

BOARD OF COUNTY COMMISSIONERS' MEETINGTuesday, May 23, 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

(Commissioners Bailey and Jarboe were not present at beginning of meeting.)

The meeting was called to order at 8:40 a.m.

APPROVAL OF MINUTES

Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve the minutes of the Commissioners' meeting of Tuesday, May 16, 1989. Motion carried.

APPROVAL OF BILLS

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

FLAG DAY CEREMONIES

Present: James Weber, Flag Day Coordinator

Mr. Weber appeared before the Commissioners to discuss the plans for the 1989 Flag Day ceremonies scheduled for June 12.

EXECUTIVE SESSION

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

Commissioner Lancaster moved, seconded by Commissioner Thompson, to meet in Executive Session to discuss two matters of litigation. Motion carried. The Session was held from 8:50 a.m.

(Commissioner Jarboe entered the meeting at 8:55 a.m. and Commissioner Jarboe entered the meeting at 9:05 a.m.)

INTRODUCTION - OFFICE OF COMMUNITY SERVICES DIRECTOR

Present: Cynthia Brown

The County Administrator introduced Cynthia Brown to the Commissioners as the newly appointed Director of the Office of Community Services and advised that she will begin on June 12.

OFFICE ON AGING
AREA AGENCY PLAN

Present: Gene Carter, Director, Office on Aging
Melody Mason, Office on Aging
Bernice Smith, "
Jennie Page, "

The referenced individuals appeared before the Commissioners to present the Office on Aging Area Plan for Fiscal Year 1990. Mr. Carter explained the Plan including the format, grants, building area plan budgets, program budget, and state supplemental programs. The summary included a list of priorities for Fiscal Year 1990 which include: construction of combined senior center-adult day care in Lexington Park, implementation of senior life enrichment program legal assistance program, and senior health insurance counseling program.

After discussion Mr. Carter requested the Board's approval to authorize Commissioner Loffler to sign the area agency grant application for FY 1990.

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

IMPACT FEES - TRANSFER TAX

Commissioner Loffler recommended the following with regard to the proposal presented on May 9 regarding the transfer tax:

- ° That the Economic Development Commission be requested to review and comment on the proposal.

Commissioner Jarboe suggested that if the Commission was going to review the transfer tax proposal, it should also review the impact fee proposal.

- ° That the County Administrator obtain expert legal opinion as to the legal limit of indebtedness for St. Mary's County;
- ° That the rating agencies present an opinion as to the amount of indebtedness that the County can incur without affecting bond rating.
- ° That the effect of balloon payments on principal for indebtedness be reviewed by the Finance Department.
- ° That the Commissioners revisit the Impact Fee issue in order to reflect on what the issue had been when it was initially addressed, which he indicated was because of the state formula changes for school construction and because of the adequate facilities requirement in the Comprehensive Plan.
- ° That the Office of Planning and Zoning report on the adequate facilities requirement. Mr. Loffler indicated that prior to approval of new subdivisions the county should have a financial management program or facilities in place. He stated a moratorium may be required if the public facilities requirement of the Comprehensive Plan is not met.
- ° That the consultants for the impact fee study return to the Board to address questions by the Commissioners. It was the consensus of the Board that they did not want to pay for the consultants to come before the Board, but would invite them to attend a future meeting. Commissioner Loffler requested the County Administrator to advise if there is a charge and the amount.

Commissioner Bailey reiterated his support for the transfer tax proposal stating that he felt it was a fair way to raise additional revenues. He stated that the impact fee was only for capital projects and there would be need for funds for equipment and teachers, which the transfer tax would provide. Commissioner Jarboe concurred in Commissioner Bailey's position.

Commissioner Lancaster indicated that the six-year capital budget for schools is approximately \$40,000,000. Approximately \$19,000,000 of that will come from the State leaving a balance of \$21,000,000 to be paid by the County. Impact fees are limited as to what they can do. The impact fee could legally fund only \$13,000,000 of that \$21,000,000 with the balance required from other sources.

During discussion Commissioner Jarboe raised the question whether Resolution No. 88-24 which provided for an interim policy on impact fees needed to be repealed. The County Administrator responded that the County Attorney should prepare a housecleaning resolution to reinstate the \$300 (Recreation and Parks fee); \$200 (road impact fee); and to remove the \$2500 (Board of Education Capital Program fee). Commissioner Loffler requested a legal opinion with regard to repealing the Resolution.

Commissioner Lancaster moved, seconded by Commissioner Jarboe, that for clarification to direct the County Attorney to prepare a Resolution repealing Resolution No. 88-24 and reinstating the \$300 (Recreation and Parks) and \$200 (roads) fees. Motion carried.

In conclusion the Commissioners agreed to sign and forward correspondence to the legislative delegation requesting a meeting to discuss the enactment of a county transfer tax.

ST. MARY'S NURSING CENTER

Present: George Smith, Director
John Smallwood, Fiscal Officer
Dan Capper, Chairman, Nursing Home Board
Joe Slater, Nursing Home Board
Mona L. Potter, Director of Nursing
Al Snyder, Ernst and Whinney
John Flowers, "
Judy Fox, "

The referenced representatives of Ernst and Whinney appeared before the Commissioners to present its report entitled Review of Operations of the St. Mary's Nursing Center. Messrs. Snyder and Flowers summarized the report and presented several recommendations.

The Nursing Center Board representatives submitted a written response to the report and pointed out several details explaining the background of the Center and its financial difficulties. The County commissioners thanked the representatives of Ernst and Whinney and of the Nursing Center Board and stated that a meeting of the two Boards will be scheduled in the near future to more fully discuss a future course of action to continue the improvement of the financial condition of the Center.

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

PUBLIC HEARINGS OFFICE OF PLANNING & ZONING

Present: Jon R. Grimm, Director
Vivian C. Marsh, Deputy Director
Anita Meridith, Recording Secretary

Legal Notice appeared in the Enterprise Newspaper on May 3 and May 10, as follows:

NOTICE OF PUBLIC HEARING - The St. Mary's Board of Commissioners will hold a PUBLIC HEARING at 11:00 a.m. on May 23, 1989 in the Commissioners' Conference Room of the St. Mary's County Governmental Center, Leonardtown, Maryland, to readopt the existing St. Mary's County Comprehensive Water and Sewer Plan with the required financial management plan for operation and maintenance of existing systems as a specific amendment. For further information, please contact Mr. Vivian Marsh at 475-4432 in the Office of Planning & Zoning.

Mr. Vivian Marsh, Deputy Director, Department of Planning and Zoning, called the Board's attention to the briefing package prepared and distributed to each of the Commissioner members. He explained that the local jurisdictions within the State of Maryland were required by public law to adopt and keep current a Comprehensive Water and Sewerage Plan for the County and to provide for the adequate and proper growth of the County in concert with their Comprehensive Plan (per Article 33 of the Annotated Code of Maryland). The last adoption of this plan occurred in 1986. Realizing that a new plan or re-adoption is to occur biennially and based on the fact that the County's new Comprehensive Land Use Plan was only recently adopted (October 25, 1988) the County did not meet the last deadline. Thus, Mr. Marsh urged that it was the recommendation of the Planning staff that the existing plan be re-adopted with several minor changes, with the understanding and concurrence by the Board of Commissioners that a full update of the Water and Sewer Plan would occur in 1990, following adoption and implementation of the Comprehensive Plan, Zoning Ordinance, and zoning maps.

Mr. Marsh outlined the changes to the Water and Sewer Plan as follows:

Report of the Review - Brief summary and status of County's ongoing Comprehensive Plan/Rezoning process; and

Financial Management Plans - Outlines the financial management aspects of the existing water and sewer systems (incomes, expenses, financial breakdown of operational costs, etc.)

Mr. Marsh noted that on May 8, 1989, the Planning Commission unanimously voted to send a positive recommendation to the Board of County Commissioners to re-adopt the existing plan, with those minor amendments, as outlined.

The Chair opened the hearing to public comment. Hearing none, the Chair entertained a motion.

Commissioner Bailey moved, seconded by Commissioner Jarboe, and unanimously passed, to instruct the County Attorney to prepare the appropriate resolution in this matter, approving the plan as presented, understanding that the County would move forward with full revision to the plan, after adoption of all phases of the Comprehensive Planning process.

DECISION/DISCUSSION

SPEC # 89-0190: FOXVIEW ESTATES (W/S Plan)

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. Marsh briefed the Board on the public hearing/presentation made on May 9, 1989 with regard to this requested change to the Water and Sewer Plan for the subject parcel (TM 39, B18, P/P 127). In familiarizing the Board, staff reiterated that both the staff and Planning Commission had recommended approval of the requested change.

Present during this subsequent discussion, Mr. Donnie Ocker of the Engineering firm of Norris, Ocker and Gass, acknowledged that an approval of this change in classification would not guarantee them any rights (allocation), but would allow them to move forward in their quest to obtain those EDU's.

Commissioner Bailey moved, seconded by Commissioner Thompson and unanimously passed, to instruct the County Attorney to prepare the appropriate resolution, granting change in the Water and Sewer Plan classification of this property from S-6 to S-3, to allow the applicant the opportunity to install

FISCAL YEAR 1990 BUDGET

Present: Charles Wade, Director of Finance

1) RECLASSIFICATIONS

Mr. Wade presented a memorandum dated May 23, 1989 from the Personnel Officer listing the staff-recommended grades based on a review of positions submitted by department heads during the FY '90 budget preparation and as a result of the Herget Classification Review and Salary Comparability Study.

Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve the position grades and reclassifications as presented. Motion carried.

2) RESOLUTION NO. 89-14
FIRE TAX

Commissioner Bailey moved, seconded by commissioner Lancaster, to approve and sign Resolution No. 89-14 setting the Fire Tax Rate for Election Districts No. 1, 4, 5, 6, 7, 8. Motion carried.

3) RESOLUTION NO. 89-15
1989-1990 OPERATING AND CAPITAL BUDGETS, FIRE AND RESCUE
CAPITAL REVOLVING FUND, SPECIAL ASSESSMENTS FUND,
RECREATION AND PARKS ENTERPRISE FUND, AND THE COUNTY'S
PROPERTY TAX RATE

Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve and sign Resolution No. 89-15 as set forth above which sets the tax rate of \$2.33. Commissioners Bailey and Jarboe voted against the motion. Motion carried three to two.

4) SIGNING OF THE FISCAL YEAR 1990 BUDGET

Commissioners Loffler, Thompson and Lancaster signed the Fiscal Year 1990 Budget as presented. Commissioners Bailey and Jarboe declined to sign.

PROCLAMATION
ST. MARY'S COUNTY DAY AT THE BALLPARK

Present: Pete O'Brien

The Commissioners presented the Proclamation designating June 18, 1989 as St. Mary's County Day at the Ballpark to see the Orioles play the Athletics and urging citizens to join in the activities on June 4 at the Wildewood Shopping Center.

GOVERNOR'S HIGHWAY SAFETY AWARDS

Present: Sgt. James Raley
Lt. Phil Cooper

Sgt. Raley and Lt. Cooper presented the Governor's Highway Safety Competition Third Place Award to St. Mary's County for innovative and effective results in promoting among the driving public greater awareness of safety belt benefits and dangers of alcohol and drug abuse. Also presented to the Board was a Certificate of Commendation for the safety belt awareness program.

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) ADDENDA TO PUBLIC WORKS AGREEMENTS

On behalf of the Director of Public Works, the County Administrator presented the following Addenda to Public Works Agreements:

Laurel Ridge, Section 2

By and between Swarey Builders, Inc. and St. Mary's County extending the deadline for completion of roads to December 1, 1989. The Addendum is backed by a Letter of Credit with Maryland Bank and Trust in the amount of \$122,000.

Maiden's Fancy (Minor)

By and between Regina A. Hewitt and St. Mary's County extending the deadline for completion of roads to October 1, 1989. The Addendum is backed by a Letter of Credit with First National Bank of St. Mary's in the amount of \$29,100.

Stoney Run, Section III

By and between Wayne A. Wise and St. Mary's County extending the deadline for completion of roads to June 30, 1989. The Addendum is backed by a Letter of Credit with First National Bank of St. Mary's in the amount of \$64,000.

Commissioner Bailey moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Loffler to sign the referenced Addenda to Public Works Agreement.

2) BUDGET AMENDMENTS

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

No. 89-65
Recreation and Parks

Justification: Reimbursement of training to be paid by FY '90.

No. 89-66
Animal Control

Justification: To provide funds necessary to cover animal kill reimbursement request and to provide funds until end of year.

No. 89-67
Recreation and Parks

Justification: For payment of bills for office supplies and building maintenance.

Commissioner Bailey moved, seconded by Commissioner Thompson, to approve the referenced budget amendments as submitted. Motion carried.

3) 1990 DECENNIAL CENSUS LOCAL REVIEW LIAISON

The County Administrator advised that the Bureau of Census is requesting a county liaison to coordinate the Decennial Census Local Review Program for St. Mary's County and recommended Jon Grimm, Director of Planning and Zoning.

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

4) IMMACULATE CONCEPTION PARISH
USE OF RAILROAD RIGHT-OF-WAY

The County Administrator presented correspondence addressed to Mr. F. Elliott Burch, Sr., representative of Immaculate Conception Parish, advising that the County will permit the continued use by the church of the former railroad right-of-way property subject to the signing of the Agreement with Southern Maryland Electric and the Board of County Commissioners.

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

5) S.M.I.L.E. ADULT DAY CARE
CHILD CARE FOOD PROGRAM

The County Administrator presented an Addendum to the Child Care Food Program Agreement of March 1, 1989 for the S.M.I.L.E. Adult Day Care Program can participation.

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

6) COASTAL ZONE MANAGEMENT GRANT

The County Administrator presented the Coastal Zone Management Grant for the continuation of the County's program in the amount of \$10,000 to provide funding for review of development proposals affecting coastal resources. In addition the Department of Planning and Zoning is requesting an additional \$8,000 for implementation of a computer systems analysis to complete the County's computer mapping project.

Commissioner Thompson moved, seconded by Commissioner Jarboe, to approve the Coastal Zone Management Grant as presented. Motion carried.

7) HOMELESS SERVICE PROGRAM
DEPARTMENT OF SOCIAL SERVICES

The County Administrator presented the Homeless Services Program grant application in the amount of \$138,275 for 1989 - 1990, which has been prepared by the Department of Social Services for submission to the Department of Human Resources.

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

8) CAPITALIZATION PROGRAM

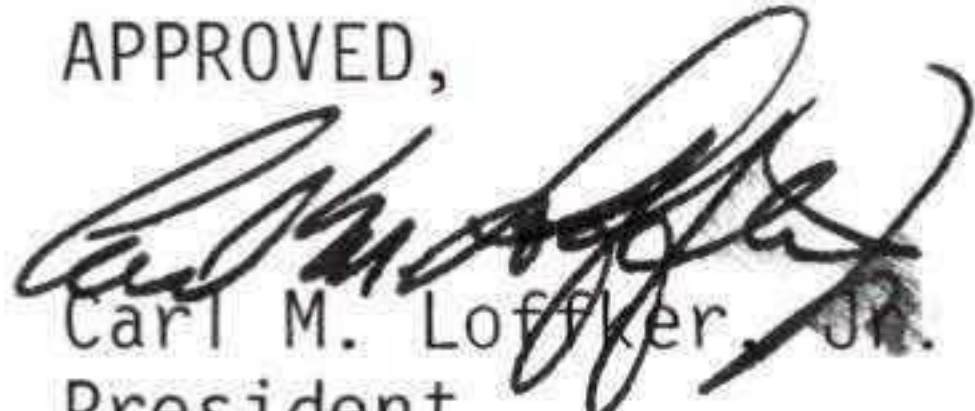
The County Administrator presented correspondence addressed to Maryland Association of Counties advising that St. Mary's County will not be immediately participating in the Local Government Insurance Trust's excess liability and environmental coverage. The County will do further study of the county's potential liability exposure, past incident record, etc. before deciding to participate in the program.

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

ADJOURNMENT

The meeting adjourned at 12:05 p.m. in order for the Commissioners to attend the Governor's Conference on Drug Abuse at the Solomon's Holiday Inn.

APPROVED,


Carl M. Loffler, Jr.
President