

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, November 21, 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

MEETING WITH ST. MARY'S HOSPITAL BOARD

Prior to the regular meeting, the County Commissioners met with the St. Mary's Hospital Board at the hospital conference room to discuss capital program financing.

The meeting was called to order at 10:00 a.m.

APPROVAL OF MINUTES

Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve the minutes of the Commissioners' meeting of Tuesday, November 7, 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) STATE OFFICE BUILDING

The County Administrator advised that on January 19, 1988 the County Commissioners had indicated concurrence with the previous Board's decision to name the new State Office Building the "Carter Building" in memory of the late Joseph D. Carter, who was the Director of the Department of Social Services. Mr. Cox requested the Board's reaffirmation of this concurrence which will be forwarded to the State through correspondence.

Commissioner Lancaster moved, seconded by Commissioner Thompson, to reaffirm the Board's commitment to name the State Office Building the "Carter Building." Motion carried.

2) RESOLUTION NO. 89- 30
VOLUNTEER FIRE DEPARTMENT AND RESCUE SQUAD MEMBERS
WORKMEN'S COMPENSATION

In order to implement Article 101, Section 34 of the Annotated Code of Maryland, the County Administrator presented the referenced Resolution, which provides for the inclusion of members of volunteer fire departments and rescue squads in workmen's compensation coverage.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve and sign Resolution No. 89- 30. Motion carried.

3) LENGTH OF SERVICE AWARDS
VOLUNTEER FIRE DEPARTMENTS AND RESCUE SQUADS

In response to correspondence dated August 15 from the Fire Board regarding change in the manner of coverage for Length of Service Awards Program, the County Administrator presented correspondence advising that the Commissioners will consider this request and will make a decision during FY 1991 deliberations.

The Commissioners agreed to sign and forward the letter.

4) LEONARDTOWN VOLUNTEER FIRE DEPARTMENT - FIRE TAX

The County Administrator presented a letter responding to the President of the Leonardtown Volunteer Fire Department regarding a .06¢ fire tax for the Third District. The response indicates that the County will take the request into consideration during the FY 1991 budget deliberations.

The Commissioners agreed to sign and forward the letter.

5) 1990 CENSUS

The County Administrator presented correspondence and brochures which will be forwarded to approximately 100 groups in the County inviting them to attend meetings and training sessions regarding the 1990 Census.

The Commissioners agreed to sign and forward the letter.

6) BUDGET AMENDMENTS

The County Administrator submitted the following budget amendments recommended for approval by the Director of Finance:

No. 90-21
County Administrator
(Department of Agriculture - Lyme Disease)

Justification: As a follow up to last week's discussion, to provide the County's share for examining ticks for bacterium that causes Lyme Disease. (\$2,500)

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

No. 90-20
Office of Community Services

Justification: To provide funding for Drug Free School Zone signs.

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

7) RENTAL ALLOWANCE PROGRAM
LOCAL PROGRAM APPLICATION

On behalf of the St. Mary's County Housing Authority, the County Administrator presented the referenced program application in the amount of \$46,944. The program allows the County to subsidize rents to help low income families. In-kind costs that are associated with the county match are provided through Section 8 funds; therefore, there is no cost to the County.

8) SCHOOL-AGE CHILD CARE TASK FORCE

As a follow up to last week's discussion, the County Administrator requested the Board to appoint an "Extended Day Care Planning Committee."

Commissioner Lancaster moved, seconded by Commissioner Thompson, and motion carried, to make the following appointments to the School-Age Child Care Task Force:

Becky Stevens	Bonnie Hernandez
Jayne E. Sullivan	Robert Hmieleski
Mary Blakely	Janet Kellman
Lenore Blevins	Deborah Goldbach
Jean Campbell	Phyllis Leighton
Flo Chakelee	Joan Marsh
Ginny Christensen	Jim Marsh
Claude Clark	Rhodessa Lee Millham
Jean Dean	Peggy Nosek
Susie Diaz	Elaine Ohler
Marie Fort	Carole Pinckney
Kathy Glaser	Janice Walthour
Linda Himmelheber	Teri Wilson

9) ST. MARY'S COUNTY HEALTH DEPARTMENT VACANCIES

As a follow up to last week's discussion regarding the State's freeze on hiring, the County Administrator presented correspondence to the Department of Health and Mental Hygiene requesting a lift on the hiring freeze for vacancies that currently exist.

The Commissioners agreed to sign and forward the letter.

DEPARTMENT OF PUBLIC WORKS

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

1) CORRESPONDENCE CALLING LETTERS OF CREDIT

- ° Piney Point Landing - Claim Letter for Grading Permit No. 89-37;
- ° Piney Point Landing - Claim Letter for Grading Permit No. 89-21;
- ° The Landings at Piney Point - Claim Letter for Public Works Agreement;
- ° Countryside Subdivision - Claim Letter for Public Works Agreement;
- ° Madison Subdivision - Claim Letter for Public Works Agreement
- ° Laurel Ridge Subdivision, Section II - Claim Letter for Public Works Agreement;
- ° Peachtree Way - Claim Letter for Public Works Agreement

Commissioner Bailey moved, seconded by Commissioner Lancaster, to authorize Commissioner Loffler to sign the Claim Letters as presented to be forwarded if necessary. Motion carried.

2) ADDENDA TO PUBLIC WORKS AGREEMENTS

- ° Indian River Estates, Section V - Extending deadline for completion of roads to July 1, 1990 and reducing value of Letter of Credit to \$10,000.
- ° Wildewood (Smoke Hill and Cottonwood Parkway) - Extending deadline for completion of roads to December 1, 1990; Letter of Credit in the amount of \$57,000.
- ° Patuxent River Farms, Phase I - Extending deadline for completion of roads to November 1, 1990 with Bond with Homestead Insurance Co.;

RESOLUTION NO. 89-29
PUBLIC FACILITIES BONDS

Present: Charles Wade, Director of Finance
Stuart Diana, Piper & Marbury

Mr. Wade and Mr. Diana presented and reviewed the referenced Resolution authorizing the issuance and sale of \$2,680,000 of general obligation bonds designated as St. Mary's County Public Facilities Bonds of 1989.

After review Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve and sign Resolution No. 89-29 as presented. Motion carried.

BOARD OF EDUCATION
SIX-YEAR CAPITAL IMPROVEMENT PROGRAM
FISCAL YEARS 1991-1996

Present: Charles Wade, Director of Finance
Jerry Himmelheber, Supervisor of School Facilities

In response to the earlier submission by the Board of Education of its proposed FY 1991-1996 Six-Year Capital Improvement Program and discussion at the meeting of the two Boards on November 14. Mr. Wade distributed documentation setting forth sources of funding (impact fees, general obligation bonds, and general funds) information needed to make decisions, building blocks for capital budget, and recommendations.

After some discussion the Commissioners agreed to consider this matter at their meeting of December 5.

PROCLAMATION
HOME HEALTH CARE WEEK

Present: Karol Walton
Carol Pinckney

The Commissioners presented the referenced Proclamation designating the week of November 22-December 2, 1989.

COMMENDATIONS- OFFICE ON AGING
SENIOR OLYMPIANS

The Commissioners presented Commendations to the following Office on Aging Senior Olympians:

Jackie Bailey - Bronze Medal (for horse shoes)
Mary Garner - Bronze Medal (Women's singles-tennis)
Carolyn Orwiler - Gold Medal (1 mile recreation walk)
Frederick Smith - Silver Medal (Javelin)
James Tiburzi - Bronze Medal (Javelin)
William Turner - Bronze Medal (Racquet Ball)

PROPOSED ISSUE OF MULTIFAMILY RENTAL HOUSING REFUNDING REVENUE BONDS
PATUXENT PARK WEST APARTMENT FACILITY

Present: Joseph Mitchell, Director, DECD

Mr. Mitchell appeared before the Commissioner to request approval to advertise for a public hearing on the issuance of refunding revenue bonds for Patuxent Park West. The purpose of the bonds is to redeem the outstanding principal balance of the Revenue bonds issued on March 8, 1985 in the original principal amount of \$10,425,000 to finance the costs of a rental apartment facility.

After discussion Commissioner Lancaster moved, seconded by Commissioner Jarboe, to authorize Mr. Mitchell to proceed to advertise for the public hearing as requested. Motion carried.

RESOLUTIONS

The Commissioners having conducted public hearings, the County Administrator presented the following Resolutions for the Commissioners' approval:

- Resolution No. Z89-05
ZONE #88-1862 - Eagles Glen MHP
Approving rezoning application from MHP to R-15
- Resolution No. Z89-06
ZPUD #88-1868 Patuxent Park West
Approving application to amend PUD to allow 41 additional units
- Resolution No. Z89-07
ZONE #89-0103 - Mary McKay Property
Approving rezoning application from R-1 to C-2
- Resolution No. Z89-08
ZONE #89-0493 - T. King Clarke Property
Approving rezoning application from R-1 to C-2
- Resolution No. W/S89-03
Water and Sewer Plan Amendment
PSUB #89-0335 - Whalers Creek Runn
Approving reclassification from S-5 to S-3D and W-5 to W-3D

Commissioner Bailey moved, seconded by Commissioner Jarboe, to approve and sign the referenced Resolutions as presented. Motion carried.

OFFICE OF PLANNING & ZONING
PUBLIC HEARING - 1:40 p.m.

Present: Jon Grimm, Director
Jeff Jackson, Land Use Planner
Peggy Childs, Recording Secretary.

CRITICAL AREAS PROGRAM

Present: Ford L. Dean, Chairman
Critical Areas Task Force

Mr. Jackman advised that this public hearing was advertised in The Enterprise on Nov. 3 and Nov. 8, 1989.

Mr. Dean stated the purpose of the public hearing was to allow public comment on the changes made to 10 of the zoning maps since the August 15, 1989 public hearing. Those changes were required by State Law, which states that a parcel of property that is not water dependent must be at least 15 acres in size to be classified as LDA (Limited Development Area). At the August 15th public hearing there were certain parcels that did not meet the minimum size requirement, so those parcels have been reclassified as RCA (Resource Conservation Area). The maps are available for public review.

Commissioner Loffler opened the hearing to public comment. Attorney Jim Kenney asked if those property owners have been notified except by the public hearing process. Mr. Dean replied in the negative, stating the changes are technical in nature and legally required, leaving the County no choice but to make the reclassifications with no recourse to the property owners.

Mr. Dean said he had been approached by Mr. Kenney regarding a specific piece of property; i.e., Abell's Wharf, but comment on any specific property would be inappropriate at this public hearing because it had not been part of the legal ad. The public comment portion of the hearing was closed.

The Commissioners considered the approval of the Critical Area Plan as presented by Mr. Dean two weeks ago. Mr. Dean stated that, at that meeting, Mr. Kenney had raised a question about Abell's Wharf. Mr. Dean stated that Abell's Wharf had been classified RCA because it did not meet the mapping rules as of 12/1/85, explaining that the property was operating as a conditional use permit, which will terminate either by date or when the gravel runs out. Mr. Kenney had pointed out that the original 40 acres was not under the conditional use and has been deemed by the Court to be a legally constituted nonconforming use. Accordingly, he felt the RCA designation was inappropriate for that 40 acres.

Mr. Dean stated this is a valid question and he has discussed it with the Task Force and the Critical Area Commission, who recommended the Program and Maps be submitted as they exist for CAC tentative approval, with the question to be addressed in the 90-day public hearing period which the County has before final adoption. Mr. Dean said a determination must be made as to the size of the portion of the 40 acres which was used as a water dependent facility on 12/1/85. Then the Task Force will make a recommendation for either LDA or IDA. Mr. Dean suggested this point be raised in the Commissioners' letter of transmittal to the CAC.

Commissioner Jarboe moved to submit the Critical Areas Program, as it exists, to the Critical Carea Commission. The motion was seconded by Commissioner Lancaster and unanimously carried.

BUILDING CODE REPORT

Mr. Grimm presented to the Commissioners a proposed Resolution for adoption of the Building Code drafted by OPZ in conjunction with the County Administrator, the Middle Department Inspection Agency, BOCA Officials, and the County liaison committee of the Suburban Maryland Building Industry Association. The proposed Resolution incorporate the comments resulting from the Commissioners' public hearing.

The Resolution is for certification and education of builders, with structural documentation and minimum mandatory inspections; i.e., Footer, Framing, Insulation and Final; and adoption of the 1987 Building Code and Article 12 of the BOCA National Mechanical Code 1987, and the CABO One and Two Family Dwelling Code 1989, with the following exceptions:

1. Plans and specifications for the purposes of minimum inspections for one and two family dwellings will not be required for permit approval, but must be available on construction sites.
2. Single-family owner-occupied dwellings may use ungraded lumber, providing the materials are cut full size.
3. All agricultural buildings other than dwelling units.
4. Manufactured buildings except the footer and foundation inspection.

5. Where there is a conflict with other codes and ordinances adopted by Federal, State and St. Mary's County Government.
6. Heating, ventilation, and air conditioning systems.

The cost is to be financed by an increase in the Building Fee Schedule. Staff was directed to go forward with the public hearing. Mr. Cox stated there should be a period of time between adoption of the Code and the effective date. Mr. Wiggins stated he would like to schedule two seminars in January for indoctrination to be followed by another seminar in the Spring.

"CALL TO ACTION BRIEFING"

Present: Joe Dick, Alcohol Drug Abuse Coordinator
Judy Landau, Public Information Specialist

The referenced individuals appeared before the Commissioners to present a briefing paper in preparation for attendance at the Governor's Second Summit on the "War on Drugs."

After discussion the Commissioners expressed appreciation for the St. Mary's County Alliance for Alcohol and Drug Abuse for its efforts in the "War on Drugs."

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

EXECUTIVE SESSION

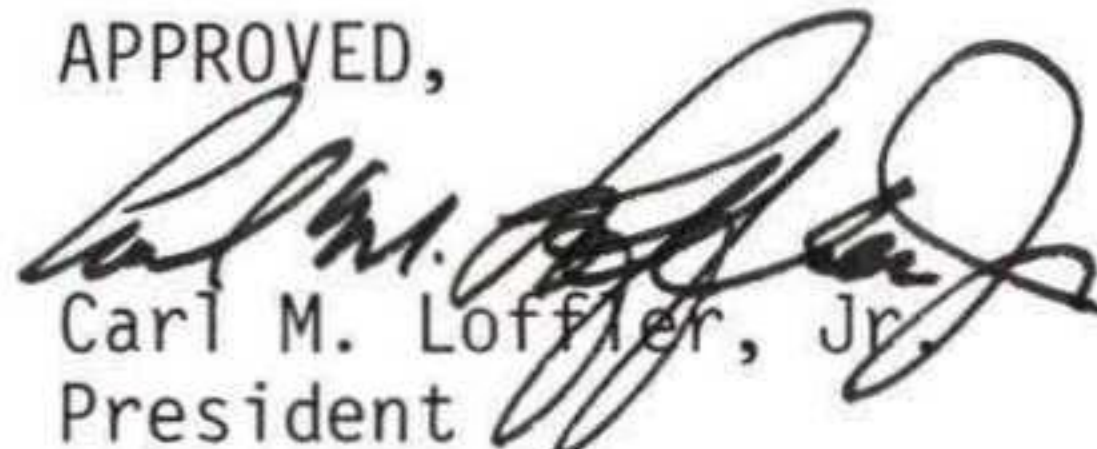
Present: Edward V. Cox, County Administrator

Commissioner Thompson moved, seconded by Commissioner Lancaster, to meet in Executive Session to discuss matters of personnel. Motion carried. The Session was held from 3:00 p.m. to 3:35 p.m.

ADJOURNMENT

The meeting adjourned at 4:00 p.m.

APPROVED,


Carl M. Loffler, Jr.
President