

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, May 30, 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 Jarboe moved, seconded by Commissioner Thompson, to approve the minutes of the Commissioners' meeting of Tuesday, May 23, 1989. 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) FELIX JOHNSON PROPERTY

The County Administrator presented correspondence addressed to Donohoe Development Company regarding the termination of the Agreement of Sale of December 13, 1988 for the Felix Johnson property and refunding the \$50,000 deposit.

Commissioner Bailey moved, seconded by Commissioner Thompson, to sign the correspondence as presented. Motion carried.

EXECUTIVE SESSION

Commissioner Bailey moved, seconded by Commissioner Lancaster, to meet in Executive Session in order to discuss a matter of personnel (appointments of Boards, Committees and Commissions). Motion carried. The Session was held from 9:15 a.m. to 9:35 a.m.

AIRPORT COMMISSION
REQUEST FOR LAND

Present: George Haliscak, Chairman, Airport Commission
Joseph Mitchell, Director, Economic & Community Development
Dan Ichniowski, Director, Department of Public Works

On behalf of the Airport Commission, Mr. Haliscak appeared before the Commissioners to request that county-owned lots 4 and 5 of land located adjacent to the industrial park and the airport be held in reserve for future use by the airport. He stated that in looking at long-range plans for the airport, there is need to reserve undeveloped property for a proposed terminal area which would separate light aircraft from larger winged aircraft and would provide for additional growth at the airport. Mr. Mitchell advised that he was in agreement with this proposal in that it is consistent with the county's plans for the area. Mr. Ichniowski suggested that this property and other property acquired for airport-related use be zoned Air-Industrial.

During discussion Commissioner Loffler expressed concern with bringing increased traffic through the industrial park and the fact that there will be increased traffic at a non-lighted intersection.

After discussion Commissioner Lancaster moved, seconded by Commissioner Thompson to reserve Lots 4 and 5 as requested by the Airport Commission. Motion carried.

CHANCELLOR'S RUN VILLAGE

Present: Joseph Densford, Assistant County Attorney
Joanne Andrews, Chancellors Run Village Representative

Mr. Densford presented a Release of Agreement as to Parcel B of Chancellors Run Village Apartments which contains approximately three acres of land. He stated that according to the Office of Planning and Zoning the developer has paid all due impact fees, and prior to the bank providing construction financing, for the project, it is requesting the release of the three acres which would take the lien off of the property in which the fees have been paid.

Prior to taking action on the Release, the Commissioners requested Mr. Densford to return with the Directors of Planning and Zoning and Public Works to review the plats of the subject property.

DEPARTMENT OF PUBLIC WORKS

Present: Dan Ichniowski, Director

1) USER FEES

Mr. Ichniowski advised that a problem has been encountered with the recently adopted User Fee Schedule in the inspections of subdivisions and distributed a handout listing the concerns and alternatives. He stated that the fee is based upon a per unit fee rather than on road footage or construction cost estimates. Mr. Ichniowski advised that he will be working with Cos, Long and Colvin to develop an alternative proposal and a draft Resolution which will be brought to the Board for review and consideration in approximately two weeks.

2) PUBLIC WORKS AGREEMENTS

Mr. Ichniowski presented the following Public Works Agreements for the Board's approval:

Lexington Park Burch Mart

Dated May 17, 1989 by and between Burch Oil company and St. Mary's County guaranteeing completion of Valley Drive by April 1, 1990. The Agreement is backed by a Letter of Credit with Maryland National Bank in the amount of \$20,000.

Wildewood Subdivision (Hickory Nut)

Dated May 8, 1989 by and between Paragon Builders, Inc. and St. Mary's County guaranteeing completion of Poplarwood Drive (Sta. 6+19.84 to Sta. 14+82.90) by May 1, 1990. The Agreement is backed by a Letter of Credit with The First National Bank of St. Mary's in the amount of \$103,700.

Wildewood Subdivision

Dated May 12, 1989 by and between Paragon Builders, Inc. and St. Mary's County guaranteeing completion of White Oak Parkway (Sta. 9+50 to Sta. 21+54.96) by May 1, 1990. The Agreement is backed by a Letter of Credit with The First National Bank of St. Mary's in the amount of \$47,300.

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

3) ADDENDUMS TO PUBLIC WORKS AGREEMENTS

Mr. Ichniowski presented the following Addendums to Public Works Agreements:

Indian River Subdivision, Section V

By and between Ken Cross Construction, Inc. and St. Mary's County extending the completion of roads to November 25, 1989. The Addendum is backed by an amended Letter of Credit with Signet Bank/Maryland in the amount of \$35,000.

Wildewood Subdivision (Hickory Nut)

By and between Paragon Builders, Inc. and St. Mary's County extending the deadline for completion of Poplar Wood Drive (Sta. 0.00 to Sta. 6+19.84) to September 1, 1989.

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

3) CALLING LETTERS OF CREDIT

Mr. Ichniowski presented the following correspondence calling letters of credit:

Greenview PUD
Grading Permit #87-42

Letter to First National Bank calling Letter of Credit #A1-7-28-1987 in the amount of \$24,500.

Greenview PUD Stormwater Management
Grading Permit #87-41

Letter to First National Bank calling Letter of Credit #A2-7-28-1987 in the amount of \$30,000.

Beauvue Estates Subdivision
Grading Permit #88-06

Letter to First National Bank of St. Mary's calling Letter of Credit #A-1-12-17-1988 in the amount of \$17,000.

The Greens at Hilton
Grading Agreement

Letter to First National Bank of St. Mary's calling Letter of Credit #A1-11-20-1987.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to authorize Commissioner Loffler to sign the referenced correspondence calling Letters of Credit. Motion carried.

4) COURTHOUSE SPACE NEEDS

Mr. Ichniowski presented a handout with regard to the short, intermediate, and long-range plan recommendations of the consultant, FSI, relative to the courthouse space needs:

Mr. Ichniowski recommended that the Board accept the recommendations for the short-range plan (remodel Sheriff's Office for new judge) - \$25,000 and the intermediate-range plan (convert District Court for the second Circuit Court) - \$60,000.

After discussion Commissioner Bailey moved, seconded by Commissioner Thompson to direct the Department of Public Works to proceed with the short and intermediate-range plans for the courthouse. Motion carried.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator

Commissioner Thompson moved, seconded by Commissioner Bailey, to continue in Executive Session on a matter of personnel and to discuss a matter of property acquisition with the Director of Economic & Community Development. Motion carried. The Session was held from 11:10 a.m. to 11:50 a.m.

PRO CLAMATION
SAFE BOATING WEEK

The Commissioners presented the referenced Proclamation designating the week of June 4-10 as National Safe Boating Week.

PROCLAMATION
50TH ANNIVERSARY OF THE U. S. COAST GUARD AUXILIARY

The Commissioners presented the referenced Proclamation recognizing the founding of the U. S. Coast Guard Auxiliary on June 23, 1939.

PROCLAMATION
SMOKE-FREE CLASS OF 2000

The Commissioners presented the referenced Proclamation recognizing the Smoke-Free Class of the Year 2000.

COMMUNITY DEVELOPMENT BLOCK GRANT

Present: Joseph Mitchell, Director, Economic & Community Development
Nancy Hutson

The referenced individuals presented an application for a Small Cities Development Block Grant for the Affordable Housing Strategy Development project at a total project cost of \$30,000. By resolution adopted on March 7, 1989 the Commissioners approved and signed a Letter of Intent to apply for the the CDBG program funds.

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

PUBLIC HEARINGS

SAMUEL BURCH, JR.

Presented: Jon R. Grimm, Director
Vivian C. Marsh, Deputy Director
Anita M. Meridith, Office Supervisor III.

ZONE # 88-2003: SAMUEL BURCH, JR.

Requesting rezoning of this property from AR, Agricultural-Residential to C-2, Commercial. The property contains 36.6 acres and is located along the south side of Golden Beach Road, adjacent to the rear of Charlotte Hall Center. The property is shown on Tax Map 1, Block 22, as Part of Parcel 42.

Mr. Marsh reflected that the Commissioners had received testimony on May 16, 1989 on this subject application in concert with the Planning Commission and staff recommendations. He suggested that there were two important aspects of this proposal which should be duly considered, i.e. water supply for the project should be from the Magothy Aquifer (deep well); and the applicant must consent to observe the proposed circulation pattern of the new Comprehensive Plan through site design during site plan review process.

Lengthy discussion among the Board ensued as to the ingress/egress to this site and the potential impact upon existing and future traffic patterns. Mr. Marsh urged that included in the new Comprehensive Land Use Plan for this area, which was contained within the Charlotte Hall Town Center, a parallel road is proposed, which in fact, runs through this property.

The previously submitted Exhibit (No. A) was displayed and the Board familiarized themselves with the concept plan proposed by the contract purchaser/developer, Benjamine H. Burroughs, Jr.

Following lengthy discussion, the Board concurred that the applicant should be required to access the lower aquifer, i.e. Magothy, as recommended by the St. Mary's Metropolitan Commission, Planning Commission and staff and that the applicant be limited to two accesses onto the Golden Beach Road; preferably, the Board would suggest that the applicant relocate one existing entrance and add one new access. Mr. Marsh concurred that it was indeed the staff's concern to limit congestion on the Golden Beach Road, yet allow for the best possible commercial design and use of this property, which would all ultimately be addressed at such point that a commercial site plan for the property was submitted, understanding that specific road patterns/design would be very closely scrutinized by all TEC agencies during that review process.

Commissioner Thompson moved, seconded by Commissioner Lancaster, and unanimously passed, to instruct the Assistant County Attorney to draft the appropriate resolution, granting the C-2 rezoning request, contingent on the developer supplying water for the project through a joint use well system, accessing the Magothy Aquifer and factored on the two points addressed and outlined in the staff's memorandum from Vivian Marsh to the Board, dated May 19, 1989, as follows:

1. That the owner/developer dedicate the right-of-way and construct to County standards that portion of the proposed Collector Road affected by this rezoning in accordance with staff recommendation to abide by Comprehensive Plan circulation patterns.
2. That subdivision layout and/or site plan approval be conditional to provide lot access through an interior road system connected to the proposed Collector Road, rather than allowing lots which front on Golden Beach Road to have direct access to Golden Beach Road.

ZONE # 88-1857: RUNCO BUILDING

Requesting rezoning of this .96 acre site from R-2, Residential, to C-1, Commercial. Located along the southwest side of Maryland Route 235, just north of Chancellor's Run Road, this site is in the proposed Development District of Lexington Park. Shown on Tax Map 42, Block 6, Parcel 157.

As explained in the previous briefing, this rezoning case was also presented, evidence received and testimony heard on May 16, 1989. Staff had no additional comments at this time.

Chairman Loffler felt that this request fit the other contiguous and adjacent commercial uses in this vicinity on the west side of Route 235 (C-1, Commercial uses).

Commissioner Bailey motioned, seconded by Commissioner Lancaster, and unanimously passed, to instruct the Assistant County Attorney to draft the appropriate resolution, granting C-1 Commercial zoning, as requested.

2) HISTORIC PRESERVATION GRANT APPLICANT

Mr. Grimm presented the referenced grant application for a survey of historic resources for the St. Mary's County Master Plan for Historic Preservation. The Grant, which is for the project period October 1, 1989 - September 30, 1991, requires a local match of \$5,000 (cash) and \$2,500 (in-kind).

After discussion Commissioner Jarboe moved, seconded by Commissioner Bailey to approve and authorize Commissioner Loffler to sign the grant application as presented. Motion carried.

BOARD OF EDUCATION FUNDING - FISCAL YEAR 1989

Present: Charles Wade, Director of Finance

1) SUPPLEMENTAL BUDGET REQUEST
BUDGET AMENDMENT NO. 89-68

Mr. Wade presented correspondence for Commissioner Loffler's signature approving the Board of Education's request for supplemental funding in the amount of \$154,000 to cover expenses for the remainder of FY '89. In addition Mr. Wade presented Budget Amendment No. 89-68 to provide the necessary funding.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to authorize Commissioner Loffler to sign the correspondence and related Budget Amendment No. 89-68 as presented. Motion carried.

2) REVENUE CHANGES - FISCAL YEAR 1989

Mr. Wade presented correspondence for Commissioner Loffler's signature approving changes in revenues for FY '89 for the Board of Education.

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

3) APPROVAL OF CHANGES IN NON-LOCAL FUNDS

Mr. Wade presented correspondence for Commissioner Loffler's signature approving the changes in non-local funds for the Board of Education.

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

APPOINTMENT OF AUDITOR

Present: Charles Wade, Director of Finance

Mr. Wade requested the Board's approval to appoint the firm of Cox, Long, and Colvin as auditors for the County for Fiscal year 1989. He stated that the firm was selected last year for a two-year contract.

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to reaffirm the selection of Cox, Long and Colvin as auditors for the County as requested by the Director of Finance.

APPROVAL OF BOND COUNSEL AND FINANCIAL ADVISOR

Mr. Wade requested the Board's approval for the selection of the firm of Piper & Marbury as bond counsel for the County and the firm of Alex Brown & Sons as the County's financial advisor.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator
John Baggett, Director, Recreation and Parks

Commissioner Bailey moved, seconded by Commissioner Thompson, to meet in Executive Session in order to discuss a matter of Personnel. Motion carried. The Session was held from 2:05 p.m. to 2:50 p.m.

IMPACT FEES

Present: Joseph Densford, Assistant County Attorney

As a follow up to last week's discussion, the County Administrator stated that upon the advice of Assistant County Attorney Densford, a Resolution has been prepared clarifying and rescinding Resolution No. 88-24 and Resolution 89-06. The new Resolution requires payment of a \$500 impact fee for each residential dwelling unit prior to issuance of a building permit.

Commissioner Loffler suggested that prior to the Resolution being sign, the consultants should be given an opportunity to address questions that have been raised concerning the impact fee.

The County Administrator agreed to defer a decision on the Resolution until next week in order to ensure that all legal issues have been addressed.

ADJOURNMENT

The meeting adjourned at 3:15 p.m.

APPROVED


Carl M. Loffler, Jr.
President