

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

**March 10, 1992**

**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 Lancaster moved, seconded by Commissioner Bailey, to approve the minutes of the Commissioners' meeting of Tuesday, September 3, 1991 and the Department of Planning and Zoning's portion of the County Commissioners' meetings of February 11, 25 and March 3. 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.

**PROPERTY TAX REFUNDS FOR QUALIFIED DISABLED VETERANS  
AND BLIND INDIVIDUALS**

**Present:** Mary Pat Pope, Administrative Officer

Ms. Pope appeared before the Commissioners to present a draft Ordinance for the establishment of an administrative process for the acceptance and approval of applications for property tax refunds for qualified disabled veterans and blind individuals. She indicated that Section 7 of the Maryland Tax Property Article, provides for tax exemptions, and the Ordinance, which requires a public hearing, would establish the administrative process for these refunds. Ms. Pope requested authorization to proceed with a public hearing on March 31, 1992 at 11:00 a.m. on the proposed Ordinance.

Commissioner Bailey moved, seconded by Commissioner Thompson, to proceed with the March 31 public hearing as requested. Motion carried.

**COUNTY ADMINISTRATOR ITEMS**

**Present:** Edward V. Cox, County Administrator

**1) COUNTY PROPERTY TAX CREDIT  
NEWLY CONSTRUCTED DWELLINGS**

As a follow up to last week's discussion on the referenced matter, the County Administrator recommended that the Commissioners defer a decision until further study. He stated that the tax credit could have far-reaching implications in that at any given time, there are new construction units on the market and this could create an uneven situation.

The Commissioners gave their concurrence to defer action on property tax credits for newly constructed dwellings.

**2) ST. MARY'S NURSING CENTER  
RESOLUTION - INTENT TO REIMBURSE**

The County Administrator presented a memorandum dated March 3 from the Director of Finance forwarding a Resolution authorizing the Director of Finance to declare on behalf of the County that the County intends to reimburse itself from bond or loan proceeds for expenses incurred prior to issuance of the bond or loans. The County Administrator pointed out that the Resolution is necessary in order to comply with IRS regulations with regard to the St. Mary's Nursing Center addition construction.

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



3) **CLEARINGHOUSE PROJECT NO. MD920227-0169**  
**HUD LOW RENTAL PUBLIC HOUSING(6 UNITS - PATUXENT WOODS;**  
**50 UNITS - HOLLAND FOREST LANDING**

The County Administrator presented the referenced clearinghouse and recommended that it be forwarded to the State with the comment that it is consistent with the County's plans, programs and objectives.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to accept this recommendation. Motion carried.

4) **GRANTS**

The County Administrator presented the following grants for the Commissioners' review and consideration:

- **State's Attorney's Office**  
**Cooperative Reimbursement Agreement**

Agreement between Department of Human Resources and St. Mary's County through the St. Mary's County States Attorney for child support enforcement program grant at a total cost of \$164,184.

- **Office on Aging RSVP Grant - Annual Renewal and Supplemental Request - FY '93**

ACTION RSVP grant for the mainstreaming on senior citizens through volunteer opportunities and efforts for the period 7-1-92 - 6/30/93 in the total amount of \$54,388.

- **Office of Community Services**  
**VISTA Project Application**

Revised Application to ACTION for a third VISTA worker for the alcohol/drug abuse prevention program and literacy program.

- **Walden/Sierra**  
**Women's Services Rape Crisis Grant**

From Department of Human Resources for \$4,118 additional funding bringing total grant for Fiscal Year 1992 to \$66,103.

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

5) **PERSONNEL**

The County Administrator presented the following personnel items for the Commissioners' review and consideration:

**Assistant State's Attorney**

Memorandum dated March 9 from Personnel Officer indicating that State's Attorney Walter Dorsey has recommended the selection of Michael J. Stamm as Assistant State's Attorney, grade 23, Step 2, to replace Michael Harris (who was appointed as Juvenile Master) effective March 2.

**Landfill Attendants (2)**

Memorandum dated March 6 from Personnel Officer requesting establishment of two Landfill Attendant positions, Grade 10-1, for the new Charlotte Hall Transfer Station.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve the two referenced Personnel Actions as presented. Motion carried.

6) **CORRESPONDENCE**

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



- To Commissioners of Leonardtown responding to their letter of January 31 and suggesting a meeting to continue discussion of items of mutual concern.
- To Acting Superintendent of Schools Kozlovksy congratulating her upon her recent appointment as the new Superintendent.
- To Chairperson of Charles County Community College Advisory Committee responding to her concerns addressed in a February 26 letter, indicating the Commissioners' continued support of the community college, and suggesting that the CCAC meet with the Technology Council in order to better understand each groups goals.

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

**7) CORRESPONDENCE TO BALTIMORE GAS AND ELECTRIC**

The County Administrator presented correspondence addressed to Baltimore Gas and Electric requesting reconsideration of its decision not to support Marcey House.

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

**SOUTHERN MARYLAND WOOD TREATMENT PLANT TASK FORCE**

Present: Garner Morgan, Chairman  
Tom Russell, Member  
Tom Collier, Member

The referenced members of the Southern Maryland Wood Treatment Plant Task Force appeared before the Commissioners to present a status report on its activities.

Dr. Morgan pointed out that to date the Task Force has not received responses to questions addressed to the EPA on January 31 and requested approval to maintain regular contact with EPA to get the responses. The Commissioners indicated their support in this request and suggested that Task Force contact EPA in writing and provide copies to Legislators.

Dr. Morgan further advised that EPA has provided soil samples from the site to 14 qualified vendors in order to bid on the removal of the hazardous waste materials through alternative methods. Mr. Russell pointed out, however, that EPA is proceeding with thermal treatment of the waste.

During discussion Dr. Morgan discussed with the Commissioners membership terms and frequency of meetings. He pointed out that it was important to get new ideas and interest on the Task Force. The Commissioners explained most terms on boards and committees are for three or four year renewable terms; however, the Task Force was established for a specific purpose. Commissioner Loffler suggested that if the Task Force knew of someone interested in serving, the Commissioners would be glad to considering adding new people to the group. With regard to meeting, Dr. Morgan stated that part of the Task Force's charge was to keep the public informed of what was happening with regard to the site and inquired as to how often did the Commissioners think the group should meet. The Commissioners indicated the Task Force should meet as often as necessary, depending on what was happening, but that it should not go longer than three months between meetings.

**DEPARTMENT OF PUBLIC WORKS**

Present: Dan Ichniowski, Director

**1) ROAD NAME CHANGE - SNOW HILL MANOR ROAD**

As a follow up to the County Commissioners' public hearing on February 25 relative to changing the name of Father Andrew White Road and Snow Hill Road to Snow Hill Manor Road, Mr. Ichniowski presented a Road Resolution implementing the name change. He further presented a memorandum dated March 6 from the Director of the Emergency Management Agency indicating that the 991 Addressing Task Force concurs with the name change.

After discussion Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve and sign Road Resolution No. R92-07 renaming Father Andrew White Road and Snow Hill Road to Snow Hill Manor Road. Motion carried.



2) **APPLICATION FOR STATE ASSISTANCE  
SANDGATES**

Mr. Ichniowski presented an Application for State Assistance for shore erosion control on Sandgates Road on the Patuxent River.

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

3) **INDIAN RIVER SUBDIVISION  
ACCEPTANCE OF DEED AND ROAD RESOLUTIONS**

Mr. Ichniowski presented a Deed dated August 8, 1990 by Ken Cross Construction and St. Mary's County accepting Canoe Place and Cochise Court into the County Highway Maintenance System. Also presented were two Road Resolutions: R92-05 - Posting Cochise Court and Canoe Place at 25 miles per hour; R92-06 - designating the following streets as Stop Streets: Cochise Court as it intersects with Hiawatha Court and Canoe Place as it intersects with Cochise Court.

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

4) **ADDENDUM TO PUBLIC WORKS AGREEMENT  
SUMMERWOOD SUBDIVISION**

Mr. Ichniowski presented an Addendum to the Public Works Agreement between Wayne Wise and Board of County Commissioners of St. Mary's County extending the deadline for completion of improvements to April 1, 1992.

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

**RESOLUTION NO. W/S 92-04  
COMPREHENSIVE WATER AND SEWER PLAN AMENDMENT  
METROPOLITAN COMMISSION COMMUNITY SEWER PROJECTS:  
AIREDELE ROAD, TALL TIMBERS/SOUTH POTOMAC SHORES,  
ST. GEORGE ISLAND (SPEC #91-0121)**

Present: Joseph Densford, County Attorney  
Viki Volk, St. George Island Improvement Association

As a follow up to previous discussions, the County Attorney presented the referenced Resolution amending the St. Mary's County Comprehensive Water and Sewer Plan for the following projects: Airedele Road area of the First Election District (S-6 to S-3 for 63 dwelling units - 75 EDUs), Tall Timbers/South Potomac Shores area of the Second Election District (S-5 to S-3 for 145 dwelling units - 162 EDUs), and St. George Island area of the Ninth Election District (S-5 to S-3 for 219 EDUs). Also presented was an Agreement Restricting Service to St. George Island. Ms. Volk noted that the St. George Island Improvement Association has concurred in the Agreement.

After discussion Commissioner Jarboe moved, seconded by Commissioner Lancaster, to approve and sign Resolution No. W/S 92- Motion carried.

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Loffler to sign the Agreement Restricting Service to St. George Island. Motion carried.

**MARYLAND ROCK V. BOARD OF APPEALS COURT CASE**

Present: Joseph Densford, County Attorney

Commissioner Loffler indicated that based on correspondence from Patuxent River Association and from Mr. Greess, he had requested an Advisory Opinion from the Ethics Commission as to whether Commissioners Jarboe and Bailey could participate in the discussion and decision regarding an appeal of the referenced matter. He stated that the Ethics Commission ruled that there was not conflict of interest for either of them to participate.

Commissioner Bailey moved, seconded by Commissioner Jarboe, to defer a decision on whether to appeal the Circuit Court's decision on the Maryland Rock v. Board of Appeals court case until after discussion with the Board of Appeals later in the day. Motion carried.



Commissioner Loffler stated that the Commissioners need to have clarification as to the cost of an appeal. Mr. Densford indicated that there would be no need to get outside counsel, and if appealed, he would handle it. He stated that the cost to appeal would be approximately \$10,000 in staff time and related expenses.

Discussion ensued regarding the merits of whether or not to appeal and specifically the time it would take. Mr. Densford pointed out that the matter, if appealed to the Special Court of Appeals, could be remanded back to Judge Raley who could in turn remand it back to the Board of Appeals for further consideration. In response to an inquiry from Commissioner Loffler, Mr. Densford advised that staff time would probably be less if the County chose not to appeal and another party filed the appeal.

Commissioner Bailey stated that he had a statement to read from Commissioner Jarboe and himself. Midway through the reading of the letter, Commissioner President Loffler ruled the continuation out of order.

#### **EXECUTIVE SESSION**

Present: Edward V. Cox, County Administrator

Commissioner Lancaster moved, seconded by Commissioner Bailey to meet in Executive Session on a matter of property acquisition. Motion carried. The Session was held from 10:30 a.m. to 10:40 a.m.

#### **PLANNING COMMISSION ANNUAL REPORT**

Present: Keith Fairfax, Chairman  
Jon Grimm, Director, Planning and Zoning

The referenced individuals appeared before the Commissioners to present the 1991 Annual Report for the Planning Commission. The report included an Executive Summary setting forth significant accomplishments of the past year; its purpose and functions as detailed in Article 66B, St. Mary's County Code and the St. Mary's County Zoning Ordinance; a Statistical Summary of new construction permits; building permit charts by category; special cases; summary and recommendations.

During discussion of establishment of "Towns" and preservation of countrysides, Commissioner Jarboe reminded the Planning Commission to keep the citizens' concerns regarding "2020" in mind.

During the presentation, Mr. Fairfax recommended that a County Commissioner serving on the Planning Commission as a honorary member.

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

#### **ZONING BOARD OF APPEALS**

Present: Dan Raley, Chairman  
Tom Bowles, Past Chairman  
Jon Grimm, Director, Planning and Zoning

##### **1) Maryland Rock v. Board of Appeals**

Commissioner Bailey advised that the Commissioners would like to know the Zoning Board of Appeals' recommendation regarding whether or not to appeal the Circuit Court decision concerning Maryland Rock. Mr. Raley indicated that Planning and Zoning staff had contacted each member of the Board of Appeals as to his position in the matter. The poll resulted in a with two in favor of the appeal, two opposed, and the Chairman in favor if the County Commissioners saw no problems with the cost of the appeal. Mr. Raley stated that he contacted the County Attorney to get an indication as to whether he believed the county could win an appeal, or if the County does not appeal, if this would set a precedent as to possible future actions of the Board of Appeals and Department of Planning and Zoning. Mr. Raley reported that Mr. Densford had indicated that he believed the County's chance of winning an appeal was good; however, Mr. Raley was concerned about the cost factor and pointed out to the Board that if the County chose to file an appeal and felt that it was a worthwhile expenditure of financial resources to do so, he, as Chairman, would support that decision.

Later in the meeting Commissioner Thompson moved, seconded by Commissioner Loffler to appeal the Maryland Rock decision. Commissioners Thompson and Loffler voted in favor with Commissioners Jarboe and Lancaster voting against. Commissioner Bailey did not participate in the vote. The motion was two-to-two resulting in a lost motion.



2) Annual Report

The referenced individuals appeared before the Commissioners to present the 1991 Annual Report for the Zoning Board of Appeals. The report included its purpose and its authority as mandated in Article 66B and its functions. Included in the report were discussions on variances and critical area legislation. Plans for the current year included insuring adequate enforcement of conditional approvals.

For the Commissioners' consideration, the Board of Appeals has recommended that it be the approving body for nonconforming uses instead of the Planning Commission in order to allow the Planning Commission to be a planning body.

In closing Mr. Bowles expressed concern that the Critical Area Commission does not always respond in a timely matter on cases forwarded to them.

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

**PROPERTY TAX DEFERRAL FOR ELDERLY OR DISABLED HOMEOWNERS**

Commissioner Thompson distributed a packet of information regarding the referenced tax deferral. This information had been presented at a meeting with staff and included a draft ordinance. Commissioner Thompson requested the Commissioners to review the information which could be a matter of discussion at next week's meeting.

**PROCLAMATION  
NATIONAL GIRL SCOUT WEEK**

The Commissioners presented the referenced Proclamation designating the week of March 8 - 14, 1992 as National Girl Scout Week in St. Mary's County.

**COUNTY COMMISSIONERS/BOARD OF EDUCATION MEETING**

Present: Al Lacer, President, Board of Education  
Jean Campbell, "  
Robert Kirkley, "  
Jonathan Nelson, "  
Fred Wallace, "  
Joan Kozlovsky, Acting Superintendent of Schools  
Board of Education staff  
County Government staff

1) **BUDGET AMENDMENT CONSIDERATIONS - FISCAL YEAR 1992**

Mr. Lacer requested the Commissioners' approval of budget amendment considerations: \$114,000 - Lettie Dent Furniture and Equipment; \$110,000 - Green Holly Furniture and Equipment; and Leonardtown HVAC system renovations - \$555,000 for a total of \$779,000. \$659,069 are available in the Capital Project account due to projects that came in under estimated amounts.

With regard to the Leonardtown HVAC project, Mr. Lacer advised that the \$555,000 includes renovation of the heating system with a capacity for future cooling and a new oil tank as recommended by the engineering consultant. The oil tank, which barely passed inspection last year, will be inspected again this summer. County staff has been requested to look at the Leonardtown HVAC and make an evaluation.

Mr. Lacer indicated that the Leonardtown project has been appealed to the state for state participation in funding and a decision has not yet been made. He pointed out that if the state does not participate and it is done with local money, state funding may never be forthcoming for this project.

The Commissioners took take the request for budget amendments under consideration.

2) **FISCAL YEAR 1993 BUDGET**

Commissioner Loffler explained that the County does not at this time know what the state funding will be for Fiscal Year 1993 and therefore, has not made firm decisions on the budget.

Superintendent Kozlovsky presented a handout outlining major components of proposed expenditures and comparisons between 1992 and 1993 as well as major components of 1993 budget increase. The information also included total proposed expenditures and estimated/proposed revenues.



**ST. MARY'S TECHNOLOGY COUNCIL**

Present: J. Frank Raley, St. Mary's Technology Council

Mr. Raley appeared before the Commissioners to advise that the Johns Hopkins and University of Maryland engineering school project is moving ahead of schedule, and the Governor's office has requested \$300,000 in the state budget for a building to house the project. The hearing in Annapolis on this request is scheduled for Thursday, March 12, 1992 at 3:30 before the House Appropriations Committee.

Mr. Raley indicated that the Technology Council has requested the County's support and to request that the County act as the agent through the county's Department of Economic and Community Development.

Mr. Raley advised that a study will be conducted by an independent consultant to look at all the logistics of this project at an estimated cost of \$40,000; Higher Education, DEED and the Technology Council have each pledged \$10,000, and the State is suggesting that the County provide \$10,000. Mr. Raley indicated that this, however, was not an issue before the Commissioners at this time as it will come to them officially in writing.

After discussion Commissioner Bailey moved, seconded by Commissioner Lancaster, to support the Technology Council regarding the State's \$300,000 appropriation and to act as agent in the project. Motion carried.

**MOBILE HOME INSTALLATION (ORDINANCE NO. 78-03)**

Present; Jon Grimm, Director, Planning and Zoning

Mr. Grimm advised the Commissioners that Ordinance No. 78-03 (Chapter 273, Article III of St. Mary's County Code) established requirements for permits relating to mobile home installation, and was done at a time when there was a problem with proper installation of septic system facilities. He pointed out that with current provisions in the zoning and building codes and health regulations, language in the Ordinance No. 78-03 is antiquated. Mr. Grimm advised that a public hearing would be required to delete the provision of the code, and April 7, 11:00 a.m. has been tentatively set.

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to authorize the Director of Planning and Zoning to proceed with the public hearing as requested. Motion carried.

**FISCAL YEAR 1993 BUDGET**

Present: Edward V. Cox, County Administrator  
Charles Wade, Director of Finance  
Marty Jones, Budget Analyst  
Mary Pat Pope, Administrative Officer

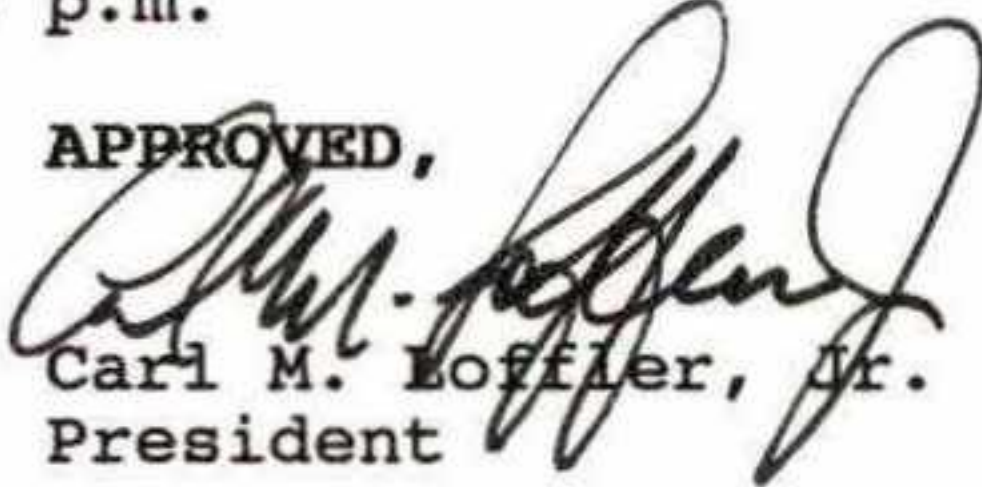
The referenced individuals appeared before the Commissioners to present the tentative recommended budget for Fiscal Year 1993. Mr. Wade explained that the budget is based on 96% of Fiscal Year 1992 budget by department and it avoids personnel reductions, allows for no step increases/no COLAs, and no new people.

During review of the Capital Budget, Commissioner Loffler suggested a more thorough review of the Capital Improvement Program after adoption of the Fiscal Year 1993 Budget.

**ADJOURNMENT**

The meeting adjourned at 3:50 p.m.

APPROVED,

  
Carl M. Loffler, Jr.  
President



