

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

AUGUST 10, 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 9:05 a.m.

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Thompson, to approve the minutes of the Commissioners' meeting of Tuesday, August 3, 1993. Motion carried.

APPROVAL OF BILLS

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to authorize Commissioner Loffler to sign the Check Register as presented. Motion carried.

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) **Frank Knox Property - Amendment to Existing Lease
Modification No. 1**

The County Administrator advised that the Commissioners had approved Modification No. 1 on July 27 regarding the land exchange involving the former Frank Knox School and two unimproved parcels of Navy land at Patuxent River. However, the Department of Navy has requested an original signed copy.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Loffler to sign Modification No. 1 as presented. Motion carried.

2) **Marcey House - Contract with Veterans Administration**

The County Administrator advised that St. Mary's County has been qualified by the Veterans Administration to provide halfway house services to veterans, and therefore presented a Contract with the Veterans Administration which allows the County to charge the VA for veterans being treated at Marcey House for the Commissioners' approval.

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

3) **Mt. Zion United Methodist Church
Request for Waiver of Building Permit Fee**

The County Administrator presented a request dated July 6 by the Parsonage Selection Committee for the abatement of the building permit fee for the construction of a new parsonage for the Mt. Zion United Methodist Church. He stated that the request is in compliance with County Resolution No. 75-53, and therefore presented correspondence addressed to the Parsonage Selection Committee granting the requested waiver.

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

The County Administrator advised that the July 6 letter also requested consideration for the waiver of the Economic Impact Fee. He stated that this request is under review and will be brought before the Board at a later date.

4) **Department of Public Works Items**

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

Addenda to Public Works Agreements

Avenmar Subdivision

Between Avenmar Limited Partnership and Board of County Commissioners of St. Mary's County extending the deadline for completion of improvements to September 1, 1994. Addendum is backed by Letter of Credit with First National Bank of St. Mary's in the amount of \$340,000.

Milestown Oak Estates Minor Subdivision

Between Samuel Bailey, Jr. and Board of County Commissioners of 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 First National Bank of St. Mary's in the amount of \$13,100.

Road Resolution No. R93-10

St. Clements Shores Subdivision

Designating the following streets as Stop Streets:

Cecil Avenue as it intersects with St. Clements Avenue.

Lee Street as it intersects with St. Clements Avenue, Gore Street, Colton Street, Cedar Street and Archer Street.

St. Mary's Street as it intersects with St. Clements Avenue, Gore Street, Colton Street, Cedar Street and Archer Street.

Osprey Place as it intersects with St. Clements Avenue and Gore Street.

St. Clements Avenue, Leonard Street, Gore Street, and Colton Street as they intersect with Lady Baltimore Avenue and Potomac Avenue.

Compton Street as it intersects with Breton Street, Wicomico Street, Nomoni Street, Archer Street, and Cedar Street.

Cedar Street, Archer Street, and Nomoni Street as it intersects with Potomac Avenue.

Wicomico Street as it intersects with Breton Street.

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

5) **Municipal Solid Waste Compost**

As a follow up to comments received at the August 3 public forum, the County Administrator presented correspondence addressed to the Maryland Department of Environment. The letter indicates that Mrs. Daphne McGuire at the August 3 public forum alleged that compost produced at the Baltimore Composting Facility had been transported into St. Mary's County and applied in considerable quantity on agriculture and requests the current status of the state's position on the quality of that product and its permitted uses. The letter further request whether the product has been transported into and applied to land in St. Mary's County.

In addition Mr. Cox presented correspondence addressed to Mrs. McGuire advising that correspondence has been sent to MDE requesting information relative to her statements at the August 3 public forum and requesting her to identify the location of the land on which she reported that compost was applied.

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to sign and forward the letters to MDE and to Mrs. McGuire as presented. Motion carried.

6) **Budget Amendments**

The County Administrator presented the following Budget Amendments recommended for approval by the Director of Finance with justifications as indicated:

No. 94-9

Recreation and Parks

To transfer funds from the Activity Center to the Hall of Fame account. Additional funds of \$80,000 are being donated by the Hall of Fame Executive Board (\$155,000)

No. 94-10

Planning and Zoning

To provide funds for Change Order to Purchase Order 309015 for microfilming 419 additional plats (\$439).

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

7) **Appointments
Community College Building Committee**

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to appoint the following individuals to the Community College Building Committee: James W. Densford, III and John M. Sine. Motion carried.

**OFFICE ON AGING
FISCAL YEAR 1994 OPERATION AND BUDGET CHANGES**

Present: Gene Carter, Director

As a follow up to last week's discussion, Mr. Carter appeared before the Commissioners to present a revised proposal for budget adjustments for Fiscal Year 1994 necessitated by budget reductions from state and federal governments. The reductions were based on 1990 Census data which indicated fewer senior citizens residing in St. Mary's County. As requested by the Commissioners, Mr. Carter advised that after working with the Director of Finance he removed the closing of the Oakley Hall Senior Site by using county funds for OOA supplies and vehicle maintenance. The budget adjustments for Fiscal Year 1994 total \$15,000. Mr. Carter indicated that appropriate budget amendments will be submitted to the Commissioners at a later meeting.

After discussion Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve the budget adjustments as presented by the Director of the Office on Aging. Motion carried.

EXECUTIVE SESSION

Commissioner Thompson moved, seconded by Commissioner Lancaster, to meet in Executive Session to discuss matters of Personnel (Consideration of Appointments to Boards, Committees, Commissions), 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
Judith A. Spalding, Recording Secretary

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

Topic: Personnel - Consideration of Appointment to Boards, Committees,
Commissions

Time Held: 9:40 a.m. - 10:05 p.m.

Action Taken: The Commissioners reviewed the current status sheet, made nominations, and directed staff to prepare the appropriate letters of appointment.

ZONING OF PARCEL 384, TAX MAP 43

Present: Marvin Franzen, Applicant
Carl Franzen
Jon Grimm, Director, Planning and Zoning
Joe Densford, County Attorney

Messrs. Franzen appeared before the Commissioners to request consideration of his zoning application which originated in 1982. He stated that the public hearing was held June 15, 1982 wherein he requested rezoning of approximately 50,625 square feet of property located at the intersection of Route 235 and Rue Purchase Road, Eighth Election District from R-1 to C-1. On December 7, 1982 the Commissioners voted to approve the zoning designation to CLO (Commercial Limited Office). Mr. Gerred the then Director of Planning and Zoning advised the Commissioners that if approved, it should be remanded back to the Planning Commission prior to the signing of the resolution, for review and approval of the site plan, and the Commissioners gave their concurrence. Mr. Franzen referred to a draft Resolution that had been prepared in 1982 but had never been recorded.

Because of financing problems and high interest rates, Mr. Franzen stated he did not pursue the project. Consequently the County approved comprehensive zoning in 1990 and the property remained zoned Residential. He stated, however, that he had been told by the Planning Office that the property would be zoned commercial.

Mr. Grimm advised that the Commissioners in 1982 approved the rezoning with two conditions: that a site plan must be approved by the Planning Commission prior to the recordation of the Resolution and that it would not be officially rezoned until it is recorded. In December of 1982 the DPZ advised Mr. Franzen that prior to the Resolution being signed a site plan must be submitted to the Planning Commission for approval. Mr. Grimm further stated that he had informed Mr. Franzen that the rezoning was never completed, the Comprehensive Zoning of 1990 superseded any conditions in a conditional rezoning of the 1980's, and that he has an option to apply for a conditional use for an office building under the current zoning with the

Board of Appeals. Mr. Grimm stated that the site plan would have to be approved by the Planning Commission.

Mr. Densford advised that Mr. Franzen did get "something" from the County Commissioners in 1982; however, after the County went through the comprehensive zoning in 1990, the question is whether the County should look at what happened in 1982. He pointed out that Mr. Franzen could apply for a rezoning based on "mistake" based on the fact that he had a pending rezoning. He would have to renew the process for rezoning and go before the Planning Commission to argue the mistake issue and then go before the Board of County Commissioners with the same argument.

After discussion the Commissioners requested Mr. Grimm to develop alternatives regarding this matter and return to the Board on August 24 with recommendations.

DEPARTMENT OF PLANNING AND ZONING

Present: Jon Grimm, Director
Peggy Childs, Recording Secretary

Fast Track Application - #92-0929, California Sleep Inn

Also Present: Joe Mitchell, Director, DECD

**(Commissioner Loffler excused himself from participation and
Commissioner Lancaster presided over this portion of the meeting.)**

Mr. Grimm distributed his memorandum of August 7, 1993 which states that this application has been processed in accordance with Resolution 93-27, Fast Track Review, per Mr. Rebarchick's request of July 30, 1993, which also asks for consideration of a Water/Sewer Plan amendment for this development within the current semi-annual amendment process.

Mr. Mitchell read a letter from the EDC Executive Committee which states that this property meets all the criteria for the "fast track" process and that they support the request. Commissioner Jarboe asked about the water and sewer line, which Mr. Grimm responded runs in front of the Rebarchick property. MetComm is in the process of securing easements for construction of the line and they may be on the Rebarchick property in a matter of days or weeks.

Commissioner Thompson moved for approval of the fast-track application for the California Sleep Inn. The motion was seconded by Commissioner Bailey and passed by a vote of 4-0.

Mr. Grimm noted that one of the subjects of the site plan review was that, in 1978, the County Commissioners took the two parcels in the rezoning application for the Rebarchick property (Case #78-125) and rezoned the larger one commercial but the smaller one residential, to serve as a buffer between the commercial property and the adjoining residential property. The Planning Commission issue is that the residentially-zoned parcel precludes it from being used for the commercial property. At their meeting last night the Commission went on record to support the "fast-track" application and indicated that they would support use of the residential parcel for interior circulation for the motel while still upholding a buffer for the adjoining property. However, this is a County Commissioners' decision and the Commission voted to request that the Commissioners reconsider their 1978 rezoning resolution in this regard.

Commissioner Bailey asked if that would be a conditional use? Mr. Grimm replied it wouldn't be a conditional use, and Mr. Densford has advised that, with the Planning Commission's support, the Rezoning Resolution could be interpreted by the Commissioners not to allow development of the residential parcel, but to allow an internal access in the residential parcel to allow more design flexibility.

Mr. Grimm will provide copies of the 1978 Resolution and copies of the Planning Commission's 8/9/93 discussion, and bring it back in two week's.

2) **Comprehensive Water/Sewer Amendments**

- (a) Tax Map 34, Block 9, Parcel 148 - Rebarchick Property
- (b) Tax Map 34, Block 9, Parcel 10, Lots 2, 3, 4 & 5 - Failing Systems

Commissioner Loffler returned and chaired this portion of the meeting.

Mr. Grimm reiterated that Mr. Rebarchick's request for inclusion of a water/sewer amendment in the semi-annual mapping amendment process had been received within the open record period following the public hearing on July 27th. In addition, the Health Department advises that there are failing systems on Lots 2, 3, 4, and 5 of Parcel 10, Tax Map 34, across from the Industrial Park, which they will require to hook onto the sewer line. This situation has just arisen since July 30 and an analysis has not been prepared, although MetComm advises that there is capacity in the line.

The Commissioners agreed that staff should provide the analysis for the August 24th meeting. The Resolutions will also be presented for signature, if appropriate.

**CLERK OF THE COURT
MICROFILM - PILOT PROGRAM**

Present: Evelyn Arnold, Clerk of the Court
Marilyn Bentley, Records Management, DGS

In response to a citizen's concern, Mrs. Arnold Ms. Bentley appeared before the Commissioners to explain the pilot program of microfilming of land records. St. Mary's County does not currently participate in the program; however, six counties in the State are on a microfilm program, and Charles County is in a pilot microfilm program.

Ms. Bentley described the program stating that all land records are the property of the state by Maryland statute. The State is trying to develop uniform recording keeping practices and trying to determine whether to adopt the new process or continue with a paper format. If the process in Charles County is effective, other counties will adopt it. The program is not just to change the format, but to improve access to the records. Ms. Bentley went on to explain the new equipment that is being used throughout the state including a 16mm microfilm camera which is faster, provides better quality copies, and more efficient.

In closing Ms. Bentley advised that the new processes should save money, free up space and provide adequate public access.

In response to inquiries from Commissioner Jarboe, Ms. Bentley advised that adequate readers and reader/printers will be made available for public access. She also advised that the State Archivist makes the final determination as to the disposition of records and no records will be destroyed.

The Commissioners thanked Mrs. Arnold and Ms. Bentley for providing information on the microfilm processing.

MEMORIAL SERVICE - TIMOTHY SCRIBER

At this time the Commissioners conducted a Memorial Service for Timothy Scriber, a county employee who passed away June 21, 1992.

EXECUTIVE SESSIONS

Commissioner Lancaster moved, seconded by Commissioner Thompson to meet in Executive Sessions to discuss matters of Personnel (Department of Planning and Zoning), as provided in Article 24, Section 4-210(a)1 and Litigation (The Skydiving Center), as provided in Article 24, Section 4-210(a)8. 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
George Foster, Personnel Officer
Judith A. Spalding, Recording Secretary

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

Topic: Personnel - Department of Planning and Zoning

Time Held: 11:50 a.m. - 12:20 p.m.

Action Taken: The Commissioners reviewed Mr. Grimm's proposal and requested the Personnel Officer to make recommendations for the Commissioners' consideration on August 24.

Litigation

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
Joe Densford, County Attorney
Bill Chen, Special Attorney, LGIT
Dave Seeman, Chair, Airport Commission
Judith A. Spalding, Recording Secretary

Authority: Article 24, Section 4-210(a)8

Topic: Litigation - The Skydiving Center

Time Held: 12:20 a.m. - 1:00 p.m.

Action Taken: Mr. Densford and Mr. Chen brought the Commissioners up to date relative to the Skydiving legal matter.

ADJOURNMENT

The meeting adjourned at 1:00 p.m.

Minutes Approved by Board of
County Commissioners on Aug. 24, 1993

Judith A. Spalding
Recording Secretary