

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, March 7, 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 11:00 a.m.
The meeting was delayed due to inclement weather.

APPROVAL OF MINUTES

Commissioner Lancaster moved, seconded by Commissioner Bailey, to approve the minutes of the Commissioners' meeting of Tuesday, February 28, 1989. Motion carried.

EVENING SESSION OF COUNTY COMMISSIONERS

Commissioner Lancaster moved, seconded by Commissioner Bailey, to eliminate the evening portion of the Commissioners' meeting. Motion carried.

APPROVAL OF BILLS

Commissioner Thompson 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) BOARD OF EDUCATION/COUNTY COMMISSIONER MEETING AGENDA

Relative to the referenced meeting with the two Boards scheduled for March 14, the County Administrator presented proposed agenda items as follows:

- Clarification of FY 1989 Salary Adjustment for Classified and Administrators
- Preliminary decisions on FY 1990 Capital Improvement Program
- Discussion of priorities and related funding requirements

2) ST. MARY'S TECHNICAL CENTER HOUSING PROJECT

The County Administrator advised that the Building Trades Foundation, Inc. has requested a waiver of the building permit fee for the purpose of constructing a home by the students of the Technical Center in Little Holly Subdivision II. In that the request is in compliance with Resolution No. 75-53, Commissioner Jarboe moved, seconded by Commissioner Thompson, to approve the request. Motion carried.

3) JOB TRAINING PARTNERSHIP ACT
SERVICE DELIVERY AREA

The County Administrator presented correspondence dated February 28, 1989 from Governor Schaefer indicating that unless there is an objection, St. Mary's County will continue to be a part of the Southern Maryland Service Delivery Area for the Job Training Partnership Act Program.

Commissioner Lancaster moved, seconded by Commissioner Jarboe, that the County remain a Service Delivery Area as designated. Motion carried.

4) BUDGET AMENDMENTS

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

No. 89-43
Board of Education

Justification : To defer funds from Margaret Brent kitchen air conditioning to initiate architectural and engineering work at Great Mills High School.

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

No. 89-44
Recreation and Parks

Justification: To provide funding for office equipment for Department of Recreation and Parks

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

5) BOARD OF EDUCATION
RELOCATABLE CLASSROOMS

The County Administrator presented correspondence from the Superintendent of Schools formally requesting to transfer the \$900,000 for relocatable classrooms from the Board of Education FY 1990 Capital Budget to the FY 1989 Capital Budget in order for them to be available for the fall opening of school.

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to approve the transfer, which will require a public hearing. Motion carried. The Director of Finance will proceed to make arrangements for the hearing.

6) LEONARDTOWN LIONS CLUB
ANNUAL CRAB FEAST

The County Administrator advised that the Leonardtown Lions Club has requested permission for use of the Governmental Center property to hold the Annual Crab Feast on June 11, 1989. He stated that the Director of Recreation and Parks recommends approval of the use of the grounds and offered assistance to the Lions Club in this endeavor.

Commissioner Thompson moved, seconded by Commissioner Jarboe, to grant permission to the Lions Club as requested. Motion carried.

7) DEPARTMENT OF SOCIAL SERVICES
LEGAL SERVICES

The County Administrator presented correspondence from the Department of Social Services indicating that legal services needed for the Department of Social Services from the County have increased. The County Attorney currently provides time for the Department on Fridays, which is not now sufficient because of volume and complexity of law.

Mr. Cox recommended, with the County Attorney's concurrence, to forward correspondence to the Department of Social Services suggesting that the State participate in the legal costs in that it is a state agency.

Commissioner Jarboe moved, seconded by Commissioner Thompson, to approve the concept as presented by the County Administrator, and that the correspondence be brought back before the Board for review. Motion carried.

8) COMMUNITY SERVICES COORDINATION COMMITTEE
TERM LIMITATIONS

The County Administrator advised that the Community Services Coordination Committee is composed of agency representatives, particularly agency directors, and is requesting a waiver of the term limitation restriction in the by-laws.

After discussion Commissioner Lancaster moved, seconded by Commissioner Thompson, to exempt those individuals on Boards, Committees and Commissions who are agency representatives, from the term limitation requirement. Motion carried.

9) MARCEY HALF-WAY HOUSE GRANT APPLICATION

The County Administrator advised that the Marcey Half-Way House will be opening soon and an operating agreement will be brought before the Board for approval. In order to fund the operation, a grant application has been prepared for the Commissioners' approval. Mr. Cox indicated that he is in the process of reviewing the figures contained in the grant application and requested the Board's approval of the grant application subject to amendments that may be necessary. He stated that the grant is in the amount of \$82,00 which includes client collection fees.

After discussion Commissioner Thompson moved, seconded by Commissioner Jarboe, to authorize Commissioner Loffler to sign the Grant Application, subject to amendments, if any, which will be brought back before the Board. Motion carried.

10) APPOINTMENTS
BOARDS, COMMITTEES AND COMMISSIONS

Commissioner Thompson moved, seconded by Commissioner Lancaster, and motion carried, to make the following appointments:

<u>Livability Code Board of Appeals</u>	<u>Term to Expire</u>
Edward Fitzgerald	December 31, 1991
Daniel H. Raley	December 31, 1992
James C. Raley	December 31, 1992
<u>Mental Health, Alcoholism, Drug Abuse Advisory Council</u>	
Melvin G. Reed	June 30, 1993

PROPOSED AMENDMENT TO COUNTY PROCUREMENT MANUAL
LIMITATION FOR OFFICE SUPPLIES

Present: James P. Haley, Procurement Officer

Mr. Haley appeared before the Commissioners to request an amendment to the Procurement Manual through a Resolution to decrease the \$200 limitation for office supplies to \$20 and to require mandatory use by all departments of the Office Supply Solicitation/Contract when awarded.

The Commissioners deferred a decision until next week's meeting.

DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT
SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT

Present: Joseph Mitchell, Director, DECD
Dennis Nicholson, Deputy Director

The referenced individuals appeared before the Commissioners to present a Letter of Intent for a Small Cities Community Development Block Grant for an Affordable Housing Strategy Development Program. Mr. Mitchell indicated that this grant would provide funds to develop a program to deal with the problem of displaced persons due to the livability code enforcement.

The grant application is in the amount of \$10,000 with \$10,000 to come from the County.

After discussion Commissioner Thompson moved, seconded by Commissioner Lancaster, to authorize Commissioner Loffler to sign the Letter of Intent for the Affordable Housing Strategy Development Program, and that Mr. Mitchell work with the Director of Finance to determine source of funds. Motion carried.

ECONOMIC IMPACT FEES

Present: Edward Donahue, Peat Marwick (consultant)

Bruce Jennings, Cox, Long, and Colvin
Charles Wade, Director of Finance

As a follow up to last week's discussion on impact fees, representatives of Peat Marwick appeared before the Commissioners to address issues raised.

The County Administrator advised that Piper and Marbury in response to a question raised, responded that St. Mary's County is authorized to impose economic impact fees in accordance with Section 10D-1 of Article 25 of the Annotated Code of Maryland.

In response to the questions raised at February 28 Commissioners' meeting, Mr. Donahue responded as follows:

- #1. Does the law give the County authority to make the fee retroactive for previously recorded lots.

(Will be addressed by Piper & Marbury) Mr. Donahue pointed out that it is not the recording of lots, but the approval of subdivision of lots when the fee would be imposed.

- #2. What is the basis for using 1.24 children per household:

The figure is a state planning figure from the Board of Education and is based on a ten-year period.

- #3. What is the justification for the \$510 figure for roads?

Developers pay for roads within a development and upgrading and expansion of county roads serving a subdivision is the County's responsibility.

- #4. What is the rationale for stating that schools, community college, and library could be combined in one fee?

Each are educational resources

- #5. What is the source and explanation of the method used in calculating the average tax bill?

Revenues were divided by number of households according to the Planning Office. The households include apartments, trailers, townhouses.

In addition Peat Marwick presented responses to issues raised by the public, a copy of which is on file in the Commissioners' Office.

Later in the meeting Commissioner Loffler indicated that the Commissioners need to set a proposed fee to take to public hearing and stated that he would entertain a motion to set the fee as currently imposed in the Resolution adopted in October 1988, \$3,000.

Commissioner Thompson moved to establish the proposed fee at \$3,000 to take to the public hearing; hearing no second, Commissioner Loffler stepped down as Chairman and seconded the motion. (Commissioner Lancaster presided over this portion of the meeting.) Two Commissioners voted in favor of the motion with Commissioners Bailey, Jarboe, and Lancaster voting against, stating they were awaiting additional information prior to making a decision. Motion defeated two to three.

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to extend the time for enforcement of the \$2500 portion of the fee for schools from April 1 to May 1 or if a new Resolution is adopted prior to May 1, whichever comes first. Four Commissioners voted in favor with Commissioner Loffler abstaining. Motion carried.

DEPARTMENT OF PUBLIC WORKS

Present: Dan Ichniowski, Director

- 1) SPACE NEEDS STUDY
CIRCUIT ROOM ROOM

Mr. Ichniowski presented a handout setting forth alternatives to the short-range problem for the need for a second Circuit Courtroom and related facilities. He explained the costs and impact and recommended Alternative #2, which is the remodeling of District Court at a cost of \$30,000. The second Court Judge is scheduled to begin in September, and Mr. Ichniowski stated that the vacated Sheriff's Department area could be used as Judge's offices and chambers, and the Juvenile Court could be used for administrative hearings. The renovated District Court would be available by February 1990.

The Commissioners directed Mr. Ichniowski to obtain a formal recommendation from Judge Briscoe regarding the second Circuit Courtroom.

- 2) WASTE-TO-ENERGY STUDY

Mr. Ichniowski requested the Board's consideration to advance \$7,500 to provide funding for Phase II of a study to further develop information for a waste-to-energy facility. The cost of the study is \$69,500, and a grant in the amount of \$55,000 has been received from Maryland Environmental Service. Each of the three Southern Maryland counties is being requested to provide \$7,500. An additional grant is being requested from MES, and if grant, the counties will be reimbursed. The project is scheduled to begin in March and to be completed in September.

After discussion the Commissioners requested Mr. Ichniowski to work with the Director of Finance in determining a source of funds and return to the Board next week for a decision.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator
Jon Grimm, Director, Office of Planning and Zoning

Commissioner Thompson moved, seconded by Commissioner Lancaster, to meet in Executive Session in order to discuss a matter of Personnel. Motion carried. The Session was held from 12:55 p.m. to 1:20 p.m.

ANNUAL REPORTS

Metropolitan Commission

Present: Larry Petty, Director
Gerard Lowe
L. G. Raley

The referenced individuals appeared before the Commissioners to present the Annual Report for the Metropolitan Commission. Mr. Petty explained the operating guidelines for the Metropolitan Commission as contained in Section 11.3 of the County Code; significant accomplishments, future problems and challenges, and plans for current year.

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

Nursing Center Board

Present: Dan Capper, Chairman
Jay Hanks
George Smith, Director
John Smallwood, Assistant Administrator

The referenced individuals appeared before the Commissioners to present the Annual Report for the Nursing Center Board, which addressed the purpose, significant activities, problems and challenges encountered or expected, and plans for the current year. Contained in the report were graphics depicting staff departures for 1988 and operational financial projections.

During discussion Mr. Smith explained the plans for the Alzheimer's Unit at the Center, which will utilize one of the floors for these patients.

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

Planning Commission

Present: Joseph Gough, Chairman
Jon Grimm, Director, Office of Planning and Zoning

The referenced individuals appeared before the Commissioners to present the Planning Commission's Annual Report. Mr. Gough stated that the Planning Commission is established by the County Commissioners in accordance with Article 66B of the Annotated Code of Maryland, which mandates certain activities of the Commission. Activities of the Planning Commission for 1988 included: three rezoning cases, 64 site plans, 94 subdivision reviews, and six water/sewer plan amendments. Plans for the current year include implementation of the update of the Comprehensive Plan and a continuation of service to the citizens to the best of the Commission's ability on a timely basis. Problems encountered by the Commission included the unusual amount of staff turnover and the primary challenge is to manage the increased workload in the current year.

During discussion Mr. Gough suggested that while the Commissioners are reviewing the issue of fees that a county agency, perhaps Department of Public Works, do a report regarding regulations which lead to unnecessary increased costs. He stated that there may be certain construction requirements that may be unnecessary, which cause increased fees, which in turn cause a significant effect on housing costs.

The Annual Report will be submitted in writing to the Board and placed on file in the Commissioners' Office.

Plumbing Board

Present: Lawrence "Deedy" Garner, Chairman
Joe Mike Wieland, Plumbing Inspector

The referenced individuals appeared before the Commissioners to present the Annual Report for the St. Mary's Plumbing Board. Mr. Garner reviewed the purposes of the Plumbing Board, past year's activities, plans for 1989. During discussion of problems encountered, Mr. Garner stated that the Plumbing Code provides for criminal charges, and the Plumbing Board recommends that it be changed to civil charges as is done in other Ordinance enforcements. Mr. Garner advised that a letter will be forwarded to the Commissioners setting forth this recommendation and addressing the need for assistance with plumbing inspections.

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

Recreation and Parks Board

Present: Ellen Capper, Chairman
Cuthbert I. Fenwick
John Baggett, Director

The referenced individuals appeared before the Commissioners to present the Annual Report of the Recreation and Parks Board. Ms. Capper reviewed the purpose, significant activities, problems and challenges, and plans for current year. Included in the report was a list of recreation programs with attendance. Also included was an attendance record of the Recreation and Parks Board, and Mrs. Capper indicated that there have been some quorum problems.

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

Council on Children and Youth

Present: Wayne Guy, Chairman
Valerie von Allmen
Phebe Barth, Director, Office of Community Services

The referenced individuals appeared before the Commissioners to present the Annual Report for the Council on Children and Youth. Mr. Guy reviewed the purpose, significant activities for 1988, problems and challenges encountered or expected, and plans for the current year. Ms. von Allmen reported on the programs and activities of the State Advisory Committee (SAC) and the SAC Council of Councils for 1988.

A copy of the reports are on file in the Commissioners' Office.

EXECUTIVE SESSION

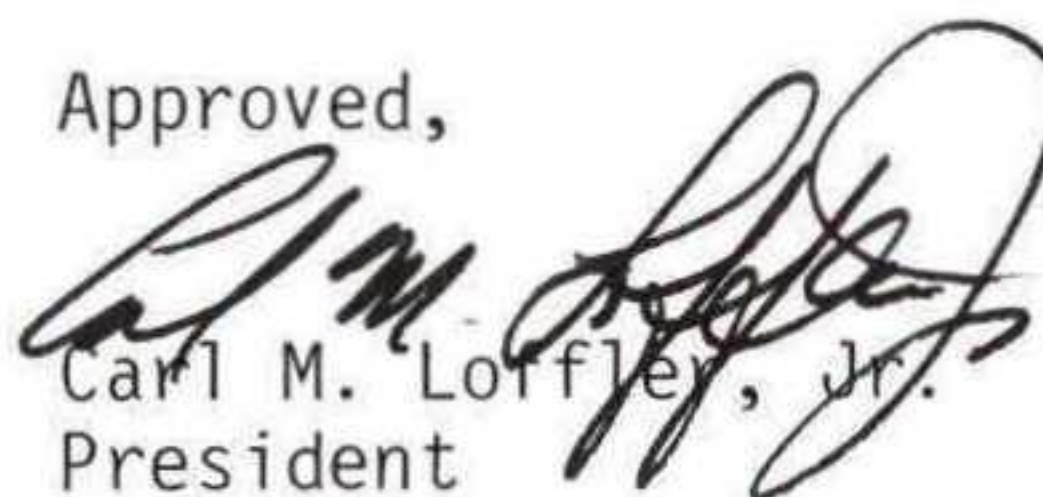
Present: Edward V. Cox, County Administrator
Charles Wade, Director of Finance

Commissioner Bailey moved, seconded by Commissioner Thompson, to meet in Executive Session to discuss matters of personnel. Motion carried. The Session was held from 5:25 p.m. to 6:00 p.m.

ADJOURNMENT

The meeting adjourned at 6:00 p.m.

Approved,


Carl M. Loeffler, Jr.
President