

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, October 2, 1990

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

CALL TO ORDER

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

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Bailey, to approve the minutes of the Commissioners' meeting of Tuesday, September 25, 1990. Motion carried.

APPROVAL OF BILLS

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

PATUXENT RIVER APPRECIATION DAYS

Present: Ed Flynn, Shriners

Mr. Flynn appeared before the Commissioners to invite them to participate in the Patuxent River Appreciation Days to be held October 13 and 14 at Solomons in Calvert County. The parade will be held Sunday, October 14 at 10:00 a.m., and Mr. Flynn invited the Commissioners to be part of this event. Patuxent River Appreciation Days has been designated by Governor Schaefer as Southern Maryland's "Event of the Year."

ST. MARY'S COUNTY MENTAL HEALTH PROGRAM

Present: Secretary Adele Wilzack, Dept. of Health & Mental Hygiene
Dr. John Stafford, "
Dr. William Marek, Health Officer

The referenced individuals appeared before the Commissioners to advise that Secretary Wilzack is in the County to look at the County's mental health programs. Secretary Wilzack indicated that mental health is one of the Governor's main interests. Emphasis is being placed on the preservation of families and teaching people to take care of themselves.

Commissioner Loffler advised that the County has had interaction with the community and agencies regarding the "War on Drugs", including meetings with appropriate agencies.

Secretary Wilzack indicated that this is the type of activity that the Governor is seeking, and he is making efforts to have communities pay attention to youths. She stated that the Governor is interested in what the counties are doing and what the counties' needs are.

During discussion Commissioner Jarboe raised concerns relative to establishment of a mechanism to require youths to get counseling services.

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In closing Secretary Wilzack stated that she would welcome regular visits with the Board of County Commissioners to discuss concerns relative to youth and mental health.

PROCLAMATIONS

Mental Illness Awareness Week

Present: Mary Clements

The Commissioners presented the referenced Proclamation designating the week of October 7- 13, 1990 as Mental Illness Week in St. Mary's County.

German Unification Day

Present: Mar, S. Nafziger, Schiller Institute

The Commissioners presented the referenced Proclamation designating Wednesday, October 3, 1990 as German Unification Day.

PUBLIC HEARING

ADMINISTRATION OF THE ST. MARY'S COUNTY ENERGY TAX

Present: Charles Wade, Director of Finance

Present in Audience: Joe Slater, SMECO; Frank Taylor, Taylor Gas; David A. Foggo, Jr.

The Commissioners conducted a public hearing regarding requests to modify the administration of the St. Mary's Energy Tax effective July 1, 1991. Modifications under consideration are:

1. Changing the tax payment date from the twenty-first day of the month to the end of the month for the previous months;
2. Changing from a per unit of sale tax based on gallons or kilowatt hours to a percent of monetary sale method of levying the energy tax.

Mr. Wade advised that relative to Item No. 1, it was his recommendation that the Commissioners approve the change in that it would help vendors in their administrative process for remittance to the County.

With regard to Item No. 2, Mr. Wade explained that the current per unit tax levy provides an equalizer in that the tax collected on a gallon of oil or propane is the same to all customers. He stated that it also eliminates the fluctuation of tax on the sale. Mr. Wade said he would not recommend changing the tax to the percentage-of-sale method because of the impact it would have an impact on a large number of people in the County. Mr. Wade advised that it was his recommendation that if the Commissioners decide to approve using percentage-of-sale method of levying the tax that it would be done at the time the tax is levied for Fiscal Year 1992.

Mr. Frank Taylor of Taylor Gas commented that he thought that the energy tax on propane gas was higher than the tax on oil and other sources of energy in using the current per-unit method of levying the tax.

After receiving comments and questions from the audience the public hearing was closed with the record to remain open for ten days in order to receive further comments. This will be an item for Commissioners' discussion in two weeks (October 16). Letters will be sent by Director of Finance Wade to vendors inviting comments.

A tape of the hearing is on file in the Commissioners' Office.

OFFICE OF PLANNING AND ZONING
DISCUSSION - WATER CATEGORY CHANGES

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

SPEC #89-1911 - CHARLOTTE HALL BUSINESS PARK

Requesting water category change from W-6 to W-3 for this property located in the 5th Election District.

SPEC #84-0663 - SUMMIT HILL, SECTION 2

Requesting water category change from W-6 to W-3 for this property located in the 5th Election District.

Mr. Grimm distributed a letter received from Steve King, Deputy Director of the Metropolitan Commission, regarding the water supply in the 5th Election District, relating to Summit Hill, Section 2, as requested by the Commissioners at their meeting of September 18, 1990. He stated staff has no further comment, except to add that the Planning Commission has recommended approval of both requests.

Commissioner Loffler stated that a year ago MetComm, the Planning Commission, and the County Commissioners started a policy that high yield commercial and industrial wells in the northern end of the County access a deeper aquifer. He said he has the minutes of the Water Resources Administration presentation to the Planning Commission on September 10th, in which he reads that WRA states if requested by a developer they would allow him to go to the deeper aquifer. He said the Commissioners have asked the WRA to come down and meet with the Commissioners to educate them and to answer their questions, as a change to that policy is involved, and until that time, he does not feel he has sufficient information to render a decision on these two requests.

Commissioner Jarboe stated that WRA are the experts and the approving authority for water appropriation permits, and they have said that there is an abundant water supply in the Aquia Aquifer; furthermore, he said, the statement from Steve King refers to Wicomico Shores and doesn't have anything to do with the Golden Beach area.

Commissioner Bailey agreed, quoting Mr. Miller's statement that the Magothy does not exist in most of the northern end of the County, adding that if the aquifer does not exist the County cannot require a developer to go to it.

Mr. Cox pointed out the State contends the County's policy was inappropriate, and that the category changes requested are not dependent upon which aquifer they go to, and the issue before the Commissioners is whether or not the change in zoning justifies a change in the water category; following that, the decision is made by the Water Resources Administration as to which aquifer is used.

Commissioner Loffler said he believes local government has a lot to say because we are the decision makers, and he does not agree that the two are separate issues. He said he is not saying his decision would not be the same, but he does not believe the Commissioners have all the information before them to make a decision.

Mr. Cox suggested that he try before the Commissioners' meeting next week to get a definite date from Water Resources to meet with the Commissioners, and then next week the Commissioners could make a decision whether to delay these requests or not.

The Commissioners had no objections to his suggestion.

COUNTY ADMINISTRATOR'S ITEMS

Present: Edward V. Cox, County Administrator

1) INFORMATION RELEASE
JAMES E. WEBER

The County Administrator distributed an Information Release regarding the retirement of James E. Weber, Chief, Permits and Inspections with the Department of Planning and Zoning, effective October 1, 1990.

2) APPOINTMENTS
BOARDS, COMMITTEES, COMMISSIONS

Commissioner Bailey moved, seconded by Commissioner Lancaster, and motion carried, to make the following appointments:

AGRICULTURE/SEAFOOD COMMISSION

Thomas A. Bowles

TERMS TO EXPIRE

December 31, 1993

COUNCIL FOR CHILDREN AND YOUTH

MaryAnn Ridgell

December 31, 1991/94

EXTENDED DAY CARE PLANNING COMMITTEE

Lillian Himmelheber

MARCEY HOUSE BOARD OF DIRECTORS

Sherman Dryden III

December 31, 1993

TRI-COUNTY ANIMAL SHELTER COMMITTEE

Amy P. Freeman (Recommendation to Charles County)

3) INCARCERATION ALTERNATIVES

As a follow up to last week's presentation by Sheriff Pettit, the County Administrator presented correspondence to the Department of Public Safety and Correctional Services forwarding the Incarceration Alternatives Report.

The Commissioners agreed to sign and forward the letter.

4) LORETTA HOUSE FUNDING

The County Administrator presented correspondence addressed to the Boards of County Commissioners of Charles and Calvert Counties requesting increased participation in the funding of Loretta House. There is currently a disproportionate contribution level of the three counties with St. Mary's contributing the largest share.

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

5) EASTERN BYPASS

The County Administrator presented correspondence responding to September 10 correspondence from the City of Bowie Mayor stating that the Commissioners prefer to withhold a statement of formal position on the matter of the Eastern Bypass in that the effects and impact of the proposal on St. Mary's County are still uncertain.

The Commissioners agreed to sign and forward the letter.

6) ECONOMIC DEVELOPMENT COMMISSION
RESEARCH PARK

The County Administrator presented correspondence responding to a September 7 letter from the Economic Development Commission stating that the Commissioners agreed with the four principles presented by EDC regarding the Research Park. The letter indicate the Commissioners' agreement to turn over to the private sector the implementation programs.

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

7) THANKSGIVING/CHRISTMAS HOLIDAYS

The County Administrator presented correspondence dated September 26 from the Employees' Association requesting closing of county government offices for Friday, November 23 (the day after Thanksgiving) and Monday, December 24 (Christmas Eve).

After discussion Commissioner Jarboe moved, seconded by Commissioner Bailey, to approve the closings as requested using forced leave. Motion carried.

8) ORIENTATION RETREAT

The County Administrator presented correspondence addressed to the Chairman of the Tri-County Council responding to his August 28 letter relative to a proposed Orientation Retreat. The letter suggests modifying the proposal to include only one day from 9:00 a.m. to 5:00 p.m. concluding with a dinner at 5:30 p.m.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve and sign the letter. Motion carried.

9) REQUEST FOR ASSISTANCE
AICUZ/DEVELOPMENT DISTRICT

The County Administrator presented correspondence addressed to the Office of Economic Adjustment at the Pentagon request assistance in two areas: (a) planning assistance for development feasibility within AICUZ and (2) planning assistance for the development district adjacent to the Naval Air Station.

The Commissioners agreed to sign and forward the letter.

10) BUDGET AMENDMENTS

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

No. 91-13
Recreation and Parks

Justification: To provide funds for additional dictaphone to accommodate staff.

Commissioner Bailey moved, seconded by Commissioner Jarboe to approve Budget Amendment No. 91-03 as presented. Motion carried.

No. 91-12

Various Departments

Justification: Adjustments required to correctly allocate health insurance costs to the various departments as a part of the flexible benefits program.

Commissioner Bailey moved, seconded by Commissioner Thompson, to approve Budget Amendment No. 91-12 as presented. Motion carried.

11) CHRISTMAS IN APRIL

The County Administrator presented information regarding "Christmas in April," a one day program by businesses, labor, church, government and the community to help others in need. The program is committed to assisting the elderly and handicapped homeowners who are unable to do repairs or improvements to their homes. A group is being formed in St. Mary's County, and County Government has been asked to participate in this program by using the expertise of the the Departments of Economic & Community Development, Public Works, and Planning and Zoning. County Administrator Cox indicated that before the County can participate in this project, the Commissioners' endorsement is needed. No county funds are required.

Commissioner Bailey moved, seconded by Commissioner Jarboe, to endorse the "Christmas in April" program for St. Mary's County as requested. Motion carried.

12) FOREST CONSERVANCY DISTRICT BOARD
FUNDING REQUEST

The County Administrator presented correspondence dated September 30 from the Forest Conservancy District Board requesting reconsideration for funding in the amount of \$250 towards the Annual Statewide Fall Forestry Board Meeting to be hosted by St. Mary's Forestry Board. County Administrator Cox pointed out that the Commissioners did not approve this request during the Fiscal Year 1991 budget process. Most of the required funding for this project is being provided by the Maryland Department of Natural Resources with some funding from Charles and Calvert Forestry Boards, private industry and the Chesapeake Bay Trust.

After discussion Commissioner Jarboe moved, seconded by Commissioner Lancaster, to fund the \$250 as requested. Motion carried.

DEPARTMENT OF PUBLIC WORKS

On behalf of the Department of Public Works, the County Administrator presented the following items:

1) PUBLIC WORKS AGREEMENT
HEARD'S ESTATES

Dated August 16, 1990 by and between Quality Built Homes, Inc. and St. Mary's County guaranteeing the completion of Clipper Drive and Schooner Court by August 1, 1991. The Agreement is backed by a Letter of Credit in the amount of \$223,700 with the Washington Savings Bank.

2) ADDENDUM TO PUBLIC WORKS AGREEMENT
TOSCA SUBDIVISION

By and between Interstate General Company, L.P. and St. Mary's County extending the deadline for completion of improvements in TOSCA Subdivision, Parcel "B", Eighth Election District to October 1, 1991. The Addendum is backed by a Letter of Credit with Maryland National Bank.

3) ADDENDUM TO PUBLIC WORKS AGREEMENT
EAGLES GLEN

By and between Amber Meadows Joint Venture and St. Mary's County Commissioners extending the deadline for completion of improvements in Eagles Glen to October 1, 1991. The Addendum is backed by a Letter of Credit in the amount of \$137,600 with Insurance Company of North America.

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

4) ACCEPTANCE OF DEED
MARGARET F. ASHER

Dated September 15, 1989 by and between Margaret F. Asher and St. Mary's County accepting a .4591 acres of land located in the Fifth Election District.

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

5) ROAD RESOLUTIONS

R90-31

Designating Commerce Park Road as a Stop Street at its intersection with Md. Rt. 5

R90-32

Posting Commerce Park Road at 25 miles per hour

R90-33

Posting Paul Ellis Road, 7th Election District, at 35 miles per hour.

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

6) AIRPORT LEASES

Lease and Operating Agreement
Skydiving Center of Greater Washington, D. C. Inc.

Lease and Operating Agreement for St. Mary's County Airport between The Skydiving Center of Greater Washington, D. C., Inc. and St. Mary's County Commissioners.

Addendum to Lease and Operating Agreement
Airpark Sales and Services, Inc.

Addendum dated September 22, 1990 by and between the Board of County Commissioners of St. Mary's County and Airpark Sales and Services, Inc. modifying Paragraph 19 to provide the term of lease to end on April 5, 1996.

Commissioner Lancaster moved, seconded by Commissioner Bailey, to approve and sign the referenced Lease and Addendum to Lease as presented. Motion carried.

RESOLUTION NO. 90-17
CABLE TELEVISION SYSTEM FRANCHISE ORDINANCE

Present: Joseph Densford, Cable Television Study Committee

The Commissioners having conducted a public hearing on August 21, 1990 and held subsequent discussion, Mr. Densford reviewed and highlighted the changes to the proposed Cable Television System Franchise Ordinance.

After discussion Commissioner Thompson moved, seconded by Commissioner Bailey, to approve and sign Resolution No. 90-17 adopting the St. Mary's County Cable Television System Franchise Ordinance.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator

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

Property Acquisition

Also Present: Joe Densford, County Attorney
Dan Ichniowski, Director, Public Works
Jon Grimm, Director, Planning & Zoning
Al Gough, SMECO
Richard A. Hendershot, SMECO

Held from 11:10 a.m. to 11:50 a.m.

Personnel

Held from 11:50 a.m. to 12:25 p.m.

STAFF MEETING

The Commissioners attended the regular monthly staff meeting which was held at the Carter State Office Building Public Meeting Room.

ALLIANCE FOR ALCOHOL/DRUG ABUSE PREVENTION

The Commissioners attended a strategy session with the Alliance for Alcohol and Drug Abuse Prevention.

7:00 P.M.

TRI-COUNTY COMMUNITY ACTION COMMITTEE

The Commissioners presented commendations to citizen volunteers of the Southern Maryland Tri-County Community Action Committee, Inc. recognizing their unselfish support and efforts.

ST. MARY'S COUNTY EMERGENCY SERVICES COMMITTEE

Present: Joe Carroll, Spokesperson
Representatives of the Fire Board
Representatives of the Rescue Squad Assoc.

The referenced representatives of the St. Mary's Emergency Services Committee appeared before the Commissioners to advise that the Committee has been formed to develop a Master Plan for the Fire and emergency Medical Services. Objectives and a scope of services for the Master Plan have been developed, and Mr. Carroll stated that outside consultant services are needed to assist in this project. Mr. Carroll indicated that the Committee is requesting the Commissioners' support in this effort by funding the consultant services.

After discussion Commissioner Bailey moved, seconded by Commissioner Lancaster, to authorize the Committee to move forward with solicitations for proposals, after which the Commissioners will make a decision regarding funding. Motion carried.

ADJOURNMENT

The meeting adjourned at 7:55 p.m.

PUBLIC FORUM

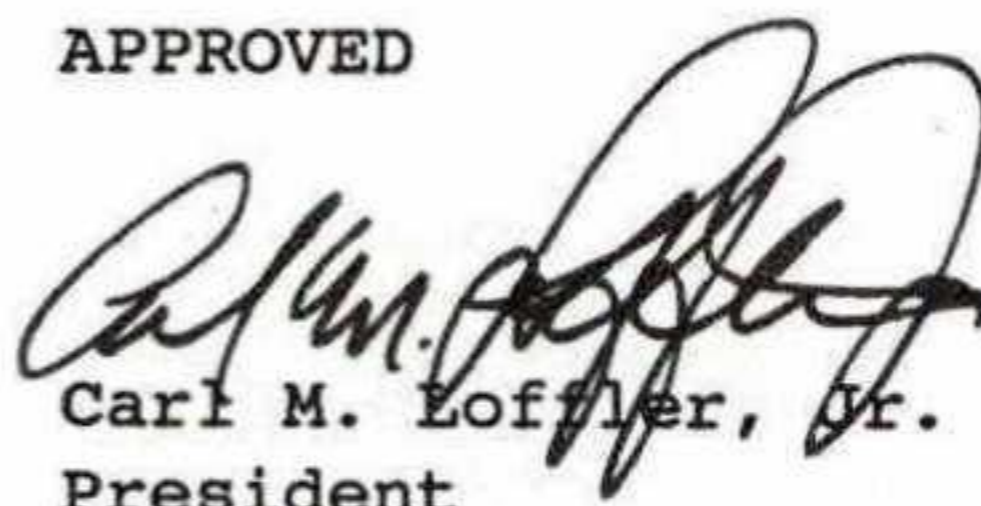
The Commissioners conducted the regular monthly public forum accepting questions and comments as follows:

Regina Abell	Office on Aging concerns: how funds are used, Senator Abrams letter indicating that anyone over 65 should not be denied entrance to OOA functions because of inability to pay; suggested that a list of active members be developed.
Minnie Russell	Unanswered complaint regarding pier. Well problems not only in northern end of county, but also southern end. Status of Sewering Airedele Road (County Administrator Cox advised that Metropolitan Commission made a decision to secure funds to provide sewer lines for 40 homes with an on-site system.
Norma Webber	Well situation at Charlotte Hall
Norma Pipkin	Status of Great Mills facility (Commissioner Loffler advised that it will be discussed at the 10/9 CCr-Bd/Ed meeting
Louis Eberle	Expressed concern for lack of citizens' attendance at public forums
Tony Pitt	Status of lights at Rt. 5/Great Mills Road (Commissioner Loffler indicated that the signalization should occur prior to the proposed widening which is scheduled for completion in two years.

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The public forum concluded at 8:55 p.m.

APPROVED

A handwritten signature in black ink, appearing to read "Carl M. Loffler, Jr.", written in a cursive style.

Carl M. Loffler, Jr.
President