

## BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, December 31, 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

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

CALL TO ORDER

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

APPROVAL OF MINUTES

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to approve the minutes of the Commissioners' meeting of Tuesday, December 18, 1990. Motion carried.

APPROVAL OF BILLS

Commissioner Bailey moved, seconded by Commissioner Thompson, to authorize Commissioner Loffler to sign the Check Register for this week's payment of bills. Motion carried.

COUNTY ADMINISTRATOR'S ITEMS

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

1) APPOINTMENTS  
BOARDS, COMMITTEES, COMMISSIONS

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to make the following appointments:

Name	Term to Expire
<b>Agriculture Commission</b>	
Hilton Harrod	(Reappt.) 12/31/93
J. L. (Bill) Trossbach	" 12/31/93
<b>Airport Commission</b>	
Stuart J. Fitrell	06/30/93/96
<b>Cable TV Advisory Committee</b>	
Susan Sloan	12/31/95
<b>Council on Children &amp; Youth</b>	
Mary Lillian Hewitt	12/31/93
<b>Planning Commission</b>	
John M. Dixon	12/31/95
<b>Recreation and Parks Board</b>	
Felton Rothwell	(Reappt) 12/31/94
<b>Regional Tourism Advisory Council</b>	
Vi Englund	No Term



**BOARDS, COMMITTEES, COMMISSIONS (continued)**

**St. Clements Island Potomac River Museum Bd.**

Robert Arnold	(Reappt)	12/31/94
Elizabeth K. Butler	"	12/31/94
Jean Chandler	"	12/31/94
Viola M. Gardner	"	12/31/94

**Tri-County Youth Services Bureau**

Dr. William Marek (Reappt) 12/31/92

Commissioners Loffler and Thompson abstained stating that not all appointments had Personal Profile Sheets on file; therefore not enough information was available. Motion carried three to two.

2) **ST. MARY'S COUNTY PRESERVATION PROJECT**  
**MARYLAND HISTORICAL TRUST**

The County Administrator presented correspondence from the Maryland Historical Trust forwarding Exhibits A (Federal Survey and Planning Form) and C (Contract Agreement) for the Fiscal Year 1990 Survey and Planning Grant-in-Aid - Phase I of the St. Mary's County Preservation Planning Project.

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

(Commissioner Bailey entered the meeting - 9:10 a.m.)

3) **BUDGET AMENDMENTS**

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

**No. 91-32**  
**Public Works**

To provide funds for the construction of a new roof for the community college - \$20,000.

**No. 91-33**  
**Recreation and Parks**

To provide funds to prepare Piney Point Lighthouse property for rental. Income nor expenses were budgeted - \$20,000.

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

4) **PERSONNEL**  
**RECLASSIFICATION - GROUNDS MAINTENANCE FOREMAN**

The County Administrator presented a memorandum dated December 21 from the Personnel Officer requesting approval to reclassify the vacant Grounds Maintenance Foreman, Grade 14, position to Shop Mechanic, Grade 14, position, which better reflects the duties of the position.

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



5) NURSING CENTER EXPANSION  
APPOINTMENT OF TASK FORCE

The County Administrator presented correspondence dated December 7 from the St. Mary's Nursing Center suggesting the establishment of a task force for the Nursing Center expansion project. A six-member task force is suggested:

Joseph Densford  
Dan Ichniowski  
Charles Wade  
James M. Banagan  
Jerry Cheseldine  
Walter Szot

County Administrator Cox stated that the County's procurement process will be followed in the selection of the architect and the contractor for construction. He further pointed out that all final decisions will come before the Commissioners for action.

After discussion Commissioner Bailey moved, seconded by Commissioner Thompson, to appoint the referenced individuals as indicated. Motion carried.

6) CITIZEN PROPERTY ASSESSMENT CONCERN

The County Administrator presented a response to Mr. Robert Harnden who had written to the Commissioners regarding his property assessment suggesting that he exercise his rights of appeal to the Supervisors of Assessments. The letter also advises Mr. Harnden of the Homestead Property Tax Credit which limits taxable assessments to a fixed percentage.

The Commissioners agreed to sign and forward the letter.

During discussion Commissioner Loffler suggested that the Commissioners schedule a public meeting inviting local Assessment Office representatives and the legislative delegation to inform the community about the current situation regarding tax assessments and what has caused it.

FINANCE DEPARTMENT

Present: Charles Wade, Director of Finance

1) ORDINANCE NO. 90-27  
HOMESTEAD TAX CREDIT

The Commissioners having conducted a public hearing on December 18, Mr. Wade presented Ordinance No. 90- establishing a homestead credit percentage for property owners at 110% to be applicable for the tax year beginning July 1, 1991.

Commissioner Jarboe moved to approve the tax credit limit at 105%. The motion died for lack of a second.

Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve and sign the Resolution as presented establishing the tax credit at 110%. Commissioner Jarboe voted against the motion stating he was concerned about the impact on citizens from other taxes and wanted to see the cap at 5%. Motion carried four to one.



2) RESOLUTION NO. 90-26  
TALL TIMBERS SHORE EROSION DISTRICT NO. 1

Mr. Wade presented the referenced Resolution levying the following taxes on the assessable property in the Tall Timbers Shore Erosion Control Special Taxing District No. 1:

Group A - Front Lots @ \$115.33 per year

Tax Map 61, Parcel 246: Lots, 1, 2, 3, 4, 5, 6, 7, 8,  
P.O. 9, 10, 11, 12, 13, 14,  
15, 16, 17, 18, 19, 20

Parcel 247: Lots 41, 42, 43, 44, 45, 46, 47, 48

Parcel 248: Lot 5, 6, 7, 9, 10, 11, 12, 13, 14,  
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Group B - Back Lots @ \$57.28 per year

Tax Map 61, Parcel 246: Lots 21, 22, 23, 24, 25, 26, 27, 28,  
29, 30, 31, 32, 33, 34, 35, 36, 37,  
38, 39, 40.

Parcel 247: Lots 51, 52, 53, 54, 55, 56, 57

Parcel 248: Lots 21, 22, 23, 24, 25, 26, 27,  
28, 29, 30, 31, 32.

The assessment will be effective for the taxable year of 1991 plus 24 years thereafter or until amended.

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

MEMORANDUM OF UNDERSTANDING  
MINITEC PROPERTY/LEXWOOD DRIVE PROPERTY

Present: Joseph Densford, County Attorney  
Joseph Mitchell, Director, Economic & Community Dev.

As a follow up to the public hearing held December 18 relative to a proposed private sale by the Board of County Commissioners to Philip H. Dorsey, III 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 presented a Memorandum of Understanding. The Memorandum of Understanding between Board of County Commissioners, St. Mary's County Housing Authority, Dakota Place Partnership, and Philip H. Dorsey III sets forth that the County would agree to convey the property adjacent to Minitec and simultaneously acquire for the use of the St. Mary's Housing Authority approximately 5.4 acres on Lexwood Drive. The Lexwood Drive property would be used for the construction of approximately 52 low to moderate income housing units.

After discussion Commissioner Lancaster moved, seconded by Commissioner Jarboe, to authorize Commissioner Loffler to sign the Memorandum of Understanding and related documents. Motion carried.

OFFICE OF PLANNING AND ZONING  
ZONE 390-1862 - SITE PLAN/SUBDIVISION PLAN

Present: Paula Martino, Chief, Permits & Inspections

As a follow up to the public hearing held December 18, the County Administrator presented a memorandum from the Director of Planning and Zoning dated December 14 regarding a proposed amendment to paragraph five (5) of Resolution 90-11 which adopted the Zoning Ordinance. The amendment would change the vested rights provision. The memorandum contains Planning and Zoning staff recommendation (which recommended denial) and the Planning Commission's recommendations (which recommended approval by a four-to-three vote.



During discussion Commissioner Loffler indicated he was concerned that approval of this amendment may "open Pandora's Box" for a substantial number of properties that were in the TEC process. He stated that there needs to be clear process for the projects to be "grandfathered in." Mrs. Martino responded that the Office of Planning and Zoning is in the process of developing a list of affected projects and it appears that it will be substantial.

Commissioners Loffler and Thompson indicated that it was difficult to make a decision on this proposal in that the December 10 Planning Commission minutes were not available. Commissioner Loffler stated that he would like to see the comments of the dissenting voters. Commissioner Loffler further indicated that he would like to see the list of the projects that would be affected prior to making a decision.

The Commissioners agreed to defer a decision until receipt of the minutes and the of affected projects.

**1991 LEGISLATIVE PACKAGE REVIEW**

The County Administrator continued the review from last week of the 1991 Legislative proposals. The list below reflects the Commissioners position on all items (including the first eleven from last week because of changes in positions on certain items.)

Code System to identify positions:

Loffler 1; Bailey 2; Jarboe 3; Lancaster 4; Thompson 5.

#	Description	Support	No Support	No Position	Amend
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	1,2,4,5	3		
9	Severance Tax			2,3	1,4,5 (Sec. D)
10	Weight Limit/Roads	1,5	2,3,	4	
11	Hwy Maint. 40/ft/r/w	1,4,5	3	2	
12	Sidewalks/State Hwys	1,3,4,5		2	
13	Birth Cert./Copies		1	2,3,4,5	
14	Board of Appeals	1,2,3,4,5			
15	Liv. Code/Civil Viol.	1,2,3,4,5			
16	Liv. Code Rerenting	1,4,5	2,3		
17	Vehicle Racing/Hours	1,2,3,4,5			
18	Rec/Deeds-Sub/Approval	1,2,3,4,5			
19	Renewal-Public Sewer	1,2,3,4,5			
20	Tudor Hall/State Debt	1,2,3,4,5			
21	St. Atty/Merit System	1,2,3,4,5			
22	Capt Rank/Exemption	1		2,3,4,5	
23	Tax Credit/Elderly	1,2,3,4,5			
24a	ABB/Trespassing	1,3,4		2,5	
24b	Alliance/Loitering	1,3,4,5		2	
25	Detention Center/Debt	1,2,3,4,5			

The referenced positions will be presented to the legislators at the January 7 breakfast meeting at the Halfway House.



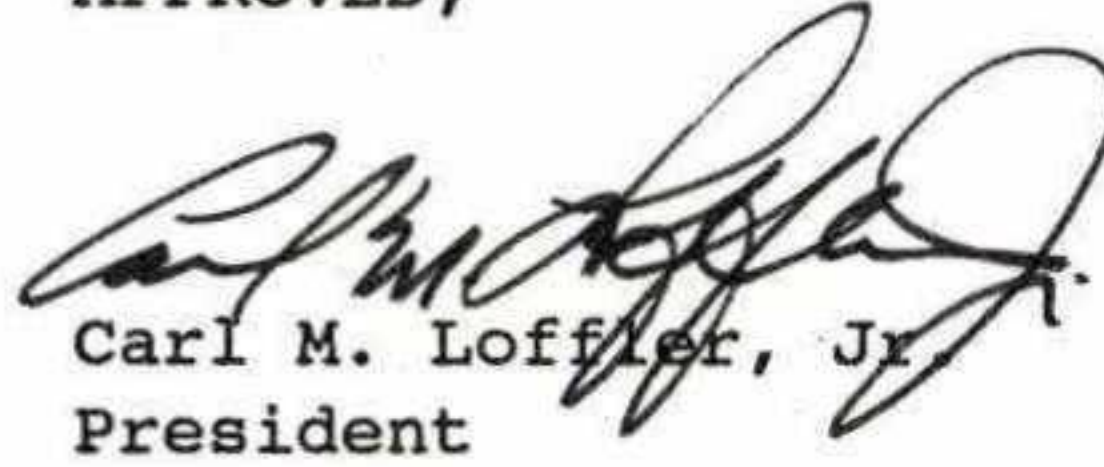
EXECUTIVE SESSION

Commissioner Bailey moved, seconded by Commissioner Thompson, to meet in Executive Session to discuss a matter of Personnel (Boards, Committees, Commissions). Motion carried. The Session was held from 11:00 a.m. to 11:55 a.m.

ADJOURNMENT

The meeting adjourned at 11:55 a.m.

APPROVED,

  
Carl M. Loffler, Jr.  
President