

BOARD OF COUNTY COMMISSIONERS' MEETINGTuesday, August 1, 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

(Commissioner Bailey was not present at beginning of meeting.)

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, July 25, 1989. Motion carried.

APPROVAL OF BILLS

Later in the meeting when all Commissioners were present, 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) STATE OFFICE ON AGING

The County Administrator advised that on August 24 Rosalie Abrams, Director of the State Office on Aging, will be meeting with the Commissioners and the heads of other agencies to discuss challenges of the elderly in the 80's and to develop procedures to meet those challenges. Another topic at this meeting will be Shipping Point.

2) CLEARINGHOUSE PROJECT NO. MD890131-0060

The County Administrator presented the referenced clearinghouse project and recommended forwarding it to the State with the comment that it is consistent with this agency's plans, programs, and objectives.

The Commissioners gave their concurrence.

3) CHANNEL 10

The County Administrator presented correspondence addressed to Ms. Sara Squillante, General Manager, Channel 10, expressing appreciation for her assistance regarding the public announcements on Channel 10.

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

4) TUDOR HALL RESTORATION

The County Administrator advised that the County had gotten legislation for funding for improvements to Tudor Hall and through arrangements with the Historical Society have gotten a 50%-50% grant (50% - State; 40% - County; 10% Historical Society). Therefore, he presented an application for the State's share of the grant.

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

5) MECHANICSVILLE OPTIMIST

The County Administrator presented correspondence in response to the Mechanicsville Optimist's concerns regarding public school funding expressing appreciation for their comments and involvement in the community.

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

6) BUDGET AMENDMENT NO. 89-82
CIVIL DEFENSE

The County Administrator presented the referenced Budget Amendment recommended for approval by the Director of Finance with the following justification: To fund the County's one-third of share for addition to the building for cats as the Tri-County Animal Shelter.

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to approve and sign the Budget Amendment as submitted. Motion carried.

7) PERSONNEL
TEMPORARY PROMOTION - DETENTION CENTER

The County Administrator presented a memorandum dated August 1, 1989 from the Personnel Officer recommending the temporary promotion of Catherine L. Clarke to Administrative Assistant/Corrections (Grade 13-2). The position had been vacated by Patricia Walters and is in the process of being filled.

Commissioner Thompson moved, seconded by Commissioner Jarboe, to accept this recommendation. Commissioner Lancaster voted against the motion stating that he was concerned that an action like this indicates to him that the County does not intend to follow the competitive process of the personnel system. Motion carried. three to one.

(Commissioner Bailey entered the meeting - 9:25 a.m.)

8) RESOLUTION NO. 89-20
SOUTHERN MARYLAND HEALTH SYSTEMS AGENCY

The County Administrator advised that in 1976 Calvert, Charles, Prince George's and St. Mary's County entered into an agreement for the establishment of the Southern Maryland Health Systems Agency. However, because of changes in the regulatory and planning environment since the agency's formation, there is no longer a need for the current system. Therefore, Mr. Cox presented Resolution No. 89-20 withdrawing St. Mary's County's support of Southern Maryland Health Systems Agency and withdrawing from the four-county agreement.

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

9) DIRECTORY OF SERVICES - PERSONS WITH AIDS

The County Administrator presented correspondence which will be forwarded to various agencies indicating the County's support in the development of a directory of services available in Southern Maryland for persons with AIDS. New day Wellness Coalition is collaborating with Southern Maryland Health Systems Agency to carry out this project.

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

10) CHANGE OF NAME
MARYLAND EMERGENCY MANAGEMENT AND CIVIL DEFENSE AGENCY

The County Administrator advised the Commissioners that the State has changed the name of the referenced agency to Maryland Emergency Management Agency and recommended that the Board change the name of the St. Mary's County Civil Defense and Disaster Preparedness Agency to the St. Mary's County Emergency Management Agency.

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to change the name as recommended. Motion carried.

11) ZONING AMENDMENT RESOLUTION NO. Z89-02
RUNCO BUILDING - ZONE #88-1857

(Application to rezone approximately .96 acres of land on the southwest side of Md. Rt. 235, just north of Chancellor's Run Road, from R-2, Low Density Residential, to C-1, Commercial. The property is located in the Eighth Election District of St. Mary's County, on Tax Map 42, Block 6, Parcel 157.)

The Commissioners having conducted a public hearing on May 16, 1989 and held subsequent decision discussion on May 30, 1989, the County Administrator presented Zoning Amendment Resolution No. Z89-02 granting the zoning application as requested.

Commissioner Thompson moved, seconded by Commissioner Bailey, to approve and sign the Zoning Amendment Resolution as presented. Motion carried.

DEPARTMENT OF PUBLIC WORKS

Present: Edward V. Cox, County Administrator (on behalf of
Dan Ichniowski, Director of Public Works)

1) PUBLIC WORKS AGREEMENT
WILDEWOOD, NEIGHBORHOOD 3, CLUSTER 4

The County Administrator presented the referenced Public Works Agreement dated July 31, 1989 between Paragon Builders, Inc. and St. Mary's County Commissioners guaranteeing completion of Redwood Lane in Wildewood N3, C4, by July 1, 1990. The Agreement is backed by a Letter of Credit in the amount of \$30,000 with Maryland Bank & Trust Company.

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

2) DUKEHART'S CREEK DREDGING PROJECT

The County Administrator presented correspondence addressed to Thomas Downs outlining the actions to be taken regarding the performance of the dredging of Dukehart's Creek and requesting his concurrence by signing and returning the Spoils Disposal Easement Agreement to the Department of Public Works.

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

(Commissioner Jarboe left meeting - 9:35 a.m.)

3) FISHER ROAD

The County Administrator presented correspondence addressed to the Department of General Services stating that because of Fisher Road's limited service to the County, it is low on the maintenance schedule. The letter further points out that because the road serves St. Mary's College, the Commissioners recommend that the State should take over the responsibility of that road.

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

4) ADDENDUMS TO PUBLIC WORKS AGREEMENTS

The County Administrator presented the following Addendums to Public Works Agreements for the Commissioners' consideration:

a) Wildewood Technological Park (Pecan Court)

Between Wildewood Builders, Inc. and St. Mary's County Commissioners extending the deadline for completion of roads to August 1, 1990. The Addendum is backed by a letter of credit in the amount of \$39,900 with Maryland Bank & Trust Company.

b) Mulberry North

Between Walter B. Dorsey and John R. Dorsey and St. Mary's County Commissioners extending the deadline for completion of roads to August 1, 1990. The Addendum is backed by a letter of credit in the amount of \$54,000 with First National Bank of St. Mary's.

c) Wilderness Cluster

Between Redgate Venture Partnership and St. Mary's County Commissioners extending the deadline for completion of work to August 1, 1990. The Addendum is backed by a letter of credit in the amount of \$194,000.

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

EXECUTIVE SESSION

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

Commissioner Lancaster moved, seconded by Commissioner Bailey, to meet in Executive Session in order to discuss matters of litigation and personnel. Motion carried. The Session was held from 9:40 a.m. to 10:15 a.m.

OFFICE OF ECONOMIC & COMMUNITY DEVELOPMENT

Present: Joseph Mitchell, Director

1) PUBLIC HEARING
ST. MARY'S PRESS

Also Present: Charles Wade, Director of Finance
Charles Palmer
Stuart Stern, St. Mary's Press

(Commissioner Loffler left the meeting and did not participate in the following discussion.)

The Commissioners conducted a public hearing regarding an appropriation and expenditure by St. Mary's County in an amount not to exceed \$227,000 to construct a 2,000 square foot addition to and renovation of an existing industrial building occupied by McGregor Werner (St. Mary's Press) at the St. Mary's Industrial Park. The hearing further addressed the appropriation and expenditure of an amount not to exceed \$280,000 for the purchase of certain photographic copy equipment to be used by St. Mary's Press. These appropriations will be funded from the proceeds of Maryland Industrial Loan Act and Maryland Industrial and Commercial Redevelopment Funds programs administered by Maryland Department of Economic & Employment Development.

The secretary read the notice of public hearing.

Mr. Mitchell explained the projects and stated that the purpose of the hearing is to present an Ordinance for Fiscal year 1990 Supplemental Appropriations to increase the budget by \$507,800 to appropriate funds for the improvements at St. Mary's Press. The County will acquire these funds from Maryland Department of Economic & Community Development.

After discussion Commissioner Bailey moved, seconded by Commissioner Thompson, to approve and sign the Ordinance as presented. Motion carried.

(Commissioner Loffler returned to the meeting - 10:25 a.m.)

2) OPERATION BOOTSTRAP

Mr. Mitchell presented correspondence addressed to the U. S. Department of HUD endorsing the application by the St. Mary's Housing Authority to participate in Operation Bootstrap, a program developed to provide rental assistance to low-income families.

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

3) FEDERAL HOUSING ADMINISTRATION MORTGAGE LIMITS

Mr. Mitchell presented a copy of the Federal Register of July 31, 1989 in which the Department of HUD announced an increase in the Federal Housing Administration mortgage limits. St. Mary's County limits has been increased to \$90,250.

4) FAMILIES INSISTING ON SAFE TENANCIES (FIST)

Mr. Mitchell presented correspondence addressed to the Secretary of the Maryland Department of Housing and Community Development endorsing the referenced FIST program, Maryland's program to combat drug trafficking in residential rental communities.

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

OFFICE OF PLANNING & ZONING
DECISION/DISCUSSION - EAGLES GLEN MHP

Present: Vivian Marsh, Deputy Director, Planning & Zoning
Barbara Midkiff, Recording 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. Marsh stated that he had spoke to Mr. Jim Kenney, attorney representing the applicant, approximately one week ago in which he stated that, in principal, the partners did not have a problem with the concept, but that they would like to actually see the wording of the Rezoning Resolution and review it before they make a final commitment. Mr. Marsh stated that if this is acceptable he would have the attorney complete a draft and let the partners review it.

Mr. Loffler stated to Mr. Kenney that the Commissioners could, today, put the matter up for vote for approval, subject to the owners and the Commission being in agreement.

Mr. Kenney stated that the owners would like to see the final language and read the resolution so that they know what they have to consider.

Mr. Bailey stated that the Commissioners could vote on this matter today, if the owners agree.

Mr. Loffler stated that the Commission could entertain a Motion for Approval for rezoning subject to the agreement to hold the density until adequate facilities have been completed.

Mr. Bailey moved that case number 88-1862, Eagles Glen M.H.P. rezoning be approved with the conditions as noted in the staff report and that the applicant agree to a cap on development until adequate facilities have been completed.

Mr. Thompson seconded the motion, followed by a unanimous vote by the Commissioners.

The meeting was closed at 10:46 a.m.

BOARD OF EDUCATION
STUDENT POPULATION - FACILITY REQUIREMENTS

Present: James Marsh, Director, Fiscal & Administrative Services
Donald O'Neal, Coordinator of Health and Safety
Charles Wade, St. Mary's County Director of Finance

As a follow up to discussion held July 25, 1989 regarding impact fees/transfer tax, Mr. Marsh and Mr. O'Neal appeared before the Commissioners to respond to questions raised by the Commissioners. Mr. Marsh distributed a handout addressing the issues relative to the number of classrooms in relation to number of students, the effect of Prekindergarten on elementary school inventory, and the rationale for capital projects.

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

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator
John Baggett, Director, Recreation and Parks
Joseph Densford, Acting County Attorney

Commissioner Thompson moved, seconded by Commissioner Lancaster, to meet in Executive Session to discuss a matter of property acquisition. Motion carried. The Session was held from 11:45 a.m. to 12:15 p.m.

STAFF MEETING

The Commissioners attended the monthly staff lunch and meeting held at the Garvey Center.

EVENING SESSION - 7:00 A.M.

PUBLIC FORUM

The Commissioners conducted a public forum accepting questions and comments from the audience on the following issues:

Viki Volk - Board of Education teacher salary negotiations;
Peggs Road - developers' fees

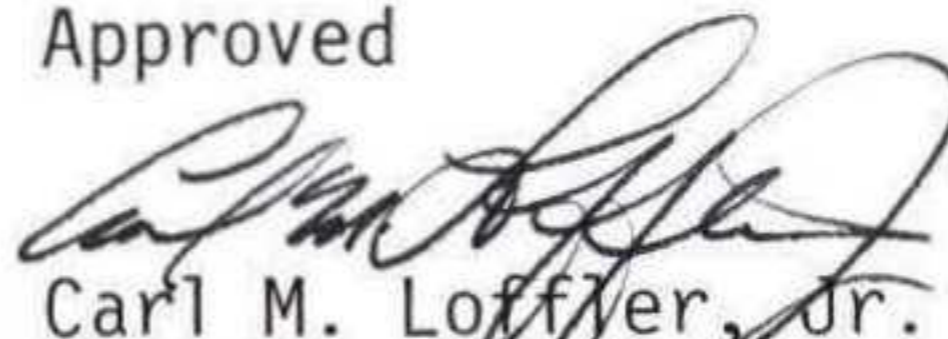
Floyd Williams - Reliable Auto Parts - compliance with site
plan restrictions

Minnie Russell - Wynn Road - loose gravel;
Tax assessment on her waterfront property
Status of Public Landing Ordinance
(Fox Harbor Road)

ADJOURNMENT

The meeting adjourned at 8:00 p.m.

Approved


Carl M. Loffler, Jr.
President