

ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS

October 22, 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

CALL TO ORDER

The meeting was called to order at 9:10 a.m.

APPROVAL OF MINUTES

Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve the minutes of the Commissioners' meeting of Tuesday, October 15, 1991 as corrected. 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.

1991 BOND ISSUE

Present: Charles Wade, Director of Finance

As a follow up to previous discussions and decision with regard to the 1991 Bond Issue, Mr. Wade appeared before the Commissioners to present additional information. He advised that the request for state participation in the Hollywood Elementary School project is in the amount of \$2,207,000 and pointed out that the state and county cannot issue bonds for the same project. For Fiscal Year 1992 it is anticipated that the State will fund \$1,986,000. Mr. Wade, therefore, recommended, that the Commissioners rescind last week's motion to approve the 1991 bond issue in the amount of \$8,010,000 and further to reduce the bond issue to \$6,020,000 in order to protect the County from losing \$1,986,000 in state funding for the Hollywood School. He suggested that if state funding does not materialize, it could be included in the 1992 bond issue.

After discussion Commissioner Thompson moved, seconded by Commissioner Lancaster, to rescind the motion of last week on the 1991 bond issue in the amount of \$8,010,000 and further to approve instead a bond issue in the amount of \$6,020,000. Commissioners Bailey and Jarboe voted against the motion. Motion carried three to two.

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) **OFFICE OF COMMUNITY SERVICES GRANT APPLICATION
INCENTIVE GRANT - TEENAGE PREGNANCY AND PARENTING**

The County Administrator presented a grant application in the amount of \$2,000 for a 1991-1992 Incentive Grant to Support Local Interdepartmental Efforts to Address Teenage Pregnancy and Parenting.

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

**2) OFFICE ON AGING
NOTIFICATION OF GRANT AWARDS - OLDER AMERICANS' ACT GRANT**

The County Administrator presented the Notification of Grant Award for Fiscal Year 1992 Older Americans' Act grants as follows: Title IIIB - \$35,646; Title IIIC1 - \$40,803; Title IIIC2 - \$9,588; Title IIID - \$825; Title IIIG - \$350; Total - \$87,212.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Loffler to sign the Notification of Grant Award as presented. Motion carried.

3) BUDGET AMENDMENTS

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

**No. 92-18
County Attorney**

Justification: Additional funds for outside counsel - \$6500
(Board of Education/St. Mary's Disposal)

**No. 92-19
Director of Finance**

Justification: Additional costs for Board of Education audit - \$10,000

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

4) CORRESPONDENCE

The County Administrator presented the following responses to correspondence received:

- To John and Judy Schotanus, Mary E. Maltby, and Virginia E. Cooper regarding proposed budget cuts announced by Governor Schaefer.
- To John C. and Therese M. Pitts regarding the Southern Maryland Wood Treatment Plant.

The Commissioners agreed to sign and forward the correspondence.

5) ASSET FORFEITURE

The County Administrator presented a proposed Agreement between the Sheriff and the County Commissioners setting forth procedures for forfeited assets in drug-related cases.

Commissioner Loffler raised concerns that the document did not specifically spell out the County's control relative to a budgetary point of view.

The County Administrator will rewrite the document and bring it back for the Commissioners' consideration.

6) EXTENSION OF LEAVE WITHOUT PAY REQUEST

The County Administrator presented a memorandum dated October 10 from the Personnel Officer requesting approval of leave without pay status for Margaret M. Nelson until December 31, 1991.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve the request as presented. Motion carried.

7) FINANCE DEPARTMENT - GENERAL CLERK IV

The County Administrator presented a memorandum dated October 22, 1991 from the Personnel Officer requesting approval to change the vacant General clerk IV, Grade 13, position within the Procurement Office, Finance Department, to a General Clerk II, Grade 11, position. After a review by the department head and an update of the position description, the position was classified as Grade 11.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve this request. Motion carried.

SIMMONS CABLE COMPANY FRANCHISE AGREEMENT

Present: Susan Sloan, Chairperson, Cable Advisory Committee
Phil Spindt, Manager, Simmons Cable

Ms. Sloan appeared before the Commissioners to present the draft Franchise Agreement between Simmons Cable and St. Mary's County. She stated that the Committee has been meeting since June to review the Ordinance and to work with Simmons on the Franchise Agreement.

Ms. Sloan reviewed the Agreement with the Commissioners highlighting certain areas of interest including the franchise and renewal term, service responses, and a default clause.

In response to an inquiry from Commissioner Loffler Ms. Sloan indicated that when the Ordinance is updated the Agreement would probably automatically be amended. The Committee will check with the County Attorney on this.

Commissioner Jarboe inquired about the 30 dwelling units per mile in order for cable to be installed and inquired why the requirement for 30 days. Mr. Spindt explained that it takes 15 subscribers to order to get a return on investment (50% of 30 homes is the usual amount of subscribers).

Discussion ensued regarding Simmons' answering service. and Mr. Spindt stated that the company has had problems, but has been unable to find another service. He advised that Simmons is looking at alternatives.

After discussion the Commissioners agreed to establish a date for a public hearing and requested the Cable Advisory Committee to be present.

DIRECTOR OF FINANCE

1. Homestead Tax Credit

Present: Charles Wade, Director of Finance

As a follow up to previous discussions Mr. Wade presented information relative to the Homestead Tax Credit showing impact on average homeowner with tax credits from 1% to 10% cap; number of homeowners benefiting at each percentage, and amount of tax increase at each percentage. In addition Mr. Wade presented a memorandum dated October 17 from the Supervisor of Assessments responding to questions raised at the October meeting.

Commissioner Jarboe moved, seconded by Commissioner Bailey, to set the Homestead Tax Credit at 105%. Commissioners Lancaster, Loffler and Thompson voted against the motion. Motion defeated three to two.

During discussion of this motion, Commissioners Loffler and Thompson expressed concern that setting the cap at 105% would reduce revenue, which could create a need to raise the tax rate. Commissioner Loffler added that this would shift the burden to everyone else. Commissioners Jarboe and Bailey stated he felt it should be at least 105% to help those individuals with fixed incomes.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to set the Homestead Tax Credit rate at 110%. Motion carried three to two with Commissioners Bailey and Jarboe voting against.

During discussion Commissioner Thompson advised that she had done some research relative to the property tax deferral for the elderly issue raised by Commissioner Bailey last year. She indicated that this could be a way of handling the problem of people being taxed out of their homes--those individuals that are well enough off to not qualify for a circuit breaker not well enough off to afford increased property taxes. She suggested that the Commissioners pursue this idea.

The Commissioners agreed for staff to move forward on looking into this.

2. Board of Education Responses

As a follow up to last week's discussion, Mr. Wade presented revised correspondence addressed to the Board of Education relative to the following funding issues:

1. **Request for Categorical Transfer of \$29,000 to Food Service Revolving Fund:** Mr. Wade recommended denying the request at this time and that it be reconsidered if there is a supplemental budget in this fiscal year and pending the results of Dr. Burroughs' examination of the Food Service operation.
2. **Approval of Restricted Program Revenues:** Mr. Wade recommended approving this request and to welcome the Board of Education's commitment to presenting changes of both revenues and proposed expenditures as changes in grants occur during the fiscal year.
3. **Leonardtwn Elementary School:** Appropriating \$25,000 in planning money for the heating system was approved on October 15.

After discussion Commissioner Lancaster moved, seconded by Commissioner Thompson to approve Items No. 1 and 2 (Item 3 was approved on October 15) and to sign and forward the letter to the Board of Education. Motion carried.

DEPARTMENT OF PUBLIC WORKS

Present: Dan Ichniowski, Director

1) PROJECT STATUS REPORT

Mr. Ichniowski presented a Project Status Report for projects within Department of Public Works including Engineering, Highways, Marine, Solid Waste, and Development.

2) **MARYLAND ROUTE 237
CHANCELLORS RUN ROAD**

Mr. Ichniowski presented correspondence addressed to the Maryland Department of Transportation regarding the design of Maryland Route 237 (Chancellors Run Road) suggesting a 20 foot raised grass median would be appropriate in the area.

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

3) **CORRESPONDENCE CALLING LETTERS OF CREDIT**

Mr. Ichniowski presented the following correspondence calling letters of credit as follows:

The Landings at Piney Point
To Second National Federal Savings Bank
Grading Permit No. 89-21
Letter of Credit #34 in the amount of \$675,500

Laurel Glen Shopping Center
To Seaboard Surety Company
Grading Permit #89-64
Bond No. 18384589 in the amount of \$269,300

Patuxent River Farms Subdivision, Phase I
To Homestead Insurance Company
Public Works Agreement
Bond No. PO1424

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

4) **Addenda to Public Works Agreements**

Mr. Ichniowski presented the following Addenda to Public Works Agreements for the Commissioners' review and consideration:

Hayden Green Subdivision
By and between James Dobry and Board of County Commissioners of St. Mary's County extending the deadline for completion of improvements to November 1, 1992. The Addendum is backed by a Letter of Credit with First National Bank of St. Mary's in a reduced amount of \$15,000.

Richneck Subdivision
By and between Ripple Brothers Construction and Board of County Commissioners of St. Mary's County extending the deadline for completion of improvements to October 1, 1992. The Addendum is backed by a Letter of Credit with First National Bank of St. Mary's in the amount of \$29,000.

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

5) **EASEMENT AGREEMENT**

Mr. Ichniowski presented an Easement Agreement between Interstate General Company and the Board of County Commissioners of St. Mary's County for a drainage easement for the reconstruction of Peggs Road.

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

6) HUNTER'S RIDGE
ACCEPTANCE OF DEED
ROAD RESOLUTIONS

Mr. Ichniowski presented the following documents relative to the Hunter's Ridge:

Deed - dated June 20, 1990 between Lewis Raye Vest and Barbara L. Vest and the Board of County Commissioners of St. Mary's County accepting Livingston Drive and Barbara Court into the County Highway Maintenance System.

Road Resolution No. R91-25 - Posting Livingston Drive and Barbara Court at 25 miles per hour.

Road Resolution NO. R91-26 - Designating the following streets as Stop Streets: Barbara Court as it intersects with Livingston Drive; Livingston Drive as it intersects with Md. Rt. 6.

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

AVENMAR SUBDIVISION

Present: Dan Ichniowski, Director, Public Works
John Norris, Norris, Gass and Ocker
James Kenney, Attorney for developer
Donald S. Franyo, Potomac Investment Associates (developer)

(Commissioner Loffler did not participate.)

Mr. Ichniowski appeared before the Commissioner to request a resolution to the disagreement between the developer of Avenmar Subdivision and the Department of Public Works with regard to the Road Ordinance requirements relative to the number of lots on a private drive. The point in question is that the Road Ordinance requires that only five lots can be served by a private drive rather than eight as proposed in Avenmar because of critical area concerns.

Mr. Norris presented the design for the project stating that the Board of Appeals and Planning Commission had approved the plan. He pointed out that because of non-tidal wetland requirements there was only a narrow strip to serve the eight lots and ended up with three lots on a private drive and three private drives. He stated that everything driven by the design was driven by environmental concerns and indicates that he believed it met the requirements of the Road Ordinance for three lots on a private drive.

During discussion the Commissioners noted that the Planning Commission minutes indicate that approval was granted pending approval by the Department of Public Works.

Mr. Ichniowski stated that there are three private driveways located side by side, but what is intended to be built is not three drives but one drive and does not meet the Road Ordinance requirements. He further stated that the environmental issues may eventually affect future road designs which may affect the safety factor.

During discussion of the possibility of making the private drive a public road Mr. Norris indicated that extension to make it public and to serve the eight lots may not be possible because of the location of perc tests and because of steep slopes.

In closing Mr. Ichniowski requested the Commissioners to either uphold the current policy of the Road requirements--that no more than five lots be served by a private drive rather than eight as proposed, or that alternatives be reviewed to see if this requirement could be met by other means.

Discussion of this item will continue at next week's meeting.

OFFICE OF PLANNING AND ZONING

Present: Jon Grimm, Director

1) **INFORMATION RELEASE**
ARCHITECTURAL PARTICIPATION IN BUILDING DESIGN

Mr. Grimm appeared before the Commissioners to follow up on last week's discussion relative to the proposed Information Release regarding professional architectural participation in building design. He stated that he and County Attorney Densford reviewed the state law, and there is no requirement for enforcement of this provision at the local level. Mr. Grimm proposed three options:

1. Issue the Information Release and the Department of Planning and Zoning would continue to administer the program as it has done since July 1 of requiring the appropriate seal and signature of a qualified licensed professional prior to the issuance of a building permit.
2. Not issue the Information Release and stop administering the program locally.
3. Not issue the Release and write a letter to the State Board of Architects informing them that the County has no responsibility for enforcing the law and further that the State Board of Architects are the ones who administer the program.

Mr. Grimm recommended Option No. 3 to which the Commissioners gave their concurrence.

In conclusion the Commissioners suggested that Mr. Grimm forward the information regarding the state law for architectural participation in building designs to all those who attended the BOCA seminar.

EXECUTIVE SESSION

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

Also Present: Walter Dorsey, State's Attorney
Michael Harris, Asst. State's Attorney
Charles Wade, Director of Finance
George Foster, Personnel Officer

Held from 12:20 p.m. to 1:25 p.m.

Litigation

Also Present: John Grimm, Director, Planning and Zoning
Joseph Densford, County Attorney

Held from 1:25 p.m. to 1:50 p.m.

7:00 P.M.

**PUBLIC MEETING
1992 LEGISLATIVE PACKAGE**

Present: Delegate J. Ernest Bell, II
 Delegate John F. Slade III
 Delegate John Wood, Jr.

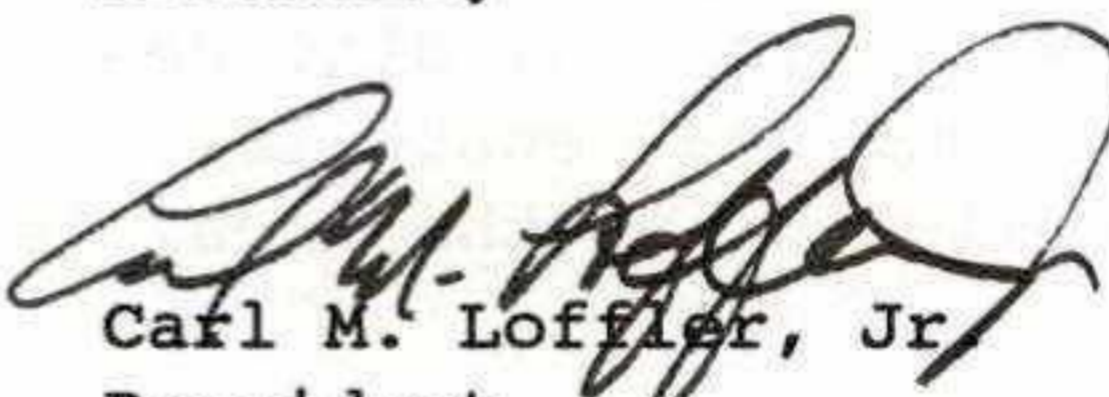
The Commissioners conducted a public meeting on the 30 items in the St. Mary's County 1992 Legislative Package.

A tape of the proceedings is on file in the Commissioners' Office.

ADJOURNMENT

The meeting adjourned at 9:10 p.m.

APPROVED,


Carl M. Loffler, Jr.
President