

ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS
August 25, 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 Jarboe, to approve the minutes of the Commissioners' meeting of Tuesday, August 18, 1992. Motion carried.

APPROVAL OF BILLS

Commissioner Bailey moved, seconded by Commissioner Thompson, to authorize Commissioner Loffler to sign the Check Register as presented. Motion carried.

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) JOINT USE AGREEMENT - NAVAL AIR STATION

The County Administrator presented the Joint Use Agreement between the Board of County Commissioners and the United States of America which will allow a commercial carrier to use the Navy's runways while the county airport's runway is being lengthened.

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

2) CONTRACT MODIFICATION -WALDEN SIERRA

The County Administrator presented a contract modification for Walden-Sierra's program for shelter, counseling, advocacy, and services to battered spouses and their families in the additional amount of \$2,372.

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

3) FISCAL YEAR 1993 CRITICAL AREA GRANT AGREEMENT

The County Administrator advised that the County's critical area program scope of work, which was approved by the Commissioners in July, has been approved by the Commission in the amount of \$40,000. The Grant Agreement now requires the Commissioners' acceptance.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Loffler to sign the Fiscal Year 1993 Critical Area Grant Agreement. Motion carried.

4) CORRESPONDENCE

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

Citizen Advisors' Appreciation Night

Letters of appreciation to businesses that had donated items for the Citizen Advisors' Appreciation Night held Thursday, August 13.

Past Service on Boards, Committees, Commissions

Letters of appreciation to individuals who are no longer able to serve on Boards, Committees, Commissions.

Wicomico Sewage Treatment Plant

To Charles County Farm Bureau responding to July 29 correspondence regarding property for a sewage treatment plant for the Wicomico community indicating his letter has been referred to the Metropolitan Commission.

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

5) **FAMILY ASSISTANCE CENTER ADVISORY COMMITTEE - BY-LAWS**

The County Administrator presented the revised by-laws as submitted by the Family Assistance Center Advisory Committee.

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to approve the revised by-laws as submitted and to sign and forward correspondence to the Committee indicating that the by-laws are in compliance with Resolution No. 88-03 and are approved. Motion carried.

6) **APPOINTMENTS
BOARDS, COMMITTEES, COMMISSIONS**

Commissioner Lancaster moved, seconded by Commissioner Jarboe, and motion carried to make the following appointments with terms as indicated:

<u>Commission for the Disabled</u> Joseph E. Kelly	<u>Term to Expire</u> 12/31/96
<u>Commission on Aging</u> Ernest A. Ehterton	6/30/95
<u>Electrical Examiners Board</u> Arthur Goode, Jr., (as Chairman)	
<u>Enhanced 911/Uniform Addressing Task Force</u> Harry M. Koehler	No Term
<u>Metropolitan Commission</u> Francis Leroy Williams Elizabeth H. Woodard	6/30/95 6/30/95/98
<u>Tri-County Youth Services Bureau</u> Kathleen M. Lyon	12/31/94

7) **BUDGET AMENDMENT NO. 93-10
PUBLIC WORKS**

The County Administrator presented the referenced Budget Amendment recommended for approval by the Director of Finance with the following justification: Carpeting for Board of Education building (\$3,500).

Commissioner Thompson moved, seconded by Commissioner Lancaster, to authorize Commissioner Loffler to sign Budget Amendment No. 93-10 as presented. Motion carried.

DEPARTMENT OF PUBLIC WORKS

Present: Dan Ichniowski, Director

1) **MILES DRIVE SPECIAL TAXING DISTRICT
ORDINANCE NO. 92-22**

The Commissioners conducted a public hearing on August 11 on the establishment of a special taxing district for improvements to Miles Drive in Miles Subdivision, Sixth Election District. The improvements will be from the intersection of Route 235 to the end, a distance

of approximately 740 feet. Therefore, Mr. Ichniowski presented the proposed Ordinance establishing the special taxing district.

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to approve and sign Resolution No. 92-22 establishing the Miles Drive Special Taxing District. Motion carried.

2) EASEMENT AGREEMENT - METROPOLITAN COMMISSION

Mr. Ichniowski presented an Easement Agreement between the Board of County Commissioners and St. Mary's County Metropolitan Commission granting an easement to MetComm through county-owned property on the east side of St. Andrews Church Road, Eighth Election District for the replacement and operation of a new water main system.

Commissioner Jarboe moved, seconded by Commissioner Thompson, to approve and sign the Easement Agreement as presented. Motion carried.

3) CORRESPONDENCE CALLING LETTERS OF CREDIT

Mr. Ichniowski presented the following items of correspondence calling Letters of Credit:

Breton Bay PUD (Bunker Court)

To First National Bank of St. Mary's calling Letter of Credit #A1-3-8-1991 in the amount of \$15,000 for Public Works Agreement.

St. George's Hundred

To Maryland Bank and Trust Company calling Letter of Credit #347B in the amount of \$32,000 for Public Works Agreement.

Hollywood Plaza, SWM

To First National Bank of St. Mary's calling Letter of Credit A1-11-8-1988 in the amount of \$11,250 for Grading Permit #88-33.

Wildewood Parkway Extension

To First National Bank of St. Mary's calling Letter of Credit A1-10-8-1991 in the amount of \$53,000 for Grading Permit #92-07.

Wildewood Parkway Stream Crossing

To Maryland Bank and Trust Company calling Letter of Credit #400-A in the amount of \$10,000 for Grading permit No. 91-09.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to authorize Commissioner Loffler to sign the correspondence as presented, to be forwarded if necessary. Motion carried.

4) ASPHALT OVERLAY - FISCAL YEAR 1993

Mr. Ichniowski presented a list of Asphalt Overlay Projects for Fiscal Year 1993 totalling 11.76 miles. He stated that the contract for the project is out for bids and will be awarded the first of October. Work will begin in the fall and completed in the spring.

**NURSING CENTER EXPANSION
FINANCIAL FEASIBILITY REPORT**

Present: James L. Nace, Arthur Andersen (consultant)
Brian T. Coughlin, "
George Smith, Director, Nursing Center
Bruce Jennings, Finance Officer, Nursing Center
Charles Wade, Director of Finance

The consultants, Mr. Nace and Mr. Coughlin, appeared before the Commissioners to present the financial feasibility report relative to plans to finance the expansion of the nursing center and the refinancing of existing debt. Mr. Nace presented balance sheets for the Nursing Center setting forth projections for 1993 through 1996. The handout also included statement of cash flows and income statements for that period. During review of these documents, Mr. Nace indicated that the additional beds can be phased in and paid for from revenues from the facility.

Mr. Coughlin described to the Commissioners the process which his firm used in studying the feasibility for the expansion project and refinancing of the existing debt. Areas addressed included staffing, operations, rates, and demand.

After discussion the Commissioners thanked the representatives of Arthur Andersen for providing information in preparation for the meeting with rating agencies on August 26 relative to the bond issue for the nursing center project.

DEPARTMENT OF PLANNING AND ZONING

Present: Joe Meinert, Deputy Director
Jeff Jackman, Principal Planner
Peggy Childs, Recording Secretary.

(Commissioner Jarboe was not present.)

PUBLIC HEARING - 10:30 a.m.

CWSP #92-1019 - MT. PLEASANT SUBDIVISION SECTION 5, LOT 6

Requesting water category change from W-6 to W-3D (service in 3-5 years at developer's expense). The property contains 4.02 acres, is zoned RPD, and is located at the southeast corner of the MD 242/470 junction; Tax Map 31, Block 13, Parcel 61.

Owner: John J. Thompson, Jr.

Legal Ad published in The Enterprise on 8/5/92 & 8/12/92

This request is to allow water service for one single family dwelling to be extended from the Mr. Pleasant water facility at applicant's expense. An HB 601 analysis is provided in the Staff Report. The building permit was issued on the assumption that the water category amendment request would proceed coincidentally. Following public hearing on 7/27/92 the Planning Commission recommended approval, as does staff.

The Chair opened the hearing to public comment; there were no comments.

Commissioner Bailey moved for approval of the water category amendment from W-6 to W-3D as requested. The motion was second by Commissioner Lancaster and passed by unanimous vote. The Commissioners commended Mr. Jackman on his well-written report.

ZONING ORDINANCE AMENDMENTS DISCUSSION

Commissioner Jarboe arrived to participate in this discussion. Mr. Meinert distributed a Summary of Testimony & Comment from the Commissioners' June 30th public hearing along with Staff Recommendations in Response to Comment & Testimony Received and an Addendum to zoning map changes. The following issues were discussed by the Commissioners:

Page 3-9, Bed & Breakfast - questioned 5 acres minimum tract size and recommended replacing acreage requirement with criteria to number of bedrooms and size of kitchen facilities.

Page 3-32, b. - Accessory *apartments* vs. accessory *residential* uses - definition/requirement distinctions. This section refers to accessory residential uses on properties containing a *commercial use*. An *accessory apartment* is defined as an accessory residential use in residential zones.

Page 3-32, b.(4) - "Residential density limits shall be the same as for the PUDR per Appendix 2." Mr. Meinert clarified that without water and sewer you are limited to one accessory residential unit per acre; with water and sewer you could have 5 accessory residential units per acre. This is simply a correlation to density and is governed by whether the property has water and sewer. Commercial Limited property could have up to 5 accessory residential units with water and sewer, but would be excluded from going to 10 units per acre because of its location in a Rural Preservation District, which does not allow TDRs.

Mr. Meinert stated in residential zones it is clear that only one accessory apartment per lot is allowed, but it is not as well defined in commercial, and that is the reason for the proposed definition. Densities for accessory residential uses on commercial properties is tied to where the property is located in the County and whether or not the property is served by water and sewer.

Page 5-55 - Correct "32 ft." to "32 sq. ft."

Page 5-55/55a, Section 58.02.2.c.(2) - include political fund raising events.

Page 5-56, Section 58.07, School Bus Shelters - Add specific language that bus shelters must be certified annually by Board of Education as legitimate bus shelters; if not they should be removed within 60 days.

Rework section to reflect shelters other than for school buses; i.e., Office on Aging, Public Transportation, specifically from certification standpoint.

Page 5-56, 58.06, Directional Signs - Commissioner Jarboe raised the issue of providing directional signs for the traveling public, stating that "mom and pop" grocery stores or nonconforming use businesses located off the highway wouldn't be able to have a directional sign on the highway if they don't own the property where the sign is to be placed. Commissioner Thompson replied that this language does not affect existing business, only future businesses. Commissioner Loffler pointed out under 58.06.3, for example, businesses serving the traveling public would be allowed 3 directional signs within a 10 mile radius of the subject business.

Commissioner Jarboe stated he thinks we need to be very careful as to how this section is worded so we don't close the door for some of these businesses. Commissioner Loffler added he thinks we need to be flexible, offering as an example directional signs for a tack and carriage shop for the Amish community; i.e., the traveling public. Mr. Meinert noted there are always gray areas in the Ordinance but the Zoning Administrator's role is to interpret the regulations and approve or deny permits based on consistent application of the requirements. There is an appeal process to the Board of Appeals for aggrieved applicants.

Commissioner Thompson suggested having the annual renewal date for sign permits coincide with their election district; i.e., sign permits for properties in the 8th election district would be renewed in the 8th month. However, Commissioner Bailey stated he thought sign permits should be renewed at the same time the business license is renewed or a specific time period established similar to automobile license tag renewal.

Page 7-3 - Correct spelling error in 71.00; i.e., "REVIIEW".

Page 8-19, Sign, Advertising Definition - include church and school activities.

Commissioner Thompson had a question on the zoning map amendments regarding Frank Knox School. Mr. Cox stated that was a typographical error and should be taken off since the School is now owned by the Navy and Federal property is not zoned. The mapping amendment should reflect the property located at the end of the Navy Base which was recently rezoned.

Staff was asked to provide a final draft, with the changes highlighted, well in advance of the Commissioners' meeting next Tuesday. Staff will aim for Friday.

(Margaret Nelson was the recorder for the remainder of the meeting.)

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

Present: Kay D'Esposito, Treasurer
Mary Pat Pope, Administrative Officer

The referenced Ordinance was presented for review and discussion, plus written correspondence from Mr. Doug Ritchie dated August 12, 1992.

Under Section 2.B.(2)- INCOME REQUIREMENTS, there was discussion concerning \$200,000 being the base figure for eligibility for payment deferral. Commissioner Bailey stated he felt \$200,000 is too low, in that it would not benefit the elderly, disabled, low-income homeowners.

After further discussion, the Board was in full agreement to delete Section 3. H. (e) DURATION OF PAYMENT DEFERRAL - (the homeowner ceases to meet any of the terms and conditions of this Ordinance or the requirements for eligibility, including income requirements.)

The Board requested Mrs. Pope to revise the Ordinance with the change and return at a future meeting for further discussion and/or approval.

**BUDGET AMENDMENT 93-9
PUBLIC WORKS/WALDEN-SIERRA**

Present: Daniel F. Ichniowski, Director, Department of Public Works

The County Administrator informed that the Director of Public Works was present to explain the referenced budget amendment for \$13,000 that was not approved at a prior meeting.

Mr. Ichniowski stated that by memorandum dated June 27, 1990 Walden/Sierra requested that unspent funds totaling \$13,000 be encumbered into the FY'91 allocation for future renovations and furnishings. Those funds were inadvertently unencumbered.

After discussion, Commissioner Bailey moved, seconded by Commissioner Jarboe, to approve Budget Amendment 93-9 as presented. Motion carried.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator

Commissioner Bailey moved, seconded by Commissioner Lancaster to meet in executive session for litigation purposes at 12:12 p.m. and concluded at 12:22 p.m.

ADJOURNMENT

The meeting adjourned at 12:22 p.m.

Minutes Approved by Board of
County Commissioners on 9/1/92

Judith A. Spalding
Recording Secretary