

## BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, December 18, 1990

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

CALL TO ORDER

The meeting was called to order at 9:00 a.m.

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to approve the minutes of the Commissioners' meeting of Tuesday, December 11, 1990 and the Special Meeting of Thursday, December 13. Motion carried.

APPROVAL OF BILLS

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

FISCAL YEAR 1991 MARYLAND EXPORT DEVELOPMENT MATCHING GRANT PROGRAM

**Present:** Joseph Mitchell, Director, DECD

The County Administrator presented correspondence from the Tri-County Council inviting St. Mary's County to participate in the Fiscal Year 1991 Maryland Export Development Matching Grant Program sponsored by the Office of International Trade. Mr. Mitchell advised that each participating county would be provided \$10,000 on a 50-50 matching basis and that \$10,000 was placed in the FY '91 budget for this purpose.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve processing of the grant as requested. Motion carried.

COUNTY ADMINISTRATOR'S ITEMS

**Present:** Edward V. Cox, County Administrator

1) APPOINTMENTS  
BOARDS, COMMITTEES, COMMISSIONS

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

<b>Cable TV Advisory Committee</b>	<b>Term to Expire</b>
Charles A. Norris	12/31/91
<b>Commission for Women</b>	
Helen M. Williams	06/30/94
<b>Community Development Block Grant Advisory Committee</b>	
Cynthia A. Brown	12/31/92
Elmer J. Brown	12/31/93
Philip J. Cranford	12/31/94
Dr. Andrew Kozak	12/31/92
Joseph Mitchell	12/31/93
Dennis L. Nicholson	12/31/94
Thomas M. Shea	12/31/92
James Spence	12/31/93
Leisl Stark	12/31/94



**Council on Children and Youth**

Virginia (Jody) Payne 06/30/94

**Mental Health Authority Board**

Jay Angeluzzi	12/31/92
Kay Angeluzzi	12/31/93
Cynthia A. Brown	12/31/94
Francis Fenwick	12/31/92
Robert Guest	12/31/93
Dr. William J. Marek	12/31/94
Doris Robertson	12/31/92
Dennis Scott	12/31/93

**Sheriff's Department Pension Plan Board of Trustees**

Deputy Michael R. Merican

2) CRIMINAL JUSTICE MEETING

The County Administrator presented correspondence to participants in the Criminal Justice Meeting rescheduling the next meeting from January 15 to January 22 at 3:30 p.m. at the Public Meeting Room, State Office Building.

The Commissioners agreed to sign and forward the letter.

3) MARCEY HOUSE - FISCAL YEAR 1991 GRANT AWARD

The County Administrator advised that correspondence was received from the Department of Health and Mental Hygiene advising that the FY 1991 Grant Award for Marcey House was approved in the amount of \$122,064. He requested the Commissioners to authorize Commissioner Loffler to sign the Condition of Grant Award and Statement of Assurance of Compliance.

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

4) SHERIFF'S DEPARTMENT  
BICYCLES HELD IN PROPERTY STORAGE

The County Administrator presented correspondence dated December 14 from Lt. Phillip Cooper of the Sheriff's Department stating that he has received requests from Great Mills for Walden Sierra and Sierra Shelter for a Great Mills High School for a needy family project.

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

5) PERSONNEL  
REQUEST FOR LEAVE WITHOUT PAY

The County Administrator presented a memorandum dated December 14, 1990 requesting approval of 60 days of Leave Without Pay and continuation of health insurance premiums at current level for Linda Nickerson when she goes on maternity leave.

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

6) BUDGET AMENDMENT NO. 91-31  
ST. MARY'S PUBLIC SCHOOLS

The County Administrator presented the referenced Budget Amendment recommended for approval by the Director of Finance with the following justification: Project cost overrun (Great Mills High School New Facilities Management System) - \$2,000.

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



7) RESOLUTION NO. W/S 90-08  
WATER AND SEWER PLAN AMENDMENT  
PERSIMMON HILLS SUBDIVISION (SPEC #88-0183)

The Commissioners having conducted a public hearing on November 27, 1990 and held subsequent decision discussion, the County Administrator presented the referenced Water and Sewer Plan Amendment Resolution for Persimmon Hills Subdivision.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve and sign Resolution No. W/S 90-08 amending the Comprehensive Water and Sewer Plan to reclassify Sections 1 and 2 of Persimmon Hills Subdivision from W-6 to W-3. Motion carried.

8) CLEARINGHOUSE PROJECT NO. MD901018-0975  
CHANCELLORS RUN LOW INCOME HOUSING FEASIBILITY

The County Administrator presented the referenced clearinghouse project and recommended that it be forwarded to the State with the comment that it is consistent with the County's plans, programs and objectives.

The Commissioners gave their concurrence.

9) ST. MARY'S COUNTY EMPLOYEES' ASSOCIATION  
HOLIDAY REQUEST

The County Administrator presented correspondence from the outgoing president of the Employees' Association requesting the Board's consideration to grant Christmas Eve as a holiday rather than forced leave as previously granted.

After discussion Commissioner Jarboe moved, seconded by Commissioner Lancaster, to grant a holiday for Christmas Eve. Commissioners Loffler and Thompson voted against because of the cost factor. Motion carried three to two.

MARYLAND FEDERATION OF BUSINESS AND PROFESSIONAL WOMEN  
1990 EMPLOYER OF THE YEAR PRESENTATION

Present: Peggy Howard, Margaret Brent Business & Professional Women

Mrs. Howard appeared before the Commissioners to present a Governor's Citation to St. Mary's County Government as the 1990 Employer of the Year from the Maryland Federation of Business and Professional Women.

OFFICE ON AGING  
MARYLAND YOU ARE BEAUTIFUL SENIOR WRITING CONTEST

Present: Jenny Page, Office on Aging

On behalf of Gene Carter, Director, Office on Aging, Mrs. Page appeared before the Commissioners to present a booklet containing a compilation of entries from the Maryland You Are Beautiful Senior Citizen Writing Contest.

1991 LEGISLATIVE PACKAGE REVIEW

The Commissioners having conducted a public hearing on December 11 on the 1991 Legislative Package, the County Administrator presented a Work Sheet for the Commissioners to take positions on each of the items. Positions on the first 11 items were as follows:



(Code Systems to identify votes:  
Loffler (1); Bailey (2); Jarboe (3); Lancaster (4); Thompson (5)

#	Description	Support	No Support	No Position
1	Regional Park	1,2,3,4,5		
2	Community College	1,2,3,4,		5
3	Public Facilities Bond	1,2,4,5		3
4	Transfer Tax	1,2,3,4,5		
5	ABB/Estab./Schools	1,4,5	2,3	
6	ABB/Residency	1,5	2,3,4	
7	Elections/Salaries	3,4	1,5	2
8	Eminent Domain	1,2,4	3	5
9	Severance Tax	1,4		2,3,5
10	Weight Limit/Roads	1	2,3,	4,5
11	Hwy Maint. 40/ft/r/w	1,4	3	2,5

The Commissioners agreed to continue the review at their meeting of Monday, December 31.

**PUBLIC HEARING**  
**SALE OF MINITEC PROPERTY**

Present: Joseph Densford, County Attorney

The Commissioners conducted a public hearing in order to solicit public comment concerning a proposed private sale by the Board of County Commissioners to Philip H. Dorsey, II of certain real property located on the west side of Md. Rt. 5, south of Leonardtown adjoining the Minitec property, containing approximately four acres of unimproved property.

Mr. Densford explained the history of the property stating that the the County had claimed a reversionary right to the property which has been the subject of a court case. Mr. Dorsey who has purchased the Minitec property has offered to sell the County 5.4 acres on Lexwood Drive in Lexington Park for a Housing Authority low-to-moderate income project in exchange for the purchase of the property surrounding Minitec which would resolve the legal issue. Total cost to the County including the sale of the Minitec property is \$250,000.

During the presentation Mr. Densford submitted into the record a plat of Lexwood Drive property, copy of the tax map depicting the Minitec property, and an appraisal report on the Lexwood Drive property.

In closing Mr. Densford stated that if the Commissioners concur with this transaction, the Commissioners could approve and sign the Memorandum of Understanding at their December 31 meeting.

During public comment, Mr. Louis Eberle requested that specific details of a sale of public property be published.

The public hearing was closed.

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

**ST. MARY'S COUNTY FINANCIAL OUTLOOK**

Present: Charles Wade, Jr., Director of Finance

Mr. Wade presented and reviewed the Financial Status Report which showed general fund revenues and expenditures, FY '91 revenues, FY '92 budget forecast assumptions, and FY '92 capital budget requests. In summary, Mr. Wade indicated that the County is currently in good financial condition and recommended that the in developing the FY '92 budget that current year additions to budgets be emergency items only.



**OFFICE OF PLANNING AND ZONING**  
**PROPOSED AMENDMENT TO ZO#90-11 REGARDING**  
**VESTING RIGHTS FOR SITE PLAN/SUBDIVISIONS**

Present: Jon Grimm, Director, Office of Planning and Zoning  
Peggy Childs, Recording Secretary

Mr. Grimm advised that this legal ad was published in The Enterprise on November 30 and December 5, 1990 stating it is a request by Surveyor Larry Day on behalf of several other engineering and land planning firms to consider amending Item #5 of ZO #90-11 as follows:

"5. That any site plan submitted for Technical Evaluation (TEC) review and/or approved by the Planning Commission in concept or preliminary form before the effective date hereof is granted six (6) months from the adoption of this Resolution to complete final design and receive final approval under existing standards of Ordinance No. 78-43. Any subdivision plan submitted for TEC review and/or approved by the Planning Commission in concept or preliminary form before the effective date hereof is granted one (1) year from the adoption of this Resolution to complete final design and receive final approval under the existing standards of Ordinance No. 78-43."

Mr. Day initially presented the request to the Commissioners on October 30, 1990; at that time it was the Commissioners' direction to request the Planning Commission's recommendation through the public hearing process. On November 26, 1990 a public hearing was held by the Planning Commission who, on December 10, 1990, recommended a compromise; i.e., to allow both site plans and subdivisions which had received TEC review **AND/OR** concept or preliminary approval from the Planning Commission on or before August 1, 1990 to have until August 1, 1991 to proceed to approval under ZO #78-43.

The request is based on the position that there had been no real requirement that some plans go before the Planning Commission for concept approval and concerns regarding whether adequate involvement of the development community had been solicited prior to adoption of the proposal. The compromise allows site plans to have an additional six months to come to completion but maintains the August 1, 1990 deadline. Staff recommended denial of the request because it would cause additional confusion, because adequate comment was solicited from the development community, and because there is precedent at both the County and State level that the vesting provision of #90-11 is a liberal provision.

Furthermore, Mr. Grimm said it is his opinion that the effect of adding the **"AND/OR"** language allows any project which has been in our TEC cycle to be vested under this language. Commissioner Loffler inquired about the list of projects requested by the Commissioners. Mr. Grimm offered Mr. Day's numerical listing containing the numbers of lots to be affected in the 31 projects estimated by the engineering firms which have been through TEC but have not received Planning Commission approval. Commissioner Loffler suggested a "window of submission" during which period the engineering firms could submit their projects to be considered individually.

At this time the hearing was opened to public comment.

Larry Day, of Larry Day Surveying and Land Planning, stated he is personally involved in the request as well as representing the other surveying/engineering firms. All they are trying to do, he said, is simply to give those people who have been working on a project for months or as long as a year, and who have a tremendous investment in their project, the right to finish it. He said prior to adoption of #90-11 they were told that any projects that were "in the mill" would have the right to finish them under 78-43, and he had never seen Item #5 until the Ordinance was adopted.



Mr. Day said he and the other engineering firms do not have a problem with the Planning Commission's recommendation, and they had tried to make it simple, instead of getting into specific projects, by suggesting if the engineering was done prior to August 1, 1990 the project be allowed to finish, and their main interest is site plans which go from design through the TEC and right to final approval. Mr. Day recounted a commercial site plan which had all approvals except State Highway Administration, which had given verbal approval but said they would like their hydrology department to review the project before final approval. While waiting for this one final review #90-11 was adopted, making the site undevelopable under the new setback and landscaping requirements. The 31 projects contain 444 single family residential lots, 59 townhomes or apartments, and six commercial site plans; the six commercial site plans are the projects with a significant amount of the engineering work done.

Mr. Day stated he has no problem with submitting a list; however, the clock has already started as of last August, so they have a time deadline, and they are afraid submitting a list will create a problem time-wise.

John Norris, of Norris, Gass & Ocker Engineering, spoke in favor of the request, stated there are really two site plan issues involved: (1) vesting; and (2) time frame. He said it is possible that you could make a submission tomorrow and get on the Planning Commission January 28 agenda, but the likelihood is not really strong, so effectively no site plan that doesn't already have the engineering work done will not make the extended deadline of August 1, 1991. He cited his Avenmar Community Center project, which requires approval through the growth allocation process, therefore, it could not meet the February 1, 1991 (six months) deadline.

Shawn Day of Larry Day Surveying & Planning, commented it seems to him more administrative confusion would be created by changing ordinances midstream, in the middle of a project.

Surveyor Jerry Nokleby said he also supports the request. Mr. Nokleby stated he had a couple of projects for which he had submitted concept plans which were sent back to him by OPZ saying, after the new ordinance adoption, they couldn't go any further. Any way we can get the request pushed forward will be appreciated, he said.

T. Davidson, Pastor of SAYSF Bible Church, said they are proposing a new church in Mechanicsville, and this is their second try to build on four acres, they have been working on the project since 1989. Mr. Davidson said under #90-11 the setbacks are almost 2/3 of the four-acre property, and although they certainly endorse the Ordinance and appreciate the building of the community, he himself having lived here for 45 years, the requested amendment would solve their problem. Mr. Day presented the site plan for the church, showing the impact of the new setback requirements.

At this point Commissioner Loffler closed the public hearing, and questioned Mr. Grimm regarding staff recommendations. Mr. Grimm replied while staff did not support the proposal that went to the Planning Commission, what the Planning Commission has recommended is something the staff can live with. Commissioner Loffler stated under the normal process the decision will be scheduled for December 31, 1990.



DEPARTMENT OF PUBLIC WORKS

Present: Dan Ichniowski, Director

1) ADDENDUM TO PUBLIC WORKS AGREEMENT  
SWAN'S REST

Mr. Ichniowski presented an Addendum to the Public Works Agreement between James D. Cryer and St. Mary's County Commissioners extending the deadline for completion of improvements in Swan's Rest Subdivision, Section 2, Third Election District to June 1, 1991. The Addendum is backed by a reduced Letter of Credit in the amount of \$10,000 with First National Bank of St. Mary's.

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

2) CORRESPONDENCE CALLING LETTERS OF CREDIT

Mr. Ichniowski presented the correspondence calling the following Letters of Credit:

**Howlin Industrial Park**  
Grading Permit #88-45  
Bond No. BCZ-1543326 with The Hanover Insurance Company  
in the amount of \$16,500

**84 Lumber Storage Shed Addition**  
Grading Permit #90-08  
Bond No. 400HY 5689 with St. Paul Mercury Ins. Company  
in the amount of \$50,000.

**St. Georges Hundred (formerly Chancellor's Run Estates)**  
Grading Permit #86-01  
Letter of Credit #359 with Maryland Bank & Trust  
in the amount of \$122,000

**Boyd's Hill Subdivision**  
Public Works Agreement  
Letter of Credit #176 with Maryland Bank & Trust  
in the amount of \$39,600

**Dexter Subdivision, Lot 1**  
Grading Permit #90-18  
Letter of Credit #345 with Calvert Bank and Trust  
in the amount of \$5,800

**San Souci Plaza, Phase 3, SWM**  
Grading Permit #87-31  
Letter of Credit #260-B with Maryland Bank and Trust  
in the amount of \$58,700

**Mulberry North Subdivision, Lot 9**  
Entrance Permit  
Letter of Credit A1-1-9-1990 with First National Bank  
of St. Mary's in the amount of \$500

**Mulberry North Subdivision, Lot 12**  
Entrance Permit  
Letter of Credit A1-1-9-1990 with First National Bank  
of St. Mary's in the amount of \$500

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to authorize Commissioner Loffler to sign the correspondence calling the Letters of Credit, to be forwarded, if necessary. Motion carried.



3) ACCEPTANCE OF DEEDS  
ROAD RESOLUTIONS

Mr. Ichniowski presented the following Deeds for acceptance into the County Highway Maintenance System and related Road Resolutions:

**Cedar Cove Subdivision, Section Three**

Deed dated August 29, 1986 between Jay Laurence Millison and St. Mary's County Commissioners accepting Mayflower Drive, Mayflower Court, Weatherby Lane, Livonia Circle, and Thistle Place.

Road Resolution No. R90-47 posting Mayflower Drive, Mayflower Court, Weatherby Lane, Livonia Circle, and Thistle Place at 25 miles per hour.

Road Resolution No. R90-48 designating the following as Stop Streets:

Weatherby Lane as it intersects with Long Lane  
Weatherby Lane as it intersects with Mayflower Drive  
and Mayflower Court  
Livonia Circle as it intersects with Weatherby Lane  
Thistle Place as it intersects with Mayflower Drive  
Mayflower Drive as it intersects with Weatherby Lane.

**Mulberry North Subdivision**

Deed dated November 26, 1986 between Walter B. Dorsey and John Rule Dorsey and St. Mary's County Commissioners accepting Phillip Drive, Molly Court, and Brenda Court.

Road Resolution No. R90-53 designating the following streets as Stop Streets:

Phillip Drive as it intersects with Knight Road  
Brenda Court as it intersects with Phillip Drive  
Molly Court as it intersects with Phillip Drive.

Road Resolution No. 90-54 posting streets in Mulberry North Subdivision at 25 miles per hour.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Loffler to sign the referenced Deeds and Road Resolutions.

COMMUNITY COLLEGE ROOF REPAIRS

Present: Dan Ichniowski, Director, Public Works

Commissioner Loffler inquired as to the status of the needed roof repairs of the Community College at St. Mary's and stated that the County should move quickly to have the repairs done.

After discussion Commissioner Jarboe moved, seconded by Commissioner Bailey, to authorize Director of Finance Wade to determine a source of funds (estimated at \$20,000) for the needed roof repairs, and to proceed with the procurement process. Motion carried.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator

Commissioner Bailey moved, seconded by Commissioner Lancaster, to meet in Executive Session to discuss matters of Litigation and Personnel. Motion carried. The Sessions were held as follows:



December 18, 1990

Page 437

**Litigation**

Present: Dan Ichniowski, Director, Public Works  
Joe Densford, County Attorney

Held from 11:55 a.m. to 12:20 p.m.

**Personnel**

Held from 12:45 p.m. to 1:15 p.m.

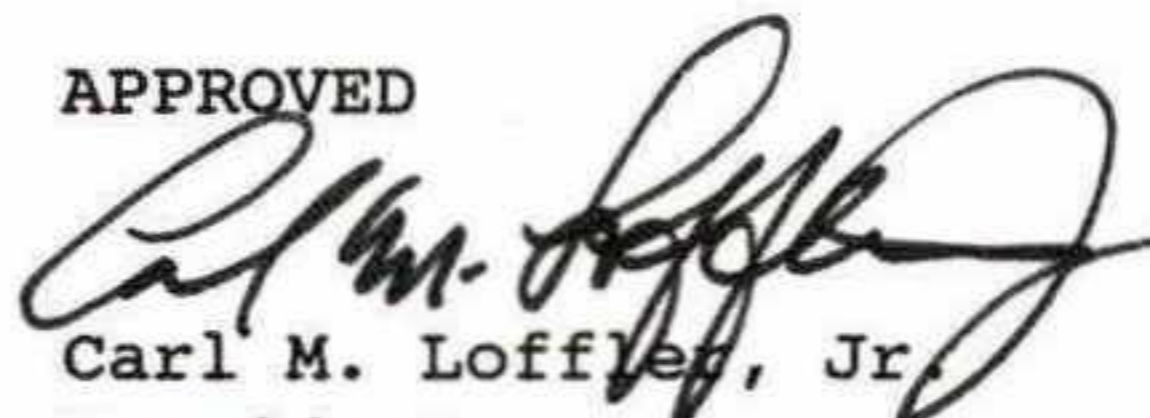
**ADJOURNMENT**

The meeting adjourned at 1:15 p.m.

**TOUR OF GOVERNMENTAL CENTER**

At the conclusion of the Executive Session the Commissioners toured the offices of the Governmental Center.

APPROVED



Carl M. Loffler, Jr.  
President



