

ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS

February 4, 1992

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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

(Commissioners Loffler and Lancaster were not present at beginning of meeting.)

CALL TO ORDER

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

APPROVAL OF MINUTES

Commissioner Thompson moved, seconded by Commissioner Bailey, to approve the minutes of the Commissioners' meeting of Tuesday, January 28, 1992. Motion carried.

APPROVAL OF BILLS

Later in the meeting when Commissioner Lancaster was present, Commissioner Bailey moved, seconded by Commissioner Lancaster, to authorize Commissioner Loffler to sign the Check Register as presented. Motion carried.

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

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

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

<u>Economic Development Commission</u>	<u>Term to Expire</u>
G. Thomas Daugherty	6/30/92/95
<u>St. Clements Island Potomac River Museum Board</u>	
Roy Dyson	10/31/95

2) **PUBLIC INFORMATIONAL MEETING ON ASSESSMENTS
INFORMATIONAL RELEASE**

The County Administrator presented a proposal for the Commissioners and Department of Assessments and Taxation to co-sponsor a public informational meeting on assessments. The meeting would be similar to last year's but would also provide information on the county's economy and finances. A question and answer period would follow the presentations.

Commissioner Thompson suggested that sufficient time be allowed for the question and answer period and for interaction between the Commissioners and citizens.

(Commissioner Lancaster entered the meeting - 9:20 a.m.)

After discussion Commissioner Bailey moved, seconded by Commissioner Thompson, to distribute the Information Release announcing the February 19 meeting. Motion carried.

3) **AMENDMENT TO BLUE CROSS/BLUE SHIELD INSURANCE PLAN
AIR AMBULANCE SERVICE**

The County Administrator presented a memorandum dated February 4 from the Personnel Officer recommending adding air ambulance services to the County's Blue Cross/Blue Shield contract retroactively to May 1, 1991 with a premium increase effective retroactively to July 1, 1991. This addition would cost of approximately \$6,000 for the current contract year--July 1, 1991 through June 30, 1992.

After discussion Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve adding air ambulance services to the County's contract retroactively to May 1, 1991. Motion carried.

(Commissioner Loffler entered meeting - 9:30 a.m.)

4) **ST. MARY'S COUNTY AIRPORT - SKYDIVING**

The County Administrator presented correspondence addressed to The Skydiving Center advising that the Commissioners entrusted to the Airport Commission the management of the county airport. The Airport Commission has been requested to give a timetable for resolution of the real or perceived problems and will share this with The Skydiving Center when received.

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

5) **CORRESPONDENCE - SLUDGE APPLICATION CONCERNS**

The County Administrator presented correspondence addressed to Dr. Joseph Borkowski responding to his concerns relative to sludge application in St. Mary's County. The letter indicates that the Commissioners share his environmental concerns and are monitoring applications for use of sludge.

The Commissioners agreed to sign and forward the letter.

During discussion County Administrator Cox advised that he was preparing correspondence to the Agriculture Commission requesting assistance in review of use of sludge applications. Commissioner Jarboe reiterated his concerns that land records indicate whether sludge has been applied.

6) **OLD HORSE LANDING ROAD**

The County Administrator presented correspondence responding to concerns raised by Mr. Donald Ervin relative to road maintenance on Old Horse Landing Road and other county and state roads.

The Commissioners agreed to sign and forward the letter.

7) **HOUSE BILL 80 - CHARTER HOME RULE**

The County Administrator reported that the Institute for Governmental Service has advised the Commissioner of proposed legislation - House Bill 80 which revises the process by which counties acquire charter home rule status. Mr. Cox requested the Commissioners to review the proposal for discussion at next week's meeting.

PROCLAMATION

Present: Sgt. James Raley
Lt. Richard Vorhaar

The Commissioners presented the referenced Proclamation designing the week of February 9 - 15, 1992 as Child Safety Passenger Awareness Week.

MACO POSITIONS ON STATE FISCAL PROPOSALS

Commissioner Jarboe, the Commissioners' representative on the MACo Board of Directors, presented a memorandum to the Commissioners requesting their consideration and statement of position in reaction to state fiscal proposals. In general discussion the Commissioners made the following points:

Commissioner Loffler stated he was in favor of gasoline tax increase as it is a user tax; in favor of eliminating majority of sales tax exemptions, but not in favor of raising sales tax; in favor of broadening tax base except on medical services, prescriptions or food.

Commissioner Bailey stated he was in favor of state reducing expenditures and elimination of sales tax exemptions; not in favor of raising taxes while we are in a recession.

Commissioner Thompson agreed with Commissioner Bailey and questioned the Governor's budget which called for an \$84M increase in salaries; may need some revenue enhancements; state should only be doing things that are necessary.

Commissioner Lancaster stated he was in favor of raising sales tax and maintaining current exemptions; however some exemptions could probably be eliminated; in support of gasoline tax.

During discussion County Administrator Cox advised that staff was developing a list of state mandates for the Commissioners' review.

**RESOLUTION NO. Z92-01
CRITICAL AREA BUFFER VARIANCE POLICY**

Present: Jon Grimm, Director, Planning and Zoning
Scott Kudlas, Planner, "

As a follow up to the August 16, 1991 public hearing and previous discussions, Mr. Grimm presented the referenced Resolution wherein the Board of Appeals delegates approval authority to the Planning Director for certain critical area buffer variances. Mr. Grimm stated that the Resolution has been reviewed and recommended for approval by the Board of Appeals.

After discussion Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve and authorize Commissioner Loffler to sign the Resolution as presented. Motion carried.

COMPREHENSIVE WATER AND SEWERAGE PLAN UPDATE

Present: Jon Grimm, Director, Planning and Zoning

Mr. Grimm briefed the Commissioners on the progress of the St. Mary's County Comprehensive Water and Sewerage Plan update review. He advised that a committee had been appointed in April 1991 and consultants hired to assist. He pointed out that there has been significant progress on the updating of the mapping. A public hearing on the update has been tentatively scheduled for mid-May.

**BUILDING AUTHORITY
ANNUAL REPORT**

Present: Joseph Densford, County Attorney)
Edward V. Cox, County Administrator) Building
Jon Grimm, Dir., Planning & Zoning) Authority
Dan Ichniowski, Dir., Public Works)

The referenced individuals appeared before the Commissioners to present the 1991 Annual Report of the Building Authority. Mr. Densford stated its purpose as contained in Section 26-18 of the St. Mary's County Code. Significant activities in 1991 included the nursing center expansion and the closing out of the construction contract for the Carter State Office Building. Plans for 1992 include continuing with the nursing center expansion.

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

DEPARTMENT OF PUBLIC WORKS

Present: Dan Ichniowski, Director

**1. PUBLIC NOTICE - ROAD NAME CHANGE
SNOW HILL ROAD/FATHER ANDREW WHITE ROAD
TO SNOW HILL MANOR ROAD**

Mr. Ichniowski presented a proposed Public Notice for a public hearing to be held February 25, 1992 for the purpose of renaming Snow Hill Road, County Route 3355 and Father Andrew Whit Road, County Route 3897 to Snow Hill Manor Road. The roads are located off of Md. Rt. 5, First Election District.

The Commissioners agreed to proceed with the public hearing.

In response to an inquiry from Commissioner Jarboe, Mr. Ichniowski stated he would look into the state's proposal for a scenic approach to St. Mary's City.

2. ADDENDUMS TO PUBLIC WORK AGREEMENTS

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

Foxview Estates

With Alva Watson/James Raymond Woodburn extending the deadline for completion of improvements to August 1, 1992. Addendum is backed by a Letter of Credit with First National Bank of St. Mary's in the reduced amount of \$40,000.

Tosca (Parcel "C" Warwick

With Interstate General Company, L.P. extending the deadline for completion of improvements to January 15, 1993. Addendum is backed by a Letter of Credit with Maryland National Bank in the reduced amount of \$30,000.

Persimmon Hills

With Bay Mills Construction Company extending the deadline for completion to March 1, 1993. Addendum is backed by a Letter of Credit with International Fidelity Insurance Company in the amount of \$204,180.

Tosca Subdivision, Parcel "D" Carmen

With Interstate General Company, L.P. extending the deadline for completion of improvements to March 1, 1993. Addendum is backed by a Letter of Credit with Maryland National Bank in the amount of \$10,000.

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

REGIONAL TOURISM COMMITTEE

Present: John Simpson, Chairman
Joanne Roland, Director, Tourism, Charles County
Marilyn Manning, Director, Tourism, Calvert County
Audrey Davenport
Cindy Woodburn, Tourism Coordinator, St. Mary's County
Joseph Mitchell, Director, DECD

The referenced members of the Regional Tourism Committee appeared before the Commissioners to present a status report on the activities of the Committee. Mr. Simpson distributed a packet of information relative to tourism which included membership, revenue dollars generated from tourism for Fiscal Years 1988 and 1989, and brochures.

During discussion Mr. Simpson advised that Southern Maryland will be the focus of the State during the 1992 tourism season.

Southern Maryland regional tourism activities include: Maryland Association of Counties booth, FAM tours, Harrisburg Outdoor Sports and Travel Show, Taste of Southern Maryland, Maryland on Display, 1992 Governor's Conference and a proposed Music Festival.

Discussion ensued regarding the reduced hours of the Tourist Information Center, and the Commissioners requested that it remain open for those hours that would attract tourists.

In closing Mr. Mitchell pointed out that a basic target market for tourist information would be the people who will be moving from Pennsylvania to Southern Maryland in conjunction with the navy base expansion.

MUNICIPAL SOLID WASTE COMPOST

Present: Dr. William Marek, Health Officer
Tom Russell, Director, Environmental Hygiene
Jim Pittman, Maryland Department of Environment
Joseph Densford, County Attorney
Jon Grimm, Director, Planning and Zoning
Dan Ichniowski, Director, Public Works
Dan Raley, Chairman, Board of Appeals
Ron Pickett, applicant for Land Clearing Debris Landfill

As a follow up to the Commissioners' January 21 meeting, the referenced individuals appeared before the Commissioners to discuss municipal solid waste compost. Mr. Pickett has made application to the State for a land clearing debris landfill which includes plans to dispose of municipal solid waste compost for the balance of the compost he does not market.

Commissioner Loffler advised that it was his understanding that the proposed site at Charlotte Hall was going to be used for something other than what was his intention, which was land clearing debris (stumps, trees, leaves). He stated that the Commissioners had been given assurance that this would not be municipal garbage. He indicated that it was his opinion that what the Commissioners had approved was a land clearing debris landfill and pointed out that the Board of Appeals had approved a land clearing debris landfill with no provision for anything other than land clearing debris. Commissioner Loffler stated that the Board of Appeals was clear on what would be allowed in this landfill and the Commissioners did not have the authority to change what the Board of Appeals had approved.

Mr. Grimm presented a copy of the Board of Appeals' action on this matter which included 25 conditions that had been approved by the Board of Appeals on April 2, 1991. In response to an inquiry from the County Administrator, Mr. Grimm stated that a meeting had been held in May at the request of Mr. Pickett to have "earthenware" included as defined by the State in the COMAR regulations and that the word "compost" was used at that time.

Commissioner Thompson stated that it was her understanding that what the Commissioners had approved was land clearing debris consisting of only trees, stumps, twigs and not municipal solid waste where there is treated garbage. She indicated that the issue is a moot point in her opinion in that it contradicts what the Board of Appeals intended.

Commissioner Bailey stated that the October 8 minutes and the letter indicate approval of municipal solid waste as approved by the MDE.

Mr. Raley gave his recollection of what had transpired at the Board of Appeals meeting in January and the April decision which was to approve a land clearing debris landfill which would only have trees, stumps, leaves, and earthen materials. He stated that the Board of Appeals had not considered municipal solid waste compost.

County Administrator Cox pointed out that the minutes of October 8 clearly stated that the term "municipal solid waste compost" was used. He further indicated that the correspondence signed by the Commissioners on that date contains those words, which were the words used by Mr. Pickett at that meeting.

Mr. Russell reiterated his concerns expressed at the January 21 meeting which was the health and safety of the community. Dr. Marek pointed out that the process proposed by Mr. Pickett is a laudable procedure, but there is currently no definition in the Maryland Department of Environment regulations for municipal solid waste. The Health Department would like information as to what the process is, what testing there will be and what is in the final product, and if put in the landfill if there would be leachate.

Mr. Pittman advised that it is MDE's charge to protect the public health and environment. He stated that MDE has strict regulations and rigorous requirements, and any applicant must comply with these regulations and requirements. Mr. Pickett filed an application in December for not only land clearing debris (stumps, trees, leaves) but also for municipal solid waste compost. He pointed out that Mr. Pickett has been asking questions and getting advice from MDE regarding the treatment and application of this compost. The application is under review by state agencies and a public hearing on the application is anticipated by late spring or early summer. Mr. Pittman stated that municipal solid waste does not include garbage, which is not allowed in a land clearing debris landfill. In response to an inquiry from Commissioner Jarboe, Mr. Pittman indicated that if the Board of Appeals had approved this compost, but that MDE found it unsuitable, MDE ruling would prevail. Mr. Pittman further advised that there are currently no facilities in the State generating this type of compost, that this application is the first of its kind and will be subject to frequent strict testing requirements.

Mr. Pickett indicated that he has received from the county certain entitlements and on the basis of those entitlements has made very large financial commitments. He stated that for the record he wanted to set the chronological record straight: January 1991 went to the Board of Appeals for a land clearing debris landfill which would include materials approved by the State, at which time he did not anticipate municipal solid waste coming to his facility; February 1991 - came before County Commissioners because of Ordinance regarding transportation of solid waste from outside the county into the county. There was discussion about what constituted solid waste. The Commissioners had voted unanimously to allow land clearing debris to be transported into the County; subsequent to that meeting, requested clarification from the Board of Appeals on the term "earthenware," that he had specifically requested that it be earthen materials which included compost as approved by the State of Maryland; May 1991 - Board of Appeals issued a modification that added the use of compost to the defined terms of materials accepted at the land clearing debris landfill. Mr. Pickett stated he had included a letter from MDE specifically stating that compost derived from municipal solid waste could be used as a fill material and cover material, which could give him a recycling credit. October 8, 1991 - came before County Commissioners to get approval of allowing compost derived from municipal solid waste, approved by the State of Maryland. Mr. Pickett stated that it was not his intention to bring the compost to the landfill as he had plans to market it; this was a backup plan.

Commissioner Bailey stated it was his opinion that the Commissioners' action had nothing to do with the Board of Appeals' action, and that the Commissioners should wait to see what regulations the State develops on this issue.

EXECUTIVE SESSIONS

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

Litigation

Present: Joseph Densford, County Attorney
Paula Martino, Chief Inspections & Enforcement, DPZ

(Held from 12:10 p.m. to 12:45 p.m.)

STAFF MEETING

The Commissioners attended the regular monthly staff meeting at the Carter State Office Building.

EXECUTIVE SESSION PROPERTY ACQUISITION

Present: Joseph Mitchell, Director, DECD

(Held from 2:20 p.m. to 2:45 p.m.)

ST. MARY'S RIVER WATERSHED PROPERTY

Present: Jim Dunmyer, Assistant Secretary, DNR
Bob Beckett, Director, Greenways Planning, DNR
Ken Shanks, Greenways Planning, DNR
Pete Smith, Regional Park Manager
Keith Frere, Park Manager, Point Lookout State Park
Phil Rollins, Director, Recreation and Parks
Dan Ichniowski, Director, Public Works
Joe Mienert, Planner, Planning and Zoning

Representatives from the Department of Natural Resources appeared before the Commissioners to present DNR's plans for the St. Mary's River Watershed State park. Mr. Beckett gave the history of the land stating that it was acquired by the State for a series of lakes, water supply and recreational activities. He stated that this plan did not materialize. Mr. Beckett advised that an advisory committee was appointed three years ago to draft a master plan for the park in the fishing management area. In the last two or three years 90 acres of the park has been released to the County for a regional park complex. He stated that if there are opportunities to co-venture with the county for road access, etc. DNR was willing to cooperate.

Mr. Frere explained the activities currently at the watershed state park (fishing, hiking), the number of visitors and future activities. Because of state budget reductions, DNR has been pursuing volunteer help for operation and maintenance of the park. Mr. Dunmyer pointed out that the park consists of mostly passive activities designed to complement the county's plans for a regional park.

Discussion ensued regarding the county's plans for a community college facility to be located off of Indian Bridge Road. Mr. Dunmyer indicated that appraisals for the site have been completed and a report should be completed by the end of February. The report will be forwarded to the County Commissioners for the Board's reaction.

Commissioner Thompson stated she felt that the area around the lake at the state park had potential that was not being tapped and pointed out that the area should be enhanced to attract more people.

The Commissioners raised questions relative to the appraisals and the time it has taken to get this information from the state. Commissioner Loffler stressed the County's commitment to the college and pointed out that the Tech Prep Program is relying on the establishment of a community college at St. Mary's.

During discussion County Administrator Cox advised that the Commissioners have heard that DNR has released five acres on the site that the County has an interest in. Mr. Dunmyer responded that there is currently under negotiations use of the land for a Christmas tree operation, and there is a clause in the lease is that the operation would be terminated if it is transferred to the County.

In closing the Commissioners requested assurances that the proposed lease would not jeopardize the county proceeding with the community college and urged DNR to expedite the transfer of the property to the County.

CORRESPONDENCE TO GOVERNOR - TECHNOLOGY COUNCIL

The County Administrator presented correspondence addressed to Governor Schaefer requesting the state's assistance in developing a plan for the establishment of a technically oriented higher education institute. The letter states that the Technology Council has begun the initial steps in this project and would like to work with state agencies in the development of the plan.

Commissioner Lancaster moved, seconded by Commissioner Thompson, to sign and forward the letter.

MARYLAND ASSOCIATION OF COUNTIES - ADDITIONAL TAXING AUTHORITY

The County Administrator advised that Maryland Association of Counties has forwarded correspondence regarding the granting of additional taxing authority to jurisdictions by the Maryland General Assembly. Therefore, Mr. Cox presented a response indicating support the establishment of additional taxing authority. He pointed out that this would not commit the county to enacting any additional tax at this time.

After discussion Commissioner Lancaster moved to sign and forward the letter as presented. Motion failed for lack of a second.

EXECUTIVE SESSION - PROPERTY ACQUISITION

Present: Dan Ichniowski, Director, Public Works

(Commissioners Loffler and Lancaster did not participate.)

Under aforementioned authority the Commissioners met in Executive Session, which was held from 3:30 p.m. to 4:21 p.m.

ADJOURNMENT

The meeting adjourned at 4:21 p.m.

7:00 P. M.

PUBLIC FORUM

The Commissioners conducted the regular monthly public forum accepting questions and comments from the audience as follows:

Donald White (Fifth District): Concerned about property tax increase on his property which he felt was unfair and unjust. Suggested cost-saving measures for county government: eliminating duplication of services (maintenance for schools and county); referenced article from Family Circle magazine indicating that housing prices will not decline much more but real estate values will never rise as in the 80's. Tax assessments reflected values that ere beyond the scope of what a property could actually sell for.

The Commissioners informed the audience that there will be a public meeting on February 19 at Lettie Dent School on the county's economy and finances and the assessment process.

Minnie Russell: (1) Inquired as to procedure to change Maryland Assessment Manual because of provision that only those residences (Grade 3 homes) with hot water heat have an assessment; (2) why bankers and realtors say housing market has declined and the Assessment Office does not assess on that basis. Commissioner Loffler explained the three-year phasing of assessments. (3) No uniformity in assessments; (4) Tax assessment bill still does not have code identification. Commissioner Jarboe suggested that her concerns be addressed at the February 19 public meeting.

John Fletcher: Expressed concern about his increased property tax assessment and assessment values vs. market values. Commissioner Loffler suggested he make an appeal on his assessment. Commissioner Jarboe suggested contacting legislators about keeping property taxes far according to his income.

Commissioner Thompson explained the research she was doing on a tax deferment program which would allow the elderly or handicapped to have tax increases deferred.

Vernon Gray: (1) Suggested that a cap be set on the tax assessment at the rate of inflation. Commissioner Loffler stated that this could cause an unevenness in payment of taxes. (2) Suggested that the County pursue alternative taxes so that there would be less dependency on the property tax.

Dee Johnson (Golden Beach): Informed Commissioners that the property tax assessment for her vacant lot, which did not perc, adjacent to her home increased from \$4,000 to \$20,000. Commissioner Loffler suggested she appeal.

Ralph Roby: Suggested that the homestead tax credit be set at the average rate of inflation.

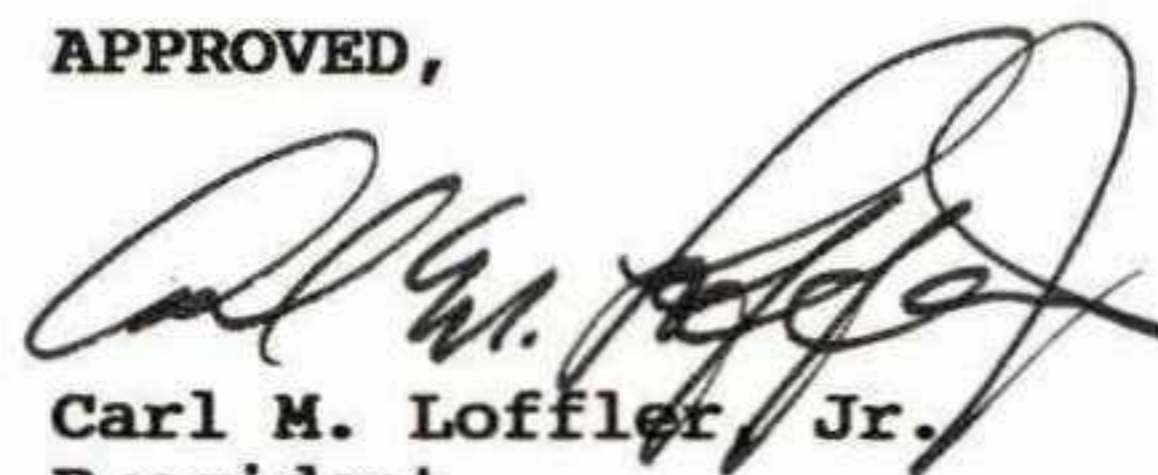
Leonard Greess: (1) Inquired as to status of the severance tax proposal. The Commissioners advised that a hearing is scheduled in Annapolis on Wednesday at 1:00. Mr. Greess requested that notices of the hearings be put in the local paper. (2) Inquired as to the status of his suggestions regarding Board and Committee appointment process. The County Administrator advised that the appointment process will be addressed by the Commissioners on Tuesday, February 11 at 9:30.

Oran Wilkerson (representing Potomac River Association): Expressed concern that the public (other than two citizens) has not been included in the various committees for the update of the Zoning Ordinance. Commissioner Loffler explained the Commissioners had questioned the process by which these appointments were made and stated that the Commissioners will be the ones to make the appointments next time.

Jack Witten (Potomac River Association): Complimented the Planning Commission and the Board of Appeals and the Department of Planning and Zoning which he credited to this Board of County Commissioners. Commissioners are sending bad signals to the community with the actions they have taken relative to massive subdivisions and housing approved in a zoning session in July; illegal lot subdivisions; critical areas suit, lifting of oversight of encroachment; and position on forest preservation. He suggested a meeting of the groups that want different things in the County. Also indicated opposition to Section 51.05 which allows for waivers by the Planning Commission in the proposed Zoning Ordinance.

The public forum concluded at 9:10 p.m.

APPROVED,



Carl M. Loffler, Jr.
President