

BOARD OF COUNTY COM ISSIONERS' MEETINGTuesday, June 12, 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 Lancaster moved, seconded by Commissioner Thompson, to approve the minutes of the Commissioners' meeting of Tuesday, June 5, 1990. Motion carried.

APPROVAL OF BILLS

Commissioner Lancaster 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 ) METROPOLITAN COMMISSION  
ASSISTANT ENGINEER POSITION

The County Administrator presented correspondence dated May 31 from the Metropolitan Commission requesting, as required by local law, approval for the creation of an Assistant Engineer position, which is paid for through user's fees.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve the requested position as presented. Motion carried.

2) LETTERS OF GRATITUDE

The Commissioners agreed to sign and forward letters of appreciation to those individuals who participated in the Joseph D. Carter State Office Building dedication held June 8.

3) BUDGET AMENDMENTS

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

No. 90-70  
Public Works

Justification: Walden Center project was cancelled and funds are being combined with Sierra House Project (\$3500)



No. 90-71  
St. Mary's Public Schools

Justification: Board of Education, at their regularly scheduled meeting on June 5 approved the transfer of \$316.30 from the completed Loveville School Therapy Pool project to the White Marsh Elementary School Emergency Exit project to provide adequate funds to award a contract to the low bidder.

No. 90-72  
Department of Public Works

Justification: Transfer required to fund salaries/benefits through end of FY '90. BC/BS refund reduces health insurance costs to make funds available.  
(Solid Waste - Life Insurance/Workmen's Compensation)

No. 90-73  
Department of Public Works

Justification: Transfer required to fund salaries/benefits through end of FY '90. BC/BS refund reduces health insurance costs to make funds available.  
(Maintenance Shop - Salaries, Life Insurance and Workmen's Compensation)

No. 90-74  
Catholic Charities

Justification: FY '90 support for Hughesville Regional Shelter (\$5,000)

No. 90-75  
Department of Economic & Community Development

Justification: To produce St. Mary's County black and white information folders. (\$2,994)

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

COMMENDATIONS  
HEALTH DEPARTMENT

Present: Tom Russell  
Kim Engman  
Alan Shick  
Kathy Speith  
Sheryl Young  
(Clarence Fox was unable to be present.)

The Commissioners presented Commendations to the referenced individuals for outstanding accomplishments in processing 1700 applications for wet months percolation tests.



ALL AMERICA CITY AWARD COMMITTEE

Present: Judy Landau Pederson  
Mary Pat Agostinelli  
Cindy Woodburn  
Joe Dick  
Ann Marum

The referenced representatives of the All America City Award Committee appeared before the Commissioners to present a report on the All America City Award presentation in Phoenix Arizona. St. Mary's was one of thirty finalists out of a total of 116 applications. Although St. Mary's was not selected as one of the ten communities to receive the All America City designation, Mrs. Pederson indicated that being a finalist will be used as a tool in promoting the county.

Each of the referenced individuals who attended the awards presentation offered comments on the awards finals in Phoenix and that it was a rewarding and significant networking experience.

An Information Release was distributed to the Commissioners and news media regarding St. Mary's County's presentation.

CERTIFICATE OF NEED APPLICATIONS  
CHILDREN'S HOSPITAL HOME HEALTH CARE  
HMSS

In that correspondence had just been received from the two referenced applicants regarding their Certificate of Need Applications, the Commissioners agreed to defer a decision on the applications until next week's meeting.

ZONING ORDINANCE  
TIME TABLE FOR ADOPTION

Present: John Grimm, Director, Office of Planning and Zoning  
Jeff Jackman, Planner, "

Mr. Grimm appeared before the Commissioners to present a tentative schedule on the adoption of the Zoning Ordinance. He suggested that the comments from the public hearing be reviewed on June 19, after which the Commissioners would give direction to the Office of Planning and Zoning for final preparation. He further indicated that once the Commissioners adopt the Ordinance by Resolution, the Office of Planning and Zoning would need 30 days to have the Ordinance prepared and ready for distribution.

The Commissioners agreed to the following tentative schedule:

- June 19 - Discussion of public hearing comments.
- July 3 - Decision on adoption of Zoning Ordinance and signing of Resolution.
- August 7 - Effective date for implementation of Zoning Ordinance.



OFFICE OF PLANNING & ZONING  
INDUSTRIAL SITE PLAN - PRB OFFICE SITE

Present : Jon Grimm, Director, OPZ  
Peggy Childs, Recording Secretary  
Joseph R. Densford, County Attorney

INDUSTRIAL SITE PLAN

STSP #89-1252 - PRB OFFICE SITE

Requesting site plan approval for 22,150 sq. ft. office building, Phase 1 only. The property contains 4.31 acres, is zoned I-1, and is known as Lot 21 of St. Mary's Industrial Park, off of Airport View Drive; Tax Map 34, Block 7, Parcel 548.

Owner: Southern Maryland Property Management  
Applicant: Lorenzi, Dodds & Gunnill

Present: Attorney Al Lacer  
Emily Thomas-Harned, of LDG

Commissioner Thompson stated that Commissioner Loffler is refraining from participating as the applicant is a potential client.

Mr. Grimm stated this application has been through the TEC process and before the Planning Commission, who recommended approval. The application is a two-part request:

- (1) Site plan approval of the 22,150 office building, which is Phase 1 only of a several phase project.
- (2) County Commissioners' Agreement for a Stormwater Management easement and additional parking on County land, because the rear of the property cannot be used because of its proximity to the County Airport.

Mr. Densford stated the land proposed for the easement is designated on the subdivision plat as a slope easement area, adding that this is probably a suitable use of the County property, which was originally just over four acres in size. The County will retain another two acres on the other side that will be left for further improvements if required. Mr. Densford deemed it a reasonable approach to allow the commercial property to develop and to utilize adjoining County property, similar to what was done for the MiniTech property and the Taylor property.

Commissioner Jarboe asked if the County would be compensated and Mr. Densford replied there is no compensation under the proposed agreement. Commissioner Bailey stated it is a concession to the applicant because of the restriction of the use of his property as requested by the Airport Commission.

Commissioner Bailey moved for approval of the site plan and approval of the Agreement. The motion was seconded by Commissioner Lancaster and passed unanimously. Commissioner Thompson signed both documents.



EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator

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

Property Acquisition

Also Present: Mary Pat Agostinelli, Administrative Officer

Held from 10:10 a.m. to 10:30 a.m.

Personnel

Held from 10:35 a.m. to 11:05 a.m.

BOARD OF EDUCATION

Present: Dr. William Burroughs, Superintendent  
John McFadden, President, Board of Education  
Robert Kirkley, "  
Al Lacer, "  
Joan Marsh, "

Accelerated Capital Improvement Program

Also Present: Jerry Himmelheber, School Facilities/Planning

Mr. Himmelheber distributed a May 8 letter whereby the Board of Education has requested amendments to the Capital Improvement Program as follows:

- FY 91 - An addition of \$475,000 to include a future Sixth District middle school site in conjunction with the new Sixth District Elementary school site acquisition.
- FY 91-7 - A reduction of \$86,000 by eliminating the Green Holly classroom renovation project.
- FY 91-3 - A reduction of \$272,000 by reducing the eight mobile classroom units project.
- FY 93-1 - Moving the entire Park Hall Elementary School project ahead one year with no change in project cost.

After discussion Commissioner Lancaster moved, seconded by Commissioner Thompson, to accept the Five Year Capital Improvement Program amendments with the exception of the \$475,000 Sixth District Middle School site as presented. Motion carried. The Commissioners will forward correspondence setting forth this decision.



Joint Committee on Student Population

Also Present: Al Gough  
Jon Grimm  
Jim Marsh  
Ann Marum  
Joseph Mitchell  
Don O'Neal  
Charles Wade  
Dr. William T. Rule, Peat Marwick

Dr. Rule advised that statistical data has been provided by the Joint Committee on Student Population to Peat Marwick in order to address long range school population, which, he stated, was the driving force for school construction. He stated that it is a continuous process which is affected by a number of figures; i.e., in-migration, out-migration, drop-outs, population growth, etc. Dr. Rule indicated that his firm will develop a model that can be updated regularly which would provide a forecast of student population by including certain leading indicators.

During discussion the Commissioners and Board of Education discussed the feasibility of using information currently available in the school system computers with the proposed model being prepared by Peat Marwick.

Board of Education - Office Building

Also Present: Jerry Himmelheber  
John Collich, Jackson Realty Corp. (Rose Hill Dev.)

As a follow up to previous discussions, Mr. Himmelheber distributed copies of the proposal from Rose Hill Development for the use of the academy building for administrative offices of the Board of Education. Dr. Burroughs advised that as requested by the Commissioners at the May 8 joint meeting of the two boards, information has been developed regarding current space use, five-year needs and expansion needs in ten years. Dr. Burroughs further pointed out that the Board of Education has endorsed the concept of the layout and space utilization as prepared by Rose Hill Development; however, the Board of Education has not endorsed or addressed the issues of the length of the lease, cost per square foot, etc.

Mr. Collich reviewed the the layout plans for each floor pointing out the expansion areas for the next ten years and pointed out that this is not a final proposal.

During discussion Commissioner Loffler pointed out that there are there are three options:

- 1) To purchase the academy building "as is" and arranging for renovations;
- 2) To Lease/Purchase having Jackson Realty remodel building;
- 3) To construct the building at the Governmental Center property.

In conclusion the Commissioners directed staff to address the economic issues of the Board of Education office space needs and continue negotiations with the developer to arrive at a best offer.

Extended School Year - Special Education

Also Present: Dr. Jayne Sullivan, Supplemental Student Services

For the Commissioners' information, Dr. Burroughs advised the Commissioners that a bill had been adopted in the 1990 Maryland General Assembly requiring summer services for handicapped students.. Dr. Sullivan pointed out a revision had been made to the legislation which would require services to 100% of the handicapped population and because it caught the Board of Education by surprise funds had not been budgeted. She stated that projected cost is approximately \$133,700. Dr. Burroughs indicated that supplemental funds are not being requested at this time.



EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator

As authorized earlier in the meeting, the Commissioners met in Executive Session on Personnel from 3:00 p.m. to 3:40 p.m.

7:00 P.M.

PUBLIC HEARING

ST. MARY'S COUNTY TRANSFER TAX

Present: Charles Wade, Director of Finance  
Joseph Densford, County Attorney

The Board of County Commissioners conducted a public hearing on a proposed Transfer Tax Ordinance pursuant to House Bill 793 enacted by the 1990 Maryland General Assembly. The bill authorizes the St. Mary's County Commissioners to impose a transfer tax on certain instruments of writing. The proposed Ordinance establishes the transfer tax at the rate of one (1%) percent on each transfer of real property recorded or required by law to be recorded among the Land Records of St. Mary's County.

The County Administrator opened the hearing and noted that it had been appropriately advertised in The Enterprise newspaper.

Mr. Wade presented and reviewed a handout on financial trends, capital projects, impact fees and the transfer tax.

Mr. Densford reviewed and highlighted the draft Ordinance.

Comments were received from the audience:

Joseph Gough (representing Economic Development Commission) - EDC recommends that in order to avoid double taxation that there be a exemption from the Economic Impact Fee when the transfer tax is levied.

Marilyn Horton (representing Board of Realtors) - Opposed to Transfer Tax.

Larry Brown - Opposed to Transfer Tax.

Kim A. Hills - Opposed to Transfer Tax.

Bill Durkin - Opposed to Transfer Tax.

James Kenney - Raised questions regarding certain sections of the proposed Ordinance regarding life estate, assignment of lessee's interest and capital projects.

Carl Franzen - Opposed to Transfer Tax.

Jan Horton - Addressed impact on first time home buyers. Expressed opposition, but suggested that the tax be lowered to 1/2%.

Tina Drazba - Opposed to Transfer Tax.

Donna Bibee - Inquired as to timeframe for adoption.

Alan Brylawski - Opposed to Transfer Tax.

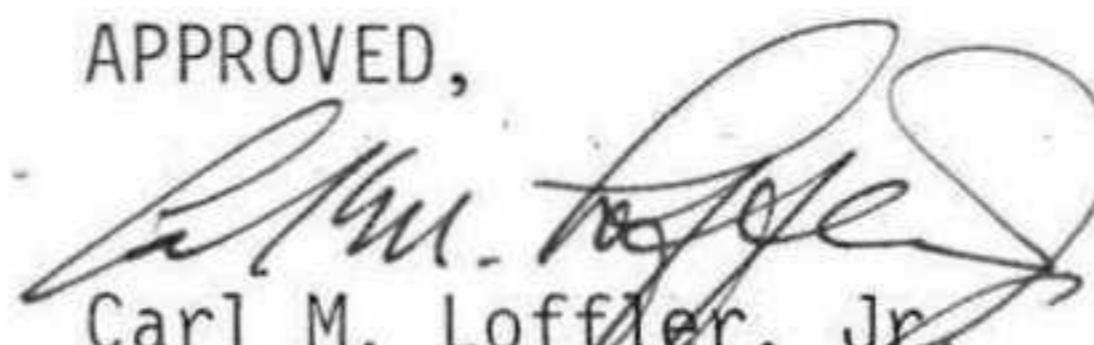
Viki Volk - Questioned amount included in Capital Budget.



ADJOURNMENT

The meeting adjourned at 8:35 p.m.

APPROVED,



Carl M. Loffler, Jr.  
President