

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, October 25, 1988

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 9:05 a.m.

APPROVAL OF MINUTES

Commissioner Jarboe, moved, seconded by Commissioner Thompson, to approve the minutes of the Commissioners' meeting of Tuesday, October 18, 1988. Motion carried.

APPROVAL OF BILLS

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

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

- 1) RESOLUTION NO. 88-27
PROCUREMENT MANUAL - AMENDMENT NO. 1

As a follow up to last week's discussion, the County Administrator presented Resolution No. 88-27 amending the Procurement Manual to change the dollar limitation for procurement by sealed bidding process from \$2500 to \$5,000 as permitted by Article 25, Section 3(1)(ix) of the Maryland Annotated Code.

- 2) IMPACT FEE STUDY

The Commissioners having authorized the funding for an impact fee study, the County Administrator advised that of the eight firms solicited three responded with proposals. The staff has reviewed and evaluated the proposals and recommends the selection of Peat Marwick Main & Company at a cost of \$37,335. Leonardtown will be participating in the study in the amount of \$7,500.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to accept the proposal from Peat Marwick Main & Company as presented. Motion carried.

- 3) CORRESPONDENCE TO BOARD OF EDUCATION
CATEGORICAL CHANGES

The County Administrator presented correspondence addressed to the Board of Education approving the categorical changes regarding asbestos contract and services as requested in the Board's October 18 letter.

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

DEPARTMENT OF ECONOMIC & COMMUNITY DEVELOPMENT

Present: Joseph Mitchell, Director

1) FARMERS' HOME GRANT APPLICATION
COMPTON ROAD PROJECT

Also Present: Dennis Nicholson, Deputy Director

Mr. Nicholson reported that the County has recently received the referenced grant in the amount of \$40,000 and requested the Board to sign a letter of appreciation to Michael Luginbill for his support and efforts in the grant application process.

The Commissioners agreed to sign and forward the letter.

2) SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT
TUBMAN DOUGLAS CHILD CARE CENTER AND TRAINING

Also Present: Elmer Brown, Tubman Douglas

Mr. Mitchell advised that St. Mary's County has been awarded \$92,000 for a Small Cities Community Development Block Grant, which will be used to convert the present Tubman Douglas office into a child day care center and to provide training for child and health care. The Community College will be assisting in this effort. Mr. Mitchell stated that documents will be forwarded from the State for the Commissioners' formal acceptance of the grant.

3) LIVIBILITY CODE STATUS

Also Present: Joe Densford
Dennis Nicholson
Tom Russell
Jim Weber

Mr. Nicholson advised that the Livability Code Task Force submitted a draft Code to the state in June, and the State advised that it was acceptable except that a hearing board provision needed to be added.

There is a January 1989 deadline for adoption of the Code, and direction is needed from the Commissioners regarding a hearing board. Mr. Densford indicated that there were three options:

- a) Commissioners appoint a board of volunteers
- b) Appointment of a hearing examiner, who would make recommendations to the Commissioners
- c) An individual could file an appeal with the Board of County Commissioner, who would conduct the hearing and make a decision.

After discussion, Commissioner Jarboe moved, seconded by Commissioner Lancaster, to establish a board of appeals for the livability code. Motion carried.

4) APPLICATION FOR RENTAL HOUSING ALLOWANCE PROGRAM

Mr. Mitchell presented a grant application for the Rental Allowance Program in the amount of \$26,622 to provide rental assistance for low income persons or those in need of emergency housing needs.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to authorize Commissioner Loffler to sign the Rental Housing Allowance Program Grant Application as presented. Motion carried.

5) HOUSE BILL 1071 - CHILD CARE SERVICES NEEDS ASSESSMENT

Also Present: Sue Wilkinson, DECD
Phebe Barth, OCS
John Baggett, R & P
Janice Humel, Oakville PTA
Carol Kintigh, CC Community College

As required by House Bill No. 1071, a committee was established to assess the local need for before and after school child care and to provide recommendations. Ms. Wilkinson distributed a copy of the report containing a summary of local needs and recommendations. Recommendations include:

- Before and after school programs be implemented in county elementary schools for grades one through 5.
- Recreation and Parks be encouraged to administer extended recreation child care programs
- Parents be involved in the planning and evaluation of the programs
- The program be a self-supporting one, using a sliding fee scale.
- Grants from public and private sources be sought
- Parents be involved in making transportation arrangements
- Community resources (libraries, churches, civic organizations) be encouraged
- A county-wide advisory committee be established.

After discussion the Commissioners agreed that the matter needed further discussion and requested Mr. Mitchell to return with projected costs and revenues.

WICOMICO SHORES TAXING DISTRICT

Present: Joseph Densford
Joseph Mitchell
John Norris
Dan Ichniowski
Larry Petty, Metropolitan Commission
Steve King, "

The referenced members of the Wicomico Shores Study Committee appeared before the Commissioners to present a status report of the formation of the taxing district. Mr. Ichniowski advised that petitions have been received from property owners for the establishment of a taxing district for water/sewer and road improvements. Prior to drafting an Ordinance, Mr. Norris requested direction from the Commissioners whether to use the County's policy for subdivisions previously approved for tar and chip roads, and the county to pay the difference to upgrade to asphalt overlay.

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to use the County's policy to pay the difference for upgrading. Motion carried.

Mr. Norris added that the costs for maintenance may escalate and will hopefully be offset by the number of lots that will be participating. Maintenance costs will be kept at a minimum and will be included in the district.

DEPARTMENT OF PUBLIC WORKS

Present: John Norris, Director

1) ADDENDUMS TO PUBLIC WORKS AGREEMENTS

Mr. Norris presented the following addendums to public works agreements for the Commissioners' review and consideration:

a) Stoney Run Subdivision, Section III

By and between Wayne A. Wise and St. Mary's County extending the deadline for completion of roads in Stoney Run Subdivision, Section III, to June 1, 1989, backed by a Letter of Credit with First National Bank of St. Mary's County in the amount of \$64,000.

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

b) Greenview West Subdivision

By and between James J. Dobry and St. Mary's County extending the deadline for completion of roads in Greenview West Subdivision to May 1, 1989, backed by a Letter of Credit with First National Bank of St. Mary's in the amount of \$44,000.

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

c) Beechwood Estates

By and between Swarey Builders, Inc. and St. Mary's County extending the deadline for completion of roads in Beechwood Estates to December 1, 1988, backed by a Letter of Credit with Maryland Bank and Trust in the amount of \$60,000.

2) ACCEPTANCE OF DEEDS
ROAD RESOLUTIONS

Mr. Norris presented the following Deeds and appropriate Road Resolutions:

a) Indian River Subdivision

Deed by and between Accent Homes, Inc. and St. Mary's County accepting Lone Wolf Court, White Feather Lane, and Hiawatha Circle in Indian River Subdivision, Section IV, into the County Highway Maintenance System.

Road Resolution No. R88-13 posting streets located in Indian River Estates, Section IV at 25 miles per hour.

Road Resolution No. R88-14 designating Lone Wolf Court at its intersection with Hiawatha Circle as a stop street in Indian River Subdivision, Section IV.

Commissioner Bailey moved, seconded by Commissioner Thompson, to accept the Deed, approve the Road Resolutions, and authorize Commissioner Loffler to sign the documents as presented. Motion carried.

b) Amandiana Estates Subdivision

Deed dated September 30, 1986 by and between Maryland Bank and Trust Company and St. Mary's County accepting Amanda Street and Gilliam Drive, Jeremy Court in Amandiana Estates into the County Highway Maintenance System.

Road Resolution No. R88-11 posting Diana Street, Francine Court, and Jeremy Court at 25 miles per hour.

Road Resolution No. R88-12 designating the following streets in Amandiana Estates as Stop Streets:

- Gilliam Drive at its intersection with State Route 5
- Amanda Street at its intersection with Gilliam Drive
- Jeremy Court at its intersection with Gilliam Drive
- Diana Street at its intersection with Gilliam Drive
- Francine Court at its intersection with Gilliam Drive.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to accept the Deed, approve the Road Resolution, and authorize Commissioner Loffler to sign the documents as presented. Motion carried.

c) Hewitt Road Road

Deed dated October 6, 1988 by and between T T & M Partnership and St. Mary's County conveying 1,927.94 foot section of Hewitt Road adjoining Bayberry Subdivision to the County.

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

BOND SALE
PUBLIC FACILITIES BONDS OF 1988
RESOLUTION NO. 88-28

Present: Larry Petty, Director, Metropolitan Commission
Steve King, "
Robert Dean, Metropolitan Commission
Frances Eagan, "
Gerard Lowe, "
Fred Pumphrey, "

Via telephone call from the offices of Piper & Marbury, the county's bond counsel, Mr. Wade, Director of Finance, reported the bids on the sale of St. Mary's County Public Facilities Bonds of 1988.

After discussion, Commissioner Bailey moved, seconded by Commissioner Jarboe, to accept the lowest bidder, Ferris, Baker, Watts, Inc. at the rate of 7.188% for the issuance of \$1,375,000 of general obligation bonds, and further to sign Resolution No. 88-28 providing for the award. Motion carried.

(The Metropolitan Commission proceeded to adopt its Resolution for issuance of MetComm General Obligation Bonds.)

COMMENDATIONS
SENIOR GOLF TOURNAMENT AND SENIOR OLYMPICS

Present: Gene Carter, Director, Office on Aging

The Commissioners presented the following Commendations:

Senior Golf Tournament

Low Net - Hal Bishop
Runner Up - Marvin Cheseldine

St. Mary's County Senior Olympians

Winners:

Mary Garner, gold medal - women's tennis singles 55-59 age
Jack Sullivan, gold medal - 18-hole golf, 65-69 age
Carolyn Orwiler, bronze medal for one-mile novice walk, 60-64 age
Frederick Smith, Jr., bronze medals in javelin and running long
jump in 65-69 category.

Participants who did not place or win:

George Coppage, Harry Stolmeier, and James Tisburzi

EXECUTIVE SESSION

Present: Ted Weiner, County Attorney
Joseph Densford, Assistant County Attorney

Commissioner Thompson moved, seconded by Commissioner Bailey, to meet in Executive Session to discuss matters of litigation. Motion carried. The Session was held from 12:20 p.m. to 12:50 p.m.

PUBLIC HEARING

Present: Robin Guyther, Acting Director; Jeff Jackman, Planner; Laura Clarke, Planner; Anita Meridith, Office Supervisor, III; Betsy Anthony, Recording Secretary; and Elizabeth Holden, Recording Secretary.

Members of the audience included: Peter Bruch, Marian Cheseldine, Scott Scillings, Sr., Daniel E. Ichniowski, William Mills, Barry Christy, Bill Higgs, Karen Abrams, Larry O'Brien, Mark Bourgeois, and Ray Alvey.

Mr. Guyther read the Notice of Public Hearing aloud, as advertised in The Enterprise newspaper on October 5, 1988 and October 12, 1988, a publication of county-wide circulation, providing legal notice for the following public hearing:

(1) ZONE # 88-1147: GRAND CENTRAL VIDEO

Requesting a change in zoning from AR (Agricultural-Residential) to C-2 (Commercial) for property located on the west side of Rt. 5, north of, and adjacent to, the commercial area across from the Leonardtown schools complex. The property contains .383 acres and is shown on Tax Map 41, Block 14 as Parcel 208.

Present: Karen Abrams, Legal Representative
Bill Higgs, Professional Representative
Barry Christy, Professional Representative
Mark Bourgeois, Applicant

Ms. Abrams, legal representative for the applicant, entered into evidence, marked as Applicant's Exhibit No. 1, photographs offering visual evidence of the posting of the placard.

Correspondingly marked Applicant's Exhibit No. 2, find postal receipts from the certified letters of notification sent to all contiguous property owners, providing legal advisement of this public hearing.

Ms. Abrams explained that her client was requesting that his property be rezoned from AR to C-2, noting that there had been a definite change in the surrounding neighborhood.

Mr. Bourgeois, the applicant, explained to the Commissioners that his lease was about to expire, and the owner of the building was not willing to renew his lease.

Ms. Abrams called Mr. Barry Christy as her next witness, and Mr. Guyther indicated, for the record, that the Planning Commission had already accepted Mr. Christy as an expert witness and suggested that the Commissioners do the same.

With the aid of a map depicting the surrounding neighborhood and the various rezonings, Mr. Christy explained that the earliest rezoning of land occurred during the 1980 - 1987 timeframe. The various rezoning changes ranged from R-1 to C-2, AR to C-2, and AR to CP. Mr. Christy indicated that there would not be an impact on the school systems since the request was for commercial rezoning.

Mr. Higgs provided a site plan depicting the layout of Grand Central Video. using a site plan of the property. He explained that the entrance to the site would be located south of the joint entrance for the schools.

Commissioner Loffler voiced concern with the location of the proposed entrance considering its close proximity to that entrance used by the schools.

Mr. Guyther noted that there were a few residential homes location directly across from the site.

Hearing no further comment from the Commissioners or staff, the hearing was open to the public.

Mr. Larry O'Brien questioned whether students would be able to acquire pornographic materials and Mr. Bourgeois assured the Board that current policies would prohibit that possibility. Mr. Bourgeois also indicated that in three years there had been no problems since individuals were required to become members. Each member was required to provide a driver license and to be over 18 years of age.

Mr. O'Brien indicated that he had no problem with the rezoning request.

Hearing no further comments, the hearing was closed.

Commissioner Loffler advised that the matter would be taken into consideration, the Board giving the matter due consideration. President Loffler subsequently instructed staff to prepare the appropriate rezoning resolution for signature.

2) COMPREHENSIVE PLAN DISCUSSION

Robin Guyther opened the discussion by pointing out that he had taken the liberty of including the request for the appointment of a Task Force to prepare an Economic Development Plan at the end of the Resolution and the Commissioners concurred with his suggestion.

In response to questions from Mr. Jarboe, Robin Guyther advised that Items 1, 2 and 3 on page 54 had been deleted from the Plan; and that Village Centers and Town Center would be the recipients of TDR's.

Mr. Jarboe asked Mr. Guyther whether the Lexington Park Transportation Plan, inclusive of the FDR Boulevard proposal, were contained in the Comprehensive Plan. Mr. Guyther responded that if the Comprehensive Plan was approved the County would move forward with the Lexington Park Transportation Plan, and any changes would have to be made by a Public Hearing. Mr. Guyther further emphasized that this plan covered "general policies" and he urged that it was not a "law".

Discussion ensued regarding the assessment of open space areas vs. developed areas on the same parcel of land. Mr. Guyther explained that open areas would still be assessed as agricultural, and that details would be worked out with the zoning rights. Mr. Guyther further stated that there was some precedence to excluding the main house from zoning rights. If a land owner signs an agreement not to develop his property for five years, other than the house site, the rest would be zoned agricultural.

The Chairman recommended that a be motion made to approve the Comprehensive Plan, as amended. Mr. Bailey so moved, Mr. Thompson seconded, and the motion was unanimously carried.

IMPACT FEES

Present: Robin Guyther, Acting Director, Office of Planning and Zoning

As a result of last week's adoption of a Resolution regarding impact fees, the Commissioners initiated discussion of exemptions. It was agreed by the Board that the area of exemptions would be researched as part of the impact fee study, which will begin in November and be completed by February 1, 1989.

BOARD OF EDUCATION BUDGET ISSUES

Present: Charles H. Wade, Jr., Director of Finance

The Commissioners discussed correspondence dated October 21, 1988 from Acting Superintendent of Schools, William Burroughs, regarding elementary counselors, non-athletic and athletic travel and an additional mathematics at Leonardtown High School. In addition, the October 21 letter set forth certain categorical changes in light of anticipated overexpenditures in certain categories.

Categorical Changes

Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve the categorical changes as set forth in the October 21, 1988 correspondence. Motion carried.

Athletic and Non-Athletic Transportation

Commissioner Bailey moved, seconded by Commissioner Lancaster, to advise the Board of Education to continue with the athletic and non-athletic transportation and report back in January regarding the funding situation, at which time the Commissioners would make a decision whether to curtail the activities. Motion carried.

Elementary School Counselors

Commissioner Bailey moved, seconded by Commissioner Lancaster, to fund \$54,500 in the form of a grant for two elementary school counselors for eight months and for the Director of Finance to determine a source of funds. Motion carried.

ADJOURNMENT

The meeting adjourned at 5:20 p.m.

APPROVED,


Carl M. Loffler, Jr.
President