

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, January 9, 1990

Present: Commissioner Carl M. Loffler, Jr., President
Commissioner Robert Jarboe
Commissioner W. Edward Bailey, Commissioner
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 Lancaster, to approve the minutes of the Commissioners' meeting of Tuesday, January 2, 1990. Motion carried.

APPROVAL OF BILLS

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

COUNTY ADMINISTRATOR ITEMS

1) BUDGET AMENDMENTS

The County Administrator presented the following Budget Amendments recommended for approval by the Director of Finance with justifications as indicated:

No. 90-26
Animal Control

To replenish depleted account to cover regular maintenance costs.

No. 90-27
County Commissioners

To provide funds for upgrade of Commissioners' conference room sound system and for purchase of county seals.

No. 90-28
Public Works

To provide funds for transfer of funds to cover extension of Governmental Center sewer line.

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

2) "WAR ON DRUGS"

The County Administrator advised that the Alliance for Alcohol and Drug Abuse Prevention is requesting the Commissioners to sponsor a meeting regarding the "War on Drugs" effort in the County to be held January 30, Leonardtown Middle School, 2 - 4:00 p.m. Relative to this meeting Mr. Cox presented correspondence to be forwarded to community leaders who have participated in this effort to attend the January 30 meeting.

The Commissioners agreed to sign and forward the letter.

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3) ST. MARY'S COLLEGE
PEDESTRIAN OVERPASS

The County Administrator advised that the State Highway Administration has indicated that a pedestrian overpass at St. Mary's College is not the responsibility of SHA and would be the College's responsibility. Therefore, Mr. Cox presented correspondence addressed to the President of the College advising him of this and suggesting that an overpass be considered in the College's Capital Improvement Program.

The Commissioners agreed to sign and forward the letter.

4) APPOINTMENTS
MARCEY HOUSE BOARD

Commissioner Thompson moved, seconded by Commissioner Jarboe, and unanimously carried, to make the following appointments to the Marcey House Board:

<u>Name</u>	<u>Term to Expire</u>
Wayne Guy	12/31/93
Albertine Lancaster	12/31/93
Joyce Malone	12/31/93
Gail D. Ryan	12/31/93
Mary Jo Smith	12/31/93

5) BAY FOREST SUBDIVISION

With regard to correspondence from Bay Forest Homeowners Association received December 12 regarding tapping into the sewer line past the proposed expansion of Bay Forest Subdivision, the County Administrator presented a response. The response advised that the letter has been forwarded to the Office of Planning and Zoning and stated that all issues will be reviewed thoroughly before decisions are made.

The Commissioners agreed to sign and forward the letter.

6) CENSUS 1990

With regard to the ongoing 1990 Census project, the County Administrator presented a new flyer which announces that applications and testing is now available on Saturdays in addition to Wednesdays.

7) PERSONNEL

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

Reclassification - Office of Planning and Zoning

Memorandum dated January 5, 1990 from Personnel Office requesting approval to change the Planner II, Grade 22, position to a Planner - Environmental, Grade 21. The Director of Planning and Zoning has decided that a Planner II is a more appropriate description to meet the needs of OPZ.

Request for New Positions - Office of Planning and Zoning

Memorandum dated January 5, 1990 from Personnel Office advising the the Director of Planning and Zoning has requested three additional positions as follows:

- Planner - Assistant Zoning Administrator (Grade 19)
- Planner - Plans Review (Grade 17)
- Planning Technician - Processing (Grade 13)

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to approve the reference personnel items as presented. Motion carried.

8) GRANT AGREEMENT AND EASEMENT
INSTALLATION OF INNOVATIVE AND ALTERNATIVE
ON-SITE SEWAGE DISPOSAL SYSTEM

On behalf of the St. Mary's County Health Department, the County Administrator presented the referenced document for the installation of an I & A system for Harry W. Miller in the Fifth Election District. The cost of the system is shared by grant funds to the County and by the applicant.

After discussion Commissioner Lancaster moved, seconded by Commissioner Jarboe, to authorize Commissioner Loffler to sign the Grant Agreement and Easement as presented. Motion carried.

9) STORMWATER MANAGEMENT GRANT-IN-AID AGREEMENT

On behalf of the Office of Planning and Zoning, the County Administrator presented Stormwater Management Grant-In-Aid Program Grant Agreement in the amount of \$108,735 for the County's stormwater management program.

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

10) SECOND DISTRICT FIRE DEPARTMENT AND RESCUE SQUAD

The County Administrator presented correspondence dated December 5, 1989 from the Second District Fire Department and Rescue Squad requesting one of the used Sheriff Department vehicles when it became available.

After discussion Commissioner Jarboe moved, seconded by Commissioner Lancaster, to honor this request when a vehicle is available. Motion carried.

11) EASEMENT AGREEMENT
RAILROAD RIGHT-OF-WAY
ALLSTON, DORSEY, COLEVAS

The County Administrator presented an Easement Agreement dated December 12, 1989 among the Board of County Commissioners of St. Mary's County, Southern Maryland Electric Cooperative, Inc., and Andrew V. Colevas, Keith A. Allston, and Philip H. Dorsey, III. for access road, stormwater pipe, and sewer line between Md. Rt. 235 and Laurel Glen.

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

12) RELEASE OF AGREEMENT
FOXCHASE SUBDIVISION

The County Administrator presented a Release of Agreement which releases the lien imposed on certain land of Bean Associates General Partnership in an Agreement dated January 3, 1989. The Commissioners, however, will retain the lien as to all other property cover by the Agreement.

After discussion Commissioner Thompson moved, seconded by Commissioner Lancaster, to authorize Commissioner Loffler to sign the Release of Agreement as presented. Motion carried.

CHILD CARE RESOURCE CENTER

Present: Becky Stevens, Community Services Coordinator

Ms. Stevens advised the Commissioners that the Regional X - Child Care Resource Center Planning Committee is developing a grant proposal for state and private funding for a Child Care Resource Center for Southern Maryland. She requested the Commissioners to sign a letter of support which will be included in the grant proposal, which is being applied for by Charles County Community College. No county funds are involved.

After discussion Commissioner Bailey moved, seconded by Commissioner Thompson, to sign the letter of support as presented. Motion carried.

MARINA WASTE DISPOSAL

Present: Larry Petty, Director, Metropolitan Commission
Tom Russell, Director, Environmental Hygiene

The referenced individuals appeared before the Board to discuss the concerns previously raised by the Board regarding the ability of Pine Hill Run Sewage Treatment Plant to accept sewage from the marinas. Mr. Petty stated the data that has been gathered indicates that the level of agents of the waste are not of significant quantities to cause problems, and therefore, Pine Hill Run Sewage Treatment Plant will accept the waste from marinas.

In conclusion Mr. Loffler advised that grants are available for marinas to obtain waste collectors and suggested that there be a meeting with the marina operators to advise them of these grants and to tell them that the Pine Hill Run Sewage Treatment Plant will accept the waste.

ORDINANCE NO. 90-02
PUBLIC HEARING
FY '90 SUPPLEMENTAL APPROPRIATION

Present: Charles H. Wade, Jr., Director of Finance

The Commissioners conducted a public hearing on a supplement appropriation amending the budget for Fiscal Year 1990.

Mr. Wade presented correspondence certifying that \$1,947,828 is available for appropriation from the designated fund balance and listed the individual amounts and purposes of appropriation.

There were no comments from the audience.

During discussion Commissioner Jarboe raised questions regarding the Sotterly Mansion appropriation in the amount of \$8,335 for the repair of the 18th century barn stating that the Board should have a copy of its financial statement before releasing funds. He suggested that perhaps there should be a revolving fund for Sotterly with a pay back schedule.

After discussion Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve the Supplemental Appropriation in the amount of \$1,947,828 for Fiscal Year 1990, and that the funds for Sotterly will not be released until a financial statement is received from Sotterly Mansion. Motion carried.

PURCHASE OPTION CONTRACT
SWANN'S PROPERTY

Present: John Baggett, Director, Recreation and Parks

Mr. Baggett presented a Purchase Option Contract by Ruth R. Swann to the Board of County Commissioners of St. Mary's County as agents from the Maryland Department of Natural Resources for property located on the northeasterly side of Md. Rt. 249 and on the northwesterly side of the inlet separating Piney Point from St. George Island.

Mr. Baggett stated that the purchase price will be the average of two appraisals obtained by the County at its expense. Should the seller disagree with the appraisals, she may, at her expense, obtain a third appraisal and the purchase price shall be the average of the two highest appraisals. The Department of Natural Resources has committed itself to acquiring this property depending on the appraisals, state legislature, and Board of Public Works. St. Mary's County will provide \$250,000 towards this projects.

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

DEPARTMENT OF PUBLIC WORKS

Present: Dan Ichniowski, Director

1) SNOW REMOVAL COSTS

Mr. Ichniowski presented snow storm costs through December 20 which total \$153,456.50

2) SHORE EROSION CONTROL
NOTICE TO PROCEED WITH DESIGN
POINT BREEZE ROAD

Mr. Ichniowski presented a Notice to Proceed with Design by the Department of Natural Resources for the shore erosion control project on Point Breeze Road on the Potomac River at Colton's Point. Estimated project design cost is \$5,050. Mr. Ichniowski recommended that the president of the board be authorized to sign the Notice to Proceed.

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to authorize Commissioner Loffler to sign the Notice to Proceed. Motion carried.

3) BROOKSIDE SUBDIVISION, SECTION II
PROPOSED SPECIAL TAXING DISTRICT

Mr. Ichniowski presented the handout that will be distributed at the public informational meeting for a proposed special taxing district for Brookside Subdivision, Section II. The meeting will be held January 10 at 7:30 p.m.

4) PROJECT STATUS REPORT

Mr. Ichniowski presented and reviewed the Project Status Report as of December 31, 1989. A copy of the report is on file in the Commissioners' Office.

RESOLUTION NO. 90-01
PATUXENT PARK APARTMENTS
REFUNDING REVENUE BONDS (1990)

Present: Joseph Mitchell, Director, Economic & Community Development
Joseph Densford, County Attorney
Charles Wade, Director of Finance
Ed Curley, Applicant
Robert L. Doorey, Jr., Miles & Stockbridge
William Cave, Fenton and Cave

The following individuals appeared before the Commissioners as a follow up to the public hearing and discussion held December 12, 1989. The Commissioners had requested additional information which has been reviewed by the County's bond counsel and auditors.

After discussion Commissioner Lancaster moved, seconded by Commissioner Thompson, sign Resolution No. 90-01 - Patuxent Park Apartments Refunding Revenue Bonds (1990), which provides for the issuance and sale by St. Mary's County as its limited obligation and not upon its faith and credit of bonds in a principal amount not to exceed \$10,425,000 for the purpose of redeeming and refunding the outstanding principal balance of the County's Multi-Family Housing Revenue Bonds of 1985 for the construction of Patuxent Park Apartments, and the authorization and approval of all necessary amendments and supplements to the trust Indenture as of March 1, 1985, and further to authorize Commissioner Loffler to sign the Letter of Intent and Supplemental Indenture. Motion carried.

BUILDING CODE

All Commissioners were present. Also present were Joe Densford, County Attorney; Jon Grimm, Director, OPZ, and Peggy Childs, Recording Secretary, OPZ, and George Wiggin, of the Middle Department Inspection Agency.

Mr. Grimm stated the adopting document was not yet ready for signature, as there were still some issues which needed clarification, following which the document would be presented on January 16th.

The first issue was certification of builders, which Mr. Grimm said he thought should be deleted from the preamble, as it is a task force recommendation that has not been picked up through the public hearing process, but which may be pursued at a later date. The Commissioners directed that it be deleted.

Mr. Ford Dean's letter suggested several concerns, among them the issue of amending the Code. The Commissioners agreed it should be by special action through the public hearing review process. The final concern from last week's meeting related to the 6th exemption for heating, ventilation and air conditioning. Mr. Grimm said the task force recommended, because of some complexity of required design, planning and inspections, that they be accepted through the review process. The building and development industry, BOCA officials and representatives of the local fire departments, have recommended that the only provision of the Mechanical Code which would be adopted would be Article 12, which speaks to the fire and life safety provisions for heat-venting appliances. Mr. Grimm suggested clarification of the language that only Article 12 of the Mechanical Code would be adopted, and presented draft language, which was acceptable to the Commissioners.

Mr. Cox recommended making the Code effective for all, including previously issued permits, the inspections would begin at the applicable stage of construction. Commissioner Loffler stated this would cause no problem for residential but could cause additional expense and add months for redesign of commercial buildings under the Code. Mr. Wiggin stated the opinion that commercial should be included and that inspections for previously issued permits would be to certify that the building is as designed.

Discussion resulted in the direction to allow that all residential will come under the Code effective March 5 regardless of a previously issue permit but that the Ordinance shall not be binding on commercial building permits issued before March 5, 1990.

Mr. Grimm presented for the Commissioners' review a proposed fee schedule submitted by Middle Department Inspection Agency to be discussed at a later date. The adopting Ordinance will be finalized for the Commissioners' signatures next Tuesday, January 16th.

TOUR OF ACADEMY PROPERTY

At this time the Commissioners toured the St. Mary's Academy property with the Board of Education.

MEETING WITH BOARD OF EDUCATION

After the tour, the Board of County Commissioners held its regular monthly meeting with the Board of Education at the Board of Education conference Room.

EXECUTIVE SESSIONS

Present: Edward V. Cox, County Administrator

Commissioner Jarboe moved, seconded by Commissioner Lancaster, and motion carried, to meet in the following executive sessions:

Personnel

Also Present: Judge Briscoe
Judge Kaminetz
Sheriff Pettit
Lt. Phil Cooper
Corp. George Kramer

(The Session was held from 3:30 p.m. to 4:30 p.m.)

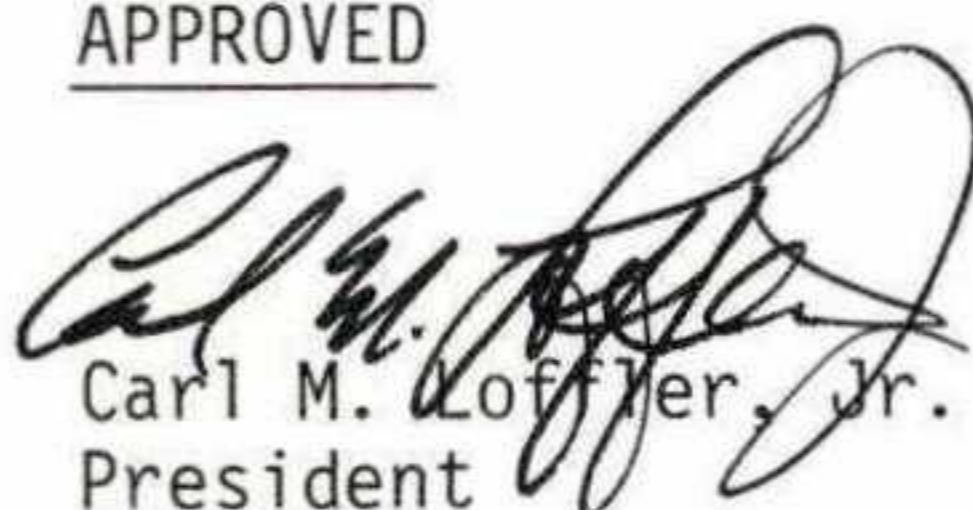
Personnel

The Session was held from 4:30 p.m. to 4:50 p.m.

ADJOURNMENT

The meeting adjourned at 4:50 p.m.

APPROVED


Carl M. Loffler, Jr.
President