

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, February 28, 1989

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 Thompson was not present.)

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, February 21, 1989. Motion carried.

APPROVAL OF BILLS

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

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) CAMP BROWN MEETING

The County Administrator advised that March 28 has been tentatively scheduled for a meeting with Camp Brown officials, the County Commissioners, and citizens of the First District. The Commissioners gave their concurrence for that date.

2) PROCUREMENT SEMINAR

The County Administrator advised that St. Mary's Government will be participating with NAS and various vendors for a procurement seminar. A new manual will be issued and the cover requires the Board's signatures. The Commissioners agreed to sign the cover sheet.

3) CORRESPONDENCE TO TRI COUNTY COMMUNITY ACTION
 WAIVER OF IMPACT FEE

In response to a request from the Tri-County Community Action Committee Self-Help Program's request for a waiver of the impact fee, the County Administrator presented correspondence indicating that it is a matter of some consequence and would require further review prior to giving a response. The Commissioners agreed to sign and forward the letter.

4) REQUESTS FOR SHERIFF'S DEPARTMENT TRADE-IN VEHICLES
 ST. MARY'S NURSING CENTER
 RIDGE VOLUNTEER FIRE DEPARTMENT

The County Administrator presented correspondence from the St. Mary's Nursing Center dated February 2, 1989 and from Ridge Volunteer Fire Department each requesting one of the Sheriff's Department trade-in vehicles when available.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve the referenced requests for Sheriff's Department vehicles. Motion carried.

5) APPOINTMENT
RECREATION AND PARKS

Commissioner Bailey moved, seconded by Commissioner Jarboe, to appoint Patti Howard to the Recreation and Parks Board for a term to expire December 31, 1992. Motion carried.

6) APPROVAL OF BY-LAWS
ST. CLEMENTS MUSEUM BOARD

Commissioner Bailey moved, seconded by Commissioner Jarboe to approve the by-laws for the St. Clements Museum Board in that they are in compliance with County Resolution No. 88-03.

OFFICE OF PLANNING AND ZONING

Present: Edward V. Cox, County Administrator
Jon R. Grimm, Director, Planning & Zoning
Peggy Childs, Recording Secretary

SPEC #85-0408 - LINDSAY ESTATES

Requesting a change in Water and Sewer Plan classification of this property from S5D to S3D to allow installation of public sewer by the developers to the property. The development includes 46 attached dwellings on the property identified on Tax Map 43, Block 13, as Parcel 407.

These public hearings were advertised as required by law, on February 8th and 15th, 1989 in The Enterprise newspaper.

Mr. Grimm stated that the Metropolitan Commissioner and Planning Commission have recommended approval. Commissioner Jarboe asked if this site affects Norris Road; however, this property is below the Norris Road project. The Commissioners had no further questions and the President opened the record to public comment. Hearing none, Mr. Loffler closed this portion of the public hearing and asked for a motion.

It was moved by Commissioner Bailey and seconded by Commissioner Jarboe that this water and sewer classification be changed from S5D to S3D as requested. The motion was carried.

SPEC #88-1344 - COLUMBIA COMMONS AT
PATUXENT PARK WEST

Requesting a change in the Water and Sewer Plan classification of this property from W5D to W3D and S5D to S3D to allow installation of public water and sewer by the developers of the property. The development includes 48 townhouses as part of Patuxent Park West PUD which is zoned PDR5 and is shown on Tax Maps 43 and 51, as part of Parcel 377.

As in the previous case, the Metropolitan Commission and the Planning Commission have recommended approval. As there were no questions or public comment, the Chair closed this portion of the hearing and asked for a motion. Commissioner Jarboe seconded to approve this w/s change as requested; motion carried.

SPEC #87-0405 - BAY RIDGE ESTATES

Requesting a change in the Water and Sewer Plan classification from S5D to S3D and dW5D to W3D to allow developer-installed water and sewer systems to serve 320 units. The concept plan has been previously approved. The property is located on the west side of Route 5 just south of 246 and is shown on Tax Map 51, Block 13, as Parcel 431.

Commissioner Jarboe questioned whether the property was actually located on the west side of Route 5, and it was established, for the record, that the property is located on the east side of Route 5; however, the Tax Map, Block, Parcel information is correct.

Motion was made by Commissioner Bailey, seconded by approved as requested; motion carried.

This concluded the scheduled public hearings.

BUILDING CODE TASK FORCE REPORT

Mr. Grimm reminded that, in January, he submitted a memorandum to the County Administrator recommending that an "ad hoc" committee be formed, consisting of Ed Cox, Jon Grimm, Jim Weber, Charles Wade, and Jim Kenney, the Chairman of the Task Force, to review recommendations and status, and to propose a recommendation for proceeding with implementation of the Building Code.

Mr. Grimm presented the Commissioners with his memorandum dated February 23, 1989 setting forth the ad hoc committee's recommendations; i.e.:

- (1) Accept the recommendation of the Task Force to adopt and implement the BOCA Code.
- (2) Ask the Task Force to review and endorse the implementation measures, to wit:
 - (a) Contract out the inspections required under the Code, as electrical inspections are contracted.
 - (b) Services be covered by fees charged for inspections, including a 5% rebate for County administration/processing costs.
 - (c) These fees to be collected at the time of issuance of building permit by the Office of Planning & Zoning.

Mr. Grimm stated that, after this meeting, he could meet with Procurement regarding procedures to contract these services.

Included in this memorandum is a list of inspections which will be required, with the recommendation that these inspections be combined with current inspections. The ad hoc committee asks review by the Task Force and implementation by the County Commissioners so the public hearings could be held in May or June for implementation July 1.

Commissioner Bailey asked how many more inspections this would entail. Mr. Grimm stated that footer inspection could be combined with the current setback inspection by the Zoning Inspectors; there is the insulation and electrical inspection, the plumbing inspection - he said it is felt that a maximum of 5 inspections would be required by combining the inspections as recommended; however this might differ for commercial structures. He said, further their recommendation is to find a firm that is capable of combining these inspections and coordinating with County personnel to avoid duplication.

Commissioner Jarboe moved to proceed in accordance with the recommendations of the ad hoc committee. The motion was seconded by Commissioner Lancaster and carried unanimously.

Commissioner Bailey asked how much more this will cost. Mr. Grimm stated this would depend on the actual structure, but, he thought, on the order of \$150-\$200 per dwelling. Mr. Cox noted that the Chairman of the Task Force, who represents builders and developers in the County, advises that everyone seems enthusiastic and positive about adoption of the Building Code. Mr. Bailey stated that 90-95% of builders in the County build to code or better now - in actuality this will protect them from other builders.

ZONING ORDINANCE UPDATE

Mr. Grimm gave the Commissioners an update on the schedule for the new Zoning Ordinance - he stated the Citizens' Advisory Committee has held one meeting and will meet again on March 15th, and the proposed Zoning Ordinance should come before the Commissioners sometime in April, moving the schedule back about two weeks. Mr. Loffler stating also that the public needs at least two opportunities to comment.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to meet in Executive Session to discuss a matter of personnel. Motion carried. The session was held from 9:50 a.m. to 10:10 a.m.

WET MONTHS PERC TESTING REQUIREMENTS

Present: Dr. William Marek, Deputy Health Officer
Tom Russell, Director, Environmental Health

As requested by the Commissioners at last week's meeting, the referenced individuals appeared before the Commissioners to address the wet months perc testing requirements.

Mr. Russell explained that the State Department of Environment had amended the parameters for perc testing in Southern Maryland by increasing the buffer from the current four inches to six inches because of a three-year drought. In response to an inquiry from Commissioner Loffler, Mr. Russell indicated that the regulations for groundwater penetration were the same for all Southern Maryland counties; however, each has its own testing methodology.

Mr. Russell referred to correspondence forwarded to sewage disposal contractors and copied to the Commissioners which indicated that 800 applications had been received and there would be no additional testing available for 1989. He stated, however, that the Health Department will probably be able to handle between 1300 and 1500 wet months testings. An extra month has been added and testing is being done from February through May.

In conclusion the Commissioners thanked Dr. Marek and Mr. Russell for providing information on perc testing.

DEPARTMENT OF PUBLIC WORKS

Present: Dan Ichniowski, Director

1) SUMMARY OF SNOW REMOVAL COSTS

Mr. Ichniowski presented a summary sheet of snow storm costs totalling \$53,389.50 to date.

2) ARMY CORPS OF ENGINEERS DREDGING PERMIT
DUKEHART'S CREEK

Mr. Ichniowski presented the Corps of Engineers Dredging Permit Application to mechanically dredge and placement of dredged materials at Dukehart's Creek at Colton's Point.

Commissioner Bailey moved, seconded by Commissioner Jarboe, to authorize Commissioner Loffler to sign the permit application to be forwarded to the Army Corps of Engineers. Motion carried.

3) WATERWAY IMPROVEMENT FUND GRANT APPLICATION
ST. GEORGE ISLAND PUBLIC PIER

Mr. Ichniowski presented the referenced application for grant funds for replacement of rotted stringers and side caps to the public pier at St. George Island.

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to authorize Commissioner Loffler to sign the grant application as presented. Motion carried.

4) TIPPING FEE

As a follow up to previous discussion regarding institutional landfill users, Mr. Ichniowski presented a list of these users setting forth annual tonnage, \$18/ton basic cost, \$12/ton additional, and total cost. He proposed forwarded correspondence to the institutional users stating that in that property taxes are not collected from these users the full cost will be assessed.

After discussion the Commissioners gave their concurrence for Mr. Ichniowski to send the letter as proposed.

5) BAY RIDGE MOBILE HOME PARK
DISPOSAL OF MOBILE HOMES

Mr. Ichniowski presented a request from the owner of Bay Ridge Mobile Home Park requesting that the abandoned mobile units be brought to the landfill and crushed, and that the tonnage fee be waived. He requested authorization to respond stating that the County does not have the manpower or equipment to do this, and that it would not be fair to others to waive the fee; however, the County would be willing to work with the owner in finding a solution.

The Commissioners gave their concurrence, and Commissioner Loffler recommended a possible solution could be a supervised mass burning and the debris brought to the landfill.

6) KLINE DRIVE AND MILLER COURT
SPECIAL TAXING DISTRICT

Mr. Ichniowski advised that the costs for Kline Drive and Miller Court Special Taxing District have been finalized and are lower than the estimated costs. The annual assessment will be \$100.48 instead of \$181.21 as estimated. He stated that this information will be forwarded to the Finance Office for verification and placement on the tax bills.

CAPITAL PROJECT REVIEW
BOARD OF EDUCATION

Present: Charles Wade, Director of Finance
James Marsh, Fiscal and Administrative Services, Public Schools
Jerry Himmelheber, Coordinator of School Facilities

The referenced representatives of the St. Mary's Public Schools appeared before the Commissioners to review and discuss the Board of Education Capital Projects.

After discussion the Commissioners requested that the items be prioritized, after which formal commitments will be made by the Board.

CHRISTMAS HOUSE VOLUNTEERS
COMMENDATIONS

The Commissioners presented Commendations to the following individuals for their participation in the Recreation and Parks Christmas House: William Taylor, Eleanor Moore, George Coppage, Sherri Buss, Stan Cwyner, Joseph Cabreita, and David Layman.

CAPITAL PROJECT REVIEW

Present: Charles Wade, Director of Finance
Dan Ichniowski, Director Public Works
John Baggett, Director, Recreation and Parks

The Commissioners met with the Director of Public Works and the Director of Recreation and Parks to review the County's Capital Projects.

Later in the meeting Mr. Wade presented recommendations with regard to the Capital Projects, which were reviewed by the Commissioners. The recommended items will be brought back to the Board during the budget cycle.

With regard to overall budget review, the Commissioners agreed to meet on March 16 and 23 from 9:00 a.m. to 12:00 Noon.

ANNUAL REPORTS

Community Services Coordination Committee

Present: Phebe Barth, Community Services Coordinator
Frank Sullivan, Director, Alcohol Program
Gerry McGoin, Director, Freedom Landing

The referenced representatives of the Community Services Coordination Committee appeared before the Commissioners to present the Annual Report for 1988. The Committee provides a forum for human service providers in the County. Mr. Sullivan enumerated the various areas of involvement of CSCC and reviewed the planned activities for 1989.

In closing Mr. Sullivan indicated that the by-laws have been amended and will be forwarded to the Board of Commissioners for approval.

A copy of the report is on file in the Commissioners' Office.

Library Board of Trustees

Present: Lynne Redmond, Chairperson
Mary Ann Chasen, Member

The referenced representatives of the Library Board of Trustees appeared before the Commissioners to present the 1988 Annual Report of the Board. Ms. Redmond explained the purpose, significant activities of the past year, problems and challenges encountered, and plans for the current year.

During discussion, Ms. Redmond referred to the by-laws and indicated that the Board is working on developing by-laws acceptable to the Library Board and County Commissioners.

Mental Health Alcoholism, Drug Abuse Advisory Council

Present: Kathy O'Brien, Chairman
Pat Hawkins
Sally Raley
Bob Guest
Mike Otterbacher
Suzanne Lawrence
Mary Clements
Frank Sullivan
Joe Dick
Phebe Barth

The referenced representatives of the Mental Health Alcoholism, Drug Abuse Advisory Council appeared before the Commissioners to present the Annual Report. Ms. O'Brien reviewed the activities of MHADAAC of the past year, description of its programs. In conclusion the Committee reviewed the recommendations and urged the Commissioners to give consideration to funding the counselor positions for the Board of Education and to address the mental health space needs.

In closing Mr. Dick informed the Commissioners of the Drug Abuse Symposium to be held March 22, 7:00 p.m. at the Leonardtown High.

IMPACT FEES

Present: Charles Wade, Director of Finance

As a follow up to previous discussion, the Commissioners discussed the setting the dollar amount of the impact fee to take to public hearing.

During discussion the Commissioners raised the following questions to be addressed by consultants:

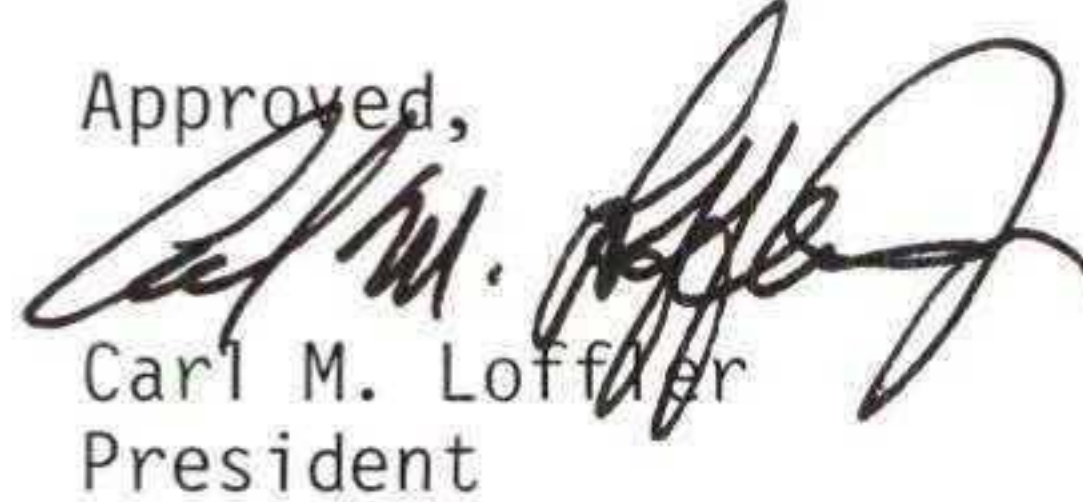
1. Does the law give the County authority to make the impact fee retroactive for previously recorded lots?
2. What is the basis for using 1.24 children per household on Page II.3 in arriving at the number of children causing new school construction? If of 900 new units each has 1.24 pupils, we would have 1116 new students a year. Obviously that is not accurate.
3. What is the justification for the \$510 figure per household for roads on Page VIII.4 in light of the fact that developers are required to pay for most roads?
4. What is the rationale for stating that schools, community college, and library could be combined in one fee?
5. What is the source and explanation of the method used in calculating the average tax bill on Page I.3?

After discussion Commissioner Bailey moved, seconded by Commissioner Jarboe, to postpone a decision on the setting of the fee for two weeks in order to get answers to the referenced questions. Three Commissioners voted in favor with Commissioner Loffler abstaining. Motion carried.

ADJOURNMENT

The meeting adjourned at 6:20 p.m.

Approved,



Carl M. Loffler
President