

BOARD OF COUNTY COMMISSIONERS' MEETINGTuesday, June 27, 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 9:10 a.m.

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Thompson, to approve the minutes of the Commissioners' meeting of Tuesday, June 20, 1989 as corrected. Motion carried.

APPROVAL OF BILLS

Commissioner Lancaster 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) BOARDS, COMMITTEES, AND COMMISSIONS

The County Administrator presented the current status sheet for Boards, Committees and Commissions and indicated that under Section 4.07(b) the local legislative body may designate a temporary alternate for the Zoning Board of Appeals. He stated that in the past the Commissioners had appointed a temporary alternate because of the illness of one of the members; however, because there is no need at this time, he recommended that the temporary alternate position be left vacant.

Commissioner Bailey moved, seconded by Commissioner Jarboe, to accept this recommendation. Motion carried.

2) RESOLUTION NO. 89-17
911 SYSTEM ENHANCEMENT

The Commissioners having conducted a public hearing on June 6, 1989, the County Administrator presented referenced Resolution increasing the 911 Service Fee from .20¢ to .40¢ per telephone subscriber, effective July 1, 1989.

Commissioner Thompson moved, seconded by Commissioner Jarboe, to approve and sign Resolution No. 89-17 as presented. Motion carried.

3) LIBRARY BOARD OF TRUSTEES
PART TIME EMPLOYEES - FRINGE BENEFITS PACKAGE

As a follow up to last week's decision by the Board, the County Administrator presented correspondence addressed to the Library Board of Trustees requesting the Library Board to change the fringe benefits package for part-time employees from 90%-10% to 55%-45%.

The Commissioners agreed to sign and forward the letter as presented.

4) WALDEN/SIERRA, INC.
AMENDMENT TO CONTRACT AGREEMENT

The County Administrator presented correspondence dated June 16, 1989 from the Department of Human Resources amending the contract agreement for Walden/Sierra for Federal Year 1989, which increases federal VOCA funds to increase capability to serve clients.

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

5) BOARDS, COMMITTEES, AND COMMISSIONS
APPOINTMENTS

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

<u>Plumbing Board</u>	<u>Term to Expire</u>
Kevin Cusic	June 30, 1989
<u>St. Mary's Community Development Corp.</u>	
Cynthia A. Brown	June 30, 1990/92

6) INFORMATION RELEASE
SCHOOL-COMMUNITY CENTERS PROGRAM

The County Administrator distributed an Information Release regarding the referenced program which had been reviewed by a team from the Maryland Department of Education. The Program is administered by the Department of Recreation and parks and received high praise from the reviewing team.

7) BUDGET AMENDMENTS

The County Administrator presented the following Budget Amendments recommended for approval by the Director of Finance:

No. 89-78
Finance

Justification: To transfer budgeted funds from the automobile insurance account to cover vehicle repairs collected and controlled in the self-insurance account.

No. 89-79
Finance

Justification: To provide additional funds for amplifier costs above funds transferred by Budget Amendment No. 89-72.

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

8) NOTIFICATION OF GRANT AWARD
OFFICE ON AGING PROGRAMS

The County Administrator presented correspondence dated June 23, 1989 enclosing 1990 Notification of Grant Awards for the following state grants:

ST9012-13 - Senior Nutrition	- \$56,564
ST9013-38 - Senior Center	- 9,334
ST9013-88 - Guardianship	- 6,105
ST9013-113- Senior Information & Assistance	- 22,194
ST9013-188- Senior Health Insurance Counseling	- 3,000

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

POLICY COUNCIL ON SUBSTANCE ABUSE

The County Administrator presented correspondence addressed to selected individuals inviting them to attend a Policy Council of the St. Mary's County Alliance for Alcohol and Drug Abuse Prevention on July 18 at 2:00 p.m. - Leonardtown Middle School.

The Commissioners agreed to sign and forward the letter as presented.

OFFICE ON AGING
SECTION 18 TRANSPORTATION PROGRAM

Present: Gene Carter, Director, Office on Aging
Jennie Page

Mr. Carter appeared before the Commissioners to request the Board's signature on correspondence addressed to the Public Service Commission regarding the Section 18 Transportation Program. He stated that because of low ridership and high cost of operation, the Office of Aging was recommending terminating two bus routes operated under Section 18 of the Urban Mass Transit Act and replace it with a new service between Leonardtown and Lexington Park, effective July 3. He stated that proper procedures were followed and a public hearing was held with no public in attendance; however, one letter was received requesting that the service not be terminated. A 16-signature petition was received, which was forwarded to the Public Service Commission as required, and based on that petition the Public Service Commission will consider not terminating that service.

Mr. Carter felt that extremely poor ridership and high cost of operating were more than adequate reasons to no longer offer that service and replace it with a service which would be more widely used by the community.

Therefore, Mr. Carter requested the Commissioners to sign the correspondence addressed to each member of the Public Service Commission requesting approval of the discontinuance of the two routes and replacement by an alternate service.

Later in the meeting after certain amendments to the letters were made, the Commissioners agreed to sign and forward the correspondence as requested.

TRANSFER TAX

Present: Senator James Simpson
Delegate J. Ernest Bell, II
Delegate John F. Slade, III
Delegate John Wood, Jr.
Charles H. Wade, Director of Finance

At the request of the Commissioners the legislative delegation appeared before the Commissioners to discuss submission of a legislative proposal for a transfer tax. Mr. Wade began the discussion by distributing handouts depicting trends for general revenue, capital projects, assessable base, and other revenues as well as information regarding mobile classrooms, operating costs of schools, and county/state funding for schools. In addition Mr. Wade distributed a handout setting forth per capita expenditure comparisons with Charles and Calvert Counties.

During discussion the following points were made:

- ° Delegate Bell pointed out that a transfer tax would not be a "cure-all", and there would probably need to be both a transfer tax and an impact fee. He stated that the County and the State will need to address budgetary shortfalls.
- ° Delegate Wood expressed concern whether transfer tax funds would be available for needed school construction or if it would be used for other things. Delegate Bell indicated that this should be a policy statement by the Commissioners and not specified in the legislation.
- ° Delegate Slade indicated that the building industry would probably lobby against a transfer tax.
- ° Delegate Wood stated that he was agreeable with a transfer tax; however, the County has authority to implement an impact fee, and he requested that the County place a cap on impact fees either on existing legislation or new legislation.
- ° Senator Simpson expressed concern with the various fees imposed on the public and also expressed concern with the future financial condition of the County. He suggested that the County look into the possibility of adopting spending affordability.
- ° The legislators urged the Commissioners to contact the Congressional Delegation for increased federal impact aid for students.
- ° Delegate Bell recommended that the Commissioners may want to appoint a task force to develop an ordinance for implementing the transfer tax upon passage of legislation. Delegate Bell provided copies of ordinances from other jurisdictions to aid in this effort.
- ° Commissioner Loffler expressed concern regarding the adequate facilities requirement in the Zoning Ordinance and that there needs to be a funding source for these facilities.

In conclusion the Commissioners thanked the legislators and stated that the transfer tax would be an item in the County's 1990 Legislative Package.

WHALER'S CREEK RUNN SUBDIVISION
PUBLIC HEARING

Present: Vivian Marsh, Deputy Director
Peggy Childs, Recording Secretary
Barbara Midkiff, Secretary

PSUB #89-0335 - WHALER'S CREEK RUNN

Requesting water and sewer category change from W-5 to W-3D and also requesting sewer category change from S-5 to S-3D. The property is located along the north side of Hermanville Road, halfway between MD Route 5 and MD Route 235, and is shown on Tax Map 52, Block 13, as Parcel 77.

Mr. Marsh advised that this public hearing was advertised, as required by law, in The Enterprise on June 7 and June 14, 1989.

Mr. Marsh stated that the Planning Commission granted concept approval on 3/13/89. The Metropolitan Commission recommends approval, and approval is also recommended by the Planning Commission and the Planning staff.

Mr. Donald Ocker, of Norris, Gass & Ocker, appeared for the applicant. Mr. Ocker stated that the property consists of 283.4 acres on Hermanville Road, with Lexington Park located to the north. The property is currently zoned R-2. The Planning Commission granted concept approval for 486 detached housing units in phases, as a cluster plan. Mr. Ocker also stated that they have submitted to MetComm a preliminary water and sewer plan which posed one problem: a pumping station is planned to serve the entire area. Mr. Ocker stated that the applicant would give them an area on his land or they could pick another site. They have processed a preliminary cluster plan for the first phase, 110 lots, and they are asking for w/s approval to go forward and develop the property.

Commissioner Loffler asked if the change in the water and sewer category would increase the density. Mr. Ocker stated it would give them the density for R-2, as right now it has the zoning density of R-1. While the zoning is for R-2, they would be providing the public facilities that would create that density.

Commissioner Loffler asked if the Planning Commission had looked at the impact on roads. Mr. Ocker stated this plan was processed through the TEC before going to the Planning Commission and DPW has requested a bypass lane at the 235 intersection of Hermanville Road.

Mr. Marsh stated that the Planning Commission has not reviewed the proposal in detail. Mr. Ocker said the site plan will come before them in July.

Commissioner Loffler asked if this would come back before the County Commissioners. Mr. Marsh replied that it would not, and that once they have approved the water and sewer change, they have basically signed off. However, Mr. Ocker noted they are not doing anything that conflicts with the Comprehensive Plan.

Mr. Marsh stated that there was correspondence from the School Board stating that there would be about 137-140 students generated from this development. Mr. Ocker advised that the Land Planning & Design Group is doing a cost benefit study at this time and that it will be submitted to Planning & Zoning when completed.

Commissioner Loffler opened the hearing to public comment. Hearing none, the public comment portion of the hearing was closed.

Commissioner Bailey questioned if this hearing was only on the water and sewer amendment to allow the increased density. Mr. Ocker objected that it would not increase the overall density, that the 486 units is allowed in the R-2 zoning category, and if the perc tested this land by 10,000 square foot sections and provided a central water system it would be the same density.

This concluded the public hearing. Commissioner Loffler advised the record would be kept open for 10 days.

The hearing was closed at 11:16 a.m.

DEPARTMENT OF PUBLIC WORKS

Present: Dan Ichniowski, Director

1) PUBLIC WORKS AGREEMENT
CHESTNUT RIDGE SUBDIVISION

Mr. Ichniowski presented a Public Works Agreement by and between Delmarva Properties, Inc. and St. Mary's County guaranteeing the completion of Beauvue Road in Chestnut Ridge Subdivision, Section 1A, Third Election District, by May 15, 1990.

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

2) CALLING LETTERS OF CREDIT

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

Wildewood Subdivision
Public Works Agreement

To Maryland Bank and Trust Company calling Letter of Credit in the amount of \$10,000 for Aspen Lane (Sta. 5+13 to "T"); Alder Lane (Sta. 0+00 to "T")

Wildewood Subdivision
Public Works Agreement

To Maryland Bank and Trust Company calling Letter of Credit in the amount of \$7,000 for Wildewood Parkway (Sta. 77+51.25 to 87+00); Aspen Lane (Sta. 0+00 to 5+13)

Stuart Fitrell
Entrance Permit #88-0974

To Maryland Bank and Trust Company calling Letter of Credit in the amount of \$1,500.

Mr. Ichniowski stated that he would work with each of the principals in the referenced matters. Therefore, Mr. Ichniowski requested authorization for Commissioner Loffler to sign the letters, and stated they would be forwarded if necessary.

Commissioner Thompson moved, seconded by Commissioner Jarboe, to authorize Commissioner Loffler to sign the letters as requested. Motion carried.

3) TALL TIMBERS SHORE EROSION CONTROL DISTRICT #1

For the Commissioners' information, Mr. Ichniowski advised that there will be a public meeting this evening on the proposed construction of a stone revetment for the rehabilitation and maintenance of the shore erosion control structure at Tall Timbers No. 1 Shore Erosion Control District. He presented a handout that will be distributed at the meeting setting forth the methods of assessment and costs.

LEGISLATIVE PACKAGE SOLICITATION LETTER

The County Administrator distributed the 1990 Legislative Package schedule and correspondence addressed to county departments, agencies, etc. soliciting legislative items for the 1990 Legislative Package.

The Commissioners agreed to the schedule and to forward the letter as presented. Motion carried.

EXECUTIVE SESSION

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

Commissioner Bailey moved, seconded by Commissioner Lancaster, to meet in Executive Session in order to discuss a matter of litigation. Motion carried. The Session was held from 11:45 to 12:10 p.m.

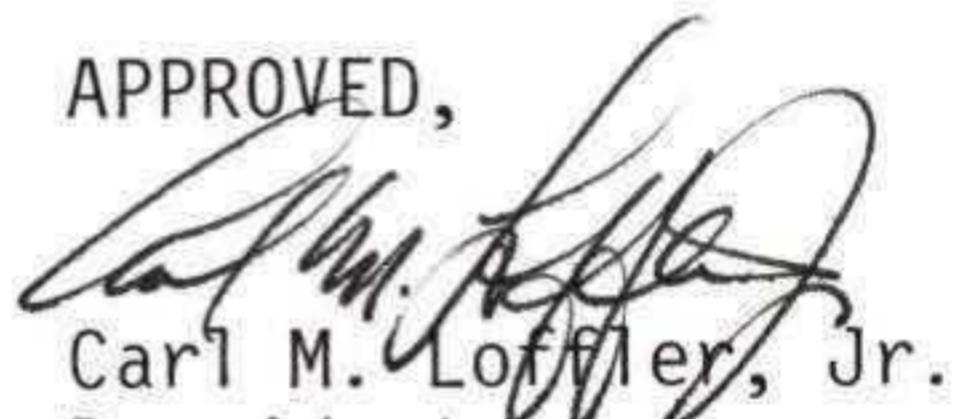
NINTH DISTRICT TOUR

The Commissioners departed for a tour of the Ninth District.

ADJOURNMENT

The meeting adjourned at 12:10 p.m.

APPROVED,


Carl M. Loffler, Jr.
President