

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS
JUNE 21, 1994**

Present: Commissioner Carl M. Loffler, Jr., President
Commissioner W. Edward Bailey
Commissioner Robert T. Jarboe
Commissioner John G. Lancaster
Edward V. Cox, County Administrator
Judith A. Spalding, Recording Secretary

(Commissioner Barbara R. Thompson was not present.)

CALL TO ORDER

The meeting was called to order at 9:05 a.m.

APPROVAL OF MINUTES

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to approve the minutes of the Commissioners' meeting of Tuesday, June 14, 1994. Motion carried.

APPROVAL OF BILLS

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

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) Literacy Works Grant - Fiscal Year 1995

The County Administrator presented a grant application in the amount of \$8,956 for the Fiscal Year 1995 Literacy Works program submitted by the St. Mary's Public Schools.

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

**2) Response to County Health Officer
Subsidizing of Position**

As a follow up to a May 24 executive session held with the county's health officer, Dr. Marek, the County Administrator advised that on June 16 he gave the Commissioners a memorandum relative to Dr. Marek's request for the county to subsidize the salary of the Core Service Director position. In his memorandum County Administrator Cox recommended against the proposal in that approval would establish a policy of county supplementing of other state positions. Therefore, Mr. Cox presented correspondence addressed to Dr. Marek agreeing with the practical merit of the proposal, but denying the request because of the policy it would establish.

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

3) **Property Tax Refund - Joey A. Miller**

The County Administrator presented correspondence addressed to the County Treasurer advising that the Department of Assessments of Taxation indicated that Mr. Joey A. Miller is eligible to receive a refund of county property tax payments because of being deemed 100% disabled by the U. S. Veterans Administration. The letter authorizes the Treasurer to process a refund for Mr. Miller back to April 1, 1993, the date of established disability.

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

4) **Resolution No. 94-10
Length of Service Award Program
Fire Departments/Rescue Squads**

As a follow up to previous discussions, the County Administrator presented a Resolution approving changes to the benefit amount requested by the Fire Board and Rescue Squad Association joint committee as well as certain administrative changes to the Length of Service Award Program for fire departments and rescue squads

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve and sign Resolution No. 94-10 as presented. Motion carried.

5) **Budget Amendments**

The County Administrator presented the following budget amendments recommended for approval by the Director of Finance:

No. 94-101

Planning and Zoning

To provide funding for purchase of color monitor (\$290)

No. 94-102

Public Works

To cover salaries/overtime/insurance expenditures (\$16,200)

No. 94-103

Planning and Zoning

To provide additional funding for purchase of copier (\$850)

No. 94-104

Public Works

To provide funding for Sandgates Road bridge replacement and testing (\$18,998)

No. 94-105

County Attorney

To provide funding for an Appeal (\$6,000)

No. 94-106

Public Works

To provide funding for demonstration kitchen at Adult Day Care and Senior Activity Center (\$10,410)

No. 94-107

Public Works

To provide funding for purchase of engineering software (\$1,365)

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

6) **Community Development Corporation**

Also Present: Aleck Loker, Director, DECD
Nancy Hutson, Loan Officer, DECD

The referenced individuals appeared before the Commissioners to present a proposal to deactivate the Community Development Corporation. Mr. Loker advised the CDC was established in 1985 to enable the receipt of federal funds for a mobile home loan operation. However, changes in federal law have now eliminated the need for the CDC structure in that the County is eligible to receive all categories of funding identified for community development. All programs maintained by CDC will continue including investigating grant opportunities. Mr. Loker recommended deactivating the CDC rather than dissolving the corporation, indicating that a more cost effective operation would result in better management and use of personnel in the Housing and Community Development Division of DECD.

After discussion Commissioner Lancaster moved, seconded by Commissioner Jarboe, to approve the deactivation of the Community Development Corporation and to direct that a Resolution be prepared officially enacting the deactivation as recommended. Motion carried.

7) **Friends of the Museum
Request for Extension of Loan Advance Payment**

The County Administrator advised that the Friends of the Museum has requested an extension of six months on the payment due on the loan advanced by the Board of County Commissioners for the purchase of property adjacent to the Museum. Interest payment will be made.

The extension will provide the opportunity for the state to approve the open space grant application submitted by the Department of Recreation and Parks on June 14.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve granting the six-month extension for repayment of the loan with the understanding the Friends will make interest payments on the borrowed funds. Motion carried.

8) **Boards, Committees and Commissions
Appointments**

Commissioner Bailey moved, seconded by Commissioner Lancaster, and motion carried to make the following appointments to boards, committees, commissions with terms as indicated:

<u>Historic District Commission</u>	<u>Terms To Expire</u>
Roy Guyther	6/30/97
<u>Human Relations Commission</u>	
S. Arthur Casale	6/30/98
<u>Telecommuting Review Panel</u>	
Eric Blum	NO TERM
Jim Haley	NO TERM
Aleck Loker	NO TERM
Howard Norfolk	NO TERM
John Sine	NO TERM

**SOLID WASTE ADVISORY COMMITTEE
PRESENTATION OF DRAFT SOLID WASTE MANAGEMENT PLAN**

Present: Melva Abell, Co-Chair
Bill Mattingly, "
Dudley Lindsley, Member
Daphne McGuire, "
Dan Raley, "
Dan Ichniowski, Director, DPW
Gershman, Brickner & Bratton, Inc. representative (consultant)

The referenced members of the Solid Waste Advisory Committee appeared before the Commissioners to present the *Draft St. Mary's County, Maryland Comprehensive Solid Waste Management Plan*. Mrs. Abell indicated that the Commissioners appointed the Committee in 1993 to review solid waste issues and to participate in the development of the Plan. The Plan includes a statement of principles and policies, goals and objectives, and time schedule to meet the goals and objectives.

Mrs. Abell advised that a Minority Report will be submitted by one of the members of the Task Force which addresses the issue of regionalism, private landfills, and exporting of solid waste.

Mrs. Abell stated that the Committee recommends the following:

- o Submitting the document to the Maryland Department of Environment during the County's review process
- o Taking the Plan before the Planning Commission for review
- o Scheduling a public informational meeting by July 12
- o Scheduling a public hearing in August

During discussion the Commissioners indicated they needed adequate time to review the draft plan and would meet with the Committee in four to six weeks to address any comments or questions.

Relative to the Committee, Mrs. Abell pointed out the following:

- o That there are two vacancies that need to be filled
- o That the Committee needs to develop by-laws
- o That the Committee would revise the Solid Waste Ordinance to bring it into compliance with the Plan
- o That a future task after the update of the Ordinance would be to look at tipping fees.

In conclusion Commissioner Loffler on behalf the Board, commended the Committee for its efforts in reviewing the Plan.

DEPARTMENT OF PUBLIC WORKS

Present: Dan Ichniowski, Director
1) **Correspondence to Congressional Delegation
State Highway Administration Projects**

Mr. Ichniowski presented correspondence addressed to the U. S. Congressional delegation indicating that the County has reviewed the State's Annual Department of Transportation submittal to the Congressional delegation and supporting the State's listing. The letter points out that two projects are of continuing concern to the county because of the proposed expansion of the Naval Air Warfare Center--reconstruction of Md. Rte. 235 from Md. Rte. 246 to Md. Rte. 4 and the reconstruction of Md. Rte. 237.

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

2) **Road Resolution No. R94-05
Old Three Notch Road**

Mr. Ichniowski presented the referenced Road Resolution posting a *No Parking Zone on the western side of the roadway at the intersection with Route 245 for a distance of approximately 75 feet in a southerly direction.*

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

3) **Deed - Yowaiski Mill Road Construction Project**

Mr. Ichniowski presented a Deed dated May 16, 1994 between Donald R. Rison and Lori G. Rison and the Board of County Commissioners of St. Mary's County conveying to the County land for the construction of Yowaiski Mill Road.

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

4) **Addendum to Public Works Agreement - Tosca (Warwick)**

Mr. Ichniowski presented an Addendum to a Public Works Agreement between Interstate General Company, L. P. and Board of County Commissioners for St. Mary's County extending the deadline for improvements to September 1, 1994. The Addendum is backed by a Letter of Credit with Maryland National Bank in the amount of \$30,000.

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

EXECUTIVE SESSION

Commissioner Bailey moved, seconded by Commissioner Lancaster to meet in Executive Session to discuss matters of Personnel (Circuit Court Classifications), as provided in Article 24, Section 4-210(a)1. Motion carried.

Personnel (Circuit Court Classifications)

Present: Commissioner Carl M. Loffler, Jr., President
Commissioner W. Edward Bailey
Commissioner Robert T. Jarboe
Commissioner John G. Lancaster
Edward V. Cox, County Administrator
Charles Wade, Director of Finance
George Foster, Personnel Officer
Judith A. Spalding, Recording Secretary

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

Time Held: 10:08 a.m. - 10:40 a.m.

Action Taken: The Commissioners reviewed confidential information provided by the Personnel Officer relative to the reclassification requests and suggested that staff meet with Judges Briscoe and Kaminetz.

**CORRESPONDENCE TO LARRY O'BRIEN
VESTED RIGHTS PUBLIC HEARING**

Commissioner Bailey presented correspondence addressed to Larry O'Brien advising that a public hearing on vested rights has been scheduled for June 28 at 10 a.m. and that it is the Commissioners' understanding that he will be making a presentation relative to Essex South property.

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to sign and forward the letter as presented.

ABELL'S WHARF

Present: Philip Dorsey, III, Attorney

Mr. Dorsey appeared before the Commissioners to inform them of a site plan submission by Maryland Rock, located at Abell's Wharf, in March of 1994. Mr. Dorsey requested the Commissioners' attention to the submission because he indicated that approval of the site plan could be interpreted as approval of a subdivision of the property. Mr. Dorsey pointed out within the site plan an identification of parcel which incorporated the county-owned property which has been associated with a long standing dispute addressed in previous legal actions.

After some discussion the Commissioners thanked Mr. Dorsey for his presentation and assured him they would direct appropriate county staff to report to them on the issues he has brought before the Board.

**PUBLIC HEARING
COMPREHENSIVE WATER AND SEWER PLAN AMENDMENTS**

Present: Jon Grimm, Director, Planning and Zoning
Peggy Childs, Recording Secretary

CWSP #94-0288 - WILDEWOOD TECHNOLOGY PARK

Requesting service area category change from S-6 to S-3D. The property contains 43.1428 acres, is zoned I-1, Industrial, and is located north of Airport Road at its junction with Maryland Route 235 in the Industrial Park; Tax Map 34, Blocks 8 & 9, Parcel 79.

Owner: Alice Waldschmitt
Agent: Larry O. Day Associates

Mr. Grimm advised that this property is across from the Wildewood Shopping Center and Business Park along Airport Drive. The Staff Report provides the analysis required per §9-506(a)(3) of the Annotated Code of Maryland. Staff and the Planning Commission recommend approval.

Commissioner Loffler asked if this area is part of the airport runway expansion? Mr. Grimm replied that there is an issue relative to acquisition of property for an easement, but the runway expansion did not come into play. Commissioner Loffler advised that the County is currently in litigation regarding the runway acquisition but he does not remember this 43 acres being a part of the improvements or cost sharing. Mr. Grimm noted that this property is planned for sewer service in 6-10 years but the developer wants to accelerate the process and provide the service in 3-5 years. TEC issues relate to site development concerns of height restriction, etc., and are not germane to the sewer category change.

The Chairman opened the hearing to public comment. As there were no public comments, this portion of the hearing was closed.

Commissioner Loffler suggested that the record be left open for this application until the Commissioners can obtain a response from the County Attorney as to how this application will affect the runway expansion litigation.

CWSP #94-0380 - GORDON H. RAGAN

Requesting service area category change from W-6/S-6 to W-3D/S3D. The property contains 23.9 acres, is zoned CH, Highway Commercial, and is located south of Maryland Route 5, 700 ft. west of MD Routes 5 and 243 within the corporate Limits of the Town of Leonardtown; Tax Map 43, Block 15, Parcel 328.

Owner: Gordon Ragan

This property is located within the Town of Leonardtown but requires a change to the County's Water & Sewerage Plan before the applicant can proceed with the Town. An analysis has been provided by staff as required by the Annotated Code, and staff and the Planning Commission recommend approval.

The Chairman opened the hearing to public comment; there were no comments and the public hearing for this application was closed.

CWSP #94-0586 - WICOMICO SHORES

Requesting a service area category change from S-6 to S-3 for lots within the Wicomico Shores Subdivision which were added to the taxing district by Ordinance #91-06.

Mr. Grimm noted that this application is to correct a mapping mistake, as these several lots were added to the Wicomico Shores Taxing District but were never mapped in the Comprehensive Water & Sewerage Plan. The application was made by staff and the Metropolitan Commission without an applicant.

The Chairman opened the hearing to public comment; hearing none, this portion of the public hearing was closed.

Text Amendments For The Above Applications

Staff and the Planning Commission recommend approval of text amendments to the Zoning Ordinance for the above applications, provided the requests are approved by the Commissioners.

HOLLAND FORREST LANDING REQUEST FOR EXTENSION

(The St. Mary's County Housing Authority is requesting an extension of time to use the 64 EDUs set aside for this HUD Project under County Commissioners Resolution #91-36.)

Also Present: Charles Newkirk, of the Housing Authority
Billy Mehaffey, of McCrone, Inc.

Mr. Grimm noted that Resolution #91-36 set aside 84 EDUs for Holland Forrest as Priority No. 1, for no more than three years from the effective date of the Resolution, or October 15, 1994. The Housing Authority is requesting an extension of that three-year period.

Mr. Newkirk advised that they have started to drill wells for the project and have a site plan approved by DPZ but have not been successful in securing a general contractor for the project who will build within their budget. They have been paying benefit charges for the 64 EDUs since 1992, and request an extension of time to be allowed to use them for this project.

Mr. Grimm noted that staff recommends approval of the extension and the Planning Commission has recommended a four-year extension, subject to verification that the benefit charges have been paid as stated.

The Commissioners asked about the remaining 20 EDUs approved by Resolution #91-36? Mr. Mehaffey explained that at the time of allocation of the EDUs there was an approved concept plan for two parcels of land under the same ownership - the parcel on one side of Route 245 was for 64 multi-family housing units, which is the subject of this request. The parcel on the other side of the road was for 20 single-family units; the property was owned by Billy Fitzgerald. However since that time there has been a transfer of ownership and that portion is now owned by Tri-County Community Development. The Housing Authority has obtained site plan approval for the Holland Forrest portion and a water system has been designed to serve both sides of the road but the Housing Authority is somewhat of the other project and is requesting an extension for their 64 EDUs only.

The Chairman opened the hearing to public comment. No comments were made. Mr. Grimm asked that the record be left open on this request, subject to further information regarding the 20 EDUs on the other side of the road, and stated it would be easier to do the approving Resolution if decisions on all the applications were made at one time.

The Commissioners stated that the record would remain open for the requests and directed staff to come back in two weeks for a decision.

ENHANCED 911 UNIFORM ADDRESSING SYSTEM

Present: Jon Grimm, Director, DPZ
Paul Wible, Director, EMA
Connie Johnson, Addressing Technician
Mary Pat Pope, Administrative Officer
Mary Duke, Member, Task Force

1) Road Renaming

As a follow up to the May 31 public hearing, the referenced individuals appeared before the Commissioners to present the Enhanced 911 Uniform Addressing System Task Force's recommendations relative to certain road name changes. Actions were taken by the Commissioners as follows:

Maryland Route 5/235
(Waldorf-Leonardtown Road
Point Lookout Road
Washington Street/Jefferson Street)

Commissioner Jarboe moved, seconded by Commissioner Bailey, and motion carried, to accept the Task Force's recommendation to name the road as follows:

Leonardtown Road - from Md. Rte. 235 at the Halfway House to Point Lookout.

Three Notch Road - from Charles County line to Md. Rte. 235 at the Halfway House.

Maryland Route 245
(Old Hollywood Road
Washington Street)

Commissioner Bailey moved, seconded by Commissioner Lancaster, and motion carried, to accept the Task Force's recommendation to name the road as follows:

Hollywood Road - from Md. Rte. 235 to Md. Rte. 5 in Leonardtown

Maryland Route 238
Maryland Route 234
(Maddox Road
Budd's Creek Road
Deep Falls Road)

Commissioner Lancaster moved, seconded by Commissioner Jarboe, and motion carried, to accept the Task Force's recommendation to name the road as follows:

Maddox Road - No change (west portion of Md. Rte. 238)

Budds Creek Road - Charles County line to Md. Rte. 5 (all of Md. Rte. 234)

Chaptico Road - Md. Rte 238 from Md. Rte. 234 to Md. Rte. 5 (east portion of Md. Rte. 238)

Maryland Route 944
#30203 (County)
(Old Md. Rte. 235
Clark's Mill Road)

Commissioner Lancaster moved, seconded by Commissioner Jarboe, and motion carried, to accept the Task Force's recommendation to name the road as follows:

Mervell Dean Road - Md. Rte. 235 just south of old Hollywood Fire House, parallel to Md. Rte. 235 to the Stop Light at the intersection of Md. Rte. 235 at the Wildewood Shopping Center.

Maryland Route 472
#30636 (County)
(Sandgates Road)

Commissioner Lancaster moved, seconded by Commissioner Jarboe, and motion carried, to accept the Task Force's recommendation to name the road as follows:

North Sandgates Road - Md. Rte. 235 to Bridge
South Sandgates Road - Md. Rte. 235 to Md. Rte. 472

#30355 (County)
#30897 (County)
(Snow Hill Manor Road)

Commissioner Jarboe moved, seconded by Commissioner Lancaster, and motion carried, to accept the Task Force's recommendation to name the road as follows:

North Snow Hill Manor Road - Northern intersection of Md. Rte. 5 to Horseshoe Point.
South Snow Hill Manor Road - Southern intersection of Md. Rte. 5 to Horseshoe Point.

Maryland Route 244
#30292, #30297 and #30293
(Beauvue Road
Medley's Neck Road
McKay's Beach Road
Larredore Road)

Commissioner Jarboe moved, seconded by Commissioner Lancaster, and motion carried, to accept the Task Force's recommendation to name the road as follows:

Medley's Neck Road - Md. Rte. 244 from Md. Rte. 5 to intersection at Betty Russell's Store

Blake Creek Road - Md. Rte. 249 to end of County #30293

McKay's Cove Road - From Blake Creek Road to McKay's Beach Road

McKay's Beach Road - "T" at the end of McKay's Cove Road.

2) **Schedule for Remaining Road Name Changes**

Mr. Wible advised there are still approximately 400 roads requiring name changes, which have been broken down into three categories: 88 Administrative Changes; 58 Administrative Hearing Changes (per petitions); and 256 candidates for evening public hearing. He stated that because of the numbers, the Task Force has recommended that 20 - 25 issues be presented at each evening hearing, thereby requiring approximately ten hearings.

The Commissioners agreed for the Task Force to proceed as recommended.

ADJOURNMENT

The meeting adjourned at 12:05 p.m.

**Minutes Approved by Board of
County Commissioners on 6/28/94**

Judith A. Spalding
Recording Secretary