

BOARD OF COUNTY COMMISSIONERS' MEETINGTuesday, April 10, 1990

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 9:10 a.m.

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to approve the minutes of the Commissioners' meeting of Tuesday, April 3, 1990. Motion carried.

APPROVAL OF BILLS

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

FISCAL YEAR 1991 BUDGET PUBLIC HEARINGS

Present: Charles Wade, Director of Finance

Mr. Wade appeared before the Commissioners to present a draft agenda for the FY '91 budget public hearings scheduled for April 18 and 19.

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) 1990 LEGISLATIVE ITEMS

The County Administrator presented a current status report of the legislative items for St. Mary's County and stated that 14 of the 26 items in the package have passed in the Maryland General Assembly.

2) POINT BREEZE REVETMENT
ST. CLEMENTS MUSEUM

The County Administrator presented correspondence addressed to Department of Natural Resources Shore Erosion Control requesting that the referenced project's permit applications be processed on an emergency application basis.

The Commissioners agreed to sign and forward the letter.

3) INNOVATIVE AND ALTERNATIVE ON-SITE SEWAGE DISPOSAL SYSTEM
GRANT AGREEMENT AND EASEMENT

The County Administrator presented the referenced Agreement among Elizabeth Ann and Richard W. Wonders and St. Mary's County, and St. Mary's County Health Department for the installation of a mound system. The installation is funded by a state grant in the amount of \$10,000.

After discussion Commissioner Bailey moved, seconded by Commissioner Jarboe, to approve and sign the Grant Agreement and Easement. Commissioner Loffler did not vote in that he felt he did not have enough information. Motion carried.

4) PINEY POINT LIGHTHOUSE
WATERWAY IMPROVEMENT FUND GRANT APPLICATION

The County Administrator presented the referenced Waterway Improvement Fund Grant Application for funds to assist in constructing sewer line to Piney Point Lighthouse boating facility.

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

5) BUDGET AMENDMENTS

The County Administrator presented the referenced budget amendments recommended for approval by the Director of Finance:

No. 90-49
County Attorney

To fund consulting attorney's expenses incurred and awards in legal proceedings.

No. 90-51
Public Works

To add additional sidewalks at the Governmental Center site near the Garvey Senior Center.

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

6) WALLACE, ROBERTS & TODD
SETTLEMENT AGREEMENT AND GENERAL RELEASE
INFORMATION RELEASE

The County Administrator presented the Settlement Agreement and General Release with regard to the out-of-court settlement with Wallace, Roberts & Todd as a result of its contract termination by the County.

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

The County Administrator distributed a public information release with regard to the settlement.

7) STATE NUTRITION GRANT NOTICE OF GRANT AWARD

The County Administrator presented a revised FY 1990 State Nutrition Notification of Grant Award for the period 7/1/89 to 6/30/90 in the total amount of \$60,184.

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

8) DEPARTMENT OF ENVIRONMENT
INNOVATIVE AND ALTERNATIVE SEWAGE DISPOSAL SYSTEMS

The County Administrator presented correspondence addressed to the Department of Environment formally requesting assistance in the matter of innovative and alternative sewage disposal systems. The letter states that the County should revive its efforts in exploring innovative and alternative systems under a closely monitored environmental program.

The Commissioners agreed to sign and forward the letter.

9) PUBLIC WORKS AGREEMENT
ABELL'S RUN

On behalf of the Department of Public Works, the County Administrator presented a Public Works Agreement between Morgan Associates, Inc. and St. Mary's County guaranteeing the completion of Abell's Drive and Rosalind Drive in Abell's Run by February 1, 1991. The Agreement is backed by a Letter of Credit with The First National Bank of St. Mary's in the amount of \$207,300.

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

10) MINING OPERATION AT ABELL'S WHARF

The County Administrator presented correspondence addressed to the Arundel Corporation requesting financial participation to help resolve questions relative to the physical description of the non-conforming use of the Arundel mining and processing operation at Abell's Wharf.

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

11) LEONARDTOWN BLOCK GRANT
CHILD CARE FACILITY

The County Administrator presented correspondence addressed to Housing and Urban Development requesting use \$190,000 of funds available from the Leonardtown Block Grant for the purpose of constructing a Child Care facility at the Governmental Center.

The Commissioners agreed to sign and forward the letter.

PROCLAMATION
EARTH DAY

The Commissioners presented the referenced Proclamation designating April 22 as Earth Day 1990.

OFFICE OF PLANNING & ZONING
WATER AND SEWER AMENDMENTS

SPEC #89-1667 - RIVERHOUSE CONDOMINIUMS

Requesting a change in water and sewer category from W-6 to W-3D and from S-6 to S-3D. The property is located at MD Route 5 and Goddard Road in Great Mills.

Owner: Henry T. Waring
Present: Mr. Waring

Mr. Jackman stated this public hearing was held on March 20, 1990 and no comments have been received. Both the Planning Commission and staff recommend approval.

Commissioner Bailey moved for approval; seconded by Commissioner Thompson. Commissioner Jarboe noted that the entrance must be designed to specifications; Mr. Jackman replied that will be done at the site plan stage. The Chair called for the vote, which was unanimous in favor.

SPEC #89-1797 - ST. MARY'S REGIONAL PARK

Requesting change in water/sewer category from W-6 to W-4D and from S-6 to S-4D. The property is located on Chancellor's Run Road.

Owner: St. Mary's County
Applicant: Recreation & Parks

Mr. Jackman reminded this public hearing was also held on March 20, 1990 and no comments have been received. Both the Planning Commission and staff recommend approval. Mr. Jackman noted for information purposes that, as a government building, this is on Thursday evening's Board of Appeals' agenda as a conditional use.

Commission Bailey moved for approval, seconded by Commissioner Lancaster. Motion passed unanimously.

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OPPORTUNITIES FOR INDUSTRIAL GROWTH

Commissioner Jarboe distributed a memorandum suggesting that the County make plans for industrial growth opportunities in northern St. Mary's County. He stated that this was an item of discussion at a recent meeting of the Southern Maryland Transportation Planning Board of the Tri-County Council. A copy of the memorandum is on file in the Commissioners' office.

FRIENDLY HANDS, INC.

Present: Connie Thompson
Bill Oliver
John Baggett, Director, Recreation and Parks

The referenced individuals appeared before the Commissioners to provide a detailed explanation of the Fun Camp sponsored by the County for disabled children and to stress the need for the County to continue to financially support the camp. Mrs. Thompson stated that the overall cost for last year's camp was \$24,000 of which \$13,000 was received from the Developmentally Disabilities Association, \$3,166 federal funds for the lunch program, and a \$75 per student charge. Financial contribution from the Board of Education amounted to \$17,198. Looking towards costs for this year's camp, Mrs. Thompson indicated that there may be a deficit of \$6,842 and that Friendly Hands will be having fundraisers.

In conclusion Mrs. Thompson requested the County's financial support in the amount of \$5,000 so that the camp can be held this year.

Mr. Baggett indicated that there are two issues: shortfall in funding and operation of the program.

During discussion the Commissioners agreed that there was a need to continue the camp and that it should be operated under the Department of Recreation and Parks.

After discussion Commissioner Lancaster moved, seconded by Commissioner Jarboe, to underwrite up to \$5,000 for the summer camp program, that the program be maintained under the Department of Recreation and Parks, and that the Department of Recreation and Parks handle the funds. Motion carried.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator

Commissioner Thompson moved, seconded by Commissioner Jarboe, to meet in Executive Session to discuss matters of personnel and land acquisition. Motion carried. The Sessions were held as follows:

Personnel

Held from 10:40 a.m. to 10:55 a.m.

Personnel/Land Acquisition

Also Present: Judge John Hanson Briscoe
Judge Marvin Kaminetz
Dan Ichniowski, Director, Public Works

Held from 10:55 a.m. to 11:45 a.m.

BOARD OF EDUCATION

Present: Joan Marsh, Board of Education
Robert Kirkley, "
Al Lacer, "
Dr. William Burroughs, Superintendent
Jerry Himmelheber, School Facilities/Planning
James Marsh, Fiscal/Administrative Services
Charles Wade, SMC Director of Finance

The Commissioners held its regular monthly meeting with the Board of Education.

Reopening of Frank Knox School

The Board of Education distributed information relative to the costs of reopening Frank Knox School including a revised summary of costs to reopen/operate the school along with engineer's estimate.

Based on the projected costs of over One Million Dollars to renovate Frank Knox School and because of community objection, it was the consensus of both boards that it would not be feasible to reopen the school.

Discussion ensued relative to pursuing other means of alleviating space shortage problems including accelerating the school's capital improvement program. Mr. Lacer indicated that there were projects to be addressed for acceleration: Lettie Marshall Dent, Hollywood Elementary School, and Green Holly School. There was also discussion regarding a land swap with the Navy for Frank Knox School or acquiring other land.

FY 1991 BUDGET

Dr. Burroughs indicated that looking at the Board of Education's request for funding and what the County has recommended funding for Fiscal Year 1991, there is a shortfall of approximately \$3,400,000. Among some of the items the Board of Education felt should be funded this year include: counselor at the Technical Center, elementary school counselors, additional teachers to reduce class size, additional teachers to implement seven-period day, elementary school secretary, teachers for PACE program, and administrative interns. In addition Dr. Burroughs pointed out that there is a supplemental request of \$2,264,000 representing the negotiated agreements for classified and non-classified employees.

During discussion the Commissioners discussed the costs for maintaining "status quo" in the schools and that until space needs can be addressed that class size not be reduced at this time.

After discussion the Commissioners indicated that they will review the supplemental budget during the budget process and following the public hearings on the budget will make a decision.

EDUCATION RALLY

The Commissioners attended an Education Rally sponsored by the PTA's on the grounds of the Governmental Center.

7:00 P.M. LEONARDTOWN HIGH SCHOOL

PUBLIC HEARING
ST. MARY'S COUNTY ZONING ORDINANCE

Present: Jon Grimm, Director, Planning and Zoning
Jeff Jackman, Land Use Planner, OPZ

The Commissioners conducted a public hearing for the purpose of considering comprehensive zoning ordinance amendments including a comprehensive rezoning of lands within the County as well as for the implementation of the Comprehensive Plan.

An estimate of 80 people were in attendance. A list of attendees is on file in the Commissioners' Office.

Mr. Grimm announced that the Notice of Public Hearing was published in the March 21 and 28 editions of the Enterprise newspaper.

Following a presentation by Mr. Grimm of the Comprehensive Plan elements, planning districts, plan implementation via comprehensive amendment to the zoning ordinance, the following comments were received:

Joe B. Waters (Tax Map 09-14-070) Purchased Floyd Williams property. Town Center boundary has been changed to include 60% of property and would like it all included.

Pete Patrick, Co-chair of Board of Education Budget Advisory Committee, stressed importance of adequate public facilities and how decisions affect the public school system.

Jim Hodges (Hebb) (TM 27-19-421/855) Requested reconsideration of C General to be RSC and suggested that enough time has been spent on the ordinance and it should now proceed to be adopted.

Frank Toth (TM69-2-164/3) Island Fishing Center. Requested CM-2 and received RPD. He stated property is used as a marina.

Loren Koppen Requested one-acre lots in critical areas. Stated that three-acre lots will put property out of price range for people to build houses.

George Fleury Raised questions concerning non-conforming uses.

Frank Gerred, representing SMECO, suggested that Page 4-22, Item 6, seconded line be changed from "may" to "shall" or "are to"

Phil Dorsey Raised questions concerning PUD-CP - required ten acres too much; PUD-MHP - ten acres too little; home occupations, non-conforming uses.

Billy Fitzgerald (TM 32-06-50) McIntosh Road (Richardson property) should be RH.

Jack Witten (on behalf of Oran Wilkerson, Potomac River Assoc.) raised issues regarding enforcement of Zoning Ordinance (Boatel California, Town Creek Marina, Rick's Marine). Requested that the record of the hearing be held open for at least 30 days for adequate public input.

Leonard Greess Nonconforming uses. Requested that record be held open for at least 30 days.

Jim Kenney Requested that record be kept open at least 30 days. Discussed Commercial Marine and comprehensive rezoning; CM-PUD, PUD-X - that it should permit great mix of uses.

Dan Simpson (Louden) (TM43-22-344/234/390) Requested down zoning of property from R-15 to RL.

Paul Chesser One-third of St. George Island has been designated as a Limited Development Area (LDA). Concerned about sewage line and density. Overlay maps of critical areas. Requested that record remain open for at least 30 days.

Herman Bosse (TM08-6-046) Mechanicsville Town District. Requested commercial.

Jack Witten, Potomac River Association, 75% of what is proposed is what the County had ten years ago; zoning maps should be redone and should include easements and utility lines. Problem with billboards in the County. Need for sidewalks. Discussed economy and quality of life.

Jim Hodges Agreed with keeping record open 30 days.

ADJOURNMENT

The meeting adjourned at 8:50 p.m.

APPROVED,


Carl M. Loffler, Jr.
President