

BOARD OF COUNTY COMMISSIONERS' MEETINGTuesday, June 19, 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

(Commissioner Bailey was not present at beginning of meeting.)

The meeting was called to order at 9:15 a.m.

APPROVAL OF MINUTES

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to approve the minutes of the Commissioners' meeting of Tuesday, June 12, 1990. Motion carried.

APPROVAL OF BILLS

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

MEMORANDUM OF UNDERSTANDING
ST. CLEMENTS ISLAND MUSEUM

Present: Joseph Densford, County Attorney
 Mary Pat Agostinelli, Administrative Officer

As a follow up to Executive Session discussions, the referenced individuals appeared before the Commissioner to present a Memorandum of Understanding between the Board of County Commissioners of St. Mary's County and the Friends of St. Clement's Island Museum, Inc. The Memorandum of Understanding sets forth the terms and conditions upon which the County intends to loan \$75,000 to the Friends for the acquisition of residential property adjacent to the museum for future expansion of the museum facility and parking.

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Loffler to sign the Memorandum of Understanding as presented. Motion carried.

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) APPOINTMENTS
BOARDS, COMMITTEES, COMMISSIONS

Commissioner Lancaster moved, seconded by Commissioner Thompson, with motion carried, to make the following appointments:

<u>Commission for Women</u>	<u>Term to Expire</u>
M. Joyce Alford (reappt.)	6/30/93
Ella Carter	6/30/93
Nancy Hutson	6/30/93
Thyris M. Miles (reappt.)	6/30/93
<u>Commission on Aging</u>	6/30/93
Norman Breslauer (reappt.)	6/30/93
Ralph Butler (reappt.)	6/30/93

Economic Development Commission

Kennedy Abell, Jr. (reappt.)	6/30/93
Thomas Bell "	6/30/93
F. Elliott Burch, Jr. "	6/30/93
William Curtis "	6/30/93
Arthur Esch "	6/30/93

Ethics Commission

Louis Eberle (reappt.)	6/30/93
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Housing Authority

Henry T. Waring	6/30/95
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Human Relations Commission

Donald Barber (reappt.)	6/30/94
Ralph Butler "	6/30/94

St. Mary's Nursing Center Board

J. Wilmer Bowles	6/30/93
Harold Herndon	6/30/93

Private Industry Council

E. Leslie Shaw (reappt.)	6/30/93
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2) SOUTHERN MARYLAND ALCOHOL/DRUG ABUSE RESOURCE
AND TRAINING CENTER

The County Administrator presented correspondence dated June 6 from the Southern Maryland Alcohol/Drug Abuse Resource and Training Center advising that a regional workshop on June 25 concerning highway safety funds that are available to each county and requesting a representative from St. Mary's County. Mr. Cox recommended designating Cynthia Brown, Director, Office of Community Services.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to accept this recommendation. Motion carried.

3) YEAR OF THE INFANT

The County Administrator presented correspondence dated June 9 from the state Office for Children and Families advising that the Governor as proclaimed 1990 as Maryland's Year of the Infant. This effort will be carried into 1991 with a Maryland Kids Convention to be held July 20-21, 1991 and requesting a coordinator from St. Mary's County. Mr. Cox recommended designating Cynthia Brown to attend the convention.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to accept this recommendation. Motion carried.

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

4) PUBLIC WORKS AGREEMENTS

On behalf of the Director of Public Works, the County Administrator presented the following Public Works Agreements for consideration:

Hunter's Ridge

By and between Lewis Raye Vest and St. Mary's County dated May 14, 1990, guaranteeing completion of Livingston Drive and Barbara Court by May 1, 1991. Agreement is backed by a Letter of Credit in the amount of \$236,900 with First National Bank of Maryland.

Whaler's Creek Runn

By and between Millison Enterprises, J. Laurence Millison dated May 10, 1990 guaranteeing the completion of Green Leaf Road, Sandstone Street, Topaz Place and Mauvy Moss Place by May 1, 1990. Agreement is backed by a Letter of Credit in the amount of \$204,300 with Maryland National Bank.

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

5) GRANT-IN-AID APPLICATION
STORMWATER MANAGEMENT GRANT - FY '91

The County Administrator presented the referenced Stormwater Management grant application for continuation of the current program. The grant request is in the amount of \$132,012.

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

6) OFFICE ON AGING
RETIRED SENIOR VOLUNTEER PROGRAM
NOTIFICATION OF GRANT AWARD

The County Administrator presented the Notification of Grant Award for the Retired Senior Volunteer Program for Fiscal Year 1991 in the total amount of \$52,421 to be submitted to ACTION.

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

7) EMPLOYMENT CONTRACTS

The County Commissioners presented the following employment contracts recommended for the Commissioners' approval:

John Baggett - Grade 27, Step 6.
Joseph Mitchell - Grade 27, Step 6.
Cynthia Brown - Grade 22, Step 2.

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

8) BUDGET AMENDMENTS

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

90-77
Recreation and Parks

Justification: Refurbishing and upgrading Piney Point Coast Guard station to prepare crew quarters house for renting to provide security for site.
(\$6,000)

No. 90-78
Department of Economic & Community Development

Justification: To cover overexpenditures in conferences and conventions account (Agriculture/Tourism)

No. 90-79
Planning and Zoning

Justification: To provide funding for implementation of computer study (SM Contract SMC 90-200865)

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

9) ELMS PROPERTY - AGREEMENT OF LEASE
ENVIRONMENTAL EDUCATION PROGRAM

The County Administrator presented the revised Agreement of Lease between the State of Maryland to the use of the Department of Natural Resources and the Board of County Commissioners of St. Mary's County. The purpose of the revision is to change the terms of the lease to 13 years to coincide with the Department of Recreation and Parks lease. The lease begins July 2, 1990 and terminates October 1, 2003.

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

10) CORE SERVICE PROJECT

The County Administrator presented correspondence addressed to Delegate George Owings, III, stating that Calvert County has chosen not to participate in the Tri-County Core Service Agency Project. Representatives from Charles and St. Mary's County will negotiate toward the possibility of a bi-county project.

The Commissioners agreed to sign and forward the letter as presented.

11) ECONOMIC DEVELOPMENT COMMISSION - BY LAWS

The County Administrator presented correspondence addressed to the Chairman of the Economic Development Commission indicating that the revised by-laws are in accordance with Resolution No. 88-03 and are therefore approved.

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

12) BOARD OF EDUCATION
ACCELERATED CAPITAL IMPROVEMENT PROGRAM

The County Administrator presented correspondence addressed to the Board of Education setting forth the June 12 decision by the Commissioners regarding the Capital Improvement Program.

The Commissioners agreed to sign and forward the letter.

13) CORRECTIONAL OFFICERS ASSOCIATION

The County Administrator presented correspondence addressed to the President of the Correctional Officers Association advising that the Association's concerns presented to the Commissioners have been forwarded to Sheriff Pettit. The letter further suggests that the Association following the rules of the Manual of Personnel Policies and Procedures.

The Commissioners agreed to sign and forward the letter.

14) NATIONAL ASSOCIATION OF COUNTIES
ACHIEVEMENT AWARD

The County Administrator presented correspondence addressed to National Association of Counties expressing appreciation for receiving the NACo Achievement Award and indicating that St. Mary's County cannot be represented in Dade County, Florida July 14-17 to receive it.

The Commissioners agreed to sign and forward the letter.

15) YOWASKI MILL ROAD

The County Administrator presented correspondence to Robert L. Stone advising that the Commissioners have included in the FY '91 Capital Budget funds in the amount of \$89,100 for planning and design of Yowaski Mill Road and indicating that the total project is estimated to cost \$559,500.

The Commissioners agreed to sign and forward the letter.

16) CHAMBER OF COMMERCE
TEMPORARY CLERICAL POSITION

The County Administrator presented a May 31 memorandum from the Director, Economic & Community Development, advising that the Chamber of Commerce is requesting \$6,000 to provide temporary clerical staff assistance. This position would assist Cynthia Woodburn, Tourism Coordinator, with increased tourism projects and would provide continued coverage at the Chamber office while Mrs. Woodburn is on maternity leave in the fall.

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

CERTIFICATE OF NEED APPLICATIONS
CHILDRENS HOME HEALTH CARE
HMSS

As a follow up to previous discussions regarding the referenced Certificate of Need Applications, the County Administrator advised that the Commissioners have heard arguments from both sides of this issue and that the Commissioners have been requested to submit a recommendation to the State Health Department. Therefore, Mr. Cox presented recommendation that the applications be recommended for approval by the State with the following condition on each:

Although we welcome additional health care services in our community, we are concerned that the approval of this Certificate of Need will jeopardize the existing delivery system. Current providers question the validity of the need projections and also question financial viability of the current providers if new providers attract the paying clients and leave the indigent. We request that approval of this application be conditioned on a requirement of a certain percentage of clients be indigent.

During discussion Commissioner Loffler indicated that he was inclined to support Children's CON application because of the special equipment and training they would provide; however, he was not in favor of recommending approval of HMSS.

Commissioner Lancaster indicated that he was in agreement with staff's recommendation in that government should allow private industry an opportunity to compete.

After discussion Commissioner Thompson moved, seconded by Commissioner Bailey, to recommend approval the application for Childrens Home Health Care. Motion carried.

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to recommend approval of HMSS's Certificate of Need application. Commissioners Lancaster and Jarboe voted in favor, Commissioners Loffler and Thompson voted against, and Commissioner Bailey abstained. Motion defeated.

Commissioner Loffler called for a motion to recommend disapproval of HMSS's application. None was forthcoming.

HEALTH DEPARTMENT SPACE NEEDS

Present: Dr. William Marek, Health Officer
Frank Sullivan, Director, Mental Health and Rehabilitation
Ed Moseley, Director, Mental Health

The referenced individuals appeared before the Board to explain the space needs for the Health Department. Dr. Marek indicated expansion of the mental health and alcoholism programs has created the space need problems. He advised that the Health Department is applying for state bond money, which if approved, would provide 75% of the funding for an addition. The County would be required to provide 25%. To provide the needed space, Mr. Sullivan stated that a 5,840 square-foot wing addition is proposed. Total cost of the project is estimated at \$510,000 (\$382,500 from State; \$127,500 from County).

Mr. Sullivan went on to explain the number of clients being served and the reasons for the growth of these programs and pointed out that the proposal contains a description of growth needs and space requirements. Construction is anticipated to begin in 1992 with completion in 1993. Mr. Sullivan indicated that leasing space over the next two years is inevitable.

In conclusion the Commissioners suggested that the request for funding be submitted for the Fiscal Year 1992 Capital Budget.

GREAT TURTLE RACE VIDEO

Present: John Baggett, Director, Recreation and Parks
Claude Clarke, Recreation Supervisor

The referenced individuals appeared before the Commissioners to show a video from a Channel 7 news broadcast of the Great Turtle Race sponsored by Recreation and Parks on June 6.

OFFICE OF PLANNING & ZONING
PUBLIC HEARING - ALVA WATSON/IRENE GRAVES

Present: Jon Grimm, Director, OPZ
Peggy Childs, OPZ Recording Secretary.

PUBLIC HEARING

ALPD #90-0988 - ALVA WATSON/IRENE GRAVES

Requesting establishment of Agricultural Land Preservation District and easement sale of development rights for 112 acres, zoned CA/RCA and R-1, located off of Bayside Road, Compton; Tax Map 39, Block 17, Parcel 3.

Owners/Applicants: Alva Watson and Irene Graves

Mr. Grimm stated this property is the old Buck Briscoe farm, and applicants are requesting a recommendation from the Commissioners to the State for the establishment of an Agricultural Land Preservation District as well as for the sale of development rights easement. The public hearing was advertised in The Enterprise on May 30 and June 6, 1990. The request meets the criteria of the State and County Programs; meets the Comprehensive Plan components for agriculture preservation and preserving rural character; is a productive viable farm; and funds are available at the County and State level to implement the easement acquisition. Staff recommends approval on this basis.

The County Agricultural Land Preservation Committee reviewed the request on May 30, 1990 and recommended approval. The Planning Commission held a public hearing on June 11, 1990 and, hearing no objections, recommended approval to the County Commissioners. Mr. Grimm asked for a decision today, stating in this case the record need not be held open for 10 days.

He also pointed out that there are some waterfront lots, recorded in the 1940s, which are not part of this request; the remaining property will comprise the ALPD.

Commissioner Loffler asked if anyone present would like to speak for or against the proposal. Hearing none, testimony was closed.

Commissioner Lancaster moved to recommend approval to the State for both the ALPD and the sale of easement, seconded by Commissioner Jarboe and unanimously passed.

ZONING ORDINANCE DISCUSSION

Mr. Grimm distributed and reviewed with the Commissioners a list of 89 comments and requests received from the April 10, 1990 public hearing, identifying the property or issue, the requested change or clarification, staff's recommendation, and the applicable mapping rule, if any. Mr. Grimm stated there were several items which staff felt warranted further study, and recommended that these be held for additional review and action at a future date.

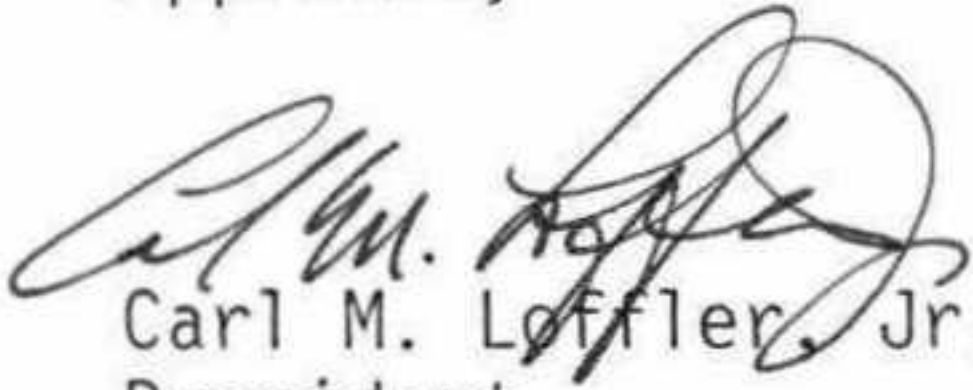
Having reviewed the list and staff recommendations, Mr. Grimm said staff awaits further instruction as to which ones to incorporate for the July 3rd meeting. A major concern was the recommendation for deletion of illegal nonconforming uses. Mr. Grimm said staff does not have a current inventory, and that is part of the reason staff thinks that section should be deleted, but Commissioner Bailey said he would like to see a list of the ones we do have, Commissioner Loffler adding it is not the policy of this Board to condone staff's not processing violations or to encourage people to hide illegal uses for 3 years - the County Attorney has suggested staff might still act on illegal uses existing for up to 3 years and be upheld by the Court. Commissioner Jarboe suggested identifying the illegal uses might provide the opportunity for some of them to come into compliance. Staff was directed to prepare a list of open enforcement actions, particularly those more than 30 days old.

Mr. Cox reminded the Commissioners that we have scheduled for July 3rd what we had hoped to be a decision meeting, with all the recommended changes included in a final document, however Commissioner Loffler said he doesn't see us having a finished document on July 3rd, but one submitted in accordance with the Planning Commission's recommendations, at least in intent. Mr. Grimm suggested staff could separate all the requested changes for the Commissioners to consider as a body, instructing staff to correct the document the way the Commissioners think it should be changed. Commissioner Loffler said he sees July 3rd as that date. Also discussed by the Commissioners, but not decided, was a procedure for periodic review.

ADJOURNMENT

The meeting adjourned at 12:20 p.m.

Approved,


Carl M. Loffler, Jr.
President