

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS
AUGUST 3, 1993**

Present: Commissioner Carl M. Loffler, Jr., President
Commissioner W. Edward Bailey
Commissioner Robert T. Jarboe
Commissioner John G. Lancaster
Commissioner Barbara R. Thompson
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 Bailey moved, seconded by Commissioner Jarboe, to approve the minutes of the Commissioners' meeting of Tuesday, July 27, 1993. Motion carried.

APPROVAL OF BILLS

Commissioner Thompson 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) Maryland Bank and Trust Property - St. Andrews Church Road

The County Administrator presented correspondence thanking Maryland Bank and Trust for offer of the McLeod Farm; however, because of preliminary analysis the County has concluded that it would not be feasible for use as an expansion of the solid waste disposal system.

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

2) Family and Medical Leave Act

The County Administrator presented a memorandum dated August 3 from the Personnel Officer setting forth changes to the County's Family Leave policy as required by the Family and Medical Leave Act of 1993. The requirements include: 12 work weeks of unpaid leave to eligible employees; makes family leave an entitlement or a right; and provides employees with job reinstatement rights.

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to approve the modification to the County's Family Leave policy effective August 5, 1993, thereby making the County in compliance with the Family Medical Leave Act of 1993. Motion carried.

3) Letter Of Support - Community Development Block Grant Application

The County Administrator presented correspondence addressed to the Maryland Department of Housing and Community Development regarding today's presentation to the Commercial Revitalization Committee regarding the County's CDBG Application for the Tulagi Town Center in Lexington Park. The letter indicates that the project is of the highest priority to the county and that the Commissioners unanimously support the Application.

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

4) **Community Service Day Coordinator**

The County Administrator presented correspondence addressed to the Secretary of State designating Becky Stevens, Community Services Coordinator, to serve during the Fifth Annual State-wide Community Services Day planned for October 23.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to sign and forward the letter to the Secretary of State designating Becky Stevens as St. Mary's County's Coordination for Community Services Day. Motion carried.

5) **Appointment
Nursing Center Board**

Commissioner Lancaster moved, seconded by Commissioner Bailey, to appoint Nancy Darnell to the Nursing Center Board with term to expire 12/31/93/96. Motion carried.

DEPARTMENT OF PUBLIC WORKS

Present: Dan Ichniowski, Director

1) **Addenda to Public Works Agreements**

Mr. Ichniowski presented the following Addenda to Public Works Agreements for the Commissioners' review and consideration:

Cedar Cove, Section 5

Between Patuxent Development, Inc. (J. Laurence Millison) and Board of County Commissioners for St. Mary's County extending the deadline for completion of improvements to August 1, 1994. The Addendum is backed by a Letter of Credit with Maryland National Bank in the amount of \$353,000.

Whaler's Creek Runn, Section I

Between Millison Enterprises (J. Laurence Millison) and Board of County Commissioners for St. Mary's County extending the deadline for completion of improvements to August 1, 1994. The Addendum is backed by a Letter of Credit with Maryland National Bank in the reduced amount of \$69,000.

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

2) **Addendum to Contract of Sale**

Mr. Ichniowski presented an Addendum to the Contract of Sale, which was previously entered into for a land exchange on April 14, 1992, between Joseph D. Knott and Deborah F. Knott and the Board of County Commissioners of St. Mary's County.

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

3) **Public Hearing**
Abandonment of Public Turning and Parking Area
Portion of Gross Lane, Kingston Village Subdivision

Also Present: Ed Long, property owner
Kenneth Long

The Commissioners conducted a public hearing to consider the abandonment of a public turning and parking area located at the end of Gross Lane, County Route 3537, located in Kingston Village Subdivision, Eighth Election District.

The hearing was advertised in the Enterprise July 14, 21, and 28.

Mr. Ichniowski advised that property owners petitioned the County for the abandonment and the Department of Public Works notified all property owners in the subdivision. During his presentation Mr. Ichniowski displayed a plat of Kingston Village and pointed out the location of Gross Lane, which extends approximately 600 feet, and the area being requested to be abandoned.

Mr. Ichniowski advised that the Commissioners that two decisions will have to be made: Whether to abandon the portion of Gross Lane and if abandoned, how the property will be redistributed among the property owners.

The hearing was opened for comments from the audience.

Mr. Kenneth Long presented photographs of the area stating that his father subdivided the property into seven tracts, built Gross Lane and dedicated it to the County for public use. The County has maintained the road, but has not used the turning and parking area. Mr. Ed Long built a private pier 25 years ago.

In response to an inquiry from the Commissioners, Mr. Ed Long advised that he had placed a "No Trespassing" sign because people outside the subdivision were crossing private property to get access to the beach.

The Commissioners closed the public hearing and indicated that the record will remain open for ten days and a decision will be made on August 24.

4) **Solid Waste Advisory Committee**

As a follow up to last week's discussion, Mr. Ichniowski distributed a handout relative to the establishment of the Solid Waste Advisory Committee. The handout included the proposed scope of work; schedule (which indicated an organizational meeting in September, public hearing in February, and adoption in March); suggested committee representatives; and other possible subsequent activities. Mr. Ichniowski suggested, and the Commissioners agreed, that prior to the formal public hearing, a public informational meeting be held in order to receive comments and suggestions.

During discussion the Commissioners indicated concurrence to combine the Recycling Committee members with the Solid Waste Advisory Committee.

After discussion Commissioner Thompson moved, seconded by Commissioner Lancaster, to accept the Director of Public Work's recommendations relative to the establishment of a Solid Waste Advisory Committee. Motion carried.

Later in the meeting the County Administrator presented correspondence addressed to the Waste Management Administration in response to July 22 correspondence indicating that St. Mary's has a long history of citizen involvement and stating that the Commissioners are in the process of establishing a citizens solid waste advisory committee.

In addition Mr. Cox presented correspondence responding to July 23 correspondence from the Alliance of Concerned Taxpayers regarding the establishment of a citizens solid waste advisory committee

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

SOFTBALL HALL OF FAME BUILDING FUNDING

Present: Phil Rollins, Director, Recreation and Parks
Kenny Dement, Hall of Fame
Jim McFadden, "
Charles Wade, Director of Finance

The referenced individuals appeared before the Commissioners to request a modification to the funding and construction plan for the Softball Hall of Fame Building. The original plan had been for the County to fund and purchase the material and the Hall of Fame would provide the labor to construct the building. Mr. Rollins advised that he now recommends that the project be competitively bid; that a general contractor be hired to construct the building; and that the \$55,000 loan from the Commissioners to the Hall of Fame be replaced by using \$75,000 excess from the Teen Center portion of the Activity Center at the Regional Park. He further pointed out that the Hall of Fame supports the modification and has raised \$88,000 which will be donated to the County for the project.

After discussion Commissioner Bailey moved, seconded by Commissioner Jarboe, to approve the modification to the funding and construction plan for the Softball Hall of Fame Building. Motion carried.

DEPARTMENT OF PLANNING AND ZONING

Present: Jon Grimm, Director
Joe Mienert, Deputy Director
Elinor Mattingly, Permits Clerk

The referenced individuals appeared before the Commissioners to review the duties and responsibilities of the staff of the Department of Planning and Zoning. Mr. Grimm reviewed the goals and objectives of DPZ, the principal goal being to provide for positive change for the improvement of the quality of life through affordable housing, improved transportation networks, greater education and employment opportunities, and the protection and preservation of the natural environment. Objectives of the department include educating and informing the Commissioners and general public about DPZ's responsibilities and to garner support and understanding of the Department's programs.

During discussion the Department of Planning and Zoning made the following points and presentations:

- o Distributed a handout setting forth the activities of the department which includes staff support for a number of boards and committees, administration of grants, and a number of functions under each division.
- o Pointed out that much of what the department does is mandated by state and federal statutes.
- o Distributed additional pages to the Customer Assistance Guide: No. 7 - Customer Service Questionnaire; No. 8 - What is an Environmental Permit; No. 10 - Sign Regulations and Permits.
- o Reviewed the step-by-step process for Type I - Basic Residential Building Permit and Type 2 - Standard Building Permit
- o Advised that similar charts will be prepared for zoning authorization permits and other required permits.

Suggestions made by the Commissioners included:

- o That the flow charts offer alternatives to customers going through the process as well as turn around times for certain permits (e.g., health department).
- o That the charts include telephone numbers
- o That the charts not use acronyms
- o That DPZ provide clarification regarding state and federal requirements (architectural seal requirements, critical area and forestation preservation requirements)

In closing Mr. Grimm advised that DPZ is currently working with the Economic Development Commission and Chamber of Commerce regarding the planning and zoning process.

PROCLAMATION - NATIONAL NIGHT OUT

Present: Sheriff Wayne Pettit

The Commissioners presented a Proclamation recognizing the 10th Annual National Night Out on August 3, 1993.

(Commissioners Jarboe and Bailey left the meeting at 12:15 p.m.)

STAFF MEETING

The Commissioners attended the regular monthly staff meeting at the Carter State Office Building Public Meeting Room.

OFFICE ON AGING

Present: Gene Carter, Director

1) Fiscal Year 1994 Notification of Grant Awards

Mr. Carter appeared before the Commissioners to present the following Notification of Grant Awards for the Commissioners' consideration:

- o Transit Assistant Grant under the Statewide Special Transportation Assistance Program (SSTAP) in the amount of \$67,520 for the period July 1, 1993 - June 30, 1994.
- o Rural Transit Assistance Grant (Section 18) for Fiscal Year 1994 (Federal Share: \$49,391; State Share: \$40,410)
- o Group Senior Assisted Housing contract in the amount of \$1,000 between St. Mary's County Office on Aging and the Maryland Office on Aging.
- o Senior Care Contract between Maryland Office on Aging and St. Mary's County for the period July 1, 1993 through June 30, 1994 for community long-term care services.
- o Senior Nutrition Program in the amount of \$25,132 for the period 7/1/94 -12/31/93
- o Senior Information and Assistance in the amount of \$5,959 for the period 7/1/94 - 12/31/93

- o Guardianship in the amount of \$6,600 for the period 7/1/93 - 6/30/94
- o Senior Center in the amount of \$2,710 for the period 7/1/93 - 12/31/93

Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve and authorize Commissioner Loffler to sign the referenced Notification of Grant Awards. Motion carried.

2) Budget Reductions for Fiscal Year 1994

Mr. Carter advised the Commissioners that as a result of the 1990 Census data, the State Office on Aging will be losing funding and has recomputed its allocation formula to the local jurisdictions. The 1990 Census data shows that there are fewer senior citizens residing in St. Mary's County, which will result in fewer dollars being allocated to the County. The amount of reduction of federal funds is approximately \$32,000 and approximately \$13,000 of state funds (totaling \$45,000). Mr. Carter advised that the State Office on Aging has requested the federal government to allow the reduction to be phased in over a three-year period, and if approved, St. Mary's would have to reduce its Office on Aging budget \$15,000 each year for three years.

(Commissioners Bailey and Jarboe returned to the meeting at 3:00 p.m.)

Mr. Carter distributed a list of proposed budget adjustments to accommodate the reductions for the Commissioner's consideration and advised the Commissioners that he will be back before the Board next week for their direction.

EXECUTIVE SESSION

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to meet in Executive Session to discuss matters of Personnel (Department of Planning and Zoning) as provided in Article 24, Section 4-210(a)1. Motion carried.

Personnel

Present: Commissioner Carl M. Loffler, Jr., President
Commissioner W. Edward Bailey
Commissioner Robert T. Jarboe
Commissioner John G. Lancaster
Commissioner Barbara R. Thompson
Edward V. Cox, County Administrator
Jon Grimm, Director, Planning and Zoning
Judith A. Spalding, Recording Secretary

Authority: Article 24, Section 4-210(a)1

Topic: Personnel - Department of Planning and Zoning Personnel

Time Held: 3:30 p.m. - 4:25 p.m.

Action Taken: The Director of Planning and Zoning reviewed with the Commissioners a proposal regarding the functions and personnel responsibilities within his department. The Commissioners will meet with Mr. Grimm at next week's meeting in Executive Session to continue the discussion.

ADJOURNMENT

The meeting adjourned at 4:25 p.m.

**PUBLIC HEARING
ELECTRICAL PERMITS AND INSPECTIONS**

Present: Jon Grimm, Director, Planning and Zoning
Members of the Electrical Examiners Board
Chuck Bryson, MDIA
Bill Mattingly, Electrical Contractors Association

The Board of County Commissioners conducted a public hearing for the purpose of considering alternative provisions for electrical permits and inspections in St. Mary's County. The advertisement for the hearing was published as a legal notice in the July 21 and 28 issues of The Enterprise.

The three Resolutions under consideration are:

- o Resolution No 93-03 - Delete the reference to "Building Permit Required" in Section 1 and "Building and Zoning Permit Not Required" in Section 5; and reenact the remainder of Resolution No. 93-03. (Recommended by the Director of Planning and Zoning)
- o Repeal Resolution No. 93-03 and reenact Chapter 247 of the St. Mary's County Code **WITHOUT** reference to electrical permits. (Recommended by the Board of Electrical Examiners)
- o Repeal Resolution No. 93-03 and reenact Chapter 247 **WITH** reference to electrical permits required, **prior** to the start of any electrical work. (A compromise between the two referenced drafts)

During his presentation Mr. Grimm spoke to the role of the Middle Department Inspection Agency, a contract inspection agency hired by the County to perform certain construction inspections--electrical inspections and building inspections under the BOCA and CABO Building Codes for residential, commercial, institutional and other types of construction activity. MDIA is not a policy board and is not an interpretative agency. That is the responsibility of the Department of Planning and Zoning. MDIA does, however, play a role in developing recommendations.

Mr. Bill Mattingly representing the Electrical Contractors' Association presented correspondence dated July 12 which indicated that the Electrical Examiners Board and Contractor's Association unanimously agreed to the following:

- o Repeal Ordinance No. 93-03
- o Repeal any reference to electrical permit required to perform electrical work in St. Mary's County.
- o Return to the old ordinance in place prior to 93-03 with the exception being number 2 above.
- o Have MDIA forward a copy of existing request for electrical inspection to Planning and Zoning for their use to stop illegal conversions.

Mr. Mattingly indicated to the Commissioners that the Contractors' Association is willing to work with Planning and Zoning, Electrical Examiners Board, MDIA, and County Attorney if necessary, in the areas of enforcement. Laws should be enacted or reworded to cover those individuals who are doing illegal acts so they can be prosecuted.

Discussion ensued regarding reports from MDIA with a summary of inspections and whether Planning and Zoning is made aware of illegal conversions. Mr. Grimm indicated the report of the inspectors would indicate if there are problems. With regard to Mr. Mattingly's suggestion regarding the forwarding of requests for inspections to the MDIA, the Commissioners expressed concern about the timing of receiving the information and whether work would have been started on the construction project.

Issues raised in the audience included the following:

- o Whether there was participation by the Contractors in the development of the alternative resolutions.
- o Problems arising from change of electricians
- o The timing in getting an electrical permit
- o Resolution No. 93-03 creates more paperwork and will not take care of illegal conversions
- o Whether a homeowner would be liable for incorrect work by previous home owner.
- o Electrical work in a rental unit
- o Whether permits are required for small jobs

The Commissioners closed the public hearing and indicated that the record will remain open for ten days and will be considered by the Commissioners on August 24.

8:15 P. M.

PUBLIC FORUM

The Commissioners conducted the regularly monthly public forum accepting questions and comments from the audience:

Mary Ann Chasen - Referring to Status Sheet from July 6 public forum, advised that Ms. Coxon is out of town and has not received the County's letter of July 27.

Linda Bourgeois (Grand Central Video) - Presented statement expressing concern regarding the recently enacted Sign Ordinance amendments, specifically the banning of portable signs, and requesting that the regulation be more equitable.

Rae Thompson - Expressed support of the sign ordinance because of the proliferation of portable signs along county roads.

Vincent (and Betty) Quade - Expressed opposition to the banning of signs because of the impact on his small business. (Commissioner Loffler suggested that because his mother's property in Great Mills is zoned Commercial, he could lease the property and place a sign).

Daphne McGuire - Requested the Commissioners to rescind the October 1991 letter to FERST regarding municipal solid waste compost. (Presented a sample of compost from Howard County that had come from FERST at Curtis Bay.

Will Snellmen - Expressed opposition to sign ordinance, specifically portable signs. (He stated he was issued a citation for an illegal sign.

Larry Jarboe - Expressed opposition to the placement of municipal solid waste compost and its impact on the water quality in St. Mary's County.

Mike Schwartz - Expressed opposition to the sign ordinance, specifically the banning of portable signs and its impact on small business.

Mary Doherty - Requested reports on the test wells in the area of St. Andrew Landfill from the surrounding groundwater from Wright Laboratories; expressed concern about the odor of methane gas from the entrance of the landfill; requested copy of report done by MDE on the medical waste disposed at the landfill; concerned about tractor trailer trucks (what they may contain) going to the Chaney gravel pit on St. Andrews Church Road; inquired when the Solid Waste Plan will be returned to the County from the State (County Administrator Cox advised that it would be August).

Paula Roark (The Electronics Store) - Expressed opposition to the sign regulations, specifically the banning of portable signs.

Vaughn McCall - Referring to status sheet of July 6 meeting regarding the Clerk's Office using microfilm and advised that he knew an expert in the field who was willing to work with the County.

Ken Hastings - Described the history of the concerns he has expressed related to the FERST landfill and the deposit of municipal solid waste, including HB 1088 which he stated exempts FERST from compliance.

Tom Bowles (Chairman, Board of Appeals) - Recommended that the Commissioners send a letter to the Maryland Department of Environment indicating they are concerned about the FERST landfill and are keeping informed regarding the activities at the site.

The Public Forum concluded at 10:25 p.m.

Minutes Approved by Board of
County Commissioners on 8/10/93

Judith G. Spalding
Recording Secretary