

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

TUESDAY, NOVEMBER 9, 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 Thompson moved, seconded by Commissioner Lancaster, to approve the minutes of the Commissioners' meeting of Tuesday, November 2, 1993. Motion carried.

APPROVAL OF BILLS

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

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

**1) Three Oaks Homeless Shelter
Request for Waiver of Fees**

The County Administrator presented correspondence dated October 10 from the Three Oaks Homeless Shelter requesting the Commissioners' consideration for waiver or payment of fees associated with the construction of the homeless shelter in Lexington Park. In response to that request County Administrator Cox presented a letter to Three Oaks indicating it was not advisable for the county to exempt or waive payment of the fees as the fees represent actual costs in providing the services. He advised that since it was a state-funded project, the project should support the fees.

Commissioner Loffler indicated that because of the merit of the project and to move it along, he recommended that the County fund the fees.

After discussion Commissioner Lancaster moved, seconded by Commissioner Bailey, to advance fund the fees in the amount of \$575.76 and determine later whether there will be an outright contribution by the County. Motion carried.

**2) Community Development Block Grant - Sewer Connections
Request for Release of Funds**

The County Administrator presented a memorandum from the Department of Economic and Community Development forwarding a Request for Release of Federal Funds to be forwarded to the Maryland Department of Housing and Community Development for the following sewer line connection projects: Tall Timbers, St. George Island, and Airedele Road.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to authorize Commissioner Loffler to sign the Request for Release of Funds form as presented. Motion carried.

3) **Sludge Utilization Permit Application**

The County Administrator presented correspondence from the Maryland Department of Environment submitting sewage sludge permit application for Kenneth/Warren Burroughs (S-92-18-2910-ABE). The return letter requests that this and all other applications be delayed until the November 23 public meeting.

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

4) **Office on Aging
Senior Health Insurance Counseling - Notification of Grant Award**

The County Administrator presented the Notification of Grant Award for the Senior Health Insurance Counseling Grant for Fiscal Year 1994 in the amount of \$3,000 for the period October 1, 1993 through September 30, 1994.

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

5) **Personnel**

The County Administrator presented the following personnel items for the Commissioners' review and consideration:

Department of Planning and Zoning

Change of Position

Memorandum dated November 9, 1993 from the Personnel Officer advising that the Director of Planning and Zoning has requested that the Secretary II/Steno, Grade 13, position be changed to a Fiscal Clerk II, Grade 13 position.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve the change of position as requested. Motion carried.

Department of Public Works

Entrance and Utility Permit Inspector

Memorandum dated November 9 from the Personnel Officer requesting permission to promote John Wise to the Entrance and Utility Permit Inspector position, Grade 15, Step 2. The Director of Public Works has requested a waiver of Chapter 7 of the Manual of Personnel Policies and Procedures regarding promotion of a relative with the same department in that Mr. Ichniowski indicated that the relationship would not affect Mr. Wise's employment.

Commissioner Lancaster moved, seconded by Commissioner Bailey, to approve the waiver of Chapter 7 for the appointment of John Wise as recommended. Motion carried.

6) **Appointments
Boards, Committees, Commissions**

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

Airport Commission

John E. Pleisse

Term to Expire

06/30/94/97

Community Development Block Grant Advisory Committee

Aleck Loker

12/31/93/98

Community Development Corporation

Aleck Loker

06/30/96/2001

7) **Agriculture Land Preservation
Letter of Commitment**

The County Administrator presented correspondence to be forwarded to the Maryland Agricultural Land Preservation Foundation indicating the County Commissioners' intention to dedicate 100% of the local share of Agricultural Transfer Tax funds to the Fiscal Year 1994 Matching Fund Program.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to sign and forward the letter as presented. Motion carried with Commissioner Jarboe abstaining as he has land in the program.

HOMESTEAD TAX CREDIT

Present: Charles Wade, Director of Finance
Jim Spence, Director, Department of Assessments and Taxation

Mr. Wade advised that the Commissioners must annually set the Homestead Tax Credit and stated that the credit limits the amount by which assessments may rise annually. He presented a handout setting forth homestead tax credit projections (tax credit, number of homeowners, average credit, and revenue loss); revenue trends vs. expenditures; state budget overview; FY '95 revenues; FY '95 capital projects; Undesignated Fund Balance; source of Undesignated Fund Balance; Funds Available (Recurring and Nonrecurring); Proposals for use of the funds (Board of Education and County Government). The handout included the following recommendations: To approve the Homestead Tax Credit at 110% and to approve the proposed use of available funds.

Areas of discussion included:

- o Impact of the various tax credits
- o Property tax rates for FY '95
- o Cost of Living - Board of Education (teachers) and County
- o Recurring/non-recurring items using Undesignated Fund Balance

After discussion of the Homestead Tax Credit, Commissioner Lancaster moved, seconded by Commissioner Thompson, to set the rate at 110%. Three Commissioners voted in favor with Commissioners Bailey and Jarboe voting against.

Commissioner Loffler requested staff to prepare alternative proposals relative to the use of undesignated fund balance for the Commissioners' consideration next week.

DEPARTMENT OF PUBLIC WORKS

Present: Dan Ichniowski, Director

1) **Piney Point Landing**

Also Present: Larry Petty, Director, Metropolitan Commission
Joe Mitchell, Attorney "

The referenced individuals appeared before the Commissioners to discuss the status of Piney Point Landings project which is located off of Md. Rt. 249. Mr. Ichniowski explained the status of the permits and Letters of Credit for the Grading Permit (which expired in June) and the Public Works Agreement (Agreement expired November 1 and Letter of Credit will expire December 1). He explained the work that had been completed and the work that remains to be done. The Letter of Credit for the grading permit has been called through the Second National Bank, which has gone in default and is being managed by RTC to resolve the assets and obligations of Second National.

Mr. Mitchell advised that the owners of the property are trying to sell two promissory notes to a local developer who would then take title to the property. RTC will determine whether these loans can be separated out from the other loans.

Mr. Petty explained that the Metropolitan Commission has bonds in the amount of \$750,000, which he stated was more than adequate to complete the water/sewer lines in the project.

The Commissioners pointed out the obligation the County has to the people who purchased lots at Piney Point Landing and the importance of providing adequate infrastructures to those property owners.

In conclusion Mr. Ichniowski advised that the Letter of Credit for the Public Works Agreement will be called unless a replacement agreement is received by December 1, and that he would return to the Commissioners at a later date to get direction about completion of the work in the project.

2) **1994 Department of Transportation Highway Tour**

As a follow up to the October 26 presentation by the Department of Transportation, Mr. Ichniowski presented draft correspondence addressed to DOT providing a list of the road project priorities for St. Mary's County.

The Commissioners will give consideration to the letter at next week's meeting.

3) **Development Documents**

Chestnut Hills Subdivision

Mr. Ichniowski presented a Public Works Agreement guaranteeing completion of Redmond Road and Redmond Way by September 1, 1994. The Agreement is backed by a Letter of Credit with Crestar Bank in the amount of \$429,000. Mr. Ichniowski pointed out that a petition was received from the residents of old Redmond Road requesting that the road name remain as Redmond Road and not Redmond Way. He indicated that the developer has agreed to this and will submit a revised plat with the correct name and that he would give a different name to Redmond Way.

Cox's Run Subdivision

Mr. Ichniowski presented the following documents relative to Cox's Run Subdivision:

- o Deed dated November 20, 1992 between Joan Hewitt Burroughs and the Board of County Commissioners of St. Mary's County accepting Aster Drive, Moss Court, Redbud Drive, Boxwood Drive, Daisy Court, and Quince Court into the County Highway Maintenance System.
- o Road Resolution No. 93-22 posting the following streets at 25 miles per hour: Aster Drive, Moss Court, Boxwood Drive, Daisy Court, Quince Court, and Redbud Drive.
- o Road Resolution No. 93-23 designating the following as stop streets: Aster Drive as it intersects with Md. Rt. 5; Aster Drive as it intersects with Redbud Drive; Moss Court as it intersects with Aster Drive; Boxwood Drive as it intersects with Aster Drive; Daisy Court as it intersects with Boxwood Drive; Quince Court as it intersects with Boxwood Drive; Redbud Drive as it intersects with Camp Cosoma Road.

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

(Commissioner Jarboe left meeting at 11:30 a.m.)

MARYLAND REHABILITATION PROGRAM

Present: Nancy Hutson, Loan Officer, DECD
Sandra Johnson, DECD

The referenced individuals appeared before the Commissioners to present a Letter of Intent to participate in the Fiscal Year 1994 Maryland Housing Rehabilitation Program. The Letter of Intent designates Mrs. Hutson as the Special Loan Program Administrator. Mrs. Hutson advised that \$23,936 has been allocated to St. Mary's County to provide loans to low to moderate income families for home improvements.

Commissioner Lancaster moved, seconded by Commissioner Bailey, to authorize Commissioner Loffler to sign the Letter of Intent to participate in the Maryland Rehabilitation Program. Motion carried.

**ALLIANCE FOR ALCOHOL/DRUG ABUSE PREVENTION
COMMUNITY BASED CRIME PREVENTION PROGRAM**

Present: Joe Dick, Director, Alliance
Walt Biscoe, Alliance Coordinator
Deputy Laxton, Sheriff's Department
Capt. Moore, Md. Defense Force
Representatives from various communities

Mr. Briscoe presented the referenced grant application in the amount of \$7,100 to be submitted to the Governor's Drug and Alcohol Abuse Commission. The grant will provide funds for a Crime Prevention Fair; training for the Maryland Defense Force and Community Action Teams in neighborhood watch, crime prevention, and community patrolling, and equipment for patrolling (radios, hats, vests and flashlights).

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

LUNCH AND TOUR - CEDAR LANE APARTMENTS

The Commissioners left to attend a lunch and tour at the Cedar Lane Apartments

7:00 P.M.

**PUBLIC MEETING
ECONOMIC DEVELOPMENT/COMMUNITY APPEARANCE**

Present: Jon Grimm, Director, Department of Planning and Zoning
Edward T. McMahon, Director, American Greenways Program

Mr. McMahon gave a slide presentation entitled "Community Appearance and Economic Development: What's the Link" demonstrating the connection between conservation and economic development, environment and quality of life, and people and the land. He described the importance of preserving the character and aesthetics of a community through the proper placement of signs, conformity of building structures, the saving of trees in developments, and the establishment of greenways in park and recreation facilities.

The meeting was opened to questions and comments from the public which included:

- o Implementation of a community appearance program. Mr. McMahon responded that there must be a vision to the future--what the County would like the community to be like in the future; to have quality of life lobbyists to put vision in place; and citizen action.

- o The presentation addressed commercial establishments but not residents. Mr. McMahon recommended not having restrictions on residential homes, that it was more important where the subdivision was located.
- o (Joe Gough) Impact of Maryland Reforestation Act on development and how to take advantage of the bill to improve landscaping practices. Mr. McMahon indicated he was not in favor of over-regulation, that he believed in incentives rather than regulations, and regulations should be fair, simple and easily implemented. He pointed out that trees do add value to the property and that the Act does not address trees along streets and in parking areas.
- o (Jack Witten) Whether there are studies that show that this is a "win-win" situation. Mr. McMahon indicated there were many studies to that effect.
- o (Commissioner Jarboe) Whether studies indicated whether restrictions on signs had an impact on businesses. Mr. McMahon advised that studies indicated that many tourism-based communities that have sign restrictions have flourishing businesses.

(Mr. McMahon left the meeting at 8:15 p.m. and the Commissioners continued with comments and questions from the audience.)

Paula Roark (The Electronics Store) - Expressed disagreement with Mr. McMahon regarding restrictions on signs, stating there was a need for small businesses to advertise.

James Owens - Pointed out that the State has made him take down his signs for sale of strawberries and mums because the sign was in the right-of-way and it has had an impact on his business. The Commissioners requested Mr. Grimm to look into this with State Highway Administration to see if Mr. Owens can get permission for the sign.

Herb Redmond - That the County's Sign Ordinance is very restrictive in that it provides for the square footage of sign regardless of the size of the property. He also inquired about the meaning of "business activity."

Linda Bourgeois (The Video Store) - Inquired about the annual fee for signs. Mr. Grimm explained that there is an initial sign permit fee with an annual renewal fee of \$10.

Frances Eagan - Inquired whether DPZ was going to hire additional people to implement the sign ordinance. Mr. Grimm responded there would be no additional staff.

Jack Witten - Inquired about roof signs which had not been allowed prior to the update of the ordinance in 1992. Mr. Grimm responded that this was one of the items that will be considered during the annual review of the Ordinance.

Oran Wilkerson - Supported Mr. Witten's comments and urged the Commissioners to keep in mind Mr. McMahon's point about "what do you want your county to look like."

Charles Hayden (Chamber of Commerce) - Advised that the Chamber was opposed to the sign permit fee and inquired as to how Charles County handles it. (Commissioner Speakes and two planning staff members were present in the audience.) Mr. Kreback, Charles County Planner, advised that Charles County is in the process of drafting sign regulations, but currently does not charge a fee.

Tommy Bell (Bell Motor Company) - Expressed the need for signage particularly along the Route 5 corridor to Leonardtown.

R. Johns Dixon - Suggested that the Commissioners pay attention to the statement by Mr. McMahon that in Howard County farms were bringing in more tax revenues than were commercial businesses (sic) [residences].

ADJOURNMENT

The meeting adjourned at 8:55 p.m.

Minutes Approved by Board of
County Commissioners on November 16, 1993

Judith A. Spalding
Recording Secretary