

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS
October 13, 1992**

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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 Jarboe moved, seconded by Commissioner Lancaster, to approve the minutes of the Commissioners' meeting of Tuesday, October 6, 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.

HISTORY OF CHARLOTTE HALL SCHOOL

Present: Dr. J. Roy Guyther

Dr. Guyther appeared before the Commissioners to present his book on the history of Charlotte Hall School, which was in existence in the county from 1774 - 1976.

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

- 1) **Clearinghouse Project No. MD920917-0880
FmHA Section 523 rural Self Help Housing
Holland Forrest Landing**

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

The Commissioners gave their concurrence.

- 2) **Correspondence**

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

Critical Area Amendments - To Norris, Gass & Ocker Engineering responding to correspondence regarding the Critical Area amendment relative to the definition of water-dependent facilities. The return letter indicates that the definition can only be amended by the State, and it is included in the County's Legislative Package.

Drug/Crime Prevention Programs - To Governor's Drug & Alcohol Abuse Commission submitting the names of Gregory L. Laxton, DFC, and Walter Biscoe, Alcohol/Drug Abuse Prevention Coordinator as the coordinators for the county's community-based programs addressing drug and crime problems.

Homeless Shelter for Men - To Rev. Harding, Three Oaks Homeless Shelter, Inc. indicating the Commissioners concurrence with the lease term of 15 years instead of the previously suggested ten years for the homeless shelter for men.

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

3) Choir of Counties

The County Administrator presented correspondence addressed to Governor Schaefer designating Gene Carter as St. Mary's County's representative to participate in the sixth annual "Choir of Counties" in Baltimore.

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

4) Appointments

Commissioner Bailey moved, seconded by Commissioner Lancaster, with motion carried, to make the following appointments:

<u>Commission for Women</u>	<u>Terms to Expire</u>
June W. Dillard	6/30/96
Jeanne M. Vote	6/30/96
<u>Community College Advisory Board</u>	
Marcia J. Tremaine	6/30/97
<u>Council on Children and Youth</u>	
Michelle Lawyer	6/30/93
Alec Morrison	6/30/93
Kenyatta T. Thompson	6/30/93
<u>Courthouse Renovation Task Force</u>	
Evelyn Arnold	No Term

**5) Resolution No. W/S 92-06A
Comprehensive Water/Sewer Plan Amendment
Robert & Dorothy Joyner Property
Correction of Resolution No. W/S 92-06**

The County Administrator presented Resolution No. 92-06A which corrects Resolution No. W/S 92-06 relative to an amendment to the Comprehensive Water and Sewer Plan for the Robert and Dorothy Joyner property (Lots 49-56 and Lots 110-120, Block 24, Tax Map 39B) which allowed sewerage service from the St. Clements Shores Wastewater Treatment Plant with a S-3D service area. The amended Resolution corrects an inaccurate date.

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

6) Information Release

The County Administrator presented an Information Release regarding the A bond rating received by Moody's Investors Service of New York in conjunction with the \$8.9M bond sale.

The Commissioners agreed to distribute the Information Release as presented.

HOMESTEAD TAX CREDIT

Present: Charles Wade, Director of Finance

Mr. Wade advised that the Commissioners must set the Homestead Tax Credit rate each year and presented information showing the number of households affected and the loss of revenue at caps ranging from 0% to 10%. Mr. Wade provided the Commissioners with a revenue picture for Fiscal Year 1994 and presented a chart indicating general fund receipts approved for Fiscal Year 1993 and forecasted for Fiscal Year 1994.

The following issues related to the setting of the Homestead Tax Credit were discussed:

Whether to use the fund balance to offset proposed state reductions (\$1.8M or \$2.8M) or apply it to FY '94 Budget (Mr. Wade noted the possibility of additional cuts this fiscal year)

Setting of the property tax rate
Impact of proposed state reductions

Whether or not to increase piggyback tax

If homestead tax credit is reduced, what equal amount of budget reductions would be made.

The Commissioners agreed to discuss the Homestead Tax Credit in two weeks.

DEPARTMENT OF PUBLIC WORKS

Present: Dan Ichniowski, Director

1) Correspondence to Department of Transportation

As a follow up to the September 27 discussion, Mr. Ichniowski presented correspondence addressed to the Department of Transportation setting forth the County's list of priority state highway projects.

During discussion Commissioner Loffler requested that two items of the letter be revised to include additional information: Item # 3 - Md. Rt. 237 - To add language that the project be phased in rather than budgeted in one year; Item # 5 - Md. Rt. 235 - To request DOT to review the impact of a six-lane highway on the commercial corridor and to inquire into a parallel road.

After discussion Mr. Ichniowski agreed to revise the letter and return to the Commissioners with both versions.

2) State Monitoring of Landfills

For the Commissioners' information, Mr. Ichniowski presented correspondence dated September 23 from the Maryland Department of Environment advising that the Hazardous and Solid Waste Management Administration will not be performing monitoring and testing at landfill sites. Mr. Ichniowski advised that the monitoring and testing are required in order to ensure there are no pollutants released from landfills. He stated that the cost is \$500 to \$600 each and will cost the County \$35,000 to \$40,000 annually.

3) Miscellaneous Documents

Mr. Ichniowski presented the following documents for the Commissioners' review and approval:

Timberline Court

Deed dated February 21, 1990 between Alva V. Watson and Irene B. Graves accepting Timberline Court into the County Highway Maintenance System.

Road Resolution No. R92-24 posting Timberline Court at 25 miles per hour.

Road Resolution No. R92-25 designating Timberline Court at its intersection with Md. Rt. 243 as a Stop Street.

Hayden Green Subdivision

Addendum to Public Works Agreement between James Dobry and Board of County Commissioners extending the deadline for improvements to November 1, 1993. The addendum is backed by a Letter of Credit with First National Bank in the amount of \$15,000.

Spring Valley Subdivision

Addendum to Public Works Agreement between The Humphrey Companies/Hame Commercial, Inc. and Board of County Commissioners of St. Mary's County extending the deadline for completion of improvements to October 1, 1993. The Addendum is backed by a Letter of Credit with The Hanover Insurance Company in the amount of \$112,490.

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

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator

Commissioner Bailey moved, seconded by Commissioner Thompson, to meet in Executive Session to discuss matters of Personnel and Litigation. Motion carried. The Session was held from 10:55 a.m. to 11:20 a.m. (The Litigation Executive Session was postponed until October 27)

COMMUNITY SERVICE DAY

The Commissioners left at 11:20 a.m. to go to St. Paul's United Methodist Church in order to serve lunches at the Soup Kitchen in recognition of Community Service Day, which will be October 24.

JOINT MEETING

BOARD OF COUNTY COMMISSIONERS/BOARD OF EDUCATION

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

1) Proclamation - Red Ribbon Week

Also Present: Joe Dick
Walt Biscoe
Sal Raspa

The County Commissioners and Board of Education presented a Proclamation designating the week of October 24 through November 1, 1992 as Red Ribbon Week urging citizens to participate in drug prevention education activities.

2) Proclamation - National School Bus Safety Week

The Board of Education presented a Proclamation designating the week of October 18 - 24 as National School Bus Safety Week.

3) Capital Improvement Program

Also Present: Ed Fitzgerald
Jerry Himmelheber

Mr. Fitzgerald and Mr. Himmelheber presented and reviewed the Public School's Proposed Capital Improvement Program Summary setting forth projects for fiscal years 1994 through 2000. After the review Commissioner Loffler advised that public school staff and county staff are working together to gather detailed information (costs for all aspects of a project--site, planning and construction) about the projects. He stated that the County is reviewing projects that would be funded by a bond issue to determine the feasibility of proceeding.

During discussion Mr. Fitzgerald advised that the Park Hall Addition and Renovation project will be submitted to the State on October 19 for planning funds and requested the Commissioners' consideration for forward funding. The Commissioners indicated that they would be reluctant to forward fund a project without a commitment from the State for its funding.

After discussion the Commissioners and Board of Education agreed to revisit the CIP when additional information is developed.

4) State Budget Reductions

Commissioner Loffler advised that because of the state's proposed budget reductions, it was important to understand the impact of these reductions on public schools and that the legislators should be informed of what these cuts mean to St. Mary's County.

Mr. Wade distributed the handout given to the Commissioners earlier in the day regarding the General Fund receipts as well as a chart indicating revenue trends vs. expenditures for fiscal years 1988 through 1993.

In conclusion the Commissioners requested a response to their October 6 letter requesting the Board of Education to submit a reduction priority list in order to accommodate state reductions.

5) Student Parking/Safety Concerns

Commissioner Bailey expressed concern regarding students of Leonardtown High School parking across the street on Fairgrounds Road pointing out that this creates a safety hazard for those students. Public School staff will look into this situation.

MARYLAND YOU ARE BEAUTIFUL

Present: Cynthia Brown, Director, Office of Community Services
Florene Applefeld, Md. You Are Beautiful Coordinator

Certificates/Commendation

Mrs. Brown presented Certificates of Appreciation to the following individuals in recognition of their volunteer efforts in St. Mary's County: Janet Hanke, Dean Gass, Gerda Manson, and Dennis Gorge. A Commendation was presented to Rose Slade as St. Mary's County's Most Beautiful Person in recognition of her volunteer work with Helping Hands.

Proclamation

The Commissioners issued a Proclamation designating November 1992 as Maryland Youth Are Beautiful Month in St. Mary's County.

OFFICE ON AGING

Present: Gene Carter, Director

1) Interim FY '93 Title III Notification of Grant Award

Mr. Carter presented Interim Fiscal Year 1993 Notification of Grant Award for the period October 1, 1992 through September 30, 1993 as follows:

Title IIIB	-	\$36,842
Title IIIC1	-	41,441
Title IIIC2	-	9,851
Title IIID	-	833
Title IIIG	-	535
Total		\$89,502

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

2) Expected Cuts in State Funding for Senior Programs

Mr. Carter informed the Commissioners that expected reductions in state funding will affect two senior programs: Senior Information & Assistance - reduced 30% from \$21,465 to \$15,026; Senior Center Support - reduced 30% from \$9,048 to \$6,334. He pointed out that the funds in those grants are for personal services, and OOA will pick up those reductions by re-budgeting funds in the Title III-B budget.

3) Project CARE Grant

Mr. Carter advised the Commissioners that the Office on Aging will be receiving a \$5,000 one-time grant for the establishment of eldercare initiatives through community-based organizations. The grant is federally funded and no county matching funds are required. The County would have two commitments: To contact one or more foundations to get them to generate additional resources for St. Mary's County to support and implement the initiatives; to assist the community in generating private sector support to continue the programs. The three community organizations that would be provided funding for services are: Leonardtown Rotary, Bethesda Awareness Group and St. Mary's County Chamber of Commerce.

**DEPARTMENT OF PLANNING AND ZONING
DISCUSSIONS/DECISIONS**

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

1) Critical Area Amendments

Mr. Grimm stated only one written comment was received following the public hearing, and that was regarding definitions within the Ordinance and a particular case which was affected by the definitions, and the grandfathering provision for water dependent facilities. Because the definitions are straight from State law and because the Critical Area Commission has formed a task force to look into the issue of water dependent facilities, Mr. Grimm said it is his recommendation that we not pursue that at this time. The State staff has effectively told us they don't think there's much chance of us drafting a local definition that will be approved by the State because the other work is ongoing. The changes directed by the Commissioners have been made and the document is ready to print, if the Commissioners concur.

The Commissioners directed Mr. Grimm to print the document and distribute to them by next Tuesday.

2) Zoning Ordinance Amendments

Mr. Grimm distributed the Planning Commission's recommendations in a memorandum dated October 1, 1992 regarding Signs and Billboards, Mobile/Portable Signs, and Public Service/Special Event Banners or Signs. Attached to the Planning Commission's recommendation are alternatives discussed by the Commission and pertinent sections of the Annotated Code of Maryland. The Commission's recommendation regarding the amortization period/compensation for nonconforming signs is that staff complete the sign inventory currently underway and that an amortization schedule, based upon MDOT's schedule in accordance with State law, be adopted by the Commissioners through the Planning Commission by June 30, 1993 to determine the cost of removal of signs; i.e., the 5-year amortization portion has been deleted. MDOT's schedule is based upon fair market value, less depreciation of the sign and does not allow for lost income.

The Planning Commission's recommendation regarding Public Service/Special Event Signs is that they not exceed 32 sq. ft. in size; that they must represent a non-profit, charitable, or civic organization or event, sponsored by same, including political fund raiser events; and that they may be displayed 30 days in advance of the event and shall be removed within 7 days after the event. The recommendation for portable signs remains that they be prohibited.

Commissioner Bailey stated that he could not vote for the amortization of nonconforming signs until he knew how much it would cost the County and said he thought businesses should be compensated for loss of revenue from the signs; Mr. Bailey also objected to the recommendation on Section 58.04(5), which would prohibit off-premises advertising, except for bus shelters or directional signs. Mr. Grimm replied it is not possible to assess the fiscal impact until the inventory is completed. Commissioner Loffler suggested if we wanted to limit the fiscal impact the County could set the removal to the life expectancy of the sign. Mr. Grimm agreed theoretically that the amortization could be structured in such a way as to have zero impact.

Commissioner Loffler said he didn't think banners advertising Air Expo, for instance, were a detraction as long as they're not a safety hazard, adding he thought we could exempt the size of the banners and regulate the time period the banners could stay up. Commissioner Bailey stated the Blessing of the Fleet banner is 5' X 35'.

Commissioner Jarboe stated that telling businesses they can only have a sign where the business is located will impact people that have been trying to make a living there for years. Commissioner Jarboe also reaffirmed his objection to requiring a survey to establish legal nonconforming uses, saying many times we can document these types of activities with old records; furthermore, he said the owner still would not have a zoning designation. Mr. Grimm replied that many people don't keep records that far back, and said that many times he cannot document where the activity was occurring on the site without a survey. He also pointed out that often the documentation of the nonconforming use is in response to a complaint to DPZ, and said in return for the cost of the survey the owner would be getting the protection of a legal nonconforming use designation.

Commissioner Jarboe also said he had been advised by three members of the Board of Appeals that they had not seen the proposed amendments. Mr. Grimm replied that he had asked and encouraged the Board to participate in review of the zoning amendments, however during their June 13, 1991 meeting the Board chose not to participate in the review of changes to the Ordinance they are required to interpret. He added, however, that he would be happy to and would, in fact, provide the Board with the proposed changes.

Commissioner Loffler called for a motion to instruct staff to finalize the amendment. Commissioner Thompson moved to accept the Planning Commission's recommendations on Signs and Billboards and Mobile/Portable Signs, Alternative "D" regarding Public Service/Special Event Signs, and for staff to proceed to finalize the amendments as discussed by the Commissioners as the result of public testimony. The motion was seconded by Commissioner Lancaster and passed by a vote of 3-2; Commissioners Bailey and Jarboe voted against.

Minutes Approved by Board of
County Commissioners on 10/20/92

Judith A. Spalding
Recording Secretary

