

ST. MARY'S COUNTY  
BOARD OF COUNTY COMMISSIONERS

Page 289

September 22, 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 Jarboe moved, seconded by Commissioner Lancaster, to approve the minutes of the Commissioners' meeting of Tuesday, September 15, 1992 and the Planning and Zoning portion of the Commissioners' meeting of September 15, 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) BUDGET AMENDMENT NO. 92-12  
DEPARTMENT OF PLANNING AND ZONING**

The County Administrator presented the referenced budget amendment recommended for approval by the Director of Finance with the following justification: To provide funding for hardware requirements for Planning and Zoning customer service desk (\$5,390).

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

**2) REVISED CONDITIONS OF GRANT AWARDS**

The County Administrator presented the Revised Conditions of Grant Award forms for Marcey House, Prevention Program, Sierra House, and Walden for the Commissioners' approval. The forms previously approved by the Commissioners are no longer in use and must be replaced.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Loffler to sign the Revised Conditions of Grant Awards for the referenced projects as presented. Motion carried.

**3) PERSONNEL - ESTABLISHMENT OF GRANT PARALEGAL POSITION**

The County Administrator presented a memorandum dated September 22 from the Personnel Officer recommending the establishment of a grant-funded paralegal position, Grade 15, for the Department of Social Services attorney. No county funds are involved.

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to approve the establishment of the position as requested. Motion carried.

**4) JOINT MEETING AGENDA  
COUNTY COMMISSIONERS/BOARD OF APPEALS/PLANNING COMMISSION**

The County Administrator presented the draft agenda for the September 22 joint meeting with County Commissioners, Board of Appeals, and Planning Commission.

**5) ADDENDUM TO PUBLIC WORKS AGREEMENT**

The County Administrator presented an Addendum to the Public Works Agreement between Walter B. Dorsey and the Board of County Commissioners extending the deadline for completion of improvements in Brooks cluster Subdivision, Third Election District by October 1, 1993.

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

**6) INFORMATION RELEASE  
SOUTHERN MARYLAND WOOD TREATMENT PLANT**

The County Administrator presented an Information Release outlining the progress of the closure and abandonment of an on-site production well.

The Commissioners agreed to distributed the Information Release as presented.

**INFORMATION RELEASE  
COMMISSIONER LOFFLER'S LETTER - NESEA**

Commissioner Bailey presented to the Commissioners and read an Information Release referencing correspondence sent by Commissioner Loffler to the Enterprise regarding alleged political activities at the NESEA AEGIS Award ceremony. The Information Release indicates that Commissioner Loffler has a right to his opinion, but that his use of official title could mislead the public in thinking his opinion represents the opinion of the full Board. The Release also reaffirms the Commissioners' support of NESEA.

Commissioner Loffler pointed out that he is President of the Commissioners 24 hours a day, and the letter was done on plain bond not county commissioner stationery. He added that an investigation is underway regarding the inclusion of politics at the event. He stated he supports NESEA, but does not support activities that may damage the facility. Commissioner Loffler advised that there should be no political activities allowed on government installations, and that he stands by his letter.

**After discussion Commissioner Jarboe moved, seconded by Commissioner Lancaster, to sign and release the Information Release. Motion carried three-one-one (Commissioners Bailey, Jarboe, and Lancaster voted in favor; Commissioner Loffler voted against; Commissioner Thompson abstained.)**

Commissioner Loffler noted for the record that the Information Release was signed prior to the Commissioners' meeting.

**ST. MARY'S COUNTY FAIR**

Present: John Richards, President, Fair Board  
Elwood Cusic, "

The referenced representatives of the St. Mary's County Fair Board appeared before the Commissioners to invite them to join in the activities of the fair which will be held September 24 - 27, and Mr. Richards described some of the activities of the fair, including a Pig Race and other 4-H events. Also at the fair will be a food collection drive for Community Services Day.

In conclusion the Commissioners expressed appreciation to the Fair Board for all their work in making the St. Mary's County Fair a success each year.

**DEPARTMENT OF RECREATION AND PARKS**

Present: Phil Rollins, Director

**1) Piney Point Waterfront Development  
Waterway Improvement Request**

Mr. Rollins presented the referenced Waterway Improvement Fund Grant Application for the Piney Point Waterfront Project requesting \$25,000 for the following work: design of the project; replace deteriorating bulkheading; address shore erosion problems; renovate and expand the boat ramp; repair an existing watermen's pier; construct a comfort station; and build a fishing and crabbing pier.

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

2) **Hall of Fame  
Amendments to Agreement**

Mr. Rollins presented the Agreement dated April 15 between the Board of County Commissioners of St. Mary's County and the St. Mary's County Softball Hall of Fame which contained two amendments requested by the Maryland Board of Public Works: Addition of the State of Maryland to the indemnification; and compliance with all laws prohibiting the use of illegal drugs and substances.

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

3) **Correspondence to Department of Natural Resources  
Program Open Space Grant Application  
Softball Hall of Fame**

Mr. Rollins presented correspondence addressed to Secretary Brown, Department of Natural Resources inquiring as to the status of the Program Open Space Grant application in the amount of \$145,000 for the purchase of materials for the Softball Hall of Fame building at the St. Mary's Regional Park.

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

**ZONING ORDINANCE AMENDMENTS DISCUSSION**

Present: Jon Grimm, Director  
Peggy Childs, Recording Secretary.

As directed at last week's meeting, Mr. Grimm provided the Commissioners with the Draft sign language which went to the Planning Commission at their original public hearing and a copy of the Charles County and Calvert County sign regulations, which do not prohibit billboards but restrict them.

During discussion Commissioner Loffler asked if State and Federal law requires businesses to be compensated by the County for removal of signs? Mr. Grimm responded that it is true, but the County cannot know what the fiscal impact will be until the inventory currently underway is completed and nonconforming signs are documented. He said he will have to look into the details, but he thought payment would be based upon the age of the sign; however Commissioner Bailey stated it should also be based upon income value, and said he would like to have a cost estimate before the language is adopted. Mr. Grimm reported that the Planning Commission has recommended a five-year phase-out for noncomplying signs and spent considerable time debating that phase-out against the requirement for compensation.

The Commissioners also discussed signs or banners for non-profit organization activities and benefits, what restrictions should apply, or whether they should be exempted from the regulations; and how sign permits would be administered. Commissioner Bailey suggested sign permits be issued in conjunction with business license renewal; Commissioner Loffler suggested they be renewed in three year cycles, with 1/3 of the County renewing each year, however Commissioner Thompson replied she thought the annual renewal was intended to help keep track. Commissioner Jarboe asked if the process could be easily administered, warning that he would not vote for additional staff.

Commissioner Jarboe stated there are other areas of the Ordinance that he is not comfortable with, especially the amendment requiring existing nonconforming uses which have not been documented by staff to have a survey prepared, stating it will be adding on a cost of some \$5,000 but yet the property owner will still have no zoning designation. Mr. Grimm pointed out that the property owner would have the benefit and protection of being a legal nonconforming use. Commissioner Loffler agreed.

Responding to Commissioner Jarboe's question regarding slaughterhouses not being permitted in an agricultural district, Mr. Grimm suggested they be added as a conditional use in the RPD, but recommended holding off until next year's review of the Ordinance, as staff is currently evaluating a table of conditional and permitted uses for all zoning districts.

As a result of their discussion the consensus of the Commissioners was to discuss the sign language with the Planning Commission at tonight's joint meeting pending any further action.

#### **OFFICE ON AGING - LUNCHEON/OPEN HOUSE**

The Commissioners departed to attend the Office on Aging Luncheon at the Weisman Center and then to visit the Ripple Center.

#### **FISCAL YEAR 1993 STATE BUDGET REDUCTIONS**

Present: Charles Wade, Director of Finance

Mr. Wade appeared before the Commissioner to present information regarding the Governor's budget reductions and the impact it will have on St. Mary's County. He stated that the \$150M is proposed to be cut from local jurisdictions which does not include the \$36M that the Governor previously identified to be reduced in order to make up Fiscal Year 1992's deficit. Mr. Wade advised that he attended a meeting in Annapolis on September 21 with county finance officers and they had agreed that transportation - gas tax and piggy back income tax were not state aid and should not be affected by the reductions. He indicated that the purpose of the meeting was to provide assistance to elected officials as to what would be recommended to the Governor for reduction which must be submitted by October 1.

Mr. Wade distributed a handout setting forth a summary of the Governor's Alternative Plan and pointed out that reductions to St. Mary's County could range from \$1.8M to \$2.8M. Mr. Wade stated that it is intended for these reductions to be carried into Fiscal Year 1994.

The Commissioners will discuss areas of reductions for St. Mary's County after more concrete information is received.

#### **NURSING CENTER PROJECT AND REFUNDING BONDS OF 1992**

For the Commissioners' information, Mr. Wade distributed a memorandum from Alex Brown & Sons setting forth information relative to the referenced Nursing Center project.

#### **NANTUCKET HOMES REQUEST FOR DEFERMENT OF IMPACT FEE PAYMENT**

Present: Joe Densford, County Attorney

Mr. Densford appeared before the Commissioners to present correspondence received from the developer of Nantucket Homes at The Landings in Piney Point requesting a 30-day deferment (from the day the sewer service is certified available from the Metropolitan Commission) of the payment of the impact fee. He stated that payment is due upon receipt of the Certificate of Occupancy or from one year from the date of issuance of the building permit; however, because the sewer line is not in place, the house cannot be occupied. The Metropolitan Commission has indicated that the contractor is on the job and the sewer will be on line within 90 days.

After discussion Commissioner Jarboe moved, seconded by Commissioner Bailey to grant the 30-day extension. Motion carried three to two with Commissioners Loffler and Thompson voting against.

#### **DEPARTMENT OF TRANSPORTATION ANNUAL STATE HIGHWAY PROJECT PRESENTATION**

The Commissioners attended the annual State Highway Project presentation by the Maryland Department of Transportation held at the Carter State Office Building.

#### **ADJOURNMENT**

The meeting adjourned at 5:00 p.m.

Minutes Approved by Board of  
County Commissioners on 9/29/92

Judith A. Spreding  
Recording Secretary