

BOARD OF COUNTY COMMISSIONERS

May 5, 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 9:10 a.m.

APPROVAL OF MINUTES

Commissioner Lancaster moved, seconded by Commissioner Bailey, to approve the minutes of the Commissioners' meeting of Tuesday, April 28, 1992 and the minutes of the Commissioners' Special Meeting of April 30, 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) **Potomac River Fisheries Commission**

Also Present: Joe Mitchell, Director, DECD
 Cindy Woodburn, Tourism Coordinator
 Capt. Bob Bowes
 Capt. Bob Holden

The referenced individuals appeared before the Commissioners to request authorization to allow Mrs. Woodburn to make a statement to the Potomac River Fisheries Commission. Mrs. Woodburn advised that the PRFC handles the striped bass regulations for the Potomac River. The Charter Boat captains have requested Mrs. Woodburn to make a statement at the next PRFC meeting that PRFC consider implementing a guaranteed and regulated fall striped bass fishing season on the Potomac River for charter boats and that PRFC increase the quota of striped bass caught in the Potomac River for charter boats during the striped bass season.

Commissioner Bailey moved, seconded by Commissioner Jarboe, to authorize Mrs. Woodburn to make the referenced statement. Motion carried.

2) **Property Tax Refund - Jack M. Jannarone**

The County Administrator reminded the Commissioners of their adoption of Resolution No. 92-05 regarding property tax refunds for disabled veterans and blind individuals. Therefore, Mr. Cox presented correspondence addressed to County Treasurer Katherine D'Esposito forwarding certification by the Department of Assessments and Taxation that Jack M. Jannarone is eligible to receive a refund for county property taxes as he has been deemed to be 100% disabled.

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

3) **Walden Sierra House and Arnold Building
 Comprehensive Water/Sewer Plan Amendment**

The County Administrator presented correspondence addressed to Maryland Department of Environment indicating that the referenced water/sewer plan amendment has been approved by the St. Mary's County Planning Commission and Board of County Commissioners and forwarding appropriate documents.

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

4) **Resolution No. 92-08
 Sierra House Residential Treatment Center
 State Grant: MHDA-186**

The County Administrator advised that St. Mary's County has received a grant in the amount of \$289,500 for the design, construction and equipment costs

at Sierra House and, therefore, presented the referenced Resolution. The Resolution sets forth the County's agreement regarding a statement recorded in the Land Records of the State of Maryland's right of recovery of the grant amount.

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to sign the Resolution as presented. Motion carried.

5) Family Leave Request - Erin Burch

The County Administrator presented a request for eight weeks of Family Leave by Erin Burch and certification from her doctor relative to this request.

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

6) Community Development Administration
1992 On Behalf of Program
Transfer of Bond Allocation

The County Administrator presented correspondence addressed to the Community Development Administration transferring the full amount of St. Mary's County's tax-exempt bond allocation in the amount of \$1,351,385 to CDA for use in the state's On-Behalf-Of Maryland Mortgage Program. The funds would in turn be provided by the State for housing projects in St. Mary's County.

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

7) Letters of Appreciation

The County Administrator presented the following letters of appreciation for the Commissioners' signatures:

- To Patuxent Inn for hospitality extended to tourism industry groups
- To individuals who have completed terms thanking them for serving on various boards and committees.

The Commissioners agreed to sign and forward the letters.

8) APPOINTMENTS
BOARDS, COMMITTEES, COMMISSIONS

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

<u>Commission for Women</u>	<u>Terms to Expire</u>
Judith B. Rock	6/30/95/99
<u>Community Development Corporation</u>	
Billie L. Brown	6/30/97
G. Thomas Daugherty	6/30/94
Michael McCauley	6/30/94

9) Budget Amendments

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

No. 92-47
Department of Social Services

To provide funding for burial assistance (\$1,410)

No. 92-48
County Commissioners

For routine office supplies through June 30, 1992 (\$500)

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

10) Critical Area Grants

The County Administrator presented an amendment to the Fiscal Year 1992 Grant "No-Cost Extension" which extends the time frame for the grant allocations from June 30, 1992 to September 30, 1992.

Commissioner Jarboe moved, seconded by Commissioner Thompson, to approve and authorize Commissioner Loffler to sign the "No-Cost Extension" as presented. Motion carried.

11) Resolution No. 92-09
Mobile Home Provisions - County Code Amendments

The Commissioners conducted a public hearing on April regarding the deletion from the County Code a requirement for individual water supply system and sewage disposal system prior to the issuance of a building permit for the installation of mobile homes. Because of provisions in the County's Zoning Ordinance this requirement is no longer necessary. Therefore, County Administrator Cox presented the referenced Resolution repealing and re-enacting Chapter 273-6, Article III of the St. Mary's County Code.

Commissioner Jarboe moved, seconded by Commissioner Thompson, to approve and sign Resolution No. 92-09 as presented. Motion carried.

12) Southern Maryland Wood Treatment Plant

For the Commissioners' information, the County Administrator presented a handout setting forth budgetary actions by the Maryland Department of Environment which include a statement that no funds would be provided in Fiscal year 1993 for the purpose of a hazardous waste incinerator in St. Mary's County. The Maryland General Assembly supported MDE in its effort to find a lower cost alternative to incineration.

County Administrator Cox advised that the Task Force met on April 30 and made a motion to request the Commissioners to request EPA to not initiate the contract process until alternative technology treatability studies have been fully evaluated. Therefore, Mr. Cox presented correspondence addressed to EPA making this request.

Commissioner Bailey moved, seconded by Commissioner Thompson, to sign and forward the letter as proposed by the Southern Maryland Wood Treatment Plant Task Force. Motion carried.

PROCLAMATIONS

The Commissioners presented the following Proclamations:

Adult/Elder Abuse Awareness Week

Designating the week of May 3 - 9, 1992 as Adult/Elder Abuse Awareness Week.

Maryland Tourism Week

Designating the week of May 5 - 11, 1992 as Maryland Tourism Week.

Respect for Law Week

Week. Designating the week of May 1 - 7, 1992 as Respect for Law

ECONOMIC IMPACT FEE EXCEPTION (DRYDENS)

Present: Jon Grimm, Director
Sherman and Mary Dryden

The referenced individuals appeared before the Commissioners to continue discussion of the Dryden's request for exception to payment of the Economic Impact Fee for an accessory apartment. Mr. Dryden stated that their request was not just for them but for the Commissioners to consider granting an exception for all accessory apartments for family members.

Mr. Dryden stated that the Commissioners on March 17 had requested Planning and Zoning to conduct a survey of other jurisdictions regarding the handling of accessory apartments, and he pointed out that he also contacted several counties to inquire about their policies in this regard. Mr. Dryden believed there are discrepancies in the two reports (his and Planning and Zoning's) and pointed out that according to his survey at least one county exempted accessory apartments from payment of the economic impact fee. Mr. Grimm suggested that perhaps they had been asking different questions and that his department had contacted MACo, which had recently completed a similar survey, as well as individual counties asking a number of questions starting with whether they charged an impact fee for schools.

Mr. Dryden advised that he had received notice from District Court that a trial date had been set for June 15 relative to the violations cited by the Department of Planning and Zoning. He stated that he had recently obtained legal counsel and will continue to pursue this matter. Mr. Grimm responded that this was as a result of the action filed by Planning and Zoning prior to the Commissioners discussing this matter and that it had followed its natural course. In response to an inquiry from Commissioner Jarboe, Mr. Grimm stated that no additional action has been taken by the County in this regard and none would be taken until the issue has been resolved. It was noted in the discussion that the charges should not have been removed until the situation had been resolved because the filing was for violations of the county's Certificate of Occupancy requirements. Commissioner Jarboe questioned whether there were additional penalties being charged on the original fines for the violations. Mr. Grimm responded the Zoning Ordinance provides for penalties, but his department was not adding penalties to the original \$300 fine.

During discussion regarding the county's policy for assessing impact fees which, are on dwelling units and not occupants. County Administrator Cox indicated that Planning and Zoning is required to implement the policy that is in place. Discussion ensued as to the feasibility of changing the policy, and Commissioner Bailey suggested that a change could be made for accessory apartments for relatives.

After discussion Commissioner Jarboe moved, seconded by Commissioner Bailey to not require payment of the economic impact fee for accessory apartments until this issue is resolved. Commissioners Loffler, Lancaster and Thompson voted against the motion. Motion defeated three to two.

Commissioner Loffler pointed out that by this action, the payment of the economic impact fee by the Drydens is now required.

Commissioner Loffler requested Mr. Grimm to review the information provided by Mr. Dryden (survey of other counties) and the information he has gathered and return to the Commissioners with recommendations as to the restructuring of impact fees for St. Mary's County.

Commissioner Jarboe inquired about the possibility of providing some mechanism to reduce the burden on older individuals with regard to impact fees. Mr. Grimm indicated that this would be a fiscal matter rather than a zoning or land use matter. Commissioner Loffler referred to a program through housing that would provide loans for payment of impact fees for qualifying individuals.

**NAVAL AIR TEST AND EVALUATION MUSEUM
FISCAL YEAR 1993 BUDGET**

Present: Capt. Robert Parkinson, Commanding Officer, NAWC

Capt. Parkinson appeared before the Commissioners to request the Board's reconsideration of the full amount requested for the Naval Air Test and Evaluation Museum for Fiscal Year 1993. (\$34,000 requested; \$12,480 allocated in Recommended Budget). Capt. Parkinson explained that the county's allocation provides for salaries at the museum and without this funding, the museum could not stay open during the week. He pointed out that the museum along with other attractions provide an opportunity to students and other citizens to experience history and technological aspects of the area.

In response to an inquiry regarding fund-raising efforts, Capt. Parkinson indicated that the museum is beginning the process to do this.

In conclusion the Commissioners advised that they would give consideration to this request during the development of the final budget.

DEPARTMENT OF PUBLIC WORKS

Present: Dan Ichniowski, Director

**1) Scott Circle Taxing District
Project Costs Responsibility**

For the Commissioners' information, Mr. Ichniowski distributed a handout setting forth the project costs for the Scott Circle Taxing District and method of assessment. He stated that this information will be provided to the Finance Office for adding to the tax bills.

**2) Proposed Shore Erosion Control Project
Sandgates Road Site**

For the Commissioners' information, Mr. Ichniowski presented the Department of Natural Resources Shore Erosion Control Need and Feasibility Report with Recommendations and Estimated Costs for the Proposed Shore Erosion Control Project at the Sandgates Road Site.

3) **Addenda to Public Works Agreements**

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

Whaler's Creek Runn

Between Millison Enterprise, J. Laurence Millison, and Board of County Commissioners of St. Mary's County extending the deadline for completion of improvements to August 1, 1992. The Addendum is backed by a Letter of Credit with Maryland National Bank in the amount of \$204,300.

Cedar Cove

Between Patuxent Development Inc., J. Laurence Millison, and Board of County Commissioners of St. Mary's County extending the deadline for completion of improvements to August 1, 1992. The Addendum is backed by a Letter of Credit with Maryland National Bank in the amount of \$353,000.

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

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator

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

Litigation

Also Present: Joe Densford, County Attorney
Dan Ichniowski, Director, Public Works

The Session was held from 11:25 a.m. to 11:45 a.m.

Personnel

Also Present: Sheriff Pettit
Capt. Greg Copado
Barbara Dotson, Fiscal Specialist

The Session was held from 11:45 a.m. to 12:10 p.m.

STAFF MEETING

The Commissioners attended the regular monthly staff meeting at the Carter State Office Building, Public Meeting Room.

**CAPITAL IMPROVEMENT PROGRAM
WICOMICO GOLF COMPLEX**

Present: Phil Rollins, Director, Recreation and Parks

Mr. Rollins reviewed with the Commissioners to Capital Improvement Program for the Wicomico Golf Complex.

During discussion of the irrigation of the golf course, Mr. Rollins explained that it was determined that it would not be practical or feasible to use effluent from the Wastewater Treatment Plant for the golf course because a 500 foot setback is required. The intent of the irrigation project will be to use untreated water and use the existing lagoon as the pond.

During review of the capital program, Commissioner Loffler questioned the cost of architect/engineering for the irrigation project and the landscaping project. Mr. Rollins indicated that he would check into those figures.

**FISCAL YEAR 1993 BUDGET
CAPITAL PROJECTS**

Present: Charles Wade, Director of Finance

Mr. Wade presented a handout setting forth Capital Budget and General Fund additions as well as a list of recommended capital projects for Fiscal Year 1993. The Commissioners reviewed the list item by item and took the following actions:

Indian Bridge Road

Commissioner Thompson moved, to delete the project from the FY '93 Budget. Motion lost for lack of a second.

Airport Water/Sewer Line

Commissioner Thompson moved, seconded by Commissioner Lancaster, to shift this project from the General Fund to General Obligation Bonds. Motion carried.

Building Renovations

Commissioner Bailey moved, seconded by Commissioner Jarboe to delete this item from the FY '93 Budget. Motion carried.

Governmental Center Parking Lot

Commissioner Thompson moved, seconded by Commissioner Lancaster, to shift this project from the General Fund to General Obligation Bonds. Commissioner Jarboe voted against the motion. Motion carried four to one.

Review of the Fiscal Year 1993 Operating Budget will begin at next week's meeting.

INTRODUCTION OF REPORTER FROM WARMINSTER SPIRIT

Present: Judy Landau Pedersen, Public Information Specialist
Debra Waties, Warminster Spirit

Mrs. Pedersen introduced Ms. Waties, a reporter from Warminster, Pennsylvania, to the Commissioners. The Commissioners welcomed Ms. Waties and each spoke on the opportunities and attributes St. Mary's County has to offer those individuals who will be transferring from Warminster to St. Mary's County.

MARYLAND YOU ARE BEAUTIFUL SENIOR ARTS COMPETITION

Present: Gene Carter, Director, Office on Aging
Florene Applefeld, Director, Maryland Special Programs
Cindy Woodburn, Tourism Coordinator

Mr. Carter and Ms. Applefeld appeared before the Commissioners to present Certificates to the Honorable Mention winners of the Maryland You Are Beautiful Senior Arts Competition in the areas of painting, ceramics, and wood carving. The Commissioners presented a Commendation to the Grand Winner William Sonntag for his wood carving project, and Mrs. Wood presented a weekend getaway to Queen Anne County. Mr. Sonntag will advance to the state contest.

7:00 P. M.

PUBLIC FORUM

The Commissioners conducted the regular monthly public forum accepting questions and comments from the audience. The first portion was devoted to concerns from the Patuxent Beach community and in particular a list of items submitted by the Patuxent Beach Community Association and the remainder of the time to other concerns.

Commissioner Loffler opened the meeting by stating that the County has the deed for certain property in the area of Boatel California and Town Creek Marina and can now regulate the land in those areas.

Lt. Potts, Maryland State Police, and Lt. Cooper, Sheriff's Department, indicated their commitment in working together in trying to eliminate the problems in the area. Lt. Potts further pointed out that the Natural Resources police would also be checking out the area.

Mr. Ichniowski advised that "No Parking" signs have been installed and that his department was looking into blocking out parking stalls.

Mr. Densford indicated that the County has the deed to property in the area would be enforcing the "No Parking" regulations.

John Cole - Raised several questions regarding the waterfront area (trash pickup, bathroom facilities,) Commissioner Loffler responded that Public Works should be called regarding trash and that the commercial businesses in the area would control use of bathroom facilities.

Mr. Cole inquired as to the status of the proposed expansion of the Boatel California and as to enforcement of the site plan regulations. Mr. Grimm advised that the request for site plan approval for the expansion is going through the TEC process and will be reported out in the third week of May. The project will have to go through the process dictated by the critical area regulations and formal approval by the Planning Commission.

With regard to the item concerning properties being used as car lots and junk yards, Mr. Grimm advised that complaints have been investigated and that his department is following standard procedures in this effort.

Frances Anderson - Requested that there be physical deterrents to prevent cars from parking such as jersey walls or barriers, as well as tow-away. Mr. Ichniowski advised that the county would not be placing barriers on the property. Commissioner Loffler suggested that the citizens allow the county to enforce the "No Parking" laws, and if this is not successful that more stringent action would be pursued.

Kimberly Bizzell - Requested enforcement of the 25 mile per hour speed limit in the area. Lt. Potts responded that he would get radar at that location.

Jim Smith - Questioned the cost to taxpayers for the site plan for Boatel California which he said has already taken seven years pointing out that the developer has not finished work on the original plan and has now applied for expansion. He stated that there should be a time limit for site plans. Mr. Grimm explained that the site plan and building permit are valid for one year from issuance; however if there is a year's lapse with no work being done, the developer would have to reapply.

Mr. Smith further questioned DPZ's not pursuing with the court violations by the developer of Boatel California. Mr. Grimm cited the county's history with the property owner as well as direction from the Commissioners to gain compliance rather than fining people.

Mary Woodland and Fred Bradley (Capital Tours) - Expressed need for commuter parking for people working in Washington, D. C. Ms. Woodland advised that the owner of the old Safeway property has agreed to allow temporary use of the parking lot, but has requested a formal letter from the Commissioners indicating there is a need.

Commissioner Jarboe suggested that they contact Harvey Berlin of Tri-County Council as there is a transportation system out of the Council through the state mass transit program.

Dr. James Dabbs (Leonard Hall Board of Trustees) - Advised that Board has received correspondence from the County regarding payment of back rent. He indicated that the school is making every effort to pay and will be in compliance of the lease. Dr. Dabbs requested a positive gesture from the Commissioners on the future of the school. Commissioner Loffler responded that the terms of the lease must be complied with and the bill needs to be paid. He stated that the Commissioners need to meet with the Board of Trustees in an official capacity. (The Board of Trustees have scheduled a meeting with the Commissioners on Tuesday, May 12).

Elcina Talbot - Stated that she is in the military and her daughter has been attending Leonard Hall School for a month. She stated that her daughter had discipline problems and in one week at Leonard Hall, there is a noticeable improvement.

Mike Johnston - Questioned additional funding provided to the Board of Education after the public hearing. Commissioner Loffler advised that announcements were made at the budget hearings that adjustments would be made to the County's budget due to reinstatement of some funding by the state including reimbursement of funds to the school system.

Mr. Johnston questioned the public school's administrative/supervisory salaries and suggested that all supervisors be required to teach a certain amount of hours each week. Commissioner Thompson explained that the Commissioners fund the public schools by category and cannot tell them how to spend it. Commissioner Jarboe stated that there needs to be accountability on the part of the Board of Education and that the system should be reviewed.

Vernon Gray (Chairman, Alliance for Concerned Taxpayers) - Questioned the county's decision to not adopt the constant yield tax rate in light of the additional state aid that was received. He pointed out that the state aid was 3% greater than the FY '92 level. Commissioner Loffler advised that the state aid was in certain categories and could only be used in those categories.

Mr. Gray further indicated that the budget public hearings were poorly formatted stating that the Board of Education and Superintendent of Schools should have been on the stage with the Commissioners or by themselves on the Board of Education budget hearing. He stated that the hearings should be held at a larger facility and that the budget document distributed at the hearing should be formatted by department. Mr. Cox explained that the county's budget document format is mandated by standard reporting procedures and some departments cover several functions.

Millicent Witten - Inquired whether there would be another public hearing before the final budget is adopted. The Commissioners responded there would not be another hearing.

Oran Wilkerson - Spoke with regard to the Potomac River Association's suit against the County regarding "Parcel of Record". He stated that he believed that the County as well as PRA would like to see the problem resolved properly and legally by a judge saying whether the Commissioners action was correct.

Ken Hastings - Questioned the Commissioners funding \$1.2 Million additional to the Board of Education and stated that it should have been used to decrease the tax burden of the citizens of the county. Mr. Hastings also questioned funding for teachers and the reduction of class sizes. Commissioner Loffler explained that the Commissioners had discussed reinstating step increase for all employees. He further explained how calculations are done to determine the need for additional teachers.

In that the two-hour limit for the public forum was completed and there were more individuals who had not yet had an opportunity to speak, Commissioner Thompson moved, seconded by Commissioner Lancaster to extend the Public Forum an additional half hour to 9:30 p.m. Motion carried.

Valerie vonAllman (League of Women Voters) - Referred to letter League had sent to the County requesting the Commissioner to capitalize on the efforts of the Charter Board by considering implementation of administrative changes, specifically legislative, financial and reporting, in County Government. She stated that the County Commissioners' response was a "typical administrative staff response" and repeated the League's request as stated in the original letter.

Mike Johnston - Echoed Vernon Gray's concern regarding the county's budget document stating that it was confusing and not well presented. Commissioner Thompson suggested that perhaps the Budget Message could be included in the handout presented at the public hearing as it contains information that would be helpful to the citizens in understanding the county's budget.

Doug Ritchie - Distributed a paper entitled "Taxpayers Facts." He also mentioned that he had the County's Audit Report which he stated was what the county actually did with its funds.

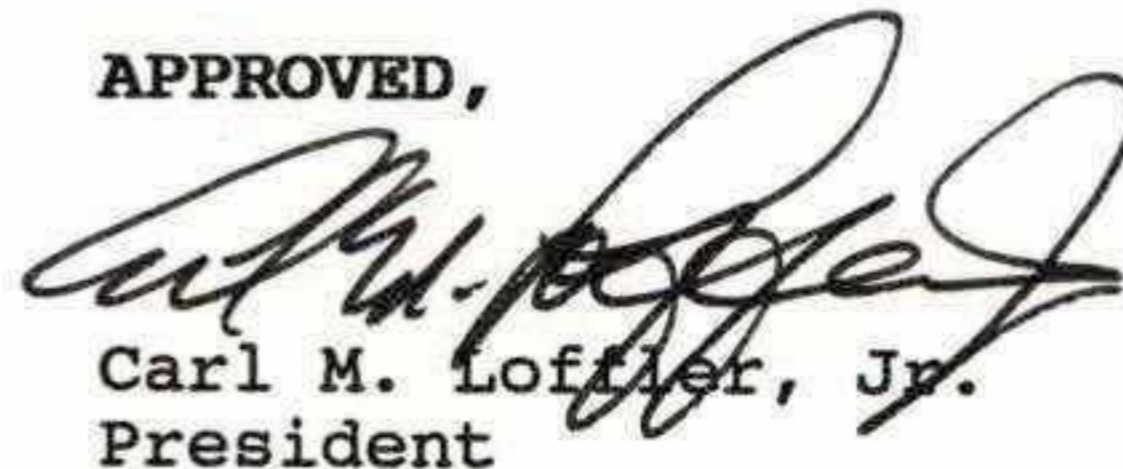
Ken Hastings - Questioned the additional funding given to the Board of Education.

Commissioner Loffler advised that \$232,000 was advance funding for schools in the capital budget, and funds were provided for step increases, and 17 new teachers.

ADJOURNMENT

The meeting adjourned at 9:35 p.m.

APPROVED,



Carl M. Loffler, Jr.
President