

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, September 26, 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 Thompson moved, seconded by Commissioner Bailey, to approve the minutes of the Commissioners' meeting of Tuesday, September 19, 1989. Motion carried.

APPROVAL OF BILLS

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

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) BUDGET AMENDMENTS

The County Administrator presented the following budget amendments recommended for approval by the Director of Finance as follows:

No. 90-08
VARIOUS DEPARTMENTS

To provide budget authority to capital projects carry-forward from FY '89 to FY '90, part of the reservation against fund balance.

No. 90-09
COUNTY ADMINISTRATOR

To provide funding for Maryland Association of Counties Phase II Health Insurance Study.

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

3) PEGG ROAD EXTENSION
NORTH GATE - NAVAL AIR STATION

As a follow up to last week's discussion, the County Administrator presented correspondence addressed to Congressman Dyson requesting assistance in obtaining the Navy's support to program the North Gate Road construction project in Fiscal Year 1991. This project in conjunction with the County's commitments to Pegg Road will help improve traffic congestion in that area.

The Commissioners agreed to sign and forward the letter.

4) VALLEY DRIVE

As a follow up to previous discussion of July 18, the County Administrator presented correspondence addressed to Mr. Daugherty, President of Maryland Bank & Trust Company, stating that the May 31, 1989 appraisal meets the County's request. Once the road is completion and accepted, the County will accept Mr. Daugherty's donation of Valley Drive at the appraised amount of \$270,000.

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

5) LEONARDTOWN COUNCIL
IMPACT FEES

As a follow up to last week's meeting, the County Administrator presented correspondence addressed to the Mayor and Council of Leonardtown setting forth the County's understanding with regard to the collection of the impact fee in Leonardtown.

The Commissioners agreed to sign and forward the letter.

6) EMERGENCY COMMUNICATION NETWORK

Relative to correspondence dated September 8 from the Ambulance & Rescue Association expressing concerns regarding the county's emergency communication network, the County Administrator presented a response explaining the County's decision to transfer police communications to the Sheriff's Department.

The Commissioners agreed to sign and forward the letter.

7) TRI-COUNTY COUNCIL
REGIONAL ACTION ON DRUG ABUSE IN SOUTHERN MARYLAND

As a follow up to last week's meeting, the County Administrator presented correspondence addressed to the Tri-County Council stating that the draft "Recommendations for Regional Action on Drug Abuse in Southern Maryland" stating that it is in keeping with the County's local initiatives with the exception of 5.b pertaining to forfeiture. The letter states that forfeited assets should be delivered to the local governing body and would be used to offset costs of the criminal justice system.

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

8) LEGISLATIVE COMMITTEE NOMINATIONS

Commissioner Lancaster moved, seconded by Commissioner Thompson, to nominate Commissioner Robert Jarboe as the County's representative of the Maryland Association of Counties Legislative Committee and to nominate Commissioner W. Edward Bailey as the alternate. Motion carried.

(9) CITIZEN ADVISORS' APPRECIATION NIGHT

The County Administrator presented a memorandum setting forth a proposal to have the annual Citizen Advisors' Appreciation Night on October 26 at the Elks Lodge in California. The purpose of the event is to express the community's appreciation for services rendered by the hundreds of citizen advisors on the County's boards, committees and commissions.

Commissioner Bailey moved, seconded by Commissioner Jarboe to proceed as recommended for the Citizen Advisors' Appreciation Night. Motion carried.

(10) SEWAGE SLUDGE UTILIZATION PERMIT APPLICATIONS

The County Administrator presented applications for sewage sludge utilization stating that Article 9 of the Environment Article of the Annotated Code of Maryland provides that the County may request a public informational meeting regarding these applications. Applications are for the following properties:

Sewage Sludge from Point Lookout Wastewater Treatment Plant

- ° Historic St. Mary's City
- ° J. Spence Howard

Applications by Bio Gro Systems for properties in Charles County

- ° Chester Beaver, Elmer Hertzler, Ben Swarey, Elam Swarey, Israel Swarey, Jake Swarey, Moses Swarey, Samuel Swarey

The Commissioners stated they were in concurrence with the applications for sewage sludge from the Point Lookout Wastewater Treatment Plant, but expressed concern with the applications from Charles County. The County Administrator was directed to make arrangements for a public informational meeting on the Charles County applications.

11) ST. MARY'S COMMUNITY COLLEGE SITE SELECTION

With regard to last week's discussion of the correspondence to be forwarded to the Department of Natural Resources relative to the proposed site for a community college in St. Mary's County, the County Administrator explained the purpose of the letter. He stated that the County was creating a "paper trail" to document its request for the site off of Chancellor's Run Road and when it is formally rejected by DNR would request the site off of Indian Bridge Road.

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

DEPARTMENT OF PUBLIC WORKS

Present: Dan Ichniowski, Director

1) COURTHOUSE RENOVATION PROJECT

Also Present: Jay McGrath, Engineer
Ed Long, Leonardtown Council
Fayrene Mattingly, "
Ruth Profitt

The referenced individuals from the Department of Public Works appeared before the Commissioners to review space requirements for agencies that will be remaining at the Courthouse upon completion of the state office building at the Governmental Center site. The budget currently provides \$300,000 for courthouse design and construction funds; however, Mr. Ichniowski requested the following reallocation of funds:

Modification to Sheriff's vacated area	\$ 10,000
Modification of District Court for Circuit Court	60,000
Fire Code Modifications	115,000
Carpet/Paint/Partitions in vacated area	115,000

Mr. Ichniowski further stated that the future expenses of the project will be included in the Fiscal Year 1991 request as follows:

Handicap Access to second floor	\$ 65,000
Additional Parking areas	100,000

He stated that completion of the remodeling is anticipated for September 1990, and the improvements should serve to meet the needs of the County for five years.

During discussion the Commissioners expressed concerns regarding adequate parking for the area, and the representatives of the Leonardtown Council expressed willingness to cooperate in finding additional parking areas.

After discussion Commissioner Bailey moved, seconded by Commissioner Jarboe, to approve the reallocation of the \$300,000 as referenced above. Motion carried.

With regard to the Fiscal Year 1991 request the Commissioners directed Mr. Ichniowski to include it in his budgetary request.

Later in the discussion Leonardtown Councilman Ed Long read a proclamation from the Town indicating that it is desirable and in the best interest of the Town and its citizens for the Courthouse to remain at its current location. Fayrene Mattingly stated that the Town has gathered approximately 1,000 signatures on a petition to keep the Courthouse where it is in order not to lose this historical landmark.

2) ROAD RESOLUTION
PARK PLACE

Mr. Ichniowski presented the referenced Road Resolution posting Park Place as a "No Parking" zone in an easterly direction on the northern side of the road for approximately 400 feet.

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

3) PUBLIC WORKS AGREEMENT
CEDAR COVE SUBDIVISION, SECTION IV

Mr. Ichniowski presented a Public Works Agreement between Heritage Manor Homes, Inc. and St. Mary's County guaranteeing the completion of Long Lane, Sunburst Drive, Surfside Drive in Cedar Cove Subdivision, Section IV, by September 1, 1990. The Agreement is backed by a Letter of Credit in the amount of \$511,400 with Maryland Bank & Trust Co.

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

4) ADDENDUM TO PUBLIC WORKS AGREEMENT
ST. GEORGE HUNDRED

Mr. Ichniowski presented an Addendum to the Public Works Agreement between St. Mary's One Limited Partnership and St. Mary's County extending the deadline for completion to September 25, 1990. The Addendum is backed by a letter of credit with Maryland Bank & Trust in the amount of \$32,000.

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

5) CALLING LETTERS OF CREDIT

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

Maiden's Fancy Minor Subdivision

Public Works Agreement
Letter of Credit A1-12-6-1988
in the amount of \$29,100

Stoney Run Subdivision, Section III

Public Works Agreement
Letter of Credit A2-3-15-1988
in the amount of \$64,000

Tosca Subdivision

Public Works Agreement
Letter of Credit ILOC-00667688
in the amount of \$296,000

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to sign the correspondence calling the letters of credit as referenced. Motion carried.

6) SHORE EROSION CONTROL PROJECT
POINT BREEZE ROAD

Mr. Ichniowski presented a Letter of Intent to be signed by the President of the Board and submitted to the Maryland Department of Natural Resources indicating the County's agreement with the Point Breeze Road shore erosion control project. The project includes the construction of a 560 foot stone revetment.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to authorize Commissioner Loffler to sign the Letter of Intent as presented. Motion carried.

7) WETLANDS LICENSE NO. 89-1516
ST. JEROMES CREEK

Mr. Ichniowski presented the referenced wetlands license for the maintenance dredging of approximately 4,158 cubic yards of dredged material in the southern prong of St. Jeromes Creek.

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

PSUB #88-0460
SWAN'S REST SUBDIVISION

Present: Oliver Guyther, Attorney for the Applicant
Don Cryer,

As a follow up to previous discussion Mr. Guyther appeared before the Commissioners to present additional information regarding his request for the Commissioners to appeal the Planning Commission's decision that the developer would have to build the road to county standards.

Mr. Guyther reviewed the history of the case stating that Swan's Rest is a minor subdivision consisting of seven lots served by a gravel road. In 1988 the applicant applied for five lots, and has requested to pave only that section of the road serving those additional five lots. The Planning Commission approved the application with the stipulation that Swan's Court was to be built to county standards.

As an example Mr. Guyther pointed out a minor subdivision, Maydel Manor, where the road was blacktopped to serve new lots that were created, and did not have to blacktop the road serving the older lots.

Mr. Guyther further pointed out that the Subdivision Regulations and Road Ordinance state that lots that front a state road are exempted as part of a minor subdivision.

In conclusion the Commissioners requested the County Administrator to meet Office of Planning and Zoning staff to discuss this matter.

RESOLUTION NO. 89-24
PROPERTY TAX SALE

Present: Charles Wade, Director of Finance

The Commissioners having conducted a public hearing on September 12, 1989 a proposed Resolution to set the tax sale date for property after the tax is delinquent for a period of six months rather than the current one year.

Commissioner Loffler proposed that the Resolution be modified to change the six month period to be effective June 30 of each year.

Commissioners Bailey and Jarboe indicated that they were not in favor of adopting the Resolution with the delinquency of payment in six months and were of the opinion that the tax sale date process should remain with the current one-year delinquency.

After discussion the County Administrator was directed to revise the Resolution stating that effective October 1, 1989 the collector of taxes shall proceed to advertise and sell any real property immediately after the tax is delinquent for a period of one year, as is currently done.

Later in the meeting, Commissioner Jarboe moved, seconded by Commissioner Lancaster, to approve and sign Resolution no. 89-24 setting the tax sale one year after the tax is delinquent. Motion carried.

ALCOHOL BEVERAGE BOARD LICENSES

Commissioner Jarboe requested the County Administrator to look into the possibility of the Treasurer's Office selling Alcohol Beverage licenses rather than the Clerk's Office so that the funds can be deposited immediately and start collecting interest. Commissioner Jarboe further stated that this would also be more convenient for the applicant in that they would get the application and the license at the same location.

DRUG FREE WORK PLACE POLICY

Present: George Foster, Personnel Officer

As a follow up to last week's presentation, Commissioner Jarboe moved, seconded by Commissioner Lancaster, to adopt the amendment to the Manual of Personnel Policies and Procedures regarding a Drug Free Work Place Policy. Motion carried.

CHARLES COUNTY COMMUNITY COLLEGE
PROJECT TRANSITION

Present: Pat Schroeder
Lynn Hoffman
Sandy Aldridge

The referenced individuals appeared before the Commissioners to explain the Project Transition, a program funded by the Department of Human Resources and the Department of Education to serve displaced homemakers, single parents, and homemakers for nine years. The program serves Calvert, Charles and St. Mary's Counties. 263 people in the tri-county area, including 98 from St. Mary's County have entered the program.

The Commissioners thanked the representatives for the presentation on Project Transition and expressed appreciation for the opportunities that are provided to our citizens through this program.

PROCLAMATIONS

The Commissioners presented Proclamations as follows:

- ° Proclaiming October as Knights of Columbus Month for Mentally Retarded Citizens
- ° Proclaiming October as Lupus Awareness Month
- ° Mental Illness Awareness Week
- ° National Disability Employment Awareness Month

EXECUTIVE SESSION

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

Commissioner Bailey moved, seconded by Commissioner Lancaster, to meet in Executive Session in order to discuss matters of property disposition as follows:

Property Disposition

Also Present: Phil Dorsey

Held from 11:30 to 12:00 Noon

Property Disposition

Held from 12:15 p.m. to 12:40 p.m.

OFFICE OF PLANNING AND ZONING

PUBLIC HEARING

ALPD #89-0429 - THOMAS COX & WALDO BURNSIDE

Present: Laura Clarke, Planner
Peggy Childs, Recording Secretary.

ALPD #89-0429 - THOMAS COX & WALDO BURNSIDE

Requesting designation of 181 acres as an Agricultural Land Preservation District. The property is zoned R-1/RPD and RCA and is located on Maryland Route 252 in Ridge, First Election District; shown on Tax Map 70, Blocks 12 and 17, Parcels 41 and 203.

Owners/Applicants: Thomas Emory Cox
Waldo Howard Burnside

Ms. Clarke stated the public hearing was advertised in The Enterprise on September 8th and September 13, 1989 and presented the District Agreement and her staff memorandum requesting that the Commissioners forward to the State Foundation their recommendation to establish the property as an Agricultural Land Preservation District. Ms. Clarke said a portion of the property is in the Critical Area and SCS has found the soils classification suitable for an ALPD; also a forest conservation plan is in place.

The property is owned by Mr. Cox (169+ acres) and his brother-in-law, Mr. Burnside (11+ acres) for a total of 181+ acres. The joint venture for the ALPD is known as "Trinity"; however, the portion known as "Woodlawn" is #23 of the St. Mary's County properties named on the National Register of Historical Places, which states:

"23. WOODLAWN
MD 252, West of Ridge

Woodlawn is one of the more interesting Federal period homes in St. Mary's County. It is noted for its early 19th century architectural style. The house was built prior to 1840."

Establishment of an ALPD will provide further protection for this nationally recognized property.

Ms. Clarke said the procedure is that the County Commissioners must render a decision within 120 days. OPZ will then notify the Foundation if the recommendation is favorable, forwarding the application and recommended approval of the County Agricultural Land Preservation Committee which was granted on August 22, 1989 and the August 28, 1989 recommended approval of the Planning Commission.

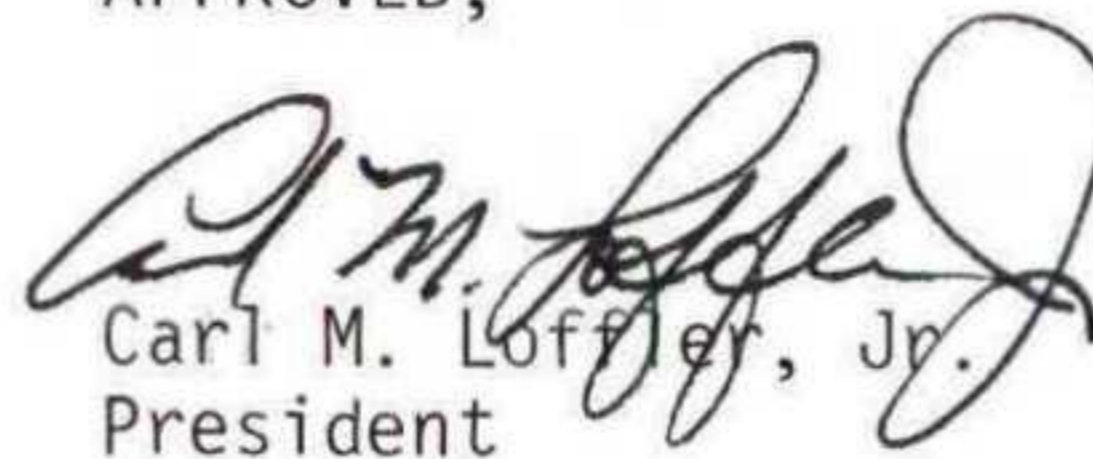
Within 60 days of receipt, the Foundation shall render a decision and inform the County Commissioners of approval and the Foundation will record the agreement in Land Records. OPZ will then establish the ALPD as a part of the official zoning maps for St. Mary's County.

The Chair opened the hearing to public comment; the only question was asked by Joe Sedlock, of The Enterprise, regarding the present use of the property, which is cropland and woods. The public comment portion was closed. The Commissioners remarked they saw no problem with granting approval; however, the record will remain open for two weeks and they will render a decision two weeks from today (October 10th).

ADJOURNMENT

The meeting adjourned at 1:30 p.m. and the Commissioners left to attend an Affordable Housing Task Force Meeting at Olde Breton Inn.

APPROVED,


Carl M. Loffler, Jr.
President