

BOARD OF COUNTY COMMISSIONERS' MEETINGTuesday, January 2, 1990

Present: Commissioner Carl M. Loffler, Jr., President  
 Commissioner Robert Jarboe, Commissioner  
 Commissioner W. Edward Bailey, Commissioner  
 Commissioner John G. Lancaster, Commissioner  
 Commissioner Rodney Thompson, Commissioner  
 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 Lancaster moved, seconded by Commissioner Thompson, to approve the minutes of the Commissioners' meeting of Tuesday, December 19, 1989. Motion carried.

APPROVAL OF BILLS

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

SELECTION OF VICE-PRESIDENT

In accordance with the Commissioners' policy to appoint a Vice-President in alphabetical order annually, Commissioner Jarboe moved, seconded by Commissioner Lancaster, to appoint Commissioner Rodney Thompson as Vice-President for 1990. Motion carried.

COUNTY ADMINISTRATOR ITEMS

1) APPOINTMENTS  
BOARDS, COMMITTEES AND COMMISSIONS

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

<u>Agriculture Commission</u>	<u>Terms to Expire</u>
Don Magnani	12/31/93
George B. Reeves (Reappt.)	12/31/93
Edward Swecker "	12/31/93
<u>Adult Public Guardianship Review Board</u>	
Charles Miedzinski (reappt.)	12/31/93
Virginia Modrzakowski "	12/31/93
Tom Shea	12/31/93
<u>Council on Children and Youth</u>	
Wayne Guy (Reappt.)	12/31/93
Paula McLeod (Reappt.)	12/31/93
<u>Library Board of Trustees</u>	
Frederick N. Gass (Reappt.)	12/31/95



Marcey House Board

Edward J. Kerns (Reappt.)	12/31/93
Richard J. Martin "	12/31/93
J. Maguire Mattingly, Jr. "	12/31/93
Sgt. Raymond Williams "	12/31/93

St. Mary's Nursing Center Board

Jerry W. Cheseldine	12/31/93
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2) LORETTA HOUSE  
REQUEST FOR SHERIFF'S DEPARTMENT VEHICLE

The County Administrator presented a request from Loretta House for one of the Sheriff's Department vehicles when one becomes available.

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to approve this request. Motion carried.

3) PERSONNEL - RECLASSIFICATIONS

The County Administrator presented the following personnel items for the Commissioners' consideration:

Office of Planning and Zoning

Memorandum dated December 28 from Personnel Office requesting approval to reclassify the Construction Inspector position (which had been authorized but not filled) to a Building Code Inspector, Grade 18. The Director of Planning and Zoning has requested this change because of the new building code being adopted.

Procurement Office

Memorandum dated December 28, 1989 from Personnel Office requesting to reclassify the vacant Typist Clerk III position, Grade 13, to a General Clerk IV, Grade 13. This change is requested because of the newly established county gasoline distribution system and inventory control system.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve the referenced classifications as requested. Motion carried.

4) SOTTERLY FOUNDATION FUNDING REQUEST

As a follow up to discussion held December 19, the County Administrator advised that the Sotterly Foundation has responded to the Commissioners' request for additional information regarding the request for funds to repair an historic barn on the property.

After discussion Commissioner Jarboe moved, seconded by Commissioner Lancaster, to include this item in the Supplemental Budget request, which will be presented at a public hearing scheduled for January 9 at 10:00 a.m. Motion carried.

(Commissioner Bailey entered meeting - 9:35 a.m.)



OFFICE ON AGING  
SENIOR CENTER GRANT APPLICATION

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

Mr. Carter presented the referenced grant application for funds to construct a senior center in the Lexington Park area. Total project cost is \$600,000 (50% Local and 50% - State). The center is planned to be constructed at Carver Heights; however, because of possible property questions which might prohibit use of the property, an alternative site is the Recreation and Parks Regional Park site.

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

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to meet in Executive Session to discuss a matter of Property Acquisition. Motion carried. The Session was held from 9:50 a.m. to 10:10 a.m.

OFFICE OF PLANNING AND ZONING

Present: Jon Grimm, Director  
Peggy Childs, Recording Secretary

1. PUBLIC HEARING - W/S CATEGORY CHANGES

Mr. Grimm announced that this public hearing was advertised in The Enterprise newspaper on December 13 and December 20, 1989. Staff reports for all three requests were distributed.

SPEC #84-0435 - STRATTON SUBDIVISION, Sec. 2  
Requesting change from W-6D and S-6D to W-3D  
and S-3D for 22 lots on 20 acres, zoned R-1/RPD,  
located in the 8th Election District on Tax Map  
52, Block 8, as Parcel 41.

This property is located on the east side of MD Route 235 south of Hermanville Road, just outside the Lexington Park Development District. The Planning Commission has reviewed this request as well as the preliminary subdivision plan and recommends approval. Mr. Grimm proffered the subdivision plat for 22 lots.

Commissioner Loffler opened the hearing to public comment; since there were none, Mr. Loffler closed the public comment portion and asked for Commissioners' comments. Hearing none, the public hearing was closed for this request. A decision will be made by the Commissioners on Tuesday, January 16, 1990.

SPEC #87-0280 - ABELL'S LANDING SUBDIVISION  
Requesting change from W-6D to W-3D for 114  
lots on 54.744 acres, zoned R-1/RPD, in the  
3rd Election District, located on the north  
side of St. John's Road; shown on Tax Map 33,  
Block 4, as Parcel 84.

Mr. Grimm stated this is the first section, for 40 lots, of a larger subdivision of 114 lots which has been submitted in phases. The Planning Commission has recommended the change as requested. Mr. Grimm stated this section was submitted prior to the change in density, so it is at the old, one-acre density. Any subsequent sections will require development at the current three-acre density.



The Chair opened the hearing to public comment; no comments were made and the public comment portion of the hearing for this request was closed.

Commissioner Thompson commented that part of the subdivision is in the 6th District, according to the plat. Mr. Grimm noted this for the record, where upon the hearing on Abell's Landing was closed. A decision will be made by the Commissioners on Tuesday, January 16, 1990.

SPEC #89-1342 - HEARD'S ESTATES

Requesting change from W-6D/S-6D to W-3D/S-3D for this 114 lot subdivision on 39.22 acres, zoned R-2, located in the 8th Election District south of Norris Road and fronting on Chancellors Run Road; shown on Tax Map 43 as Parcel 86.

Mr. Grimm stated this subdivision is also in the Lexington Park Development District. The Planning Commission reviewed the subdivision in Concept and recommended approval of the W/S category change; however, they did have some concerns regarding the alignment of Norris Road and Chancellors Run Road improvements, which staff is in the process of working out with SHA. However, this should not affect the w/s change.

Commissioner Loffler opened the hearing to public comment; there were no comments on the request and the hearing was closed. Since the Commissioners had no comments, the Chair closed the public hearing, and stated this decision also will be made on January 16, 1990.

This concluded the advertised public hearing.

BUILDING CODE DISCUSSION

Present: Mr. George Wiggin, Middle Department Inspection Agency

Mr. Grimm advised that staff has received no comments since the December 21, 1989 public hearing; however Mr. Wiggin received a letter this morning from Mr. Ford Dean raising several concerns, among them: that the adopting document be an "Ordinance" rather than a Resolution and asking whether the 1989 Supplements to the 1987 should be adopted; that the exceptions be called "special provisions"; and requesting clarification regarding the exception of heating and air conditioning, asking what public purpose is served by exempting these systems when applicable.

Commissioner Loffler stated we need to finalize the adopting Resolution and decide whether the effective date should be the date it is signed by the Commissioners or on a subsequent calendar date, stating further that staff should address Mr. Dean's comments to see whether they have merit. Mr. Loffler commented the Code could be amended on a yearly basis to include the supplements, and said regarding the heating and air conditioning there was a long discussion by the Task Force Committee on this item, during which it was brought out that many counties have exempted this because it requires a full-blown plan review process - a tremendous financial burden to a small county. Mr. Wiggin added that the State has not adopted this provision either.

Commissioner Loffler said his recommendation would be to proceed with the adoption of the Code, setting an implementation date for the beginning of March. Mr. Wiggin agreed that 60 days would be ample time for him to schedule seminars/training prior to the implementation date.

Commissioner Jarboe asked about item one under enforcement; i.e., certification of builders. Mr. Grimm said that procedure has not been established, but Commissioner Loffler said the feeling of the committee was to keep a builder who consistently violated the Code from obtaining new building permits, rather than a formal testing process.



Commissioner Jarboe asked Mr. Grimm to look into the intent of the committee and what "certification" means, adding his concern is that this might tie the small homeowner's hands in obtaining a qualified builder who is not

Commissioner Jarboe asked Mr. Grimm to look into the intent of the committee and what "certification" means, adding his concern is that this might tie the small homeowner's hands in obtaining a qualified builder who is not certified to do an addition or home improvements. Commissioner Loffler stated also that the adopting document should first be reviewed and approved by the County Attorney.

Commissioner Thompson made the motion that the Commissioners move forward, instructing staff to prepare the final adopting document for the 1987 BOCA Code, Article 12 of the 1987 BOCA Mechanical Code and 1989 CABO One and Two Family Dwelling Code with implementation on March 5, 1990; Mr. Wiggin is instructed to begin his seminars. The motion was seconded by Commissioner Lancaster and passed unanimously. Mr. Grimm will report back next Tuesday with the answers to the Commissioners' questions and, if Mr. Densford has reviewed the adopting resolution, will present it for the Commissioners' signature.

#### EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator

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

##### Property Acquisition

Also Present: John Baggett, Director, Recreation and Parks  
Joe Densford, County Attorney

(Held from 11:05 a.m. to 11:30 a.m. (Mr. Baggett left the session at 11:20 a.m.)

##### Personnel

Held from 11:30 a.m. to 12:20 p.m.

(Commissioner Loffler left meeting - 12:30 p.m.)

#### STAFF MEETING

The Commissioners attended the monthly staff meeting at the Garvey Senior Center.

#### STATE OFFICE BUILDING TOUR

The Commissioners toured the new State Office Building located at the Governmental Center property.

7:00 P.M.



NIGHT CLUB DOWN UNDER

Present: Matthew Boswell, Organizer of Night Club Down Under  
John Baggett, Director, Recreation and Parks  
Claude Clarke, Supervisor, Recreation and Parks  
Cynthia Brown, Director, Office of Community Services  
Becky Stevens, Community Services Coordinator  
Beth Lewis, Big Brothers/Big Sisters  
Joe Dick, Alcohol/Drug Abuse Prevention Program  
Other interested youths and adults

Mr. Boswell appeared before the Commissioners to explain the operation of the "Night Club Down Under" located in the basement of the Leonardtown Luciano's Restaurant. The club, which began in June, is for youths under the age of 21 who wish to socialize and dance in a drug and alcohol-free atmosphere. There is a \$4.00 cover charge which helps to pay for electricity and records. He stated that although the program has been successful, there is a need for publicity to make more teens of the county aware of the club. Mr. Boswell stated that plans include new lighting and perhaps a stage, and that additional patrons would provide revenue to help with these improvements.

During discussion Mr. Dick invited Mr. Boswell to attend the Alliance Meeting to be held January 11 at the Garvey Center, and Ms. Lewis invited him to attend the January 24 kick-off meeting for establishing a teen center.

In conclusion the Commissioners commended Mr. Boswell and the other youths for their efforts in the night club project.

PUBLIC FORUM

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

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| Frances Anderson | - Boatel California<br>Boat Landing at Town Creek  |
| Jim Smith        | - Boatel California<br>Future problems with Governor<br>Johnson Bridge<br>Boat Landing at Town Creek |
| Oran Wilkerson   | - Boatel California  |
| Jack Witten      | - Land Management (Zoning Ordinance)   |
| Minnie Russell   | - Status of One-Stop Shop  |
| Lou Eberle       | - Need for funds for educational system  |

ADJOURNMENT

The meeting adjourned at 9:50 p.m.

Approved



Carl M. Loffler, Jr.  
President