

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS**

December 15, 1992

Present: Robert T. Jarboe, Commissioner Vice-President
W. Edward Bailey, Commissioner
John G. Lancaster, Commissioner
Barbara R. Thompson, Commissioner
Edward V. Cox, County Administrator
Judith A. Spalding, Recording Secretary

(Commissioner Carl M. Loffler, Jr. was not present; therefore, Commissioner Vice-President Jarboe presided over the meeting.)

(Commissioner Bailey was not present at beginning of meeting.)

CALL TO ORDER

The meeting was called to order at 9:00 a.m.

APPROVAL OF MINUTES

Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve the minutes of the Commissioners' meeting of Tuesday, December 8, 1992 including the Planning and Zoning portion of the minutes. Motion carried.

APPROVAL OF BILLS

Commissioner Lancaster moved, seconded by Commissioner Thompson, to authorize Commissioner Vice-President Jarboe to sign the Check Register as presented. Motion carried.

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) Critical Area Ordinance Amendments

The County Administrator presented correspondence addressed to the Chesapeake Bay Critical Area Commission requesting an item-by-item review of St. Mary's County's Critical Area Ordinance Amendments. This request is made in order to expedite the review and approval process of those amendments that are approvable.

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

Commissioner Thompson questioned a portion of the CAC's November 24 letter regarding permitted and conditional uses in the RCA area and requested that the Director of Planning and Zoning provide the Commissioners with an explanation. She stated that this item has been in the Plan all along and questioned the CAC's calling attention to it at this time.

Later in the meeting Mr. Grimm explained that the County has proposed no changes to the list of uses. He stated that the CAC has taken this opportunity to point out areas they believe are in conflict with the critical area criteria.

2) Response Correspondence

The County Administrator presented the following response letters for the Commissioners' review and signatures:

- a) **Public Forum** - To Vernon Gray, Alliance of Concerned Taxpayers responding to his December 4 letter relative to the monthly public forum and advising that the Commissioners will keep his suggestions under consideration.

b) **Request for Sheriff Vehicle** - To President, Mechanicsville Volunteer Rescue Squad responding to December 7 request for transfer of an automobile retired from the Sheriff's Department to the Mechanicsville Rescue Squad. The return letter indicates that there are several other departments in line for surplus vehicles and that the MVRS will be placed on the waiting list.

The Commissioners agreed to sign and forward the letters.

The Commissioners directed the County Administrator to inform MVRS of the time frame within which a vehicle would be available.

3) **Tri-County Council for Southern Maryland**

The County Administrator presented correspondence addressed to Tri-County Council reappointing Commissioner Robert T. Jarboe to serve on the Executive Board of Tri-County and F. Elliott Burch, Jr. as the county's member-at-large.

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

4) **Potomac River Fisheries Commission**

The County Administrator advised that correspondence was received from Captain Bob Holden recommending the appointment of Mr. Robert Bowes to the Potomac River Fisheries Commission. Therefore Mr. Cox presented two items of correspondence--one to Captain Holden advising that his correspondence is being forwarded to the Governor who makes those appointments and the other to Governor Schaefer forwarding the letter.

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

5) **Clearinghouse Project No. MD921201-1060
Greenwell State Park - Environmental Assessment**

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

The Commissioners gave their concurrence.

6) **Release of Bicycles from Sheriff's Department**

The County Administrator advised that the Sheriff has requested the release of three unclaimed bicycles--two to Great Mills High School and one to SADD for inclusion in Christmas packages they are preparing for low-income families. Since the bicycles are county government property, Commissioner approval is requested.

Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve release of the bicycles as requested. Motion carried.

7) **Public Works Agreement
Abell's Run, Section II**

On behalf of the Department of Public Works the County Administrator presented a Public Works Agreement between Morgan Associates, Inc. and St. Mary's County guaranteeing completion of Rosiland Drive and Dudley Court by November 1, 1993. The Agreement is backed by a Letter of Credit with The First National Bank of St. Mary's in the amount of \$82,600.

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

8) **Piney Point Agreement Amendment**

On behalf of the Director of Recreation and Parks the County Administrator presented the revised Piney Point Agreement. The Agreement, which had been previously approved by the Commissioners, has been revised to include actual appraisal and acquisition figures, and now requires Commissioner Loffler to sign the amendment document.

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

9) **Appointments**
Boards, Committees, Commissions

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

<u>Agriculture Preservation Advisory Board</u>	<u>Terms to Expire</u>
James Conrad	12/31/97
<u>Planning Commission</u>	
Frank E. Taylor	12/31/97

10) **Budget Amendment No. 93-23**
County Attorney

The County Administrator presented the referenced Budget Amendment recommended for approval by the Director of Finance with the following justification: To fund anticipated self-insurance expenses.

Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve and authorize Vice-President Jarboe to sign the Budget Amendment as presented. Motion carried.

11) **Budget Reconciliation Act of 1993**
Charles County Community College
St. Mary's County Memorial Library

With reference to the Budget Reconciliation Act of 1993, the County Administrator presented two letters (to the Library Association and to the Community College) prepared for the Commissioners' signatures setting forth the amounts involved. The Act provides that the amounts due from the State be reduced by \$2,264,709 and letters indicate how the Commissioners propose to fund the reductions.

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

OFFICE ON AGING

Present: Gene Carter, Director, Office on Aging

1) **Rural Public Transportation Operating Grant**
Fiscal Year 1993

Mr. Carter appeared before the Commissioners to request authorization for submission of the referenced grant application (Net Project Cost: \$94,884; Federal Share: \$40,867; State Share: \$30,296; Minimum Local Share: \$23,721). He stated that when the application was submitted last year, an additional \$43,000 was requested for expenses relative to activities associated with the Americans with Disabilities Act. Those additional funds were provided from the federal share of the grant.

Mr. Carter further stated that the County had also requested capital assistance for the purchase of two buses, and the request has been approved but the State has decided to delay the purchase of capital equipment until the beginning of the next fiscal year. Mr. Carter stated that the county's match of \$10,000 towards the purchase was included in the FY '93 budget; however, those funds will probably not be used and that he will be asking for a similar match in next year's budget. He indicated that he has heard that one of the buses may be approved using previous year's money that had not been expended, and he will keep the Commissioners advised.

After discussion Commissioner Lancaster moved, seconded by Commissioner Thompson, to authorize Commissioner Vice President Jarboe to sign the grant application as presented. Motion carried.

2) Project Care Grant

Mr. Carter advised that the Maryland Office on Aging was awarded \$5,000 from the federal government for a Project Care Grant, which is specifically targeted to provide community level programs under the umbrella of Elder Care Initiatives. This is a "one-shot" grant with no county match and is intended to provide funds at the community level with the hope that the project will be continued by community organizations. The Project Care Grant funds will be used as follows: \$3,000 for the direct purchase of in-home services for residents of Cedar Lane; \$1,500 for the direct purchase of in-home services for frail and elderly of Valley Lee/Drayden area, and \$500 for expenses related to the May 7, 1993 Caregivers Workshop.

After discussion Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Vice-President to sign the Project Care Grant as presented. Motion carried.

DEPARTMENT OF PUBLIC WORKS

Present: Dan Ichniowski, Director

1) Recycling Coordinator Position

As a follow up to previous discussions, Mr. Ichniowski appeared before the Commissioners to provide the requested information pertaining to the Recycling Coordinator and to request authorization to proceed to begin the advertising. The Commissioners had requested a recommendation whether the position should be merit or contract, and Mr. Ichniowski advised that it was his and the Recycling Committee's recommendation that it be a two-year contract at a Grade 16.

During discussion Mr. Ichniowski indicated that his department will be revisiting the tipping fees next year, which will be two years since the fee structure had been examined and will thus give enough time to get a better idea of recycling costs and operation costs for the new landfill.

After discussion Commissioner Lancaster moved, seconded by Commissioner Thompson, to authorizing Public Works to begin the hiring process for the Recycling Coordinator position for a two-year contract. Motion carried.

(Commissioner Bailey entered the meeting - 10:12 a.m.)

2) Easement Agreements

Mr. Ichniowski presented the following Easement Agreements for the Commissioners' review and consideration:

Washington Gas Light Co
Hickory Hills, Barefoot Drive, Iverson Drive

Among The Board of County Commissioners of St. Mary's County and Southern Maryland Electric Cooperative, Inc. and Washington Gas Light Co. granting an easement across the utility corridor at the reference location for the installation of a gas line.

Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve and authorize Commissioner Vice-President to sign the Easement Agreement as presented. Motion carried.

Bay Center

Among Board of County Commissioners of St. Mary's County, Southern Maryland Electric Cooperative, Inc. and Bay Center Association Limited Partnership granting access across the utility corridor for sewer access, ingress and egress. As previously requested by the Commissioners, the Agreement includes a statement regarding a different location for the ingress and egress when the Burke's Mobile Home Park is developed.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Vice-President Jarboe to sign the Easement Agreement as presented. Motion carried.

3) **Extension of Spring Valley Drive**
Acceptance of Deed
Road Resolutions

Mr. Ichniowski presented the following documents relative to the Extension of Spring Valley Drive:

- o Deed dated December 17, 1991 between Lexington Park Associates Limited Partnership and the Board of County Commissioners of St. Mary's County accepting the Extension of Spring Valley Drive into the County Highway Maintenance System.
- o Road Resolution No. R92-36 - Designating Valley Court as a Stop Street at its intersection with Spring Valley Drive.
- o Road Resolution No. R92-37 - Posting Valley Court and Spring Valley Drive at 25 miles per hour.

Commissioner Thompson moved, seconded by Commissioner Bailey, to approve and authorize Commissioner Vice-President Jarboe to sign the referenced documents as presented. Motion carried.

4) **Road Resolution No. R92-42**
Happyland Road

Mr. Ichniowski presented Road Resolution No. R92-42 posting Happyland Road as a **No Parking Zone** from its intersection with Maryland Route 249 in a southerly direction for approximately 200 feet on the northern and southern sides of the roadway.

Commissioner Thompson moved, seconded by Commissioner Bailey, to approve and authorize Commissioner Vice-President Jarboe to sign the Road Resolution as presented. Motion carried.

5) **"Valley Lee" Sign**

Commissioner Jarboe requested Mr. Ichniowski to check with the State Highway Administration regarding having the "Valley Lee" sign on Route 249 moved more towards the Callaway Village Center. Mr. Ichniowski agreed to look into this.

IMPACT FEE STUDY

The County Administrator indicated he had distributed a memorandum dated December 14 to the Board requesting approval to proceed with the review of the County's impact fees and recommended using an independent accounting firm to ensure that the figures used are accurate and that the bases used are defensible.

County Administrator Cox requested authorization to proceed with Request for Proposals to do the study. The Commissioners will approve the selection of the firm that would do the actual review.

After discussion Commissioner Lancaster moved, seconded by Commissioner Thompson, to authorize proceeding with the RFP's for the Impact Fee Study as requested. Motion carried.

CORRESPONDENCE TO FEDERAL AVIATION ADMINISTRATION

Present: Joseph Densford, County Attorney

As requested by the Commissioners in Executive Session on December 8, Mr. Densford presented correspondence addressed to the Federal Aviation Administrator regarding insurance liability requirements at the Airport as it relates to the Skydiving Center legal matter.

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

MARYLAND BUILDING PERFORMANCE STANDARDS

Present: Michael Seipp, Director, Community Assistance Adm., DHCD

Tara Clifford,

Jon Grimm, Director, Planning and Zoning

Paula Martino, Chief, Inspections & Enforcement

Mr. Seipp from the Department of Housing and Community Development appeared before the Commissioners to explain the proposed legislation regarding the Maryland Building Standards and its impact on St. Mary's County. Mr. Seipp advised that currently there are nine different building codes being enforced in 78 local jurisdictions (five counties have no building code), and the Governor appointed a Task Force on Uniform Maryland Building Performance Standards to look into ways of unifying and simplifying these regulations.

Mr. Seipp stated that after several revisions, draft legislation has been prepared for submission to the Governor. He indicated that if adopted the proposal will include the use of advanced technology - a central automated computer database containing the Performance Standards, local amendments, fire codes and amendments. Amendments from local jurisdictions would have to be submitted at least 15 days prior to the effective date so that the information can be put in the database. The information would be updated and made available to the public and private sectors. Training and technical assistance will be provided to the local jurisdictions as well as funding for equipment for linking the information.

He emphasized that the proposal was developed in a manner that would not infringe upon the authority and flexibility on the local levels and requested the Commissioners' review and support of the legislation.

During discussion Commissioner Thompson referred to the requirement for plans review and approval, which is currently not required by St. Mary's County. Mr. Seipp responded that the legislation was developed to leave that up to local jurisdictions, but suggested that the County Attorney contact the Attorney General's Office lawyer that helped in the development of the proposal to get a definitive answer.

In conclusion the Commissioners thanked Mr. Seipp for presenting the information on the Maryland Building Performance Standards and indicated they would take the proposal under advisement.

Commissioner Jarboe expressed concern about "pass-on" costs and the impact on affordable housing industry.

EXECUTIVE SESSION

Commissioner Thompson moved, seconded by Commissioner Lancaster, to meet in Executive Session to discuss a matter of Property Acquisition (Higher Education Facility) as provided under Article 24, Section 4-210(a)11. Motion carried.

Property Acquisition

Present: Commissioner Robert T. Jarboe, Vice-President

Commissioner W. Edward Bailey

Commissioner John G. Lancaster

Commissioner Barbara R. Thompson

Edward V. Cox, County Administrator

Joseph F. Mitchell, Director, DECD

Charles Wade, Jr., Director of Finance

Judith A. Spalding, Recording Secretary

Authority: Article 24, Section 4-210(a)11, Md. Annotated Code

Topic: Property Acquisition - Consideration of sites for higher education facility.

Time Held: 12:10 p.m. to 12:55 p.m.

Action Taken: The County Commissioners agreed on the site for the higher education facility and directed staff to complete negotiations so that a final decision can be made on December 22. The Commissioners also agreed to meet with the Community College Advisory Board on December 22 to discuss selection of a site for the community college.

**DEPARTMENT OF PLANNING AND ZONING
PUBLIC HEARING
ST. MARY'S COUNTY COMPREHENSIVE WATER/SEWERAGE PLAN**

Present: Jon Grimm, Director
Jeffrey Jackman, Principal Planner
Peggy Childs, Recording Secretary

(Also present was Ray Anderson, of the Water Management Administration of MDE. Other County staff present were Larry Petty, Director, and John Castle, of the St. Mary's County Metropolitan Commission.)

Review of the CWSP as required by Sections 9-511 thru 9-513 of the Annotated Code of Maryland, and substantial plan amendments resulting from the review. The CWSP establishes policies and procedures for the planning, financing and construction of water and sewerage facilities within the County and the town of Leonardtown.

Legal Ad published in The Enterprise on 12/2/92 & 12/9/92.

Mr. Grimm gave an overview of the Plan, prepared by a committee of county and state agency personnel as well as representatives from the Town of Leonardtown and input from the Water Policy Task Force appointed by the County Commissioners a year and a half ago, which proposes changes to current policies. Handouts of the draft document, dated 10/30/92, were available to the public. The Planning Commission, after holding a public hearing and several subsequent work sessions, recommended approval on 12/14/92.

The existing CWSP has been fitted to the 1988 Comprehensive Land Use Plan, using the policies of the Land Use Plan to dictate proposed policies for planning and implementation of public water and sewage facilities, as well as individual water and sewerage facilities and methods for conserving water, minimizing costs, and other attendant considerations. Proposed major changes from the existing plan are:

- (1) Section 1.2.7 - Shared sewer facilities provision
- (2) New Water/Sewer Service Area Map Categories
RW, RSe - Rural Service Areas
NPS - No Planned Service
- (3) Provision for Semi-annual Plan Amendments
- (4) Changes to TinTop Hill and St. Clements Shores Allocation Policies
- (5) Recommendations of the Water Policy Task Force
- (6) Mapping of individual properties

Entered into the record was a letter from the Metropolitan Commission stating that Johnson Farm Estates will no longer be put into a category for a community water system; i.e., the map contained on page 82.5 in the draft document is no longer valid.

A Financial Management Plan, required by State law, has been included in Chapter 4. Mr. Petty stated that the State does provide loans with reduced interest rates to help with capital projects, but state and federal assistance under the Clean Water Act is no longer available, although there could be other monies; e.g., HUD.

Commissioner Thompson asked if there had been any discussion regarding public contributions for sewerage facilities from the viewpoint of providing infrastructure for the benefit of the whole County? Mr. Petty responded that that topic has been given a lot of discussion but sewer systems are very expensive; in the case of marrying the sewer system with the water project in Charlotte Hall, he said they had explored the possibility of joint use of the private system that supports the Charlotte Hall Veterans Home, but it worked out that it was too expensive at this juncture. However, he said, that potential exists, and there are lots of industrial/commercial activities with fewer people which don't require public sewer which could use that septic system also.

Commissioner Jarboe noted a correction on page 118, paragraph C.; i.e., the limit of EDUs within the St. George's Island service area should be 220 instead of 219.

The Chair opened the hearing to public comment.

Ray Anderson, of the Water Management Administration, MDE, recalled that he appeared before the Commissioners in April 1991 asking for their support of this new approach of integrating growth management into water and sewer planning. He said it amazing what has been accomplished through that process, and Mr. Grimm, Mr. Cox, and the entire County staff should be commended for their efforts and cooperation with MDE.

Mr. Anderson continued that he sees another million people residing in the Elkton-Hagerstown-Leonardtown triangle in the next 30 years, and whatever decisions are made must be compatible with land use. He reiterated that he was very impressed with the quality of effort and the sincerity of all staff - particularly Jeffrey Jackman, who he said he would like to have "cloned" so he could take him to the other counties to do this work, and the Metropolitan Commission. The benefit of this plan is that it is the County's plan, it is consistent with the Land Use Plan, and he sees MDE's role diminishing and this becoming an ongoing community planning process within County Government.

Robert Joyner, of Mechanicsville-Chaptico Road, stated more consideration should be given to sewer systems and infrastructure in developing areas of the County other than Leonardtown and, rather than spraying the effluent over acres and acres of land, there should be sewer purifying systems to treat the effluent and release it into the rivers.

There being no further comments, the Chair closed the public hearing at 2:50 p.m. The record will remain open for written comment for 10 days, and those comments forwarded to the Commissioners for their decision meeting.

Minutes Approved by Board of
County Commissioners on 12/22/93

Judith A. Spalding
Recording Secretary