

ST. MARY'S COUNTY  
BOARD OF COUNTY COMMISSIONERS

February 25, 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

**CALL TO ORDER**

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

**APPROVAL OF MINUTES**

Commissioner Bailey moved, seconded by Commissioner Jarboe, to approve the minutes of the Commissioners' meeting of Tuesday, February 18, 1992. Motion carried.

**APPROVAL OF BILLS**

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. ECONOMIC IMPACT FEE EXEMPTION  
ST. GEORGE CATHOLIC RECTORY**

The County Administrator presented correspondence from the pastor of St. George Catholic Church requesting an exemption from the County Impact Fee for the construction of the church's rectory. The existing trailer will be removed.

Mr. Cox advised that the Department of Planning and Zoning has ruled that the request is not in accordance with County Resolution No. 89-06 and has recommended denial. The request for the new rectory is on a different parcel than the current church and rectory. Resolution No. 89-06 allows for the one-for-one replacement of an existing dwelling unit with another to be exempt from payment of the EIF "on the same zoning lot of record that has a currently existing habitable dwelling unit."

Discussion ensued regarding the fact that the rectory would not create an impact on the schools and also whether the new rectory would be considered a replacement unit. The County Administrator was directed to determine the disposition of the trailer and whether the rectory would be considered a replacement unit.

**2. BUDGET AMENDMENTS**

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

**No. 92-27**  
**County Commissioners**

Justification: To purchase from George C. Sung and Carolyn Sung a parcel of land between Patuxent Beach Road and the Patuxent River. (\$20,350)

**No. 92-28**  
**Planning and Zoning**

Justification: Transfer of funds for payment of lease of Xerox copier for remainder of FY '92 (\$700)

**No. 92-29**  
**Director of Finance**

Justification: Additional funds for Bond Issue Expense (\$139)

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

**3. BOARDS, COMMITTEES, COMMISSIONS  
APPOINTMENTS**

Commissioner Bailey moved, seconded by Commissioner Jarboe, with motion carried, to make the following appointments to Boards, Committees, and Commissions with terms as indicated:

<u>Community Services Coordination Committee</u>	<u>Term to Expire</u>
Jean R. Rock	No Term
<u>Council on Children and Youth</u>	
Alex Morrison	6/30/92
Ginny Simpson	12/31/94/97
<u>Extended Day Care Planning Committee</u>	
Evelyn Larsen	12/31/92/95
<u>Marcey House Board</u>	
Cheryl A. Canfield	12/31/94/97
Meredith A. Hodge	12/31/94
<u>Metropolitan Commission</u>	
Alfred Orem Hammett, Sr.	12/31/95
Patrick D. Woodburn	12/31/95

**4) RESOLUTION NO. 92-02  
ST. MARY'S COUNTY AIRPORT RUNWAY EXTENSION**

The County Administrator presented the referenced Resolution authorizing the County Attorney to proceed with condemnation proceedings for the acquisition of property for the purpose of extending the runway at the St. Mary's County Airport. County Administrator Cox pointed out that negotiation efforts to come to an agreement on the settlement price have failed.

After discussion Commissioner Jarboe moved, seconded by Commissioner Bailey, to approve and sign Resolution No. 92-02 as presented. Motion carried.

**5) SIGNATURE AUTHORITY  
SHERIFF'S DEPARTMENT**

The County Administrator advised that with the appointment of the captain in the Sheriff's Department, Sheriff Pettit has requested delegation to Captain Copado for the signing of all personnel requests for the Sheriff's Department. The County's Personnel Manual requires the department head to sign all personnel transactions. The Personnel Officer is requesting approval for the delegation of signature authority to Captain John G. Copado, Sheriff's Department, for all personnel actions currently requiring the signature of the Sheriff.

After discussion Commissioner Bailey moved, seconded by Commissioner Jarboe, to grant this authority. Motion carried.

**6) COMMUNITY SERVICES DAY COORDINATOR**

The County Administrator advised that correspondence was received from the Secretary of State requesting the Commissioners to designate a coordinator for Community Services Day. He stated that Becky Stevens, Community Services Coordinator, has served in that capacity in previous years, and it was recommendation to again designate her.

After discussion Commissioner Bailey moved, seconded by Commissioner Jarboe, to designate Becky Stevens as Community Services Day Coordinator. Motion carried.

**7) CORRESPONDENCE**

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

- a. Board of Education - Grant Awards - To Acting Superintendent of Schools approving the inclusion of additional grant awards as requested in February 11 correspondence.
- b. Letters of Appreciation - To individuals who have completed terms on Boards, Committees, Commissions.
- c. St. Mary's County Critical Area Buffer Policy Amendment - To Chairman of Chesapeake Bay Critical Area Commission forwarding the referenced Resolution approved by the Commissioners on February 4, 1992 requesting review for consistency.

The Commissioners agreed to sign and forward the referenced letters.

- d. **St. Mary's Nursing Center - Certificate of Need - To State Health Planning Commission** following up to May 14, 1991 correspondence requesting favorable consideration of the Certificate of Need application submitted by the St. Mary's Nursing Center for 54 additional comprehensive care beds.

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

- e. **Property Tax Checkoff for Education - To Delegate** responding to his January 9 letter requesting comments on the referenced proposed legislation. The letter states that the Commissioners have no comment at this time.

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

8) **APPLICATIONS FOR HOME HEALTH IN ST. MARY'S COUNTY**

The County Administrator presented correspondence dated January 7 from Maryland Health Resources Planning Commission requesting comments on applications for certificates of need for home health in St. Mary's County. Applications are No. 91-18-1663 - Health Core Ventures; No. 91-18-1664 - Health Pros, INC.; and No. 91-18-1665 - Southern Maryland Home Health. County Administrator Cox advised that the Applications had been forwarded to the St. Mary's County Health Department for review. Dr. Marek recommended denial of the applications in that these would be repetitious services that providers are meeting in the county for current and projected needs in the health service area.

After discussion Commissioner Jarboe moved, seconded by Commissioner Thompson, to advise Health Resources Planning Commission that the Commissioners recommend denial of the applications. Motion carried.

9) **CAPITAL BUDGET - FISCAL YEAR '93 - '98**

The County Administrator presented a memorandum dated February 24 from Director of Finance Wade forwarding the Capital Budget Requests for Fiscal Years 1993 - 1998. The total of the requests is \$152,311,614 for the six years and \$23,247,649 for Fiscal Year 1993. The memorandum states that a tentative recommended budget will be presented to the Commissioners on March 10.

**DEPARTMENT OF PUBLIC WORKS**

Present: Dan Ichniowski, Director

1) **PUBLIC HEARING - ROAD NAME CHANGE**  
**FATHER ANDREW WHITE AND SNOW HILL TO SNOW HILL MANOR ROAD**

The Commissioners conducted a Public Hearing for the purpose of renaming Snow Hill Road, County Route 3355 and Father Andrew White Road, County Route 3897 to Snow Hill Manor Road. Both roads are located off of Maryland Route 5, First Election District.

Mr. Ichniowski advised that a petition had been submitted with 41 of the 47 property owners' signatures. He further reported that correspondence dated February 20 from the Emergency Management Agency was received expressing opposition to the road name change because of a private road which in the future will have to be named to comply with the new 911 addressing system.

During discussion Mr. Ichniowski updated the Commissioners on the status of the two projects at St. Mary's City; (1) Welcome to St. Mary's City signs at both ends of Route 5 entering St. Mary's City. This should occur in the spring; (2) a proposed landscaping project along Route 5 in the St. Mary's City area. This project has been on hold for some time and may occur in two to three years depending on state funding.

Commissioner Thompson referred to Mr. Duke's correspondence suggesting that the issue of the road name change be presented to the county's Enhanced 911/Uniform Addressing Task Force for comment. Commissioner Loffler pointed out that there was the possibility that the residents of those roads may have to change the name again if there is a problem with the 911 system. Mr. Ichniowski advised that the Task Force has just begun its work, and he would request that it address the road name change.

Mrs. Ann Haskell, who initiated the petition, spoke in favor of the road name change. She pointed out that Snow Hill Manor Road was the original name and had been built in 1640. She further indicated that there have been problems with emergency vehicles finding the right houses in the area.

Mr. John Paradis and Mr. Ralph Clark spoke in favor of the road name change and indicated it had been changed in the mid 50's without the property owners' knowledge. They too pointed out the problem that emergency vehicles have had with finding residences.

Mrs. Prudence Louise Lane also expressed support for the road name change.

Hearing no further comments, the public hearing was closed. The record will remain open for written comments for two weeks.

2) **RECYCLING**

Mr. Ichniowski advised that the Commissioners has received correspondence from the Wayne's Disposal, Inc. requesting authority to use the county's facilities at the St. Andrews Transfer Station as a drop-off point for their collected recyclables.

Mr. Ichniowski presented a response to Wayne's Disposal granting permission to do this on a trial basis; however, there was no capacity for materials that Wayne's Disposal has stored. He stated that the letter indicates that if this program caused short-term excessive collection problems for which the County did not have funding, the Commissioners may want to relook at the situation.

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

3) **ROAD RESOLUTION NO. R-92-04  
NORTH TOWN CREEK DRIVE**

Mr. Ichniowski presented the referenced Road Resolution posting North Town Creek Drive as a No Parking Zone at the cul-de-sac located at the termination of North Town Creek Drive.

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

4) **PEGGS ROAD RECONSTRUCTION - SWAREY**

Mr. Ichniowski presented an Easement Agreement and Deed with Israel Z. Swarey in conjunction with the Peggs Road reconstruction project.

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

5) **ADDENDA TO PUBLIC WORKS AGREEMENTS**

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

Avenmar Subdivision, Section 2

Between Avenmar Limited Partnership, General Partners, Potomac Investment Associates and St. Mary's County amending the parcel of land to be included in the subdivision to include Bretmar Place.

Hearts Desire Subdivision, Section 1

Between Norris Pyles and St. Mary's County extending the deadline for completion of improvements to February 1, 1993. The Addendum is backed by a Letter of Credit with Old Line National Bank in the amount of \$17,500.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Loffler to sign the Addenda to Public Works Agreements as presented. Motion carried.

6) CORRESPONDENCE CALLING LETTERS OF CREDIT

Mr. Ichniowski presented the following correspondence calling Letters of Credit for the Commissioners' review and approval:

Wildewood Technology Park, Lots 12 and 13

To Maryland Bank and Trust calling Letter of Credit #318-B in the amount of \$9,500 for Grading Permit #89-57.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Loffler to sign the correspondence calling the Letter of Credit, to be forwarded if necessary. Motion carried.

Boatel California

(Commissioner Loffler did not participate because of conflict of interest and Commissioner Vice-President Jarboe presided over the meeting.)

To Annapolis Federal Savings Bank calling Letter of Credit #1991-353 in the amount of \$12,000 for Grading Permit #90-25.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Jarboe to sign the correspondence calling the Letter of Credit, to be forwarded if necessary. Motion carried.

DEPARTMENT OF PLANNING AND ZONING

Present: Jeffrey Jackman, Principal Planner  
Peggy Childs, Recording Secretary.

PUBLIC HEARING/DECISION

CWSP #90-0440 - Town Creek Professional Building  
(Lot 9, Town Creek Subdivision)

Requesting service area category change from W-5 to W-3D and S-5D to S-3D. The property contains 0.723 acres, is zoned RNC, and is located on the east side of MD Route 235, approximately 200 ft. north of Town Creek Drive; Tax Map 35A, Parcel 1, Lot 9.

Owner: O'Brien Home Sales

Mr. Jackman summarized the Staff Report, advising that the Legal Ad was published in The Enterprise on 2/5/92 & 2/12/92; the requested change from W-5 to W-3D and S-5D to S-3D will generate one EDU. The service category change will not affect the RNC zoning. Both staff and the Planning Commission recommend approval.

The Chair opened the hearing to public comment, however no comments were made and the public portion of the hearing was closed.

Commissioner Bailey moved for approval of the service area category change as requested, based on staff's and the Planning Commission's recommendation. The motion was seconded by Commissioner Lancaster and passed by unanimous vote.

COMMISSION ON THE DISABLED

Present: Cynthia Brown, Director, Office of Community Services  
(ADA Coordinator)  
Charles Ridgell, Commission for Disabled

The referenced individuals appeared before the Commissioners to present a report on the Commission for Disabled. All local governments and private businesses that employ 50 or more individuals must comply with the Americans with Disabilities Act - Public Law 101-336.

Mrs. Brown pointed that the Commission was established at the direction of the County Commissioners for the purpose of increasing acceptance and full participation of persons with disabilities in all aspects of county life. The Commission, consisting of representatives of agencies that work with the disabled population, has the responsibility of: assuring compliance with the Americans with Disabilities Act and other laws and regulations; developing a program of public education; and serving as advocate for the disabled.

Mr. Ridgell pointed out the great strides St. Mary's County has made in providing services for the handicapped. He admitted that there were still problems, but the County was continuing to make things better.

Plans for the Commission to ensure compliance with ADA, noted Mrs. Brown, include evaluations of buildings, policies, and procedures, establishment of a local grievance policy, and public awareness programs.

During discussion Commissioner Bailey pointed out that there were some old buildings in the County that if they had to comply could not withstand the restructuring. Mrs. Brown advised that there was an "undue hardship" clause that may apply.

In conclusion the Commissioners thanked the Commission members for their efforts on behalf of the disabled.

**2) VISTA PROJECT APPLICATION**

Mrs. Brown presented a VISTA Project Grant Application provided by ACTION for a VISTA Volunteer for the coordination of alcohol/drug abuse prevention activities and literacy work teams in low income communities.

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

**3) POVERTY AND RACE RESEARCH ACTION COUNCIL GRANT**

On behalf of the Alliance for Alcohol and Drug Abuse Prevention, Mrs. Brown presented a Letter of Application to the Poverty and Race Research Action Council for a survey project for the following areas: minority disenfranchisement as it relates to lack of participation in programs available through the Alliance (drug awareness, prevention, and treatment programs); and to focus on unaddressed needs in poverty and minority areas. The project would consist of two distinct surveys developed in cooperation with the Survey Research Center at St. Mary's College.

After discussion Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve and authorize Commissioner Loffler to sign a letter to Poverty and Race Research Action Council endorsing the Alliance's grant application. Motion carried.

**APPLICATION FOR GRANT FUNDS  
COOPERATIVE REIMBURSEMENT AGREEMENT**

Present: Sheriff Pettit  
Barbara Dotson

The referenced individuals appeared before the Commissioners to request approval for a Child Support Enforcement Grant application from the Maryland Department of Human Resources with a federal participation rate of 66% and local match of 34% (\$29,267). Revenue generated from the program estimated at \$56,813 for Fiscal Year 1993.

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

**CABLE FRANCHISE AGREEMENTS  
JONES INTERCABLE AND SIMMONS CABLE COMPANY**

Present: Susan Sloan, Chairperson, Cable Advisory Committee  
Harry Geiske, "  
Bill Hardman, "  
John Ragland, "  
Chris Fenger, Regional Manager, Simmons  
Phil Spindt, Manager, "  
Nina Kern, Jones Intercable

The referenced members of the Cable Advisory Committee appeared before the Commissioners to present the revised Franchise Agreements for Jones Intercable and for Simmons Cable Company, which have incorporated changes recommended by the Commissioners and from the December 17, 1991 public hearing. Ms. Sloan distributed a comparison chart, as requested by Commissioner Thompson, showing similarities and differences between the two agreements as they relate to the Cable Ordinance adopted by the Commissioners October 1990.

Commissioner Thompson raised questions regarding the public access issue to which Ms. Sloan responded that the next project of the cable committee is to look into setting up procedures. She stated that Jones does currently have public access, and Simmons has an agreement with Channel 10 to work on this.

Commissioner Thompson further inquired as to the status of the new franchise vs. renewal issue. Ms. Sloan indicated that this was a matter of discussion at the Committee's February 14 meeting and the Committee and others present accepted the opinion of the County Attorney that the Agreements were in fact renewals.

After discussion Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Loffler to sign the Franchise Agreements for Jones Intercable and for Simmons Cable Company as presented. Motion carried.

#### MARYLAND ROCK COURT CASE

Present: Joseph Densford, County Attorney

Mr. Densford appeared before the Commissioners to present an Opinion handed down by Judge Raley on the case involving the Board of Appeals decision regarding the non-conforming and conditional use sites at Maryland Rock. The Judge found in favor of Maryland Rock and drew the line in accordance with a plat prepared by D. H. Steffens, which would permit Maryland Rock to continue using the scale house, office trailer and maintenance building at the present location.

In response to an inquiry from Commissioner Loffler, Mr. Densford advised that the County has 30 days from the date the Opinion was signed to take an appeal to the Court of Special Appeals. He stated it was his opinion that if the Court of Special Appeals was to rule in the County's favor, it would most likely be to remand it back to Judge Raley for further findings or it could be remanded to the Board of Appeals for further findings. He pointed out that this could take two to three years to resolve.

The Commissioners requested County Attorney Densford to develop options the Commissioners can take in this matter and report back to the Commissioners next week.

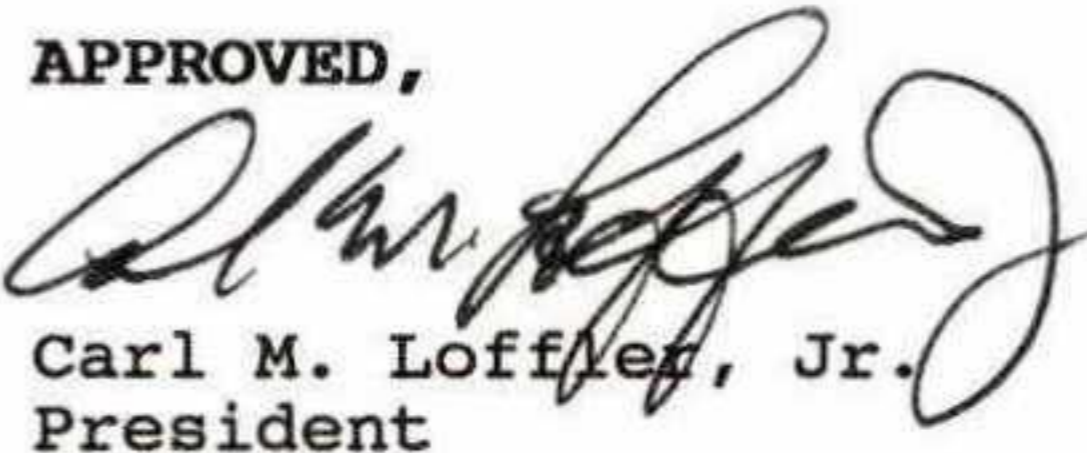
#### "WELCOME TO ST. MARY'S COUNTY" SIGNS

In response to an inquiry from Commissioner Thompson, County Administrator Cox advised that the damaged "Welcome to St. Mary's County" sign at the northern end of the county has been removed, and the property owner has agreed to allow the County to place a new sign at that location. He stated that he has forwarded a letter confirming that agreement that the property owner has been requested to sign and return. Mr. Cox advised that a group of people have agreed to undertake having a new sign placed there.

Commissioner Thompson pointed out that the sign coming from Solomons is also in need of repair. Mr. Cox responded that this would be a future project.

#### ADJOURNMENT

The meeting adjourned at 11:30 a.m.

APPROVED,  
  
Carl M. Loffler, Jr.  
President

#### ALLIANCE FOR ALCOHOL AND DRUG ABUSE PREVENTION

The Commissioners attended the Alliance for Alcohol and Drug Abuse meeting held at Spring Ridge Middle School.

7:00 P.M.  
Public Meeting  
St. Mary's County Financial and Economic Outlook  
and Assessments and Taxation Presentation  
Chopticon High School

The Board of County Commissioners along with the Department of Assessments and Taxation conducted the referenced public meeting. In attendance were: Commissioners Loffler, Bailey, Jarboe and Thompson; Edward V. Cox, County Administrator; Charles Wade, Director of Finance; Joseph Mitchell, Director, Economic & Community Development; James Spence, Supervisor of Assessments; Andy McWilliams, Assessment Supervisor, Judith Spalding (Recorder).

Mr. Mitchell, by way of handouts and overhead slides, presented the St. Mary's County Economic Outlook, and Mr. Wade presented the County's fiscal picture describing revenue trends and expenditures. Mr. Spence and Mr. McWilliams presented a film on the state assessment process and described the local process.

The meeting was opened for questions and comments from the audience which consisted of issues regarding: market values; increased assessments; inaccuracies in assessment values, appeal process, assessments for particular areas; taxes based on inflation rate; deferred tax plan, reductions in assessments in certain areas, assessments vs. actual sales prices; St. Mary's County's fiscal status; publicizing of tax credit eligibility; property not on tax roles including park property; Hollywood Elementary School property; assessment on waterfront property that has eroded; property not being assessed; assessments on undeveloped land that has received subdivision approval; commercial property assessments; constant yield tax rate; agricultural land assessments; equitable assessments; graduated piggyback taxes on income rather than property; uniformity in assessments; assessment codes.

The public meeting concluded at 10:30 p.m.