

BOARD OF COUNTY COMMISSIONERS' MEETINGTuesday, November 14, 1989

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

The meeting was called to order at 9:08 a.m.

APPROVAL OF MINUTES

Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve the minutes of the Commissioners' meeting of Tuesday, November 7, 1989. Motion carried.

APPROVAL OF BILLS

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve payment of the bills as presented. Motion carried.

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

- 1) BUDGET AMENDMENT NO. 90-19
ANIMAL CONTROL

The County Administrator presented the referenced Budget Amendment recommended for approval by the Director of Finance as follows:

No. 90-19
Animal Control

To provide funds for one-third share of cost for new roof for Tri-County Animal Shelter.

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

- 2) Maryland Fire Service Personnel Qualification Board

The County Administrator presented correspondence addressed to the Maryland Fire Rescue Education and Training Commission submitting the recommendation to reappoint Carl Scully as St. Mary's County's representative on the Maryland Fire Service Personnel Qualification Board.

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

- 3) 1990 LEGISLATIVE ITEM
SOIL CONSERVATION SERVICE

The County Administrator presented correspondence addressed to the Soil Conservation Service advising that the legislative request for Environmental Regulatory Laws - Funding Consideration does not need legislative action and suggesting that they would best be handled administratively by appropriate state or federal agency.

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

4) SCHOOL-AGE CHILD CARE TASK FORCE

The County Administrator presented correspondence from Becky Stevens, Community Services Coordinator, advising that when grant money for school-age child care became available, one of the requirements was the formation of a local interagency committee on child care. He stated that a task force had been formed about a year ago to develop a needs assessment for child care which resulted in obtaining funds for a day care center at Tubman Douglass and St. Mary's Hospital. Mr. Cox indicated that Ms. Stevens has recommended that those task force members be officially appointed to develop the mandated child care plan.

The Commissioners agreed to take action at next week's meeting.

5) DEPARTMENT OF AGRICULTURE
REQUEST FOR FUNDS - LYME DISEASE

The County Administrator presented correspondence from the Department of Agriculture, Office of Plant Industries and Resource Conservation requesting \$2500 from each County to cover costs of examining ticks for presence of bacterium which causes Lyme Disease.

The Commissioners requested that a source of funds be determined and that it be a matter of discussion at next week's meeting.

6) JOINT USE OF SPARE SCHOOL BUSES

The County Administrator presented a memorandum from the Procurement Officer requesting the Board's concurrence to enter into an agreement with the Board of Education for joint use of spare school buses. Presently the private school bus system and the public school bus system operator autonomously with regard to spare school buses. Spare school buses meeting certain criteria could be used by either system and would keep idle buses in use.

After discussion Commissioner Jarboe moved, seconded by Commissioner Bailey, to approve and authorize Commissioner Loffler to sign the Joint use of Spare School Bus Agreement. Motion carried.

During discussion of the motion, Commissioner Lancaster stated that he would vote in favor of this motion, but did not want to set a precedent for incorporating other activities between public and private schools.

DEPARTMENT OF PUBLIC WORKS

Present: Dan Ichniowski, Director

1) ADDENDA TO PUBLIC WORKS AGREEMENTS

Mr. Ichniowski presented the following Addenda to Public Works Agreements:

- ° Tosca Subdivision By and between Interstate General Company and St. Mary's County extending the deadline for completion of roads in Tosca Subdivision, Parcel B, to October 1, 1990. The Addendum is backed by a Letter of Credit with Maryland National Bank.
- ° Eaglesglen By and between Amber Meadow Joint Venture and St. Mary's County extending the deadline for completion of roads to October 1, 1990. The Addendum is backed by a Performance Bond with Insurance Company of North America in the amount of \$137,600.

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

2) CALLING LETTER OF CREDIT
INDIAN RIVER ESTATES - SECTION FIVE

Mr. Ichniowski presented correspondence addressed to Signet Bank of Maryland calling the Letter of Credit for Ken Cross Construction, Inc. for Indian River Estates, Section 5 for default in the Public Works Agreement.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to authorize Commissioner Loffler to sign the correspondence as presented, to be forwarded if necessary. Motion carried.

3) ACCEPTANCE OF DEEDS
ROAD RESOLUTIONS

Mr. Ichniowski presented the following Deeds accepting roads into the County's Highway Maintenance System and certain Road Resolutions as appropriate:

Big Oak Subdivision - Acceptance of Deed

By and Between William S. Lawrence and Ann F. Lawrence and St. Mary's County accepting Four Seasons Court, Big Oak Subdivision, Fifth Election District.

Country Lakes - Acceptance of Deed
Road Resolutions

By and between Country Lakes by Benjamin Burroughs, Jr. and St. Mary's County accepting Tintop School Road, Louise Court, Kimberly Court, and Elizabeth Court, in Country Lakes Subdivision, Section II.

Road Resolution R-89-20 posting the roads in Section III at 25 miles per hour;

Road Resolution R-89-17 designating the following streets as Stop Streets:

On Tin Top School Road at Yowaiski Mill Road
On Kimberly Drive at Tin Top School Road
On Louise Court at Kimberly Drive
On Elizabeth Court at Tin Top School Road

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

Wildewood Subdivision - Acceptance of Deed
Road Resolutions

By and between Paragon Builders, Inc. and St. Mary's County accepting Poplar Wood Drive in Hickory Nut of Wildewood.

Road Resolution No. 89-18 designating Poplar Wood Drive as a Stop Street at its intersection with Wildewood Parkway.

Road Resolution No. 89-19 posting Poplar Wood Drive at 25 miles per hour.

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

4) ST. MARY'S COUNTY HIGHWAY NEEDS

Mr. Ichniowski presented correspondence addressed to the Maryland Department of Transportation listing the County's priorities for projects within the Construction Program and the Development and Evaluation Program.

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

PROCLAMATIONS

Hospice Month

Present: Dan Gunther
Melody Nolan

Designating November as Hospice Month

Youth Appreciation Week

Present: Representatives of Optimist Clubs

Designating the week of November 12 - 18 as Hospice Month

ALL AMERICA CITY AWARD

Present: Andrea Thomas, Information Officer, Gaithersburg
Judy Landau, Public Information Specialist

Ms. Thomas appeared before the Commissioners to explain the All America city Award program sponsored by the National Civic League. The League developed an index in assessing communities, and the criteria used in assessing must be adhered to in the community's submission. The basis of the program is to make the community responsive by having citizens work together to make the community a better place and as a result develops pride in the community.

Ms. Thomas explained that Gaithersburg had entered last year and although not a finalist did receive many benefits through citizen involvement and by developing a sense of pride throughout the community.

OFFICE ON AGING

SMILE SHARE CARE - ADULT DAY CARE PROGRAM

Present: Gene Carter, Director
Bernice Smith, Office on Aging

Mr. Carter appeared before the Commissioners to present a proposal for six additional slots (3 for Ripple Center and 3 for Wiesman Center) to be cost shared among the State, County and the participant. He stated that the State is providing \$650,000 in new adult day care funds throughout the State. The County is submitting this proposal for supplemental funding for Fiscal Year 1991 in order to provide day care services to those middle income citizens who cannot afford to participate. The cost is \$40 per day (\$24 - State; \$7.50 - County; \$8.50 - Participant).

After discussion Commissioner Jarboe moved, seconded by Commissioner Lancaster, to authorize Commissioner Loffler to sign the grant application to the Department of Health and Mental Hygiene as presented. Motion carried.

OFFICE OF PLANNING AND ZONING
DECISION DISCUSSION

Present: Jon Grimm, Director
Peggy Childs, Recording Secretary.

WATER AND SEWER PLAN AMENDMENTS

SPEC #88-0547 - ROBERT LEE OWENS

Request change in water category only from W-6 to W-3D to allow a community water system for this property located off of Trap Road in the First Election District, containing 74.143 acres and shown on Tax Map 67, Block 11, P 14.

Mr. Grimm stated the change in category will allow Mr. Owens to install a community water system at his expense, which will then be dedicated to the County. MetComm has stated this is feasible and the Planning Commission and staff recommend approval.

Commissioner Bailey moved, seconded by Mr. Lancaster, to approve the change in water category from W-6 to W-3D. The vote was 3 in favor; Commissioner Jarboe was out of the room and did not participate in this case.

SPEC #89-0846 - LEXINGTON PARK McDONALD'S

Change in water and sewer category from W-5 to W-3D and S-5 to S-5D for the property located on Route 235 in the 8th Election District near its intersection with Millstone Landing Road.

The Planning Commission and staff recommend approval. Commissioner Lancaster moved to approve the change to W-3D and S-3D, seconded by Commissioner Thompson, and unanimously carried.

REZONING DECISION

ZONE #88-1736 - NATIONAL MHP PARTNERSHIP

Requesting rezoning from MHP to C-2, Commercial for 20.5 acres located at the corner of MD Route 235 and Hewitt Road in the 8th Election District; shown on Tax Map 43, Block 8, as Parcel 50.

Attorney Karen Abrams was present for National MHP Partnership. Mr. Grimm reminded that the Commissioners' public hearing was held on October 24, 1989 and no additional comments have been received.

The Commissioners were unable to ascertain whether the Public Works Agreement for the alignment of Hewitt Road has been signed, although Ms. Abrams advised that the terms have been agreed upon. Commissioner Bailey moved to approve the rezoning request, subject to the PW Agreement being signed. The motion was seconded by Mr. Lancaster.

Commissioner Jarboe questioned the language of the agreement which states the applicant may be asked to come off of Hewitt Road. He stated it is his understanding that the applicant will be asked to come off of Hewitt Road and that there will be no additional access on Route 235. This provision was not made a condition of the rezoning approval, but it was stated by Commissioner Jarboe, with the concurrence of the other Commissioners, that this will be a part of the site plan approval.

The motion passed unanimously.

Note: Ms. Abrams, by telephone to P&Z immediately following the meeting, advised that the PW Agreement has been signed by her client and forwarded to the Department of Public Works.

MARINA SANITARY FACILITIES

Present: Tom Russell, Director, Environmental Health
Larry Petty, Director, Metropolitan Commission

Mr. Russell appeared before the Commissioners to discuss his department's concerns regarding marina sanitary facilities. He stated that state law requires all marinas with over ten boat slips to provide pumpout facilities; however, there are no treatment facilities to handle sewage disposal, and the Pine Hill Treatment Plant will not accept the discharge because of the chemicals it contains.

Further state law limits each slip to 15 gallons per day which would not make on-site facilities at marinas feasible.

Discussion ensued regarding the construction of a facility to handle sewage disposal from marinas as well as discussion of a variety of mechanisms for offsetting costs of a treatment facility. Mr. Petty and Mr. Russell agreed to work together on a proposal for such a facility and return to the Commissioners in approximately two weeks.

HEALTH DEPARTMENT
VACANCIES IN STAFF

Present: Tom Russell, Director, Environmental Hygiene

Mr. Russell advised the Commissioners that the State has a freeze on hiring and there are several vacancies in his department that cannot be filled because of the freeze. He stated that he is particularly concerned because the wet months' testing is approaching.

The Commissioners requested Mr. Russell to work with the County Administrator to prepare correspondence to the appropriate agency regarding the urgent need to fill these vacancies with copies to be forwarded to the legislative delegation.

CHESAPEAKE BAY CRITICAL AREA PROGRAM - DRAFT ORDINANCE

Present: Ford L. Dean, Chairman, Critical Area Task Force
Jeff Jackman, Office of Planning and Zoning

The referenced individuals appeared before the Commissioners to present an updated report on the status of the Critical Area Program Ordinance. He stated that the Critical Areas Commission had reviewed the previous submission and had made a couple of corrections. The corrections have been incorporated into the document. Additional changes included:

- Page 9 - Adding a seventh item - "submerged aquatic vegetation.
- Page 35 - Delete paragraph 5
- Page 4 - Item 3 of Location and Extent of Future Intensely Developed Areas and Limited Development Areas. The amount of acreage needs to be determined.

During discussion Mr. Dean requested that the Commissioners take action next week on this document so that it can be forwarded to the State by the deadline of November 22.

In closing Mr. Dean advised that the Board of County Commissioners will be conducting a public hearing on Tuesday, November 21 at 1:00 p.m. on the changes to the maps since August 15.

EXECUTIVE SESSIONS

Present: Edward V. Cox, County Administrator

Commissioner Thompson moved, seconded by Commissioner Lancaster, to meet in Executive Session. Motion carried. Sessions were held as follows:

Personnel

Also Present: Jon Grimm, Director, Planning and Zoning

(Held from 11:50 a.m. to 12:30 a.m.)

Property Acquisition

(Held from 12:30 a.m. to 1:10 p.m.)

Personnel and Land Acquisition (With Board of Education)

Present: Commissioner Loffler, Commissioner Bailey, Commissioner Lancaster, Commissioner Thompson, Edward V. Cox - County Administrator, Charles Wade - Director of Finance, William Burroughs - Superintendent of Schools, Board of Education members, Jim Marsh, and Jerry Himmelheber)

(Held from 1:35 p.m. to 2:00p.m.)

JOINT COMMITTEE ON STUDENT POPULATION FORECASTING

Commissioner Lancaster, moved, seconded by Commissioner Thompson, to approve and sign the Agreement for Joint Committee on Student Population Forecasting. Motion carried. (Commissioner Bailey was not present.)

DRUG FREE SCHOOL ZONE DISCUSSION

The Commissioners attended the discussion on the Drug-Free School Zone proposal held at the Leonardtown Library.

ADJOURNMENT

The meeting adjournment at 4:00 p.m.

APPROVED


Carl M. Loffler, Jr.
President