

BOARD OF COUNTY COMMISSIONERS' MEETINGTuesday, July 25, 1988

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 Bailey, to approve the minutes of the Planning and Zoning portion of the Commissioners' meeting of Tuesday, July 11, 1989, Tuesday, July 18, 1989 and the County Commissioners' meeting of Tuesday, July 18, 1989. Motion carried.

APPROVAL OF BILLS

Commissioner Thompson 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) PROPOSED CHARTER DISTRIBUTION

The County Administrator advised that the Charter will be printed and distributed to each registered voter in St. Mary's County and requested the Commissioners' signatures on a cover letter.

The Commissioners agreed to sign the letter as presented.

2) PERSONNEL - SHERIFF'S DEPARTMENT

The County Administrator presented correspondence addressed to Sheriff Pettit indicating the Commissioners agreement to make the five new deputy positions effective July 1, 1989 instead of the previous decision to have two positions effective July 1, 1989 and three effective January 1, 1990. The need for additional deputies will be revisited upon completion of the audit report for FY 1989. The letter further directs staff to transfer funds and personnel to transfer control of five communication operator positions from the Emergency Operations Center to the Sheriff's Department.

Commissioner Bailey moved, seconded by Commissioner Thompson, to sign and forward the letter as presented. Motion carried.

3) BLUE CROSS/BLUE SHIELD PREMIUM RATES

The County Administrator presented a memorandum dated July 18, 1989 from the Personnel Officer setting forth the Fiscal Year 1990 Blue Cross/Blue Shield premium rates for St. Mary's County Government. The rates are projected for FY '90 based on previous experience for each group.

The Commissioners accepted the rates as presented.

4) LIBRARY PERMANENT PART-TIME EMPLOYEES
FRINGE BENEFITS

Regarding past discussions regarding fringe benefits for the library permanent part-time employees, the County Administrator presented correspondence addressed to Library Board of Trustees whereby the Commissioners agree to amend their previous decision. Because the affected employees did not receive adequate notice that effective July 1, 1989 that they would share in the cost of fringe benefits on a 55% (employee) 45% (county) ratio as do other county employees, the effective date will be delayed from July 1, 1989 to January 1, 1990. Mr. Cox advised that there are sufficient funds in the Library Board budget for this.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to amend their previous decision and to sign and forward the letter to the Library Board as presented. Motion carried.

5) FORFEITURE AUTHORITY

The County Administrator advised that a bill passed by the 1989 Maryland General Assembly regarding confiscation by the County of materials related to alcohol and drug abuse, and the County needs to name a forfeiting authority. Mr. Cox recommended that State's Attorney Walter Dorsey be designated as the forfeiting authority for St. Mary's County.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to designate Mr. Dorsey as the forfeiting authority as recommended. Motion carried.

6) APPOINTMENTS
BOARDS, COMMITTEES AND COMMISSIONS

Commissioner Thompson moved, seconded by Commissioner Bailey, and unanimously carried, to make the following appointments:

<u>Community College Advisory Board</u>	<u>Term to Expire</u>
Jesse N. Hawes, Jr. (reappt.)	June 30, 1994
<u>Housing Authority</u>	
Michael McCauley	June 30, 1994

7) DEPARTMENT OF PUBLIC WORKS

On behalf of the Department of Public Works, the County Administrator presented the following items:

a) Public Works Agreement
Wildewood (Hickory Nut, N III and IV)

Dated July 14, 1989 by and between Paragon Builders, Inc. guaranteeing completion of Hickory Nut Drive in Wildewood by July 1, 1990. The Agreement is backed by a Letter of Credit with First National Bank of St. Mary's in the amount of \$76,500.

b) Calling Letters of Credit

The following Letters of Credit are due August 1, 1989, and the Director of Public Works requested the Board's concurrence to authorize the President of the Board to sign correspondence calling the letters of credit if necessary:

- o Leonardtown Centre - Grading Permit No. 89-08.
Bond No. 66 0130 11606 88 in the amount of \$61,500.

Letter to United States Fidelity & Guaranty Co.

- ° Flower of the Forest, Section II - Letter of Credit #240 in the amount of \$386,500. Letter to Maryland Bank and Trust Company.
- ° North Indian Creek Estates - Letter of Credit #A1-9-22-1988 in the amount of \$33,500. Letter to First National Bank of St. Mary's.
- ° Flower of the Forest, Section 2, Grading Permit #87-01 Letter of Credit #59 in the amount of \$75,000. Letter to Maryland Bank and Trust Company.
- ° St. Mary's Industrial Park, Lot 1, (SWM) - Grading Permit #88-41. Letter of Credit #263 in the amount of \$18,000. Letter to Maryland Bank and Trust Company.

Commissioner Lancaster moved, seconded by Commissioner Bailey, to approve and authorize Commissioner Loffler to sign the referenced Public Works Agreement for Hickory Nut and the referenced correspondence calling Letters of Credit. Motion carried.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator

Commissioner Bailey moved, seconded by Commissioner Thompson, to meet in Executive Session in order to discuss matters of Property Acquisition and Personnel. Motion carried.

Property Acquisition

Also Present: John Baggett, Director, Recreation and Parks
Charles Wade, Director of Finance

Session held from 9:45 a.m. to 11:30 a.m. and continued again from 1:20 p.m. to 2:08 p.m.

Personnel

Session (which was held later in the day) held from 2:08 p.m. to 2:45 p.m.

IMPACT FEES/TRANSFER TAX

Present: Edward V. Cox, County Administrator
Charles Wade, Director of Finance

As had previously requested by the Board, Mr. Cox and Mr. Wade presented and reviewed a proposal regarding a combination of impact fees and transfer tax. Mr. Cox noted that data was gathered from a number of sources including information from the consultants and from the Board of Education.

Mr. Wade reviewed impact cost computations which included trends, growth factors, demonstration of growth patterns, and impact costs. He further reviewed revenue projects from the transfer tax as well as capital projects for Fiscal Years 1990 through 1995.

In conclusion Messrs. Wade and Code submitted the following recommendations:

Impact Fee:	\$1,500	Schools
	200	Roads
	300	Recreation and Parks
	<u>\$2,000</u>	

Transfer Tax: One percent

During discussion Commissioner Loffler mentioned that this issue had been forwarded for review and comment to the Economic Development Commission and that prior to making any decision the Commissioners should await its comments. The Commissioners requested that Messrs. Cox and Wade meet with either the full Economic Development Commission or the subcommittee to present the information as presented to the Commissioners today. The Commissioners are hopeful that the EDC will discuss this issue at its August 4 meeting and report to the County Commissioners on August 8.

Given the fact that the number of students since 1980 has remained about the same, that the per pupil expenditure has doubled, and that additional classrooms have been added, the Commissioners requested a report explaining the use of classrooms and the reasons for the growth in costs.

RESOLUTION NO. 89-18
USER FEE (AMENDMENT NO. 1)

Present: Dan Ichniowski, Director, Department of Public Works

The Commissioners having conducted a public hearing on July 11, 1989 relative to amending Resolution No. 89-04 in order to amend the Department of Public Works Inspection Fees for Minor and Major Subdivisions.

During discussion Mr. Ichniowski acknowledged receipt of correspondence from Paragon Builders and stated that he would prepare a response clarifying a misunderstanding regarding cost of inspectors.

After discussion Commissioner Lancaster moved, seconded by Commissioner Jarboe, to approve and sign Resolution No. 89-18, to be effective Monday, July 31, 1989. Motion carried.

OFFICE OF PLANNING AND ZONING

Present: Vivian Marsh, Deputy Director
Peggy Childs, Recording Secretary.

INDUSTRIAL SITE PLANS

SPSP #89-1073 - BURCH OIL COMPANY

Requesting review of simplified site plan for a 5130 sq. ft. addition to an oil bulk plant. The property contains 3.4 acres, is zoned I-1, and is located in the 3rd Election District on Route 5 north of Leonardtown; shown on Tax Map 32, Block 2, as Parcel 295.

Present: Sonny and Donnie Burch.

Mr. Marsh stated this request has been through the TEC and Planning Commission. The outstanding TEC comment was that the applicant could not meet the 35 ft. side setback; however, he has obtained written permission from the adjoining property owner to build within the setback and that letter is part of the P&Z file. Staff and the Planning Commission recommend approval.

Mr. Bailey moved to approve; seconded by Mr. Lancaster. Vote was unanimous in favor of the motion.

STSP #89-0152 - LOTS 1 & 18, SECTION 2
ST. MARY'S INDUSTRIAL PARK

Requesting industrial site plan approval for an office/warehouse for this property located on Airport Drive off MD Route 235 in the Industrial Park, containing 2.698 acres, zoned I-1, shown on Tax Map 34, Block 1, as Parcel 550.

Applicant Thomas Leonard, of Leonard Construction, was not present.

Mr. Marsh presented the site plan for the Commissioners' review, and stated there are a few outstanding issues which have to be cleared up on the final site plan - the applicant needs to show the amount of office space and the amount of warehouse space for calculation of parking space; however, staff is satisfied the parking shown is adequate. DPW and Health Department approvals are required. Mr. Marsh said the plan shows a future addition; however, that is not being considered at this time, only the main structure is the subject of this request.

Planning Commission recommends approval pending final approval of all agencies, particularly DPW's concerns regarding sight distance, stormwater management, and detention pond. Further, the Planning Commission recommended a waiver of the Ordinance requirement for bituminous concrete in favor of blue chip, but the curbing shall be marked to indicate the parking spaces.

Mr. Thompson noted the site plan shows "Airport Drive" and should be corrected to show "Airport View Drive".

Mr. Bailey moved to approve the site plan with staff and Planning Commission recommendations. The motion was seconded by Mr. Lancaster and carried unanimously.

DISCUSSION/DECISION

PSUB #89-0335 - WHALER'S CREEK RUNN

Requesting water 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 northside of Hermanville Road, halfway between MD Route 5 and MD Route 235, and is shown on Tax Map 52, Block 13, as Parcel 77.

Present: Donnie Ocker, of Norris, Gass & Ocker.

Mr. Loffler reminded of the Commissioners' comments at the last meeting on this request, which requested the applicant to accept a voluntary restriction whereby the project would be held at the current density of 243 units until sufficient public facilities are in place. Adequate public facilities would then trigger the increase to the requested density.

Mr. Ocker stated the applicant, Mr. Millison, is willing to be at that cap and to work with the Commissioners to promote public facilities, and when public facilities met, will do what it takes to accomplish the increased density. Mr. Ocker stated the 243 units would probably not be accomplished for 3-4 years, as construction on the first phase of 110 units will not begin until Spring of next year. He said the timetable to construct the onsite water/sewer facilities alone would put them in roughly the same time period as ordinance and public facilities approvals.

Mr. Bailey moved to approve this request, subject to the applicant's signing a public facilities agreement accepting the 243 unit "cap", as discussed above. Staff will prepare the legal document. The motion was seconded by Mr. Thompson and passed unanimously.

ZONE #88-1862 - EAGLES GLEN MHP

This request was scheduled for a decision; however, as the applicant was not present, the Board agreed to postpone a decision until someone was present to speak for the applicant's voluntary acceptance of a restriction similar to the one discussed for Whaler's Creek Runn.

This portion of the Commissioners' meeting was closed at 11:30 a.m.

COMMENDATIONS

OFFICE ON AGING - SENIOR OLYMPICS

Present: Gene Carter, Director, Office on Aging
Jane Kostenko, Office on Aging
Mary Garner, Senior Olympian

The Commissioners presented a Commendation to Mary Garner for achieving fourth place in the Women's Single Tennis Competition at the National Senior Olympics.

The Commissioners presented a Commendation to Jack Sullivan (who was unable to be present) for achieving sixth place in the Men's 18-hole Golf Tournament at the National Senior Olympics.

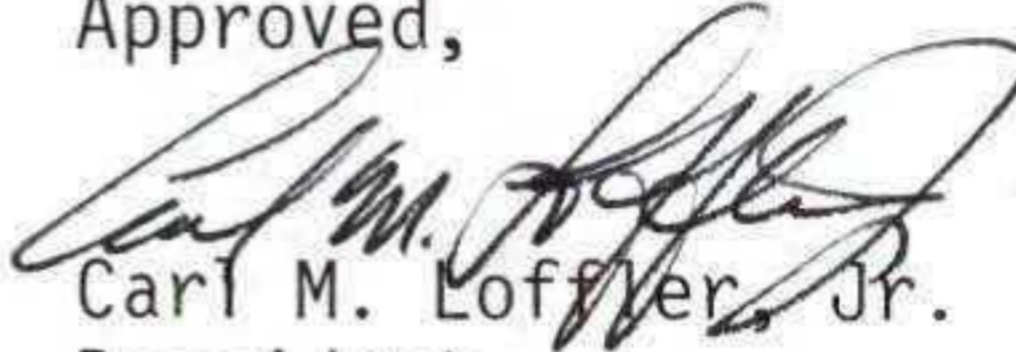
TOUR OF RELOCATED SHERIFF'S DEPARTMENT

The Commissioners left to tour the newly relocated Sheriff's Department which was formerly the Health Department.

ADJOURNMENT

After the aforementioned Executive Session on Personnel, the meeting adjourned at 2:45 p.m.

Approved,


Carl M. Loffler, Jr.
President