

BOARD OF COUNTY COMMISSIONERS' MEETINGTuesday, March 1, 1988

Present: Commissioner Carl M. Loffler, Jr., President
 Commissioner W. Edward Bailey, Commissioner
 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 9:05 a.m.

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to approve the minutes of the Commissioners' meeting of Tuesday, February 23, 1988. Motion carried.

APPROVAL OF BILLS

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

COUNTY ADMINISTRATOR ITEMS1) LETTER TO BOARD, COMMISSION AND COMMITTEE MEMBERS

The County Administrator presented correspondence addressed to each member of the County's Boards, Commissions and Committees enclosing a copy of Resolution No. 88-04, Open Meetings Law, and Ethics Ordinance. The Commissioners agreed to sign and forward the letter.

2) BUDGET AMENDMENTS

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

No. 88-41
OFFICE OF PLANNING AND ZONING

Justification: For use of consultant for Critical Area Task Force

No. 88-43
COUNTY ADMINISTRATOR

Justification: For advertise for tax sale

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

3) LETTER TO LEGISLATORS (ENERGY TAX)

The County Administrator presented correspondence addressed to our Legislative Delegation responding to Delegate Bell's February 24 correspondence relative to the proposed energy tax. The Commissioners agreed to sign and forward the letter.

4) RETIREMENT PAY FOR FIRE DEPARTMENTS/RESCUE SQUADS

The County Administrator presented a memorandum dated February 25 from the Personnel Office submitting a list of fire department and rescue squad volunteers eligible for for retirement pay.

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

ST. MARY'S REGIONAL PARK
PLANNING AND ENGINEERING SERVICE CONTRACT

Present: John Baggett, Director, Recreation and Parks

Mr. Baggett appeared before the Commissioners to present an Agreement with FSI Design Group and St. Mary's County for planning and engineering for St. Mary's Regional Park in the amount of \$4300.

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

DEPARTMENT OF PUBLIC WORKS

Present: John Norris, Director

1) ADDENDUMS TO PUBLIC WORKS AGREEMENTS AND
PUBLIC WORKS AGREEMENT

Mr. Norris presented the following Addendums and Public Works Agreement for the Commissioners' review and consideration:

a) Addendum - Beechwood Estates

By and between Swarey Builders, Inc. and the Board of County Commissioners reducing the bond value based on work completed to \$60,000. Work is to be completed by September 1, 1988. The Agreement is backed by a Letter of Credit issued by Maryland Bank and Trust Co.

b) Addendum - Country Lakes

By and between Benjamin H. Burroughs, Jr. and Board of County Commissioners extending the deadline for completion of improvements in Country Lakes Subdivision, Section II and III, Fourth Election District.

c) Public Works Agreement - Harrow Hills

Dated January 19, 1988 by and between Alfred W. Gardiner and the Board of County Commissioners guaranteeing the completion of the following roads in Harrow Hills Subdivision Sections C and D by September 1, 1988:

Section C - Harrow Hill Court
Gardiner Court

Section D - Harrow Hill Court

The Agreement is backed by a Letter of Credit in the amount of \$43,000 issued by the First National Bank of St. Mary's.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Loffler to sign the Addendums and Public Works Agreement. Motion carried.

2) CORRESPONDENCE TO STATE HIGHWAY ADMINISTRATION

Mr. Norris presented correspondence addressed to SHA which updates the priority listing for SHA projects in St. Mary's County as follows:

- a) Md. St. Rt. 5 - Leonardtown Bypass
- b) Md. St. Rt. 246 - Reconstruction from Rt. 5 to St. Mary's Square
- c) Md. St. Rt. 237 - Reconstruction of Chancellors Run Road from Rt. 235 to Rt. 236
- d) Md. St. Rt. 235 - Roadway and intersection improvements in vicinity of Peggs Road relative to new north entrance gate to Patuxent River Naval Air Station.

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

(Commissioner Lancaster left meeting - 9:45 a.m.)

3) BUDGET AMENDMENT NO. 88-42
DEPARTMENT OF PUBLIC WORKS
RENOVATION OF OLD NURSING HOME

As a follow up to last week's discussion Mr. Norris presented the referenced Budget Amendment transferring \$107,160 to cover additional bid and contingency costs.

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

(Commissioner Lancaster returned to the meeting - 10:00 a.m.)

BUILDING PERMIT ISSUANCE/NEW SUBDIVISIONS WITH WATER SYSTEMS

Present: Frank Gerred, Director, Office of Planning and Zoning
Tom Russell, Director, Environmental Hygiene
Steve King, Metropolitan Commission

The referenced individuals appeared before the Board to bring the Commissioners up to date with regard to the State's policy regarding issuance of building permits for subdivisions with central water systems.

Mr. Russell indicated that through a misunderstanding his department had not been following the mandated process for the issuance of permits. In order for permits to be obtained, the water system must be constructed and approval obtained from the Metropolitan Commission and Division of Water Supply of the Maryland Health Department. A system does not have to be entirely completed as the developer can do it in phases.

The Commissioners thanked the referenced individuals for this information.

EXECUTIVE SESSION

Present: Edward V. Cox, County Attorney
Frank Gerred, Director, Office of Planning and Zoning

Commissioner Bailey moved, seconded by Commissioner Thompson, to meet in Executive Session to discuss a matter of litigation. The Session was held from 10:20 to 10:30 a.m.

SALARY STUDY STATUS REPORT

Present: Dr. Larry Lorton, Superintendent of Schools
John McFadden, Board of Education

Dr. Lorton and Mr. McFadden presented the final report of the consultant's survey and classification study. Dr. Lorton stated that the Board of Education staff has made some further recommendations which will adjust the findings of the report. Those recommendations were presented to the Board of Education on February 23 for review and a decision is expected on Monday, March 7. The financial conclusions will be presented to the Board of County Commissioners for funding considerations.

It was agreed that the two boards would meet on March 8 to discuss the funding alternatives.

OFFICE OF PLANNING AND ZONING

The full complement of the Board was in attendance this date: Carl M. Loffler, Jr., W. Edward Bailey, Robert Jarboe, John G. Lancaster and Rodney Thompson. Staff present included: Frank J. Gerred, Director, Robin Guyther, Planner, and Betsy Anthony, Recording Secretary.

ZONE # 86-1809: O'BRIEN/TENNISON

The applicant is requesting the rezoning of 6.0 acres of land from R-1, Rural Residential to C-2, Commercial. The property is located on the northeast corner of Maple Road and Route 235 in California, shown on Tax Map 35C as Parcel 14.

Following brief discussion, Commissioner Bailey moved, seconded by Commissioner Lancaster, and unanimously passed, to direct the Assistant County Attorney to prepare the appropriate resolution adopting the C-2, Commercial rezoning for the O'Brien/Tennison property, based on the following conditions:

1. That a 8' solid fence be constructed 35' back from the property line or the top of bank; and
2. That the remaining 35' of property between the fence and the ravine be left undisturbed.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator

Commissioner Jarboe moved, seconded by Commissioner Bailey, to meet in Executive Session to discuss a matter of Personnel. Motion carried. The Session was held from 11:10 a.m. to 11:30 a.m.

PROCLAMATION
GIRL SCOUT WEEK

The Commissioners presented the referenced Proclamation designating the week of March 6 - 12, 1988 as Girl Scout Week.

PROCLAMATION
CATHOLIC SCHOOLS WEEK

The Commissioners presented the referenced Proclamation designating the week of March 6 - 12, 1988 as Catholic Schools Week in St. Mary's County.

(Judith Spalding left meeting and Judy Cusic was Recording Secretary)

LETTIE MARSHALL DENT ELEMENTARY SCHOOL
REPORT ON WASHINGTON D.C. TRIP

Present: Patricia Russavage, Principal
Laura Munsterteiger, Student
Shane Lanhardt, Student
Erin Ignelci, Student
Shannon Burdette, Student

The referenced individuals came before the Commissioners to thank them for the flags donated for their trip to Washington D.C. to see the President. They were unsuccessful at seeing the President, but instead went to the American History Museum .

The Commissioners thanked them for their efforts and wished them better luck next year.

REVENUE TASK FORCE RECOMMENDATIONS

Present: Charles H. Wade, Director of Finance
John B. Norris, Director Department of Public Works

Mr. Wade brought to the Commissioners' attention the Revenue Task Force recommendations requesting their position for imposing the taxes.

1) Trailer Tax

Commissioner Thompson moved, Commissioner Jarboe seconded to impose the 10% increase and to clarify the revenue figures as a result of the increase to be effective July 1, 1988. Motion carried.

2) Public Accommodations Tax

Commissioner Lancaster moved, Commissioner Bailey seconded to implement the 5% tax rate to be effective July 1, 1988. Motion carried.

3) Cable TV Franchise Tax

Commissioner Lancaster moved, Commissioner Jarboe seconded to increase the current rate of 3% to 5% effective July 1, 1988.

4) Recreation and Parks Department Fees

Commissioner Lancaster moved, Commissioner Bailey seconded to express their interest in reducing the county-funded portion of the Recreation and Parks budget by 5% per year. The Commissioners requested that Mr. Baggett review the recommendation and present his comments.

5) Solid Waste Disposal Tipping Fees

Mr. Norris discussed the development of a fee schedule for costs associated with the solid waste operation.

During discussion the Commissioners agreed to use the figure of \$300,000 for revenues from tipping fees until figures are clarified by Mr. Norris.

6) Fee Schedules

The Commissioners agreed to request the Department of Recreation and Parks and the Office of Planning and Zoning to review their fee schedules and return to the Board with recommendations for additional revenue.

EXECUTIVE SESSIONS

Commissioner Bailey moved, seconded by Commissioner Jarboe and unanimously carried, to meet in Executive Session. Motion carried. The Sessions were held from 2:20 to 3:10 p.m.

Litigation

Present: Edward V. Cox, County Administrator
Charles Wade, Director of Finance
Ted Weiner, County Attorney

Land Acquisition

Present: Edward V. Cox, County Administrator
Joseph Densford, Assistant County Attorney
Charles Mander, Attorney

(THE EVENING SESSION BEGAN AT 7:00 P.M.)

TRANSFER DEVELOPMENT RIGHTS

Present: Frank Gerred, Director, OPZ

Mr. Gerred presented to the Commissioners the major points of the transfer development rights proposal of the proposed Comprehensive Plan. He provided a handout, which is on file in the Commissioners' Office. Mr. Gerred explained that the principal goal of the transfer development rights proposal is to preserve the rural setting of St. Mary's County while guaranteeing property value to agricultural land owners. Several issues were discussed relative to realization by the agricultural land owner of the TDR monetary value and the concern of the actual implementation of the TDR policy.

After discussion by the Commissioners and members of the audience, the Commissioners guaranteed those present that there would be a prolonged public process of discussion of the proposed comprehensive plan and TDR proposal and that the Commissioners would issue in the near future a Press Release describing the adoption process.

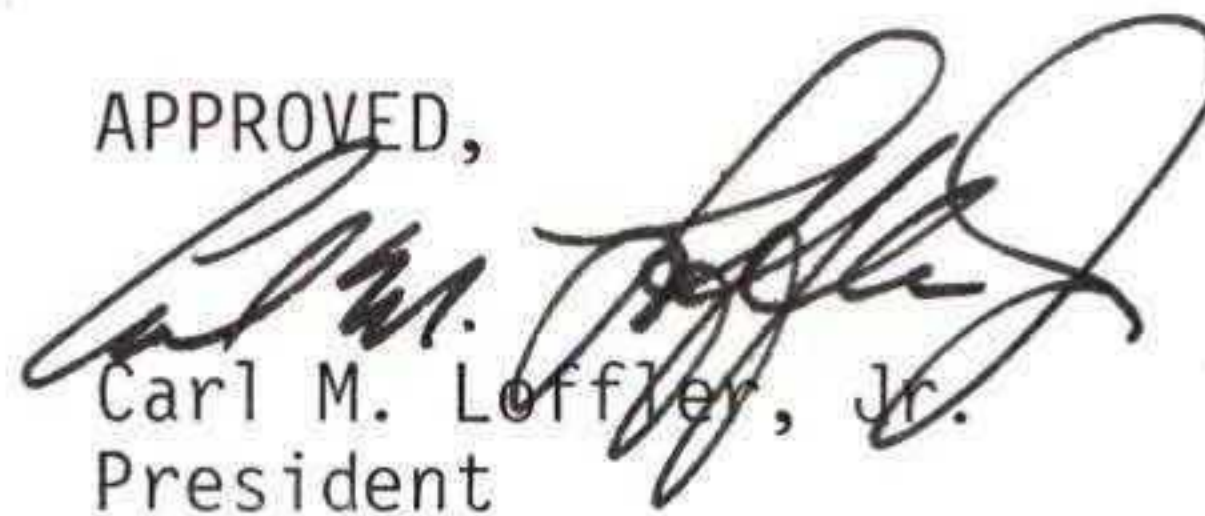
PUBLIC FORUM

Members of the audience directed questions and comments to the Commissioners on various topics including: improvement to Clarke's Mill Road, and the light rail study for Southern Maryland.

ADJOURNMENT

The meeting adjourned at 8:05 p.m.

APPROVED,


Carl M. Loeffler, Jr.
President