

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, August 14, 1990

Present: Commissioner Carl M. Loffler, Jr., President
W. Edward Bailey, Commissioner
Robert T. Jarboe, Commissioner
John G. Lancaster, Commissioner
Edward V. Cox, County Administrator
Judith A. Spalding, Recording

(Commissioner Thompson was not present.)

CALL TO ORDER

The meeting was called to order at 9:10 a.m.

APPROVAL OF MINUTES

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to approve the minutes of the Commissioners' meeting of Tuesday, August 7, 1990. Motion carried.

APPROVAL OF BILLS

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

COUNTY ADMINISTRATOR'S ITEMS

Present: Edward V. Cox, County Administrator

1) KINDER-CABINET

The County Administrator presented correspondence dated August 1 from the Maryland Office for Children and Youth and Families announcing the establishment of Maryland's First Kinder-Cabinet which will involve elementary school students in discussing topics of interest. Mr. Cox recommended the selection of Cynthia Brown, Director, Office of Community Services to be St. Mary's Coordinator in this project.

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to appoint Cynthia Brown as the Coordinator for the State's Kinder-Cabinet project. Motion carried.

2) NON-TIDAL WETLANDS INITIATIVES

In response to a request from the county's Economic Development Commission requesting an endorsement of Congressman Dyson's legislative initiatives relative to non-tidal wetlands, the County Administrator presented correspondence for the Commissioners' signatures.

The Commissioners agreed to sign and forward the letter Congressman Dyson.

3) APPOINTMENTS
BOARDS, COMMITTEES, COMMISSIONS

Commissioner Lancaster moved, seconded by Commissioner Jarboe, and motion carried, to make the following appointments with terms as indicated:

Council on Children and Youth

Term to Expire

Dale Farrell - Student Rep.
Michael Luginbill

6/30/91

6/30/91/94

Ethics Commission

Janice Briscoe Baldwin
H. Steven L. Newbold II (alternate)

6/30/94

6/30/91/94

Extended Day Care Planning Committee

Patrick Murphy

No Term

Marcey House Board

Carol Drury
Jerome Fenwick

12/31/93

12/31/93

Plumbing Board

Ronald Ridgell

6/30/93

**4) CITIZEN CONCERNS
OAK COMMERCIAL CENTER**

The County Administrator presented correspondence addressed to Ms. Pat Wright in response to concerns regarding the Oak Commercial Center zoning case stating that her letter has been forwarded to the Office of Planning and Zoning. The letter further states that when the case is scheduled before the County Commissioners, two notices of public hearing will be published in the newspaper.

The Commissioners agreed to sign and forward the letter.

**5) CITIZEN CONCERNS
RECYCLING**

The County Administrator presented correspondence responding to Ms. Terri Reagan's August 1 letter regarding the county's recycling efforts. The letter explains the county's funding for and implementation of a recycling plan.

The Commissioners agreed to sign and forward the letter.

6) FISCAL YEAR 1992 BUDGET SCHEDULE

The County Administrator presented a proposed schedule for the Fiscal Year 1992 budget process prepared by the Director of Finance for the Commissioners' approval.

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to approve the schedule as presented. Motion carried.

7) WAIVER OF FEES REQUEST
LOT 3, THE PLAINS

The County Administrator presented a request from Robert Green for a waiver of the \$80 fee for the review of the "one lot" subdivision for Lot 3 of The Plains. The lot was formed as a result of the reconstruction of Golden Beach Road. The request has been reviewed by the Office of Planning and Zoning and because it is a unique situation, recommended approval of the waiver request.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve the waiver as requested. Motion carried.

8) WICOMICO-ZEKIAH ADVISORY BOARD

The County Administrator presented correspondence to the Chairman of the Wicomico-Zekiah Advisory Board submitting the nomination of Richard Colliflower to serve on the Board from St. Mary's County.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to nominate Mr. Colliflower. Motion carried.

9) SHIPPING POINT

The County Administrator presented correspondence inviting the legislators and certain departments to the September 18 Commissioners' meeting at which representatives of the Maryland Office on Aging will present a preliminary summary of the recently completed market study for the development of Shipping Point into a senior housing community.

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

10) NURSING CENTER
AD HOC TASK FORCE

The County Administrator presented correspondence dated August 8 from the Nursing Center requesting county representatives to serve on an ad hoc task force to review the RFP's regarding expansion of the Nursing Center. The letter recommends the appointment of the County Attorney, Director of Finance and Director of Public Works.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to appoint those individuals as recommended. Motion carried.

11) ELIMINATION OF STATE AND LOCAL TAX DEDUCTION

The County Administrator presented correspondence addressed to the Chairman of the Ways and Means Committee expressing opposition to the consideration of the Committee to eliminate the state and local income tax deductions as a means to reduce the federal deficit. St. Mary's County joins National Association of Counties and Maryland Association of Counties in this opposition and urges the Committee to consider other alternatives to reducing the deficit.

The Commissioners agreed to sign and forward the letter.

12) DRUG TESTING SERVICES

The County Administrator presented correspondence addressed to the Administrator of St. Mary's Hospital advising that no formal response has been received to the County's September 11, 1989 letter requesting the hospital's assistance in providing drug testing. The letter requests a response and indicates the Commissioners willingness to discuss this issue with the hospital board.

The Commissioners agreed to sign and forward the letter.

13) EDUCATION ASSISTANCE

The County Administrator advised that the County's Personnel Manual requires an employee to have one year of service prior to being eligible for training and related expense reimbursement. He stated that there are two individuals at the engineering technician level that the County is trying to train and retain and a waiver of the one-year requirement is needed.

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to waive the one-year employment requirement for Orlando Cruz-Solano and Gregg Wallard and reimburse them for educational expenses at the Charles County Community College. Motion carried.

14) APPLICATION FOR FEDERAL ASSISTANCE
AIRPORT IMPROVEMENT PROGRAM

The County Administrator presented an Application for Federal Assistance for obstruction removal, land acquisition/easement, and design of runway/taxiway extension for the St. Mary's County Airport. Estimated cost of the project is \$793,000 (\$713,700 - federal; \$39,650 - local; \$39,650 - state.

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

15) TALL TIMBERS SHORE EROSION DISTRICT

The County Administrator presented a Supplemental Shore Erosion Control Project Agreement between St. Mary's County and the State which covers a \$30,9000 increase in costs for additional work at the Tall Timbers Shore Erosion Control project. This increases the total cost from \$133,640 to \$164,540, which is still below the estimated amount presented to the property owners.

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

16) CAPITAL PROJECT GRANT APPLICATION
ST. MARY'S REGIONAL PARK

On behalf of the Department of Recreation and Parks, the County Administrator presented a Capital Project Grant Application for the St. Mary's County Regional Park located on Chancellors Run Road in Lexington Park. The grant is for certain site improvements for ball diamonds and fields, teen activity center, concession building, etc. at a cost of \$200,000 (\$100,000 - State; \$100,000 - County).

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

17) PUBLIC WORKS AGREEMENTS

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

Wildevood - Ash Court

By and between Paragon Builders, Inc., and St. Mary's County, dated June 28, 1990 guaranteeing completion of Ash Court (a/k/a Sequoia Lane) by July 1, 1991; backed by a Letter of Credit with Maryland Bank and Trust in the amount of \$30,000.

Miller Subdivision

By and between Ray Miller and St. Mary's County, dated July 20, 1990, guaranteeing completion of Jacqueline Court by July 1, 1991; backed by a Letter of Credit with First National Bank of St. Mary's in the amount of \$51,230.

Clover Hill West Subdivision, Section 3

By and between Bakron Inc. and St. Mary's County, dated August 7, 1990, guaranteeing completion of Clover Hill Court by August 1, 1991; backed by a Letter of Credit with First National Bank of St. Mary's in the amount of \$148,800.

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

18) RIGHT-OF-WAY AGREEMENT
PEGGS ROAD CONSTRUCTION

As a follow up to last week's presentation by Public Works Director Ichniowski and County Attorney Densford, the County Administrator presented the Right-of-Way Agreement by and between Suburban Ltd. and St. Mary's County Commissioners relative to the construction of Peggs Road.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Loffler to sign the Right-of-Way Agreement as presented. Motion carried.

19) BUDGET AMENDMENT NO. 91-04
ECONOMIC & COMMUNITY DEVELOPMENT

The County Administrator presented the referenced Budget Amendment recommended for approval by the Director of Finance with the following justification: To match St. Mary's County Watermen's Association funds for oyster seeding.

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

20) NONTIDAL WETLAND PERMIT PROGRAM

The County Administrator advised that the Department of Natural Resources, by correspondence dated May 25, 1990, inquiring if St. Mary's County wanted to exercise its option for program delegation for the nontidal wetland permit program. Mr. Cox indicated that county staff has reviewed the information from DNR and has come to the collective conclusion not to accept delegation from the State for this program because of the lack of flexibility in administering the program, the State oversight review, and the anticipated costs to the County.

Commissioner Bailey moved, seconded by Commissioner Jarboe, to sign and forward correspondence to the Department of Natural Resources advising that St. Mary's County has decided not to seek program delegation at this time. Motion carried.

ALCOHOL/DRUG ABUSE PREVENTION
SUPPLEMENTAL FUNDING REQUEST

Present: Cynthia Brown, Director, Office of Community Services
Joe Dick, Prevention Coordinator

The referenced individuals appeared before the Commissioners to present a Human Services Contract Proposal for the Alcohol/Drug Abuse Prevention Program for St. Mary's County. Ms. Brown advised that the program requirements have been changed and as a result additional funds have been made available.

Commissioner Jarboe moved, seconded by Commissioner Bailey, to approve and authorize Commissioner Loffler to sign the Supplemental Funding Request for the Alcohol/Drug Abuse Prevention Grant. Motion carried.

ST. MARY'S COUNTY EMPLOYEES' ASSOCIATION

Present: Jeanette Thompson, President
Jim Weber, Chairman, Flag Day
Mary Pat Agostinelli, Flag Day Committee
Mary Duke, Employees' Assoc.
Mary Russell, "
Frank Munstertiger, "
Dot Smith, "
Barbara Midkiff "
Charles Johnson, "
Jackie Alvey "

The referenced individuals appeared before the Commissioners to present a check in the amount of \$235.25 to the Flag Day Committee representing proceeds from the sale of food at the Flag Day ceremony held on June 14.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator

Commissioner Bailey moved, seconded by Commissioner Lancaster, to meet in Executive Session to discuss matters of Personnel and Property Acquisition.

The Sessions were held as follows:

Personnel

Held from 10:05 to 10:15

Property Acquisition

Also Present: John Baggett, Director, Recreation & Parks

Held from 10:15 a.m. to 10:30 a.m.

GREAT MILLS HIGH SCHOOL - HENDERSON PARK

Present: John Baggett, Director, Recreation and Parks

As a follow up to the presentation by the Great Mills High School Task Force at the August 7 Public Forum, Mr. Baggett appeared before the Commissioners to discuss the Agreement between the Board of Education, Department of Recreation and Parks, and St. Mary's County Commissioners for the use of certain grounds at Great Mills High School. Mr. Baggett indicated that the lease was signed in 1968 and has served its purpose and recommended that the lease be terminated, which could be handled in one of two ways:

- To ask federal and state agencies to allow us to terminate the agreement and return the property to the Board of Education.
- To convert the property using the St. Mary's Regional Park development as the conversion of the property. (In order to convert property the County must provide facilities at another site equal to or better than the first site.

During discussion the Commissioners indicated that while Mr. Baggett is looking into the termination of the lease that he continue with needed maintenance.

In conclusion the Commissioners directed the County Administrator to draft correspondence to the Board of Education requesting them to be prepared to discuss by what means other school facilities were improved. Mr. Baggett was requested to determine costs of bringing the Great Mills park area up to standards and report back to the Commissioners after which time the Commissioners will decide how best to allocate funds for upgrading the facilities.

OFFICE OF PLANNING AND ZONING
MAYJACK REQUEST FOR RELIEF

Present: Joe Meinert, Deputy Director
Dave Gerdel, Supervisor of Engineering, DPW
Michael F. Harris, Attorney for Applicant
Peggy Childs, Recording Secretary

Commissioner Loffler reminded that three weeks ago the Commissioners had a request for modification of paragraph one of the Mayjack approving Resolution, regarding widening of Chancellor's Run Road to four lanes from this property to Route 235.

Mr. Gerdel reported that this had begun as a request that the applicant reserve a widening strip and as it progressed through the public hearing process to the Resolution it turned into the provision that the applicant would not be allowed to develop beyond 115 units or

91,000 sq. ft. without building the road. Subsequent to that time, he said, several developments along Chancellors Run Road upgrade, and DPW's position would be to hold the applicant to the 115 unit/91,000 sq. ft. with the 100 ft. widening strip dedication, but without the requirement that the developer build the road; what has been required along Chancellors Run Road through the TEC process is that developers construct acceleration/deceleration lanes.

Mr. Harris said he wanted to make it clear that applicant is not asking for relief from providing the widening strip dedication, but not only from the provision that he construct the road himself. He pointed out that paragraph 4 of the Resolution states that the applicant will be compensated for the widening strip, but said, if the County will grant applicant relief from the road construction as requested, he is authorized to advise the Commissioners that the applicant will convey by Deed the widening strip at no cost to the County or the State.

Mr. Harris pointed out that the Eagles Glen development located in front of Mayjack has no such building requirement. Further, the Planning Commission has required that the Mayjack units be sprinklered. The law requiring multi-family units to be sprinklered does not go into effect until July 1, 1991, but the applicant is willing to do that, he just does not feel it is fair that he should have to do both.

Commissioner Loffler commented the request does not seem out of line with County policy for other developments and, in fact, seems to be in the County's favor, as the Resolution clearly states that the applicant will be compensated for the widening strip.

Mr. Gerdel asked that the widening strip be stipulated as being 100 feet. Mr. Harris replied the applicant is willing to abide by paragraph 4, that "the site plan shall require the land normally necessary for the widening of Chancellors Run Road to four lanes in accordance with SHA Road Plans." If it is 178 feet, he said, that is what will be given.

Mr. Meinert said he would only point out that a primary condition of the rezoning was that the development be staged, and other properties may not have been in the same position of being rezoned and may have been given lesser road requirements through the subdivision process and public facilities review, but he has no problem with the request.

Mr. Cox suggested the Resolution be amended per the request and brought back next Tuesday for signature. The Commissioners concurred; Commissioner Loffler noted the widening strip should be deeded to the County, not the State.

RESOLUTION NO. 90-15
ZONING ORDINANCE CLARIFICATION

Present: Joe Meinert, Deputy Director, OPZ

Mr. Meinert presented a proposed Resolution clarifying Ordinance No. 90-11 which enacted comprehensive zoning regulations for St. Mary's County. Resolution No. 90-15 requiring applications for conditional uses and variances submitted to the Office of Planning and Zoning prior to July 10, 1990 to meet the standards set forth in Ordinance No. 78-43 rather than Ordinance No. 90-11.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve and sign Resolution No. 90-15. Motion carried.

FAIRNESS TO LANDOWNERS COMMITTEE (FLOC)

The County Administrator advised that the Agriculture/Seafood Commission has invited the Fairness to Landowners Committee (FLOC) from Dorchester County to speak regarding the impact of non-tidal wetland regulations on St. Mary's County agriculture. The Committee will be coming before the County Commissioners at the September 4 public forum to discuss the impact of these regulations.

EXECUTIVE SESSION

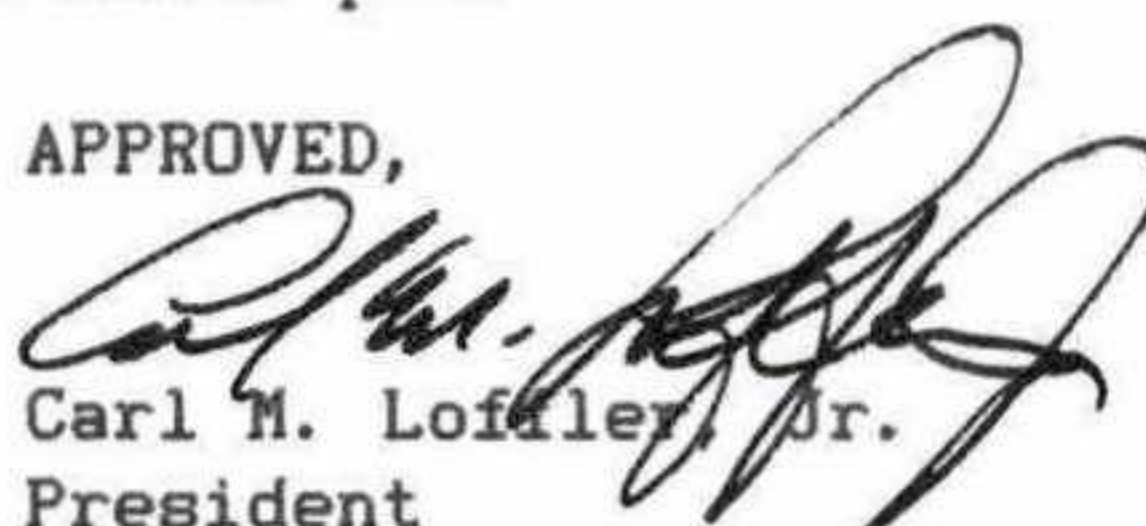
Present: Sheriff Pettit
Lt. Phil Cooper
Barbara Dotson

Commissioner Lancaster moved, seconded by Commissioner Bailey, to meet in Executive Session to discuss a matter of Personnel. Motion carried. Session was held from 11:50 a.m. to 12:20 p.m.

ADJOURNMENT

The meeting adjourned at 12:20 p.m.

APPROVED,


Carl M. Lofley, Jr.
President

RESEARCH ON ANTI-COMMUNISM

The following is a list of the names of the individuals who have been identified as being active in the anti-communist movement in the United States. The names are listed in alphabetical order.

ALPHABETICALLY

1. [Name]
2. [Name]
3. [Name]

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