

BOARD OF COUNTY COMMISSIONERS' MEETINGTuesday, July 11, 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, June 27, 1989. Motion carried.

APPROVAL OF BILLS

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

OFFICE ON AGINGTRANSPORTATION PROGRAM

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

As a follow up to discussion held on June 27, Mr. Carter appeared before the Commissioners to provide an update on the Section 18 Transportation Program and to present correspondence for the Commissioners' review and signatures. On June 27 Mr. Carter had requested the Board to sign correspondence to the Public Service Commission recommending a change in the County's transportation program under Section 18.

Mr. Carter advised that the correspondence signed by the Commissioners on June 27 was not received by the Public Service Commission for its June 28 meeting even though it had been hand delivered on the 28th. He further pointed out that PSC staff comments relating to its recommendation on the request have not been received by St. Mary's County. He stated that it was also found that PSC staff had not taken into account the fiscal aspects of the continuation of the Section 18 bus routes in making its recommendation to not terminate the service, and the Commission has requested staff to do so. In the meantime the item was to be discussed at the July 5 PSC meeting; however, it was not placed on the agenda because the PSC accountant had questions regarding the fiscal data. The earliest the matter would be decided would be July 19. Mr. Carter stated that this delay has placed St. Mary's County in a position of maintaining a costly service and in a precarious budgetary situation.

Because of the importance of obtaining a determination from the Public Service Commission, Mr. Carter requested the Commissioners to sign correspondence to each member of the Commission pointing out the difficulties encountered by the County, requesting the Commission to proceed as quickly as possible, and urging them to approve the termination of the existing service so that it be replaced with a more economical alternative transportation system.

After discussion, Commissioner Lancaster moved, seconded by Commissioner Thompson, to sign and forward the letter to the members of the Public Service Commission as requested by Mr. Carter. Motion carried.

ECONOMIC AND COMMUNITY DEVELOPMENT
PROJECT INDEPENDENCE - JOB TRAINING PARTNERSHIP ACT

Present: Joseph Mitchell, Director, DECD

Mr. Mitchell appeared before the Commissioners to advise that the County is entering into an Agreement for Project Independence of the Job Training Partnership Program for Southern Maryland in the amount of \$104,000 for the period July 1, 1989 through September 30, 1989 and \$539,000 for the period October 1, 1989 through September 30, 1990.

He stated that the Agreement is between the three Southern Maryland Boards of County Commissioners, Boards of Education, Departments of Social Services, Departments of Economic and Community Development, and Charles County Community College. The program will provide educational or work opportunities for welfare recipients in order to enable them to get off welfare. Mr. Mitchell advised that the County Administrator is authorized to sign documents for JTPA on behalf of St. Mary's County and will be requested to sign the referenced Agreement.

GREENWELL STATE PARK MASTER PLAN

Present: George Hill, Project Planner, DNR
Tolly W. Peuleche'
Francis Knott, Manager

The referenced individuals appeared before the Commissioners to present the plans for the Greenwell State Park located on Steer Horn Neck Road in Hollywood. Mr. Hill stated that the park has been in a planning stage for approximately 20 years, and it is anticipated that funds will be available to begin Phase I of development in 1992. Phase I will include: nature center, nature trails, waterfront access, boat ramps, and fishing piers. All facilities will be handicapped accessible. He pointed out that the aesthetics of the area will be maintained. Future projects include: cabins, Historic Farm improvements, roads, parking, pools, etc.

During discussion Mr. Hill pointed out that a group of radio-controlled model airplane enthusiasts have been using a portion of the park in the vicinity of the modern farm on a temporary basis. The group is seeking to be able to use the grounds on a permanent basis in 1990. A public hearing on the Master Plan is being scheduled at which time citizens will have an opportunity to voice their comments regarding the Master Plan and the model airplane use.

Further, during discussion Commissioner Jarboe expressed concern regarding the use of the existing building in the Historic Farm area and suggested that the existing structure be maintained and perhaps used as a conference center.

In conclusion Mr. Hill stated that he would keep the Commissioners apprised of the development of the project.

DEPARTMENT OF PUBLIC WORKS

Present: Dan Ichniowski, Director

1) CORPS OF ENGINEERS
ISLAND CREEK JETTY PROJECT

Also Present: George "Skip" Fach, Jr., COE, Planning Division
Mike Strzelecki, COE

The referenced representatives of the Corps of Engineers appeared before the Commissioners to present and review the Feasibility Study conducted by the Corps on the Island Creek Jetty Project, which is located within the lower half of St. George Island. Because of shoaling problems in the channel, the Corps has recommended a 1200 foot jetty at a total cost of \$1,609,700. The non-federal share of construction costs 10% plus another 10% over a 30-year period. Mr. Strzelecki gave the background of the project and outlined the findings, recommendations, project economics, and cost-sharing requirements of the project.

Mr. Fach advised that prior to the initiation of the project, the report needs to be finalized based on comments received, and the Commissioners are welcome to make comments. The finalized report will be forwarded to the COE's New York office along with a signed letter from the Commissioners concurring in the project and authorizing the final report which would begin the process for the plans and specifications for the project. The County would then be required to sign a local cooperation agreement.

After discussion Commissioner Bailey moved, seconded by Commissioner Lancaster, to authorize Mr. Ichniowski to prepare a letter of intent to participate in the project to be signed by Commissioner President Loffler. Motion carried.

2) ST. JEROMES CREEK
MURRAY ROAD

Mr. Fach advised that a preliminary study of the referenced projects was conducted by the Corps of Engineers and a site analysis report was prepared. He inquired whether the Commissioners would be interested in having a feasibility study conducted similar to the Island Creek project. He stated that erosion control measures are needed because of critically eroding areas and for road protection. Murray Road provides access to twenty structures in the area. Two programs for protection projects are available: Emergency Streambank and Shoreline Protection Project or Shoreline Protection Projects.

Mr. Ichniowski recommended that the County conduct a public informational meeting on the projects to explain the problems, costs, plans, and benefits to determine whether property owners would be interested in proceeding with the project.

The Commissioners agreed that the Department of Public Works proceed to make arrangements for a public meeting prior to making a decision whether to proceed with the project.

3) TALL TIMBERS SHORE EROSION TAXING DISTRICT

Mr. Ichniowski advised that a public meeting was held on June 27 for the construction of a 455-foot stone revetment which will complete the shore erosion control along the Tall Timbers Taxing District. Some of the citizens expressed concern regarding the inclusion in the district of road rights-of-way leading to the waterfront. Mr. Ichniowski advised that a legal opinion is being requested from the County Attorney concerning these rights-of-way can be included in the taxing district, and the citizens wish for the project to go forward and not be delayed.

Therefore, Mr. Ichniowski presented correspondence requesting the Department of Natural Resources to proceed with the implementation of the project and to expedite the project for this fall.

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to authorize Commissioner Loffler to sign the correspondence as presented and the Construction Plans for the project. Motion carried.

4) EMPLOYMENT CONTRACT

Mr. Ichniowski presented a Contract with James M. Radford for support services to the Department of Public Works for various projects.

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

5) NAVAL AIR STATION LANDFILL CLOSING

Mr. Ichniowski advised that correspondence was received from the Naval Air Station advising that the landfill on the base will be closed and the county landfill will be used beginning in January 1992. Mr. Ichniowski stated that he will work with the Navy to establish appropriate fees.

6) WASTE-TO-ENERGY STUDY

Mr. Ichniowski advised that Public Works initiated a contract with Gershmann, Brickner, and Bratton for the preparation of a recycling study for St. Mary's County. The Maryland Recycling Act requires: reduction of solid waste by 15% by January 1994 through recycling and a plan to be submitted by July 1990.

Commissioner Loffler recommended the appointment of a task force to work with the consultant on this project.

7) EASEMENT AGREEMENT
IMMACULATE CONCEPTION PARISH

Mr. Ichniowski presented an Easement Agreement between St. Mary's County Commissioners, Southern Maryland Electric Cooperative, and Immaculate Conception Parish, Mechanicsville, Md. granting use of the railroad right-of-way for parking purposes.

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

8) EASEMENT AGREEMENT
LAUREL GLEN, INC.

Mr. Ichniowski presented an Easement Agreement between St. Mary's County Commissioners, Southern Maryland Electric Cooperative, and Laurel Glen, Inc. granting access across the railroad right-of-way on State Route 235, Eighth Election District.

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

9) ADDENDUM TO PUBLIC WORKS AGREEMENTS

Mr. Ichniowski presented the following Addenda to Public Works Agreements for the Commissioners's consideration:

Cedar Cove

Between J. Laurence Millison and St. Mary's County extending the deadline for completion of roads in Cedar Cove Subdivision, Section III, Eighth Election District, to June 25, 1990. The Agreement is backed by a Letter of Credit in a reduced amount of \$204,000 with Maryland Bank & Trust Co.

San Souci Estates

Between J. Laurence Millison and St. Mary's County extending the deadline for completion of roads in San Souci Estates, Section 3,5, & 6, Eighth Election District, to July 1, 1990. The Agreement is backed by a Letter of Credit in a reduced amount of \$220,000 with Maryland National Bank.

Fox Meadow Subdivision

Between O'Brien Home Sales, Inc. and St. Mary's County extending the deadline for completion of roads in Fox Meadow Subdivision, Eighth Election District, to June 1, 1990. The Agreement is backed by a Letter of Credit in a reduced amount of \$49,000 with Maryland Bank & Trust Company.

Stoney Run

Between Wayne A. Wise and St. Mary's County extending the deadline for completion of roads in Stoney Run Subdivision, Section III, Second Election District to September 25, 1989. The Agreement is backed by a Letter of Credit in the amount of \$64,000 with First National Bank of St. Mary's.

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

10) VALLEY DRIVE

Mr. Ichniowski advised that a request was received by the attorney of the owner of the Valley Drive property for the County to review and comment regarding an appraisal and donation of Valley Drive. He recommended that the County not comply with this request because the County does not employ an appraiser. He stated that Valley Drive would be taken into the County Highway Maintenance System upon satisfactory completion and inspection of the road.

Commissioner Loffler questioned the recommended denial of the request and recommended that the Commissioners defer a decision until next week's meeting.

11) NURSING CENTER ELEVATOR

Commissioner Jarboe inquired as to the status of the repairs to the elevator at the St. Mary's Nursing Center because of possible safety hazards. Mr. Ichniowski reported that he is awaiting a relay part in order to complete the repairs.

During discussion the Commissioners requested that Mr. Ichniowski return to the Board next week in Executive Session in order to brief the Board on the contract for the elevator and possible litigation.

DIRECTOR OF FINANCE

Present: Charles Wade, Director of Finance

1) BOARD OF EDUCATION
FISCAL YEAR 1990 CATEGORICAL APPROVAL

Mr. Wade presented a Certification Statement to be submitted to the Maryland State Department of Education along with the itemized school budget for Fiscal Year 1990.

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

2) RELEASE OF SINGLE AUDIT

Mr. Wade requested authority to release the Single Audit for the calendar year ending June 30, 1988 prepared by Cox, Long & Colvin.

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to authorize the release of the Single Audit as requested. Motion carried.

3) BUDGET AMENDMENT NO. 90-02
VARIOUS SPENDING UNITS

Mr. Wade presented the referenced Budget Amendment to provide budget authority to departments based on encumbrances unliquidated at year end FY '89.

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

ST. MARY'S COUNTY LIBRARY PART-TIME EMPLOYEES
INSURANCE BENEFITS PACKAGE

Present: Janice Hummell
Patricia Bohle
Ann Burroughs
Lucy Peterkin

The referenced part-time employees of the St. Mary's County Library appeared before the Commissioners to request reconsideration of the Board's decision of June 20, 1989 to reduce the level of the County's contribution for insurance benefits to part-time employees from 90% to 45%. Ms. Hummell pointed out that the part-time employees were hired by the Library Board of Trustees and accepted a salary which included a 90% (county) - 10% (employee) ratio). Correspondence dated June 27, 1989 from the Board of Commissioners indicated a reduced level in keeping with the policy for county part-time employees, and this reduction forced the library employees to receive a much reduced paycheck. She stated that the part-time employees felt they were being penalized for something that was not their fault.

The County Administrator explained the rationale for this decision stating that the Library Board had been aware for over a year that the library part-time employees were to comply with the 45%/55% ratio.

After discussion the Commissioners agreed to discuss the matter with the Library Board to see if it can be resolved.

COMMENDATION - LILIANE JARBOE

Present: Liliane Jarboe

The Commissioners presented a Commendation to Liliane Jarboe recognizing her celebration of 26 years of United States citizenship.

ST. MARY'S HISTORICAL SOCIETY
PRESENTATION OF CHECK FOR TUDOR HALL RESTORATION

Present: Al Dillow, President
Esley Schwartz, Treasurer

The referenced representatives of the St. Mary's Historical Society appeared before the Commissioners to present a check in the amount of \$10,000. Mr. Dillow advised that the Historical Society petitioned the General Assembly for \$100,000. The State granted \$50,000, and the County would grant \$40,000 if the Historical Society would raise the additional \$10,000. Therefore Mr. Dillow and Mr. Schwartz presented the \$10,000 check and stated that improvements to Tudor will include air conditioning, grading for water runoff, and cosmetic improvements.

The Commissioners thanked the Historical Society for the check for Tudor Hall.

(Commissioner Jarboe left meeting - 12:05 p.m.)

TRANSFER TAX/IMPACT FEES

As a follow up to previous discussions including a meeting with the legislators on June 27, Commissioner Lancaster presented a proposal to provide revenues for costs related to school construction and capital projects. He suggested that the Commissioners may want to consider a transfer tax, perhaps at 1%, as well as an impact fee in the range of \$1,000 to \$2,000. Commissioner Lancaster pointed out that in order to meet the capital needs of the County, a combination of both revenue sources appears to be needed. Illustrating the future needs for additional classrooms and schools, Commissioner Lancaster cited specifics as contained in the Six-Year Capital Program. He expressed concern that the impact fee may restrict low-to-moderate income families from purchasing homes, but felt that it was important that they be given an opportunity for proper education.

In conclusion it was a consensus of the Board to accept Commissioner Lancaster's suggestion that the County Administrator and Director of Finance develop a recommendation for a revenue program of a combination of both a transfer tax and an impact fee for the Commissioners' consideration.

(Commissioner Jarboe returned to meeting - 1:30 p.m.)

OFFICE OF PLANNING & ZONING
EAGLES GLEN MOBILE HOME PARK

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

ZONE #88-1862 - EAGLES GLEN MHP

Requesting rezoning from MHP, Mobile Home Park to Multifamily Residential (to be RH) for approximately 45 acres in the 8th Election District. The property is located on the northeast side of Barefoot Drive off of Route 237, and is shown on Tax Map 42, Block 6, as Parcel 187.

Mr. Loffler stated that until the adequate facilities portion of the Comprehensive Plan was resolved that he did not feel that it was proper to "go against our own ordinance" and approve applications that would increase densities.

Mr. Bailey stated that he did not want to hold up the rezoning request.

Mr. Loffler commented that under the new Comprehensive Plan we do have an adequate facilities in place or funded and planned to be put in place within a proper period of time. Both of these cases coming up would dramatically increase density and would increase the use of the roads and of our public school systems.

Mr. Thompson stated that they have permission right now to put in a certain number of units, and they are not going to be able to get up to that number of units right now.

Mr. Loffler asked how we are going to have adequate facilities in the future if there isn't a plan in place. Mr. Loffler stated that his problem is that we said one thing in the plan and haven't adhered to it. If we have an adequate facilities plan we should follow it.

Mr. Bailey questioned if this had been through the Planning Commission and Metropolitan Commission, and do we have their recommendations?

Mr. Loffler stated that he had asked specifically if there had been an impact study on schools completed and the answer was no that it hadn't been.

Mr. Marsh declared that there was an attachment to the original staff reports. As a mobile home park that there were 302 units being constructed and under the new rezoning it would allow them to go up to 645 units. He stated that they had figured on .5 children per home, which was an increase of 151 children. If you go to 1.2 it would be 340, which is almost doubling this. It would be an increase of about 300 students.

Mr. Loffler brought out that it is just being in agreement with what was previously stated. If we don't like the rule of adequate facilities, then it should not have been put in the plan.

Mr. Marsh stated that it does not take many rezonings of this magnitude to make a major impact.

Mr. Loffler suggested that they delay until they can get a handle on this problem.

Mr. Bailey stated that he thought the plan was to get rid of trailer parks and put in affordable housing (real houses). He stated that he thought that was the Commissions' plan with the Comprehensive Plan.

Mr. Loffler stated that he would be willing to approve it at this time with the limitations that there could be no more residential units than the current calculation.

Mr. Bailey asked if they were approved for 300 and some lots now.

Mr. Marsh answered, 302 mobile home units.

Mr. Loffler stated that he felt it would take them a long time to go up to 302 units, and even then it would take a longer time to sell the units.

Attorney Joe Densford brought out that there is a law in Maryland stating that if you rezone someone's property from, say, residential to commercial (example - C-2), the law would indicate that some uses are acceptable and some are not. You must give blanket approval unless there is voluntary agreement from the developer that they will limit the uses. What you are telling the owner to do is phase in the density as public facilities become available. Attorney Densford feels you can do that as long as you get the owners consent to do it and voluntarily agrees to do it. If not, you will either have to vote it up or down all the way.

Mr. Loffler stated that he would like to ask staff to go back to the developer and see if he would agree to a limitation until such time as adequate facilities are taken care of. He stated that the meaning of the term "adequate facilities" according to the Comprehensive Plan means that it would either be in place or be in place within a certain amount of time (24 months).

Attorney Joe Densford stated that after this meeting that he and Planning and Zoning would have to get this down on paper and get the developer to agree to it. He asked if it would be a reasonable process to say that the rezoning would be granted subject to the condition that there is approval right now for the 302 units which are allowed under the current zoning, and additional units shall not be permitted unless the Planning Commission approves site plans for the property based on a finding that there are adequate public facilities in place or plans for the area.

Mr. Bailey stated that he feels that they should put off making their decision for a week or two until staff can meet. He felt that the developer should be included in what they were talking about now. He felt that what they were talking about was completely different. He suggested that they put off the vote for another two weeks (ten days).

Mr. Loffler stated that these were things that were brought up at the public hearing. But he feels that it would be good for the developer to have comment on the issues.

Mr. Marsh pointed out that they should keep in mind that fifteen (15) is a theoretic number and they may not get fifteen (15) units per acre by the time they take out for parking, landscaping, etc., that it would be cut back. He stated you may not be getting 600 and some, but would actually be getting only 450, or somewhere in between.

Mr. Loffler stated that they had a consensus of staff to bring this issue back in two weeks and try to get it resolved at that time.

PSUB #89-0335 - WHALER'S CREEK RUN SUBDIVISION

Requesting water category change from W-5 to W-3D and also requesting sewer category change from S5 to S-3D. The property is located along the north side of Hermanville Road, halfway between Md. Rt. 5 and Md. Rt. 235, and is shown on Tax Map 52, Block 13, as Parcel 77.

Mr. Loffler stated that this is basically the same type issue. Having public sewer and water available allows the developer to increase the density in the area, and again it does have an impact. Also, in this case, there hasn't been an impact analysis completed on public facilities.

Mr. Marsh replied that there has not been a detailed analysis completed.

Mr. Donald Ocker of Norris, Gass and Ocker appeared for the applicant. Mr. Ocker stated that they cannot provide public facilities unless the water and sewer category is changed. If the approval is not made, they cannot extend the public facilities. They cannot make the plans to extend the facilities until the change of the water and sewer category is made.

Mr. Loffler stated that he is addressing the inadequacy of the other two categories, which is roads and schools.

Mr. Ocker expressed that the roads are taken care of and that the schools are actually the main issue.

Mr. Loffler stated that the real determination is if what we are trading is worth what we are getting.

Mr. Ocker added that they need the water and sewer category changed just to place the facilities in. Without the change, the development cannot occur. However, the development can occur to a certain point today, which will still impact the roads, schools and recreational facilities, even without the change. He stated that they have the zoning, all they are asking is to extend the public facilities that are there. He stated that he is in charge of the first section which is 110 lots. There will be forty-six (46) lots on record for the first year, and selling six (6) lots this year. Out of 110 there will be two years before he gets them on record.

Mr. Loffler asked Mr. Ocker if he would go back to his client and staff and get that agreement, come back in two weeks; and if the commission can take care of adequate facilities at their end, the decision would be much easier. If not, would they accept the restriction?

Mr. Ocker requested that he come back in one week.

Mr. Loffler asked if anyone objected to this matter coming back in one week.

Mr. Ocker stated that the owner was expecting an answer today, as it has already been through public hearing, etc. He stated that he could not speak for Mr. Millison.

Mr. Bailey stated that he would have no problem with approving the change today. He felt that it had been approved by every board that has to look at it.

Mr. Loffler added that this would allow the developer to move ahead if he accepts this, and feels that Mr. Millison will go along.

Mr. Ocker stated that he is not asking for a larger number of units. He stated that he is not changing anything stated before.

Mr. Loffler stated that it was agreed to bring this back before Commissioners in one week.

The meeting was closed at 2:07 p.m.

PLANNING COMMISSION
GRANTING OF WAIVERS

Commissioner Loffler introduced the topic of the authority by the Planning Commission in the granting of waivers and requested the County Administrator to prepare correspondence to the Planning Commission questioning the process by which major waivers are granted to certain developments during site plan review. Acting County Attorney Densford indicated that he was researching this issue with the staff of the Department of Planning and Zoning and would assist in a clarification of the issue.

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) ZONING ORDINANCE REVIEW MEETING

The County Administrator advised that the Planning Commission has scheduled a work session at Olde Breton on July 12 to review the proposed Zoning Ordinance prior to scheduling a public hearing. The Session will be held from 3 - 6 p.m. with a dinner break after which Ford Dean will present the Critical Areas Program.

2) BUDGET AMENDMENTS

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

No. 89-80
FINANCE

Justification: To provide funds for training costs not anticipated in Budget.

No. 89-81
FINANCE

Justification: To provide funds for additional legal services for FY '89.

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

3) HOUSING AUTHORITY - REQUEST FOR VEHICLE

The County Administrator presented a memorandum dated June 26, 1989 from the Director of Economic & Community Development requesting assignment of a Sheriff's Department vehicle for the Housing Authority when one becomes available.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to grant this request. Motion carried.

4) "LITERACY WORKS"

The County Administrator presented correspondence from the State Department of Education announcing the State Legislature approval of \$750,000 for the "Literacy Works" initiative for FY 1990, which will be awarded in grants to local literacy teams for improved literacy services. St. Mary's County is requested to designate a lead agency for "Literacy Works" and a contact person. The County Administrator recommended the selection of the Board of Education as the lead agency and Judith Jenkins as the contact person.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to accept this recommendation. Motion carried.

5) CORRESPONDENCE TO BOARD OF EDUCATION
PUBLIC SCHOOL FACILITIES DISCUSSION SUMMARY

The County Administrator presented correspondence addressed to the Board of Education summarizing issues requiring future action regarding public facilities as discussed at the June 20 meeting between the County Commissioners and Board of Education.

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

6) CLEARINGHOUSE PROJECT NO. MD890601-395
HUD MORTGAGE INSURANCE - FOXCHASE VILLAGE APARTMENTS

The County Administrator presented the referenced clearinghouse project which has been reviewed by the Department of Economic & Community Development and recommended that it be forwarded to the State with the comment that it is consistent with this agency's plans, programs and objectives.

The Commissioners gave their concurrence.

7) EMPLOYMENT SUIT

The County Administrator presented a memorandum from Acting County Attorney Joseph Densford recommending the appointment of the legal firm of Venable, Baetjer & Howard to represent the county in an employment suit filed in Federal District Court in Baltimore.

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

8) ZONING AMENDMENT RESOLUTION NO.
HART & LYTTLE PROPERTY - ZONE #88-1108

The County Administrator advised that the referenced Resolution previously approved by the Board on May 2, 1989 has been revised to amend the first sentence of Paragraph 4, Page 3 to read as follows: For a period of ten years owners will agree to donate an area not to exceed thirty feet bordering Route 4 for future widening. In that this is a change from what had been previously approved, the Board needs to reapprove the document.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve the amendment as presented for Resolution No.Z89-01. Commissioner Jarboe voted against. Motion carried four to one.

9) EASEMENT AGREEMENT
FIRST DISTRICT PROPERTY

The County Administrator presented an Easement Agreement between the Board of County Commissioners and Southern Maryland Electric granting an easement to SMECO for .56 acres of land acquired by the County as a result of a tax sale. The Agreement is in the amount of \$1,680 which had been negotiated between Acting County Attorney Densford and Al Gough of SMECO.

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

10) CHARTER BOARD
REQUEST FOR PRINTING OF CHARTER

The County Administrator presented a memorandum dated July 10, 1989 from the Charter Board recommending the printing and distribution to all registered voters a copy of the Charter prior to the September 12 Special Election. The Charter Board had solicited prices from three companies; however, the County Administrator advised that the Enterprise has offered a price for printing, which is approximately \$2,000 less.

After discussion Commissioner Bailey moved, seconded by Commissioner Lancaster, to go through the county's procurement system for the printing, and mailing of the Charter. Motion carried.

EXECUTIVE SESSIONS

Present: Edward V. Cox, County Administrator

Commissioner Lancaster moved, seconded by Commissioner Jarboe, and motion carried, to meet in Executive Sessions as follows:

Personnel

Also Present: Sheriff Pettit
Lt. Phil Cooper

Session held from 2:50 p.m. to 4:00 p.m.

Property Acquisition

Also Present: Joseph Densford, Acting County Attorney
Kent Flynn, Jackson Realty

Session held from 4:10 p.m. - 5:10 p.m.
(Mr. Densford and Mr. Flynn left meeting at 4:35 p.m.)

Property Acquisition

Also Present: John Baggett, Director, Recreation and Parks

Session held from 5:10 p.m. to 5:45 p.m.

Personnel

Session held from 5:45 p.m. to 6:10 p.m.

EVENING SESSION - 7:00 P.M.

PUBLIC HEARING
PERMIT FEE SCHEDULE AMENDMENT

Present: Dan Ichniowski, Director, Department of Public Works
Bruce Jennings, Cox, Long & Colvin
George Stabler, Interstate Development Company

The Commissioners conducted a public hearing on proposed changes to the Permit Fee Schedule, Department of Public Works Inspection Fees for Minor and Major Subdivisions: Minor Subdivisions - 3% of estimated road construction costs; Major Subdivisions - 7% of estimated road construction costs.

Mr. Ichniowski read the notice of public hearing which was advertised in the St. Mary's Tide June 29 and July 6, 1989.

During the comment period from the audience, Mr. George Stabler recommended that in order to have accountability, a timesheet system be used so that developers can be assured that they are receiving what they paid for. Mr. Ichniowski responded that the purpose of the initial study was to create a model to be reviewed each year so that adjustments could be made accordingly.

No additional comments were received.

A decision will be made after a ten-day waiting period.

PUBLIC FORUM

The Commissioners conducted a public forum accepting questions and comments from the audience as follows:

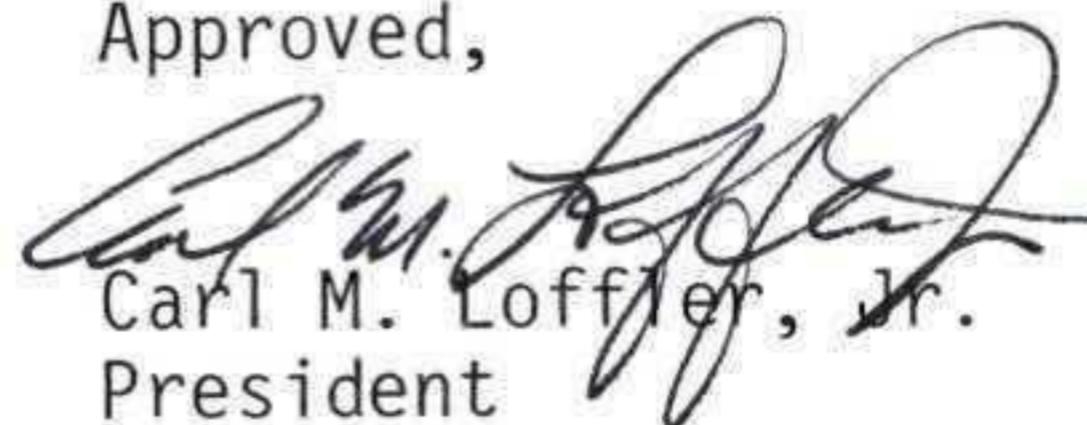
- Dick Myers - Impact Fees/Transfer Tax
- Floyd Williams - Impact Fees/Transfer Tax
Recreation & Parks' application for Expanded
Liquor License for Wicomico Shores
- Viki Volk - County Attorney Position
- Louis Eberle - County Attorney/Ethics Commission
- Minnie Russell - Ridge Transfer Station

Commissioner Thompson - Dispelling rumor that he is resigning.

ADJOURNMENT

The meeting adjourned at 8:05 p.m.

Approved,


Carl M. Loffler, Jr.
President