Office of Planning & Zoning.

**1. PUBLIC HEARING
AMENDMENT TO ZONING ORDINANCE - SECTION 32.02 (ENFORCEMENT
ENVIRONMENTAL REVIEW PROCESS, LIMITED DEVELOPMENT AREAS)**

Mr. Grimm stated that this public hearing was advertised in the Enterprise on July 24 and July 31, 1991 relating to a state mandated program amendment to the Critical Area Program. Effective July 1, 1991 State Legislation amended Title 9 of The Natural Resources Article relating to the impervious surface allowances in the critical area under House Bill 322. Mr. Grimm explained that the change is proposed in the form of a resolution.

Mr. Grimm went on to review the proposed changes as follows:

(a) For a parcel or lot of 1/2 acre or less in size, that was in residential use or was zoned for residential purposes on or before 12/1/85.

(d) This section does not apply to a trailer park that was in residential use on or before December 1, 1985.

Mr. Grimm stated that staff recommends approval as does the Planning Commission.

Commissioner Loffler opened the floor for public comment and received no response.

This record shall remain open for 10 days and will return to the County Commissioners in two weeks for discussion/decision.

2) **INVENTORY OF NON-CONFORMING USES AND INVENTORY OF ILLEGAL USES**

Mr. Grimm clarified that the discussion is in reference to illegal uses" rather than "illegal non-conforming uses" as published on the Board of County Commissioners' agenda, by definition a non-conforming use is legal. The items being discussed do not have zoning authorization under the terms of the ordinance.

Mr. Grimm reviewed information pertaining to the drafting of the Zoning Ordinance 90-11. Zoning status was granted legal non-conforming uses by a decision that the terms of the Zoning Ordinance would be changed to allow for prior legal non-conforming uses (which existed prior to the 1974 Zoning Ordinance) to be brought under the 1990 Ordinance as a Conforming Conditional Use (Section 32.01.5.u et.ux.). The Question today is what should be done with properties that had been developed through time but had not been done so in accordance with the terms of the Zoning Ordinance.

Mr. Grimm provided the Board with an Administrative Policy in reference to code enforcement. If an illegal activity, the first step would be to advise the land owner that they have an option to apply to the Board of Appeals requesting the Board to find their use as an acceptable Conditional Use. The landowner would be allowed thirty (30) days to bring the request for Board of Appeals action to the Planning Department. Should the landowner not file during this period, enforcement action to bring the property in to compliance would be instituted. If the property owner applied for but was denied conditional use approval by the Board, enforcement action would then be taken; or the Board could approve the request and that would complete our enforcement action.

On a separate matter Mr. Loffler raised concerns as to attorneys subdividing property by deed only, and the effect of this happening where the size of the parcel is not allowed under the current zoning of that property. Mr. Loffler stated that he felt this matter needs more time for more review and discussion.

Motion was made by Commissioner Thompson; seconded by Commissioner Loffler, to delay approval of this amendment to allow more time for review. Vote was two in favor (Thompson & Loffler), three opposed (Bailey, Jarboe and Lancaster).

Mr. Grimm stated that comments on the matter of illegal uses will be brought back before the Board September, following review by the Planning Commission at a regular meeting.

3) **WATER/SEWER AMENDMENT**
CWSP#90-0466 - DOCK O' THE BAY
CWSP#90-0289 - HARBOR VIEW MARINA
CWSP#91-0726 - COMBS CREEK MARINA

Also Present: Larry Petty, Metropolitan Commission
Tom Russell, Environmental Health

Mr. Petty provided information in reference to the gallons of water used per day by other businesses. He stated that he had contact WSSC and received no response. He suggested measuring the water used by these three applicants.

Commissioner Loffler questioned if Dock O' The Bay and Harbor View Marina are the two with failing systems.

Mr. Petty replied that this is correct and that Combs Creek Marina is not identified at this time as a failing system.

Commissioner Thompson moved that they defer the change from S6 to S3D on all three cases until the Water and Sewer Plan is complete and until a survey is completed on failing systems in the area or until January 1, 1992. Seconded by Commissioner Loffler. Motion failed. Two in favor (Thompson and Loffler), three opposed (Bailey, Lancaster and Jarboe).

A motion was made by Mr. Bailey to approve the change of S6 to S3 category on all three cases, with the water being metered at a later date. Seconded by Mr. Jarboe. Motion carried with three in favor (Bailey, Jarboe and Lancaster). Two opposed (Loffler and Thompson).

Commissioner Loffler stated that the above motion in no way changes the policy of providing service to failing systems as the highest priorities.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator

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

Litigation

Also Present: Joseph Densford, County Attorney
Charles Wade, Director of Finance

Held from 10:15 a.m. to 10:40 a.m.

(Commissioner Loffler entered the meeting at 10:40 a.m.)

Personnel

Held from 12:25 p.m. to 1:10 p.m.

COUNTY FISCAL IMPACT MODEL

Present: Charles Wade, Director of Finance

Mr. Wade appeared before the Commissioners to present a proposal for a fiscal impact model. He stated that the simulation model was developed by SDN Market Research of Hampton, Virginia, which specializes in economic and demographic and marketing research. During his presentation Mr. Wade indicated that the County has had various studies done relating to growth in the County and that this model would bring all the information together in an organized manner. He stated that the fiscal impact model would provide useful information for planning and decisions for the future.

Mr. Wade stated that the Student Population Forecasting Committee felt that was a need to project for five to ten years for planning purposes--what is the population going to be, where is it going to be--, and this model would provide that information. Mr. Wade distributed a list of the reports that the model could generate including: input data summary, residential population, employment, student population, residential cost impact, refuse generation, sewer availability, school capital costs, parks capital costs, etc. Mr. Wade stated that one of the important features of this model is that the County can do "what ifs," such as additional facilities at the Naval Air Station.

In closing Mr. Wade indicated that the cost for the Fiscal Impact Model from SDN would not exceed \$15,000, and noted that funds for this had been encumbered in Fiscal Year 1991.

After discussion the Commissioners indicated their concurrence to proceed to acquire the Fiscal Impact Model as requested by Director of Finance Wade.

COUNTY COMMISSIONERS/BOARD OF EDUCATION JOINT MEETING

Present: Al Lacer, President, Bd/Ed
Robert Kirkley, "
Jonathan Nelson, "
Fred Wallace, "
William Burroughs, Superintendent
Charles Wade, County Director of Finance

1) MEMORANDUM OF UNDERSTANDING

The Board of County Commissioners and the Board of Education reviewed the Memorandum of Understanding between the Commissioners and Board of Education regarding the rate stabilization fund with Blue Cross/Blue Shield for school system employees' health insurance premium costs. The Memorandum addresses the auditing positions of both parties states that the Board of Education will submit a supplemental budget request for Fiscal Year 1992.

After discussion Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve and sign the Memorandum of Understanding as presented. Motion carried.

For the Board of Education, Rev. Kirkley moved, seconded by Mr. Wallace, to approve and sign the Memorandum of Understanding as presented. Motion carried.

2) INTRODUCTION OF NEW MEMBER

Mr. Lacer introduced Fred Wallace, the newly appointed Board of Education member, who replaced Joan Marsh.

3) LEONARDTOWN ELEMENTARY SCHOOL

With regard to recent discussions concerning needed repairs at Leonardtown Elementary School, Mr. Lacer advised that the Board did a walk-through earlier in the day. He stated that he had visited the school two week's ago when the issue had been raised and pointed out that today's visit showed that a number of cosmetic improvements had been addressed. He stated that the Interagency Committee for School Construction had approved the time line schedule for Leonardtown Elementary School on August 9. He pointed out that The Board of Education is in the process of obtaining bids for the roof repairs and that the Board is on line with the schedule of improvements.

Mr. Lacer further advised that there had been some questions regarding fire and structural safety of the school which are now being addressed and that by the beginning of the school year all safety questions should be resolved or addressed.

In addition Mr. Lacer stated that the heating system for the school also needs to be addressed. He stated it had been included in the FY 1992 capital budget but had been deleted. Mr. Lacer indicated that if funds become available in Fiscal Year 1993, the heating system could be addressed in the Spring of 1993. He further pointed out that there could be savings in other projects which could be used for this purpose.

Commissioner Loffler suggested that with regard to capital projects some of the engineering work could possibly be handled by the County's Department of Public Works.

4) JOINT SCHOOL POPULATION FORECASTING COMMITTEE

Also Present: Charles Wade, Director of Finance
Don O'Neal, Coordinator, Health and Security

Mr. Wade explained that the Board of County Commissioners had approved earlier in the day the firm of SDN Market Research developing the Fiscal Impact Model for St. Mary's County.

Mr. O'Neal presented a handout regarding the establishment of a Student Population Forecasting Model indicating that the near term objective is the annual projection of population for existing schools and the long term objective is the provision of reliable planning data for 5, 10, 15, and 20 years. Near term population factors include enrollments, registrations, unscheduled additional students, unscheduled exits, demographics of existing population and demographics of growth population. Long term forecasting factor is the demographics of population due to growth.

Mr. O'Neal displayed charts showing population by category for elementary, middle and high schools from 1973 to 1989 and population by grades. He stated that for long-term forecasting, there is a need for data planning and updating facilities.

Mr. O'Neal suggested that Mr. Ingman, of Ingman Demographic and Marketing Research, Inc., who has developed forecasting models come before the Boards to explain the development of the model that would fit the needs of St. Mary's County.

The Commissioners and Board of Education agreed to have Mr. Ingman attend an upcoming meeting of the two Boards.

(Commissioner Loffler left the meeting at 2:30 p.m.)

**RESOLUTION Z91-07
AMENDMENT TO ZONING ORDINANCE
PARCEL OF RECORD**

The Commissioners having conducted a public hearing and conducted subsequent decision discussion, the County Administrator presented the referenced Zoning Ordinance Amendment Resolution amending the Zoning Ordinance and Subdivision Regulations amending the Lot of Record definition and changing the parcel of record date from March 15, 1978 to August 1, 1990 for all lands outside the Chesapeake Bay Critical Area.

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to approve and sign the Resolution as presented. Commissioner Thompson voted against the motion. Motion carried.

**COMPREHENSIVE WATER AND SEWER AMENDMENTS
ESSEX SOUTH SUBDIVISION, SECTIONS 4B AND 4C (#85-0399)
HUNTING QUARTER PUD, PHASE 2, (CASE #89-1916)**

On behalf of the Department of Planning and Zoning, the County Administrator presented two items of correspondence to the Maryland Department of Environment indicating that the two referenced projects are to be included in the appropriate tables of the County's updated Comprehensive Water and Sewer Plan and enclosing construction drawings to be used during the CWSP updating process in revising the detailed maps. The upgraded plans and maps are to be reviewed during public hearings tentatively scheduled towards the end of this year and will be submitted to DOE for review and approval. The letter requests the release of construction permits for the referenced water and sewer connections.

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to authorize Commissioner Vice-President Bailey to sign the letters as presented. Motion carried.

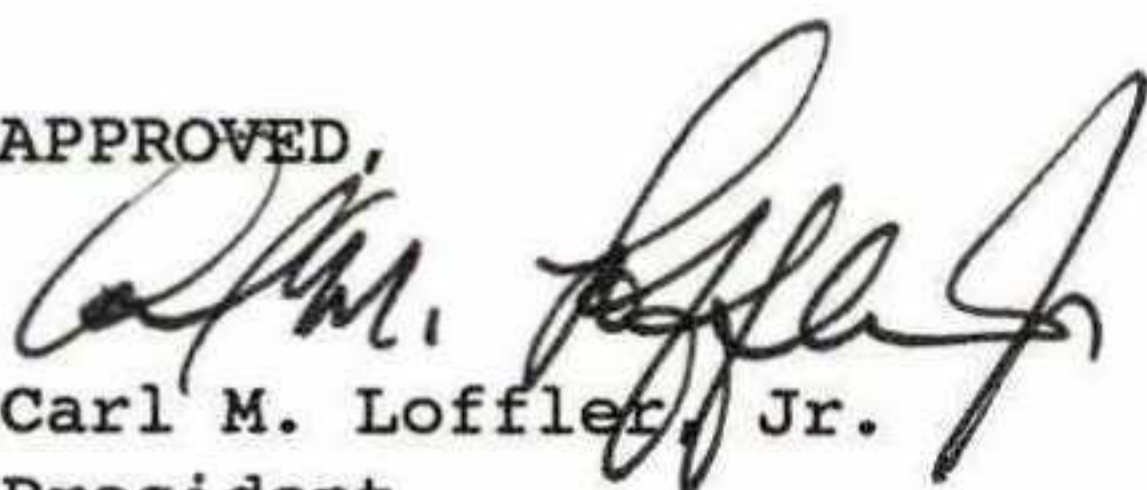
ADJOURNMENT

The meeting adjourned at 2:50 p.m.

TOUR OF DYNARD ELEMENTARY ADDITION

The Commissioners left to joint the Board of Education in a tour of the Dynard Elementary School addition.

APPROVED,


Carl M. Loffler, Jr.
President