

ST. MARY'S COUNTY  
BOARD OF COUNTY COMMISSIONERS

May 26, 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 Thompson moved, seconded by Commissioner Lancaster, to approve the minutes of the Commissioners' meeting of Tuesday, May 19, 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) Correspondence

- To Tri-County Youth Services Bureau for presentation of Annual Report
- Calvin Jordan commending him for achieving the rank of Eagle Scout

The Commissioners agreed to sign and forward the letters.

2) Annual License Renewal - St. Mary's Nursing Center

The County Administrator presented a License Renewal Application for the St. Mary's Nursing Center to be forwarded to the Office of Licensing and Certification Programs, Maryland State Department of Health and Mental Hygiene.

Commissioner Lancaster moved, seconded by Commissioner Thompson, to authorize Commissioner President Loffler and Commissioner Vice-President Jarboe to sign the application. Motion carried.

3) Grant Application - Marcey Halfway House

The County Administrator presented a grant application from the Department of Health and Mental Hygiene for Fiscal Year 1993 in the amount of \$151,890.

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

4) Memorandum of Understanding  
Alcohol, Drug Abuse Administration

The County Administrator presented the Memorandum of Understanding between St. Mary's County Government and Department of Health and Mental Hygiene, Alcohol and Drug Abuse Administration for the implementation of four grants to provide alcohol and drug abuse outpatient residential treatment, and prevention services as follows: Sierra House - \$157,691; Walden Counseling Center - \$287,772; Marcey House - \$151,890, Prevention Services - \$81,332.

Commissioner Bailey moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Loffler to sign the Memorandum of Understanding as presented. Motion carried.



5) **Homeless Services Program Proposal**

The County Administrator presented the referenced Homeless Services Program Proposal in the amount of \$104,275 for Fiscal Year 1993 prepared by the Director of the St. Mary's County Department of Social Services.

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

6) **Public Works Agreement  
Addenda to Public Works Agreements**

On behalf of the Department of Public Works, the County Administrator presented the following Public Works Agreement and Addenda to Public Works Agreement:

- **Meadow Woods**  
Public Works Agreement dated May 4, 1992 between Benjamin H. Burroughs, Jr., and Harvest Homes, Inc. and St. Mary's County, Maryland guaranteeing completion of Meadow Woods Drive, Hummingbird Court, Morning Dove Court, and Whippoorwill Court by May 1, 1993. Agreement is backed by a Letter of Credit in the amount of \$557,900 with The First National Bank of St. Mary's.
- **Laurel Ridge**  
Addendum to Public Works Agreement between Swarey Builders, Inc. and Board of County Commissioners extending the deadline for completion to June 1, 1993. Addendum is backed by a Letter of Credit in the reduced amount of \$187,000 with Maryland Bank and Trust Company.
- **Pickett's Harbor**  
Addendum to Public Works Agreement between Heritage Manor Homes and Board of County Commissioners extending the deadline for completion of improvements to June 1, 1993. Addendum is backed by a Letter of Credit in the amount of \$89,300 with Maryland Bank and Trust Company.

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

7) **Correspondence Calling Letters of Credit**

On behalf of the Department of Public Works, the County Administrator presented the following correspondence calling Letters of Credit as indicated:

- **Laurel Glen Shopping Center**  
To Seaboard Surety Company for Grading Permit #89-64 with John S. Clark Company; Bond No. 183845 in the amount of \$70,000.
- **Pyles Acres**  
To Maryland National Bank for Public Works Agreement with Edward B. Howlin; Letter of Credit #290438 in the amount of \$10,000.
- **Pyles Acres**  
To Maryland National Bank for Grading Permit #90-28 with Edwin B. Howlin, Inc.; Letter of Credit #290437 in the amount of \$36,500.
- **The Landings at Piney Point**  
To Second National Federal Savings Bank for Grading Permit #89-21 with Piney Point Landing Partnership; Letter of Credit #341 in the amount of \$25,000.
- **Rustic Hills, Section 3**  
To First National Bank of St. Mary's for Public Works Agreement with Jon c. Flinker; Letter of Credit #A1-8-14-1991 in the amount of \$117,600.
- **Wildewood - Redwood Lane**  
To Maryland Bank and Trust Company for Public Works Agreement with Paragon Builders, Inc.; Letter of Credit #343-B in the amount of \$16,000.



- Wildewood Parkway, Redwood Lane, Almond Court  
To Maryland Bank and Trust Company for Public Works Agreement with Paragon Builders, Inc.; Letter of Credit #366-A in the amount of \$36,000.
- Wildewood - Ash Court  
To Maryland Bank and Trust Company for Public Works Agreement with Paragon Builders, Inc.; Letter of Credit #396-B in the amount of \$10,000.
- Cook Hall Run  
To Maryland National Bank for Public Works Agreement with Henry Fowler, Jr.; Letter of Credit #290530 in the amount of \$35,300.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to authorize Commissioner Loffler to sign the correspondence calling letters of credit as presented, to be forwarded if necessary. Motion carried.

- PRB Office Site  
To Maryland National Bank for Grading Permit #90-28 for Southern Maryland Property Management; Letter of Credit #291238 in the amount \$29,700.
- PRB Office Site  
To Maryland National Bank for Construction Permit #CP 06/90 ROW-09 with Southern Maryland Property Management; Letter of Credit in the amount of \$2,300.

Commissioner Lancaster moved, seconded by Commissioner Bailey, to authorize Commissioner Vice-President Jarboe to sign the correspondence calling letters of credit, to be forwarded if necessary. Commissioner Loffler abstained from the vote. Motion carried.

8) **Budget Amendment No. 92-54**  
**Public Works**

The County Administrator presented the referenced Budget Amendment recommended for approval by the Director of Finance with the following justification: To cover overtime costs for remainder of FY '92 in the Solid Waste Division (\$4,000).

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

9) **Impact Fee Study**

As a follow up to last week's discussion, the County Administrator re-presented a proposal for the review and update of the Impact Fee Study for St. Mary's County to be conducted by Edward J. Donahue of Reznick Fedder and Silverman, the firm that did the original impact fee study, at a cost of \$10,000. Mr. Cox recommended that the Commissioners approve having the impact fee reviewed because of the changes that have occurred, i.e., state funding, class size standards, size of schools, local economy, as well as changes that will occur as a result of the changes on the Navy base. He further stated that the impact fees are subject to legal challenges and it would be important to have it properly documented.

The Commissioners discussed the pros and cons of having such a study done at this time including whether it could be done in-house as well as the possibility of delaying it until a later time.

After discussion Commissioner Lancaster moved to allocate \$10,000 for the study of the impact fees as requested. Motion lost for lack of a second.

**EXECUTIVE SESSION**

Commissioner Bailey moved, seconded by Commissioner Thompson, to meet in Executive Session to discuss matters of personnel. Motion carried. The Sessions were held as follows:



Personnel (Consideration of Appointments)

Held from 9:40 to 10:05 a.m. and from 10:30 a.m. to 11:00 a.m.

Personnel

Also Present: Jon Grimm, Director, Planning and Zoning  
George Foster, Personnel Officer

Held from 11:20 a.m. to 12:10 p.m.

**REFUND OF FEE REQUEST**

Present: Robert Steele Pogue  
Jon Grimm, Director, Planning and Zoning

Mr. Pogue appeared before the Commissioners to request a refund of the \$340 fee incurred by him in the processing of his case before the Board of Appeals. He stated that he had applied for a building permit for Lot 14, Block G, in Hollywood Shores and was advised at that time that the set back requirement was 15 feet. However, because other lots he had developed had a 10 foot setback, Mr. Grimm had advised him he would have to go to the Board of Appeals for an exception. He indicated that he had been given approval in August of 1991 on a similar lot in Hollywood Shores without a Board of Appeals requirement. Mr. Pogue stated that the Board of Appeals approved the variance and recommended that the \$340 fee be refunded believing in that the matter could have been handled administratively without going through the Board of Appeals process.

Mr. Grimm indicated that he did not have the authority to administratively grant the variance and that since Mr. Pogue did have to get the variance from the Board of Appeals the fee was applicable. He stated that he had recently written Zoning Decision 91-27 establishing prevailing setbacks for subdivisions of record; however, that decision did not address Hollywood Shores. Mr. Grimm pointed out that the Board of Appeals had instructed him to relook at Decision No. 91-27 in terms of subdivided lots and as it applies to Hollywood Shores. He advised that this will go before the Board of Appeals in June.

The Commissioners indicated their concurrence with Mr. Pogue and requested Mr. Grimm to bring before them similar situations so that the policy could be developed to handle administratively what appears to be routine variances given the conditions of the subdivision.

After discussion Commissioner Bailey moved, seconded by Commissioner Jarboe to refund the \$340 Board of Appeals fee to Robert Steele Pogue. Motion carried.

**FISCAL YEAR 1993 BUDGET**

Present: Charles Wade, Director of Finance  
Marty Jones, Budget Analyst

Mr. Wade appeared before the Commissioners to present the following documents relative to the Fiscal Year 1993 Budget:

Resolution No. 92-13  
1992-1993 Operating and Capital Budgets, Fire and Rescue Capital Revolving Fund, Special Assessments Fund, Recreation and Parks Enterprise Fund, Wicomico Shores Enterprise Fund, and the County's Property Tax Rate

The referenced Resolution establishes the following: Operating Budget - \$68,731,480; Capital Budget - \$14,159,269; Recreation and Parks Enterprise Fund - \$589,843; Wicomico Shores Enterprise Fund - \$851,272; Special Assessment Fund - \$55,173; and County's Property Tax Rate assessed at \$2.32 per \$100 of assessed valuation.

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

Resolution No. 92-14 - Fire Tax

The referenced Resolution assesses the Fire Tax on every \$100 of assessed valuation of all real and personal property, effective July 1, 1992 as follows:



Election District 1	\$.09
Election District 2	\$.05
Election District 3	\$.06
Election District 4	\$.11/\$.09*
Election District 5	\$.09
Election District 6	\$.11
Election District 7	\$.11
Election District 8	\$.11
Election District 9	\$.05

\*Those properties serviced by the 5th District Fire Department to be taxed at \$.09 and those serviced by the 7th District Fire Department will be taxed at \$.11.

Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve and sign Resolution No. 92-14. Motion carried.

Approved Budget - Fiscal Year 1993

St. Mary's County - Approved Estimate of Revenues and Appropriations for Fiscal Year 1992.

Commissioner Thompson moved, seconded by Commissioner Bailey, to approve and sign the Budget document as presented. Motion carried.

**RECLASSIFICATIONS**

The County Administrator presented a memorandum dated May 26, 1992 from the Personnel Officer setting forth staff-recommended reclassifications for Fiscal Year 1993:

<u>Department</u>	<u>Position Title</u>	<u>Current Grade</u>	<u>Recommended Grade</u>
Legal	Asst. County Attorney	22	23
	Adm. Asst. I	14	15
DECD	Tourism Dev. Coord.	17	18
State's Attorney	Legal Asst. II	18	19
Office on Aging	Chief Div Elderly	19	20
	Nurses/Managers(RN)	18	20
Sheriff	Correction Fac. Adm	18	20
DPZ	Permits/Insp. Clerk	13	14

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to approve the reclassifications as presented. Motion carried.

**RESOURCE, CONSERVATION AND DEVELOPMENT BOARD  
ANNUAL REPORT**

Present: Don White, Coordinator  
Pat White, RC&D Board

Mr. White appeared before the Commissioners to present the RC&D's 1991 Annual Report. By way of a slide presentation, Mr. White described some of RC&D's projects including timber bridge demonstration project, stone revetment, pond repair, historic site preservation, gravel pit reforestation, and the natural resources camp. The handout presented by Mr. White gave a detailed outline of the particular projects of RC&D including completion dates, costs, and personnel.

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

**TRI-COUNTY COMMUNITY ACTION COMMITTEE  
ANNUAL REPORT**

Present: Dana Jones, Director

Mr. Jones appeared before the Commissioners to present Tri-County's 1991 Annual Report by highlighting the various projects and programs including: operation of the Lincoln Avenue facility, Spring Valley Apartment development, fuel assistance, and Headstart at Tubman-Douglas. Attached to the Report was a outline of the programs, description and numbers served.

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



**EXTENDED DAY CARE PLANNING COMMITTEE  
ANNUAL REPORT**

Present: Becky Stevens, Community Services Coordinator

Mrs. Stevens appeared before the Commissioners to present the Extended Day Care Planning Committee's 1991 Annual Report and explained the group's purpose and programs. Mrs. Stevens described the EDCPC's activities for 1991 and mentioned that providing technical assistance for before and after school care centers as a major accomplishment. During discussion of problems and challenges, Ms. Stevens pointed out an ongoing problem is the clarification of the relationship of the centers with the schools. Another problem is the low enrollment at the day care centers. Plans for current year include surveys, monitoring, and searching for grants.

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

**AFFORDABLE HOUSING TASK FORCE**

At this time the Commissioners attended the Affordable Housing Task Force meeting at the Carter State Office Building.

**ADJOURNMENT**

The meeting adjourned at 4:00 p.m.

**APPROVED,**

  
Carl M. Loffler, Jr.  
President