

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

Tuesday, September 3, 1991

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

CALL TO ORDER

The meeting was called to order at 9:00 a.m.

APPROVAL OF MINUTES

Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve the minutes of the Commissioners' meeting of Tuesday, August 27, 1991. Motion carried.

APPROVAL OF BILLS

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

COUNTY ADMINISTRATOR'S ITEMS

Present: Edward V. Cox, County Administrator

**1) INFORMATION RELEASE
CABLE ADVISORY COMMITTEE**

The County Administrator presented an Information Release announcing the establishment of the Cable Advisory Committee, explaining its purpose and indicating the Committee's interest in receiving comments from the public regarding cable television.

Commissioner Bailey moved, seconded by Commissioner Thompson, to distribute the Information Release as presented. Motion carried.

**2) APPOINTMENTS
BOARDS, COMMITTEES, COMMISSIONS**

Commissioner Bailey moved, seconded by Commissioner Jarboe, and motion carried, to make the following appointments:

Correctional Facility Task Force	Terms to Expire
Dr. Eugene Guazzo	No Term
William B. Matthews	No Term
Patsy Stone	No Term
Enhanced 911/Uniform Address Task Force	
Lt. Phillip Cooper (Sheriff's Dept.)	No Term
Jeffrey Jackman (Planning and Zoning)	"
David R. Keener (Postal Service)	"
Andrew J. McWilliams (3rd Comm. District)	"
Thomas L. Oliver (Emergency Management Agency)	"
Mary Pat Pope (County Administrator's Office)	"
Lt. Leonard A. Potts (Md. State Police)	"
George M. Thompson (C & P Telephone Co.)	"
Extended Day Care Planning Committee	
Susan Westbrook	12/31/93/96
Mental Health Authority Board	
Susan Joyce	6/30/94

3) CORRECTIONAL FACILITY TASK FORCE

Commissioner Thompson moved, seconded by Commissioner Loffler, to include a representative from Charles County to the Correctional Facility Task Force to be appointed by the Charles County Commissioners. Commissioners Bailey, Jarboe and Lancaster voted against the motion. Motion defeated three to two.

During discussion of her motion, Commissioner Thompson suggested that the appointment be an ex-officio member.

**4) ADMINISTRATIVE ENTITY AGREEMENT
JOB TRAINING PARTNERSHIP ACT**

The County Administrator presented the referenced Administrative Entity Agreement between the St. Mary's County Commissioners and Charles County Community College setting forth the specifications for the administration of grant funding for the Job Training Partnership Act.

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

**5) RESOLUTION NO. 91-31
USER FEES (AMENDMENT)**

As a follow up to previous discussion, the County Administrator presented a Resolution amending Resolution No. 91-08 and its User Fee Schedule exempting county government and its related agencies from paying fees

1. in total for projects supported entirely by St. Mary's County government funding. If funding certified by Director of Finance, no action required by County Commissioners. Certification by Director of Finance shall be forwarded to the Department of Planning and Zoning and the Department of Public Works.
2. on a case-by-case basis for projects funded in whole or in part by sources other than St. Mary's County government. When presented to County Commissioners, project funding will be clearly defined.

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

**6) CORRESPONDENCE TO BOARD OF EDUCATION
CATEGORICAL CHANGE REQUEST**

As a follow up to last week's discussion, the County Administrator presented correspondence addressed to the Board of Education indicating that when the costs are known, the County will work with the Board to provide funding from either Fiscal Year 1992 categorical changes or from a supplemental budget in December or later.

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

7) WATER/SEWER AMENDMENT RESOLUTIONS

As a follow up to public hearings and subsequent decision discussions, the County Administrator presented the following Water and Sewer Plan Amendment Resolutions.

**No. W/S 91-15
Harbor View Marina**

Application to amend the Water and Sewer Plan for property located in the Third Election District, containing 1.0 acre of land, zoned CL, located on the east side of Joe Hazel Road, approximately 1,200 feet south of Tippett Road in Compton, Tax Map 39, Parcel 16, from S-6 to S-3D.

WATER/SEWER AMENDMENT RESOLUTIONS (continued)

No. W/S 91-16

Dock O' the Bay

Application to amend the Water and Sewer Plan for property located in the Third Election District, containing 1.5937 acres of land, zoned CM, located on the southern end of Joe Hazel Road, approximately 0.3 miles south of Tippett Road in Compton, Tax Map 47, Block 6, Parcel 69, from S-6 to S-3D

No. W/S 91-17

Combs Creek Marina

Application to amend the Water and Sewer Plan for property located in the Third Election District, containing 1.17 acres of land, zoned RPD, located on the east side of Joe Hazel Road, approximately 600 feet south of Tippett Road in Compton, Tax Map 39, Parcel 34, from S-6 to S-3D

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve and sign the Water and Sewer Amendment Resolutions as presented. Commissioners Loffler and Thompson voted against. Motion carried three to two.

**MEMORANDUM OF UNDERSTANDING
STATE MENTAL HEALTH GRANT FUNDS
CORE SERVICE AGENCY - MENTAL HEALTH RESOURCES**

Present: Dr. William Marek, Health Officer
Frank Sullivan, Program Director, Mental Health Authority

The referenced individuals appeared before the Commissioners to present and request the Commissioners' approval of a proposed Memorandum of Understanding between the St. Mary's County Commissioners and the State Mental Hygiene Administrator for the funding and function of a Core Service Agency to be administered through the Health Department by the Mental Health Authority of St. Mary's County. Dr. Marek further requested the Commissioners signature on a letter to Mental Hygiene Administration urging the signing of the Memorandum of Understanding which formally outlines the terms, conditions and operation of the Mental Health Authority of St. Mary's County as the local Core Service Agency.

Dr. Marek pointed out that the Commissioners had previously endorsed the formation of the Core Service Agency to coordinate mental health programming for St. Mary's County.

After discussion Commissioner Bailey moved, seconded by Commissioner Thompson, to approve and authorize Commissioner Loffler to sign the Memorandum of Understanding and further to approve and authorize the Board of County Commissioners to sign the letter forwarding the Memorandum of Understanding to the State. Motion carried.

EXECUTIVE SESSIONS

Present: Edward V. Cox, County Administrator

Commissioner Bailey moved, seconded by Commissioner Lancaster, to meet in Executive Sessions to discuss matters of Personnel and Litigation. Motion carried. The Sessions were held as follows:

Personnel

Held from 9:50 a.m. to 10:15 a.m.

Litigation

Also Present: Dan Ichniowski, Director, Public Works

(Held from 10:15 a.m. to 10:30 a.m.)

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DEPARTMENT OF PUBLIC WORKS

Present: Dan Ichniowski, Director

**1. APPLICATION FOR FEDERAL ASSISTANCE
ST. MARY'S COUNTY AIRPORT
EASEMENT AND LAND ACQUISITION - RUNWAY EXTENSION**

Mr. Ichniowski presented an Application for Federal Assistance in the amount of \$171,380 for easement and property acquisition in conjunction with the runway extension project.

Mr. Ichniowski also presented an Application for Federal Assistant in the amount of \$1,434, for the design and construction of the runway extension and obstruction removal for the extension.

After discussion Commissioner Lancaster moved, seconded by Commissioner Bailey, to approve and authorize Commissioner Loffler to sign the two referenced Applications for Federal Assistance for the Airport Improvement Program. Motion carried.

**2. EASEMENT AGREEMENT
RAILROAD RIGHT-OF-WAY**

Mr. Ichniowski presented an Easement Agreement between the Board of County Commissioners of St. Mary's County, the Southern Maryland Electric Cooperative, Inc. and Joseph D. Clarke and Evelyn Clarke granting a 15 foot wide easement for ingress and egress to property entitled Lots 1 and 2 of Donald Clark Subdivision.

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

3. ADDENDUMS TO PUBLIC WORKS AGREEMENTS

Mr. Ichniowski presented the following Addendums to Public Works Agreements for the Commissioners' consideration:

Wildewood - White Oak Parkway

Between paragon Builders, Inc. and St. Mary's County extending the deadline for completion of White Oak Parkway (Station 9+50 to 21+54) to April 1, 1992 with a Letter of Credit with Maryland Bank and Trust Company in the amount of \$37,000

Abell's Run, Section One

Between Morgan Associates and St. Mary's County maintaining the deadline for completion of improvements Abell's Run, Section One, Third election District at April 1, 1992, but reducing the Letter of Credit to \$38,000.

Breton Bay PUD (Bunker Court)

Between Cherry Cove Land Development and St. Mary's County extending the deadline for completion to September 1, 1992 with a Letter of Credit with First National Bank of St. Mary's in the amount of \$15,000.

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

OFFICE OF PLANNING AND ZONING

Present: Jon Grimm, Director

**1) AMENDMENT TO ZONING ORDINANCE, SECTION 38.02 (ENFORCEMENT,
ENVIRONMENTAL REVIEW PROCESS, LIMITED DEVELOPMENT AREAS)**

The Commissioners conducted a public hearing on August 13 regarding the proposed changes to Section 38.02 of the Zoning Ordinance, The proposed changes are:

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- a) For a parcel or lot of 1/2 acre or less in size, that was in residential use or was zoned for residential purposes on or before 12/1/85.
- d) This Section does not apply to a trailer park that was in residential use on or before December 1, 1985.

Mr. Grimm stated that this proposal relate to House Bill 322 relating to the impervious surface allowances in the critical area. He stated that the Planning Commission and staff have recommended approval of the amendments.

After discussion Commissioner Thompson moved, seconded by Commissioner Lancaster, to instruct staff to prepare the appropriate Resolution amending the Zoning Ordinance as set forth above. Motion carried.

2) **CRITICAL AREA BUFFER VARIANCE POLICY**
ZONING DECISION 91-CA

Mr. Grimm presented a memorandum dated August 26 setting forth the comments received during the open record period following the August 6 public hearing on the referenced administrative policy. He stated that the comments have been included in the proposed policy.

Discussion ensued regarding notification to the public, in addition to contiguous property owners, of the Planning Director's decisions on critical area buffer variances for certain expansions or additions. Commissioner Thompson suggested that these decisions be placed on the Board of Appeals agendas that are published.

Mr. Grimm requested the following from the County Commissioners:

1. To select which alternative to be included--with or without public notification.
2. To formally approve the preparation of the Resolution, which will be submitted to the State Critical Area Commission for action as a program refinement or amendment. If an amendment, a public hearing will be required.

After discussion Commissioner Thompson moved, seconded by Commissioner Bailey to accept the Critical Area Buffer variance policy with Alternative No. 2 - notification of the public. Motion carried.

Mr. Grimm stated that he would submit the Resolution and a letter of transmittal to the Commissioners in two weeks and pointed out that the policy will not go into effect until approval by the Critical Area Commission.

PUBLIC HEARING
BOARD OF EDUCATION - SUPPLEMENTAL APPROPRIATION

Present: Charles Wade, Director of Finance

The Board of County Commissioners conducted a public hearing on a Supplemental Appropriation Ordinance as requested by the Board of Education in the amount of \$920,828. The hearing was conducted in accordance with Chapter 27, Section 6, of the Code of Public Local Laws in order to amend the current Fiscal Year 1992 Budget.

Commissioner Loffler opened the meeting for public comment.

Mr. Doug Ritchie inquired whether these funds were left over from the health insurance.

Commissioner Loffler responded that during the Commissioners' budget deliberations for FY '92 these funds were discovered that could be made available to the Board of Education for Fiscal Year 1992 and relates to the health insurance fund.

Hearing no additional comments, the hearing was closed. A decision will be made in two weeks.

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EXECUTIVE SESSION

Present: Edward V. Cox, County Attorney

Commissioner Bailey moved, seconded by Commissioner Lancaster, to meet in Executive Session to discuss a matter of Personnel. Motion carried. The Session was held from 11:30 a.m. to 1:15 p.m. (State's Attorney Walter Dorsey and Assistant State's Attorney Rick Fritz were present from 11:30 a.m. to 12:05 p.m.)

STAFF MEETING

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

ADJOURNMENT

The meeting adjourned at 2:45 p.m.

7:00 P.M.

PUBLIC FORUM

(Commissioner Jarboe was not present. Commissioner Thompson was not present at the beginning of the Forum.)

(Commissioner Thompson entered the meeting at 7:30 p.m.)

The Commissioners conducted the regular monthly Public Forum accepting comments and questions from the audience.

Mike Humphries - Noted the inability for citizens to obtain renewal stickers for the Chesapeake commemorative license plates locally. Requested the Commissioners to look into the possibility of having them available in the Treasurer's Office. County Administrator Cox will check into this request.

Doug Ritchie - (1) How much does the County spend on studies and what happens to them. County Administrator Cox will put together a list of the studies done over the last four years, their costs, and results; (2) Submitted suggestions for three legislative proposals: (a) A bridge across Lower Potomac with a toll bridge; (b) Graduated Piggyback Tax; (c) Alcohol Beverage Tax to provide revenue for Medevac helicopter. (3) Raised questions concerning the Board of Education's health insurance funds.

Minnie Russell - (1) Where is Persimmon Hills (the newspaper indicated it was in Ridge and she was not familiar with it; (2) Inquired whether the Public Works budget had been reduced because she noticed that there was not as much grass cutting. Mr. Cox reported that the mowing schedule had been reduced except for areas with site problem or safety concerns. (3) Inquired why it took three men to empty trash cans at the pier adjacent to her property. Mr. Cox reported that each crew consists of three individuals; (3) On a trip to Smith Island she noticed the piles of abandoned cars and stated that the bay cleanup should begin there. (4) Inquired whether someone could be taxed off their land. The Commissioners advised that there is a Circuit Breaker to help prevent someone being taxed off their home site. The County Administrator will look into possibly including increasing the cap of the Circuit Breaker; (5) Woodlawn Farm was sold for \$2.1 Million and heard that the property will be used for a recuperative center. She questioned the impact on fire department and rescue squad. Commissioner Loffler pointed out that process that the project would have to go through in order to proceed including the fact that a portion of the property is in the Critical Areas.

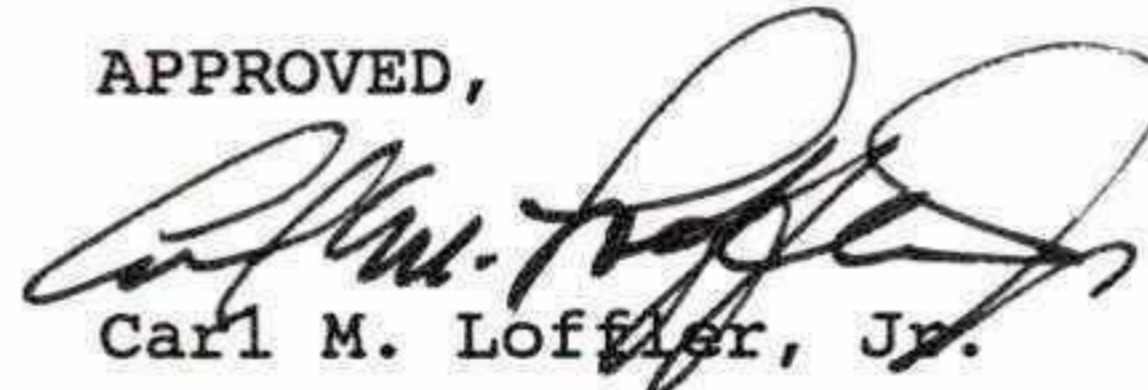
John Johnston - Inquired as to who was appointed to the Correctional Facility Task Force. The Commissioners listed those individuals who had been appointed.

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John Cummings - Suggested that the Commissioners commit an area in the middle of the County to be offered as an industrial park at reasonable rates in order to attract industry. Commissioner Loffler explained that the EDC has been evaluating land in the northern end of the County including costs for infrastructures.

The Public Forum concluded at 8:25 p.m.

APPROVED,



Carl M. Loffler, Jr.
President