

BOARD OF COUNTY COMMISSIONERS' MEETINGTuesday, May 9, 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 9:05 a.m.

APPROVAL OF MINUTES

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to approve the minutes of the Commissioners' meeting of Tuesday, May 2, 1989 and the Office of Planning and Zoning portion of the April 18, 1989 meeting. Motion carried.

APPROVAL OF BILLS

Commissioner Bailey 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) APPOINTMENTS  
BOARDS, COMMITTEES AND COMMISSION

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

| <u>Coastal Resource Advisory Committee</u> | <u>Term to Expire</u> |
|--|-----------------------|
| Vivian Marsh                               | 1/31/91               |
| <u>Regional Tourism Committee</u>          |                       |
| Cindy Woodburn                             | no term               |

2) MD. RT. 5 AND CHINGVILLE INTERSECTION

The County Administrator presented correspondence addressed to the State Highway Administration requesting signage or other remedial action at the referenced intersection because of the number of accidents at that location.

The Commissioners agreed to sign and forward the letter.

3) LENGTH OF SERVICE AWARDS  
FIRE DEPARTMENTS/RESCUE SQUADS

The County Administrator advised that the Commissioners had instituted a Length of Service Awards Program a number of years ago. Each year the Commissioners must certify the service records, which must be posted at each fire and rescue squad department. Therefore, Mr. Cox presented the Certifications for this year.

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to the Certifications as presented. Motion carried.

4) LIBRARY BOARD OF TRUSTEES  
SUPPLEMENTAL FUNDING REQUEST

With regard to the Library Board's request of April 18, the County Administrator presented a memorandum dated May 1, 1989 from the Director of Finance making recommendations regarding financial issues from that meeting follows:

- ° The \$5,579 operating expense for telephone can be accommodated within existing Library funds.
- ° The Library should adopt the County's health insurance policy for part-time employees. The \$10,360 over-expenditure can be accommodated within the Library budget.
- ° For the Capital Expenditures the \$3,747.09 should be applied to telephone installation and the \$5,290.65 should be held until all invoices are paid, and any remainder be applied to the purchase of books.

Commissioner Jarboe moved, seconded by Commissioner Bailey, to accept Director of Finance Wade's recommendations. Motion carried.

5) COOPERATIVE REIMBURSEMENT PROGRAM  
STATE'S ATTORNEY'S OFFICE

The County Administrator presented the cooperative Reimbursement Program Agreement between the Department of Human Resources and St. Mary's County Commissioners through the St. Mary's County State's Attorney for child support services in the amount of \$87,668.

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

6) SURPLUS PROPERTY - HOLLYWOOD SHORES

The County Administrator presented a memorandum dated May 4, 1989 the Procurement Officer advising that the County had obtained Lot 12 in Hollywood Shores through a tax sale. There are two adjoining property owners. Mr. Cox stated that if a piece of property is of particular interest to the adjoining property owners, the normal disposition process would not have to be followed. It is recommended that the property be offered for sale to the two adjoining property owners and dispose of it accordingly.

During discussion Commissioner Thompson indicated that he would be willing to auction the property at no cost to the County.

After discussion Commissioner Bailey moved, seconded by Commissioner Jarboe, to authorize Mr. Haley to proceed with the disposal of the property that it be offered for sale at a public auction. Motion carried.

7) RESOLUTION NO. 89-10  
AIDS - A WORKPLACE GUIDE

Commissioner Bailey moved, seconded by Commissioner Jarboe, to approve and sign Resolution No. 89-10 which adopts a policy statement to be used as a guide for county government workers and offered as a model to others. Motion carried.

8) SOUTHERN MARYLAND DRUG SYMPOSIUM

The County Administrator advised that on May 23 there will be a drug symposium with the Governor on a Southern Maryland initiative on a program against drug abuse. It is recommended that Dr. Marek, Deputy Health Officer be designated as the Coordinator for this event.

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to appoint Dr. Marek as recommended. Motion carried.

9) BUDGET AMENDMENT NO. 89-61  
SOCIAL SERVICES

The County Administrator presented the referenced budget amendment recommended for approval by the Director of Finance with the following justification: To provide funds for burial assistance.

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

10) ST. MARY'S HANGAR ASSOCIATION  
AGREEMENT WITH MARYLAND BANK AND TRUST

The County Administrator advised that the St. Mary's Hangar Association is indebted to Maryland Bank and Trust for the construction of T Hangars at the St. Mary's County Airport; therefore, Mr. Cox presented an Agreement among St. Mary's County Commissioners, St. Mary's County Airport, St. Mary's Hangar Association, and Maryland Bank and Trust naming Maryland Bank and Trust as Surety.

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

11) OPERATING AGREEMENT  
MARCEY HOUSE

The County Administrator presented an Operation Agreement between Board of Directors of Marcey House and the Board of County Commissioners of St. Mary's County which designated the Marcey House Board of Directors as the day-to-day operator of the county government-owned facility. The Marcey House Board has approved the Agreement and it is now ready for the Commissioners' approval.

Commissioner Thompson moved, seconded by Commissioner Jarboe, to approve and sign the Operation Agreement as presented. Motion carried.

12) SCHOOL-AGE CHILD CARE INCENTIVE GRANT REQUEST  
OFFICE OF COMMUNITY SERVICES

The County Administrator presented the referenced Grant Application made available through the Federal Dependent Care Development Grant Program administered by the Department of Human Resources and the Maryland State Department of Education. Each jurisdiction is eligible to apply for and receive a \$2,000 grant to support local interagency efforts in addressing school-age child care. The grant is being applied for through the Office of Community Services and will be used to establish an interagency committee to develop plans for before-and-after-school child care centers.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve and sign the letter of support to the State Office for Children and Youth and to sign the grant application as submitted. Motion carried.

OFFICE OF PLANNING AND ZONING  
PUBLIC HEARINGS  
SPEC #89-0191 - FOXVIEW ESTATES

Present: Jon R. Grimm, Director  
Anita M. Meridith, Recording Secretary

Mr. Grimm read the Notice of Public Hearing aloud, as advertised in The Enterprise Newspaper, a publication of general county-wide circulation, in the April 19 and April 26, 1989, issues, providing legal notification of the following:

SPEC # 89-0191: FOXVIEW ESTATES

Requesting change in the Water and Sewer Plan classification of this property from S-6 to S-3 to allow installation of public sewer by the developers to the property. The development includes 16 lots on property identified on Tax Map 39, Block 18, as Part of Parcel 127, containing 49.57 acres.

Mr. Grimm advised that the applicant was seeking a change in the Water and Sewer Plan from S-6 to S-3 to allow installation of a public sewer by the developer to the property. The development includes 16 proposed lots. Mr. Grimm noted that the request had been reviewed by the St. Mary's County Planning Commission and had received their favorable recommendation for approval. Referencing the staff report of May 9, 1989, staff pointed out that the St. Mary's County Metropolitan Commission had issued several comments, i.e. MetCom standard requirements would apply if approved and additional recommendation to change the classification, as requested, noting limited capacity at the St. Clements Shores Treatment Plant. MetCom emphasized that allocations were not guaranteed if a change was approved in this instance, but that allocations were awarded on a first come, first serve basis. In summation, Mr. Grimm advised that both the Planning staff and the Planning Commission had recommended approval of the requested change.

At this point Mr. Donald Ocker of Norris, Ocker and Gass Engineering, Inc. came forward and provided further particulars. He explained that the issue before the Board this date was not the allocation but rather to acquire a change to the Comprehensive Plan which would allow the applicant to move forward. He urged that the State of Maryland would not review the design plan unless it contained the proper category. Once the proper category was approved, the applicant could then move forward with the design plans. Again, he emphasized that his client had indicated his wish to acquire the change and that the issue of allocations would be handled posthaste.

Discussion ensued relative to the allocation policy for the remaining EDU's and history of the treatment plant in relation to this request and other properties in the St. Clement Shores area.

Commissioner Thompson noted that the advertisement of this public hearing contained an apparent typographical error, in that it wrongly noted the Block as 19, when in fact, it should have correctly read Block 18. The Board asked that the Assistant County Attorney be asked to render an opinion on the apparent typographic error, asking whether same would constitute flaw in the record to warrant readvertisement and public hearing.

The Chair asked whether anyone present wished to speak either in favor or opposed. Hearing no response, the Chair advised that the record would remain open for ten days to allow additional written comment and that a decision by the Board would be forthcoming.

Hearing closed.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator  
Charles Wade, Director of Finance  
George Foster, Personnel Officer

Commissioner Bailey 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 10:15 a.m. to 10:35 a.m.

RESOLUTION NO. 89-11

SEDIMENT CONTROL AND GRADING PLAN REVIEW FEES

Present: Al Stuart, Soil Conservation District  
Bruce Young, "

As a follow up to last week's discussion, Commissioner Jarboe moved, seconded by Commissioner Lancaster, to approve referenced Resolution No. 89-11 setting forth a fee system for the review of grading and sediment control plans by the St. Mary's County Soil Conservation District. Motion carried.

CLASSIFICATION REVIEW AND SALARY COMPARABILITY STUDY

Present: Edward V. Cox, County Administrator  
Charles Wade, Director of Finance  
George Foster, Personnel Officer

Relative to previous discussions regarding the Classification Review and Salary Comparability Study, the referenced individuals appeared before the Commissioners to present two options for the 35.5 county workers:

Option #1 - To move to Herget Scale at 40 hours/week

Option #2 - To move to forty hours:

- ° Hourly Rate Frozen and grandfathered until hourly rate equals Herget hourly rate and then move to Herget Scale.
- ° All vacant and new positions would go with Herget Study
- ° Additional Cost to County - \$46,000

After discussion Commissioner Bailey moved, seconded by Commissioner Lancaster to accept Option #2 as presented. Motion carried.

ECONOMIC IMPACT FEE

Commissioner Bailey moved, seconded by Commissioner Jarboe, that as an alternative to an impact fee to establish a transfer tax on all real property and further that a letter be forwarded to the legislative delegation requesting an open meeting during which the contents of enabling legislation for a transfer tax would be discussed. Three Commissioners voted in favor of the motion with Commissioners Loffler and Thompson voting against the motion. Motion carried three to two.

Commissioner Jarboe issued a prepared statement setting forth his position with regard to impact fees and indicating his support for the Alternative Plan submitted by Commissioner Bailey.

With regard to the motion, Commissioner Bailey presented a handout setting forth an Alternative to Impact Fees.

During discussion of the motion, Commissioner Lancaster presented a statement in support of Commissioner Bailey's motion and offering an amendment regarding the letter to the legislators (which has been incorporated into the above motion).

Also during discussion Commissioner Loffler stated that there was no need for him to make comments on the motion, but that he was opposed to this type of legislation and that this was an entirely new proposal which has not been reviewed by the full Board or presented to the public for discussion. He further stated that he believed that the impact fee was a solution.

MEMORIAL CEREMONY  
ELIZABETH HOLDEN

The County Commissioners and County Administrator conducted a memorial ceremony on behalf of Elizabeth Holden, an employee of the Office of Planning and Zoning who was killed in an automobile accident in January.

PROCLAMATIONS

The Commissioners presented the following Proclamations:

Fair Housing Month

Present: Nancy Hutson  
Richard Portee  
Serita McFarling

Designating April as Fair Housing Month

Older American's Month - Nursing Center

Present: John Smallhorn

Designating May as Older American Month at the Nursing Center

Senior Citizens Month

Present: Irene Wood  
Office on Aging staff  
Senior Citizens from Office on Aging

Designating May as Senior Citizens Month.


ADJOURNMENT

The meeting adjourned at 11:50 a.m.

EIGHTH DISTRICT TOUR

At this time the Commissioners left for a tour of the Eighth District.

APPROVED,

  
Carl M. Loffler, Jr.  
President