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**ST. MARY'S COUNTY  
BOARD OF COUNTY COMMISSIONERS  
October 27, 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 Thompson, to approve the minutes of the Commissioners' meeting of Tuesday, October 20, 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) Lexington Park United Methodist  
Request for Building Permit Fee Waiver**

The County Administrator presented a letter addressed to the Building Chairperson granting a waiver of the building permit fee for the addition of the Lexington Park Methodist Church as requested in October 9 correspondence.

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

**2) Higher Education Facility**

The County Administrator presented correspondence addressed to the Secretary of the Department of Economic and Employment Development requesting reassurance of the progress of the higher education facility project, which is the subject of a feasibility and site analysis by a consultant funded by a four-party agreement.

The Commissioners agreed to sign and forward the letter.

**3) St. Mary's County Public Schools - New Grant Awards**

The County Administrator presented correspondence addressed to the Board of Education approving the inclusion of the following grant awards in the Fiscal Year 1993 Board of Education Budget:

	<u>FY '93 Budget</u> <u>Document</u>	<u>Notice of</u> <u>Grant Award</u>
School Nurse Initiative	\$-0-	\$ 5,354
Education of Homeless Children and Youth	-0-	24,000

**Commissioner Thompson moved, seconded by Commissioner Bailey, to authorize the inclusion of the grant award as requested and to sign and forward the letter as presented. Motion carried.**

**4) Request for Payment of Unused Sick Leave**

As a follow up to the October 20 Executive Session, the County Administrator presented correspondence addressed to Mr. James E. Weber, former Chief, Permits and Inspection, advising that



his request for financial consideration for unused sick leave cannot be granted. County Government's participation in the Maryland State Retirement System precludes the Commissioners from acting inconsistent with the policies and procedures of the State. The letter further states that the Commissioners cannot approve his military service credit application toward health insurance premiums.

Commissioner Jarboe moved to not sign the letter. Motion failed for lack of a second.

**Commissioner Bailey moved, seconded by Commissioner Jarboe, to delay action on the request. Motion carried.**

**5) Letter of Appreciation - Training Sessions on Harassment**

The County Administrator presented correspondence addressed to Mr. William B. Wagoner, Director, Human Resources Department, expressing gratitude to Nancy Lambert for conducting training sessions on harassment for county employees.

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

**6) Tri-County Community Action - Medical Transportation Program**

The County Administrator presented correspondence addressed to the Director of the Tri-County Community Action Committee responding to his October 9 letter regarding the State's Medical Transportation Program. The return letter indicates that Maryland Association of Counties has informed the County that the funds for the Program will not flow through the local governments, but will be provided to the local health departments who will determine whether to provide the service directly or contract.

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

**7) Economic Development Commission  
Proposed Higher Education Facility**

The County Administrator presented correspondence addressed to the Economic Development Commission indicating the Commissioners' continued endorsement of the higher education facility. The letter further reminds EDC that the county is one of the four partners funding a feasibility and site location effort by consultants, the results of which should be forthcoming in the near future.

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

**8) Critical Area Ordinance Amendments**

The County Administrator presented correspondence addressed to the Chairman of the Chesapeake Bay Critical Area Commission forwarding revisions to the Critical Area Ordinance, which have been approved by the Board of County Commissioners. The letter requests the Commission to review the changes and advise as to the next steps for final approval.

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

**9) Lexington Park Library - Homeless Shelter**

The County Administrator presented correspondence addressed to Mrs. Katharine Hurrey, St. Mary's County Memorial Library regarding the location of the homeless shelter being located near the Lexington Park Library. The letter indicates that the County will monitor the need for additional security in the area.

The Commissioners agreed to sign and forward the letter.

**10) League of Women Voters - 1989 Charter Comparisons**

The County Administrator presented correspondence responding to the League of Women Voters regarding the 1989 Charter project. The letter compares the League's suggestions with current practices of county government.

The Commissioners agreed to sign and forward the letter.



11) **Maryland Natural Gas - Franchise Fee  
Resolution No. 92-28**

The County Administrator presented correspondence addressed to Maryland Natural Gas advising that the Commissioners have reviewed the terms of the November 1, 1988 franchise agreement, which provided for a three (3%) percent franchise fee. Because the energy tax rate was increased to five (5%) percent effective, July 1, 1989, the letter transmits an amendment to the franchise agreement providing for a fee of five (5%) percent of gas revenues from sales in St. Mary's County effective retroactively to July 1, 1989.

**Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve and sign Resolution No. 92-28 - Maryland Natural Gas. Motion carried.**

12) **Waterways Improvement Project Agreement - Piney Point**

The County Administrator presented an amendment to the Waterways Improvement Project Agreement dated December 31, 1991 for Piney Point which reduces the project amount from \$525,000 to \$504,168.91.

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

13) **Department of Public Works Items**

On behalf of the Director of Public Works, the County Administrator presented the following items for the Commissioners' consideration:

**Wilderness Subdivision  
Deed and Resolutions**

Deed dated May 31, 1991 between Wilderness Run Ventures, Inc. and the Board of County Commissioners accepting Wilderness Drive, Arbor Court, Woodmere Drive, and Autumn Court into the County Highway Maintenance System.

Road Resolution No. R92-26 posting Wilderness Drive, Woodmere Drive, Arbor Court, Autumn Court at 25 miles per hour.

Road Resolution No. R92-27 designating the following as Stop Streets: Woodmere Drive as it intersects with Wilderness Drive; Arbor Court as it intersects with Wilderness Drive; Autumn Court as it intersects with Wilderness Drive.

**Commissioner Jarboe moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Loffler to sign the referenced documents. Motion carried.**

**Correspondence Calling Letters of Credit**

**Landings at Piney Point** - To Second National Federal Savings Bank calling Letter of Credit #109892 in the amount of \$424,000 for Public Works Agreement.

**Charlotte Hall Business Park** - To First National Bank of St. Mary's calling Letter of Credit A3-12-04-91 in the amount of \$344,300 for Public Works Agreement.

**Potomac Sands, Phase 2** - To First National Bank of St. Mary's calling Letter of Credit A2-12-23-91 in the amount of \$60,800 for Public Works Agreement.

**Patuxent River Farms Subdivision, Phase I** - To Homestead Insurance Company calling Bond No. P01424 in the amount of \$473,000 for Public Works Agreement.

**Bay Ridge Estates, Section 1** - To First National Bank of St. Mary's calling Letter of Credit #A3-12-05-91 in the amount of \$25,300 for Grading Permit #90-15.

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



**Addenda to Public Works Agreements**  
**Avenmar Subdivision**

(Commissioner Loffler did not participate in the discussion or decision. Commissioner Jarboe presided over this portion of the meeting.)

**Section 1** - Addendum between Avenmar Limited Partnership and Board of County Commissioners for St. Mary's County extending the deadline for completion of improvements to September 1, 1993.

**Section 2** - Addendum between Avenmar Limited Partnership and Board of County Commissioners for St. Mary's County extending the deadline for completion of improvements to September 1, 1993.

**Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Jarboe, to sign the referenced Addenda to Public Works Agreements for Avenmar. Motion carried.**

**14) Zoning Ordinance Amendments - Resolution**

The County Administrator presented the final draft of the Zoning Ordinance Amendments for the Commissioners' review and consideration.

During discussion Commissioner Bailey expressed concern about the impact the removal of off-site signs would have on business. Commissioner Jarboe indicated he had concerns about enforcement.

After discussion the Commissioners agreed to defer a decision on the adoption of the Resolution until the November 10 meeting.

**15) Budget Amendment No. 93-16**  
**Social Services**

The County Administrator presented the referenced Budget Amendment recommended for approval by the Director of Finance with the following justification: Burial assistance - \$820.

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

**16) FERST Land Clearing Debris Landfill**

The County Administrator presented correspondence responding to several individuals concerns regarding the land clearing debris landfill application filed by Forest Products Recycling Facility (FERST) of St. Mary's. The letter summarized the authority of County Commissioners and other entities in zoning and environmental matters as specified in state and county law.

Commissioners Bailey, Jarboe and Lancaster agreed to sign and forward the letter.

**PROCLAMATION - NATIONAL RADIOLOGIC TECHNOLOGY WEEK**

The Commissioners presented the referenced Proclamation designating the week of November 2 - 10 as National Radiologic Week in St. Mary's County.

**PROCLAMATION - NATIONAL HOSPICE MONTH**

The Commissioners presented the referenced Proclamation designating November as National Hospice Month.

**PUBLIC HEARING - SUPPLEMENTAL APPROPRIATION ORDINANCE**

Present: Charles Wade, Director of Finance

In accordance with Chapter 27, Section 6 of the St. Mary's County Code of Public Local Laws, the Commissioners conducted a public hearing to amend the budget for Fiscal Year 1993 through a supplemental appropriation to the Board of Education in the amount of \$433,336. The increase represents the retirement penalty attributable to salary increases paid by the Board of Education during Fiscal Year 1992. In addition Mr. Wade also distributed a memorandum addressed to the Board of County Commissioners certifying that the \$433,336 is available for appropriation from the designated fund balance.



The hearing was opened for public comments.

Brad Ruby requested clarification regarding the \$433,336 appropriation. He also suggested that the County look at a merit system for evaluating teachers.

Ken Hastings inquired whether step increases would be figured into the penalty to which Commissioner Loffler responded they would not.

Viki Volk (Enterprise) - Inquired whether additional benefit charges (steps because of tenure and education) would be added to the \$433,000. Commissioner Loffler stated they would not and pointed out that the penalty was for Fiscal Year 1992 and any penalties for other years would require legislative action.

The public portion of the hearing was closed. A decision will be made at the November 10 meeting.

### **HOMESTEAD PROPERTY TAX CREDIT**

Present: Charles Wade, Director of Finance

As a follow up to the October 13 discussion, Mr. Wade distributed a handout regarding the homestead property tax credit. The handout outlined the number of homes affected at each percentage level (ranging from 4,061 at 110% to 15,226 at 100%) as well as the lost of revenue at each percentage level (\$460,800 at 110% to \$1,475,200 at 100%).

Mr. Wade distributed information showing state revenue reductions for Fiscal Years 1992 and 1993 and indicating a recurring revenue loss of \$4.1 to \$5.1 Million. He stated that it was his recommendation to set the homestead tax credit at 110%.

During discussion the following issues were raised:

- o Impact of setting the credit at each percentage
- o Impact on the county's bond rating
- o Other alternatives - piggy back tax and property tax rate
- o Property tax revenue increase from new construction versus growth in existing properties
- o Impact of "perk" test changes
- o Setting of homestead tax credit percentage during the budget deliberation time frame when the property tax rate is set.

After discussion Commissioner Lancaster moved, seconded by Commissioner Thompson, to set the Homestead Property Tax Credit at 110%. Commissioners Bailey and Jarboe voted against. Motion carried three to two.

### **MARYLAND BUILDING PERFORMANCE STANDARDS**

Commissioner Jarboe advised that there was a meeting on October 26 for the Southern Maryland region regarding the Maryland Building Performance Standards. Comments on the standards must be submitted to the State by November 15.

### **EXECUTIVE SESSIONS**

Present: Edward V. Cox, County Administrator

Commissioner Bailey moved, seconded by Commissioner Thompson, to meet in Executive Sessions to discuss property acquisition. Motion carried. Sessions were held as follows:



Property Acquisition

Also Present: Dan Ichniowski, Director Public Works

(Held from 11:15 a.m. to 11:50) Commissioners Lancaster and Loffler left the session at 11:35 a.m. because of potential conflict of interest.

Property Acquisition

Also Present: Dan Ichniowski, Director, Public Works  
Joe Mitchell, Director, DECD

(Held from 11:50 a.m. to 12:15 p.m.)

7:00 P. M.

**PUBLIC MEETING  
1993 LEGISLATIVE PACKAGE**

Present: Commissioner Carl M. Loffler, Jr., President  
Commissioner W. Edward Bailey  
Commissioner Robert T. Jarboe  
Commissioner John G. Lancaster  
Commissioner Barbara R. Thompson  
Senator Bernie Fowler  
Delegate J. Ernest Bell, II  
Delegate John Slade, III  
Delegate John Wood, Jr.

The Commissioners and Legislators conducted a public meeting on the 30 items contained in the St. Mary's County 1993 Legislative Package. Item No. 13 - Banning of Gill Nets was withdrawn by the submitter, Brady Bounds. An additional item was submitted by Dan Rathman on behalf of VOCAL (No. 31 - Central Registry/Reporting (Abuse and/or Neglect).

A tape of the proceedings is on file in the Commissioners' Office.

**ADJOURNMENT**

The meeting adjourned at 9:45 p.m.

Minutes Approved by Board of  
County Commissioners on 11/10/92

Judith A. Spalding  
Recording Secretary