

**BOARD OF COUNTY COMMISSIONERS' MEETING**

**Tuesday, February 12, 1991**

**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,. Motion carried.

**APPROVAL OF BILLS**

Commissioner Bailey moved, seconded by Commissioner Thompson, to authorize Commissioner Loffler to sign the Check Register as submitted. Motion carried.

**COUNTY ADMINISTRATOR'S ITEMS**

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

1) **BUDGET AMENDMENTS**

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

**No. 91-39  
Planning and Zoning**

**Justification:** To provide funds to cover computer training for staff due to office automation. (\$2,000)

**No. 91-40  
Public Works**

**Justification:** To cover payroll/overtime costs (\$4,200)

**No. 91-41  
St. Mary's County Forest Conservancy District Board**

**Justification:** Funding for the Annual Statewide Fall Forestry Board meeting per County Commissioners' Meeting - 1002/90 - (\$250)

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

2) REQUEST FOR DONATION OF BICYCLES

The County Administrator presented a memorandum dated February 8, 1991 from the Sheriff's Department advising that Michael Humphries, Director of the St. Clements Island Museum has requested two bicycles to be used at the Fourth Annual Richard Arnold Memorial Auction on March 9, 1991 at the Olde Breton Inn in Leonardtown.

Commissioner Thompson moved, seconded by Commissioner Jarboe, to approve the donation of the two bicycles as requested. Motion carried.

3) SHERIFF'S DEPARTMENT PENSION PLAN BOARD APPOINTMENT

The Commissioners agreed to sign the letter appointing Charles Wade, Director of Finance, to the Sheriff's Department Pension Plan Board of Trustees.

4) AGENCY ADVOCATE FOR THE HANDICAPPED

The County Administrator presented a memorandum dated January 28, 1991 from the Director of Planning and Zoning Jon Grimm advising that the Maryland Department of Housing and Community Development has requested local jurisdictions to select agencies to act as advocates for the handicapped community regarding waiver requests for the Building Code for the Handicapped. Mr. Grimm has recommended the nomination of the St. Mary's Office on Aging to service as St. Mary's County's Advocate Agency for the Handicapped.

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

5) PUBLIC WORKS AGREEMENT ADDENDUMS TO PUBLIC WORKS AGREEMENTS

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

**Valli View Estates**

Public Works Agreement dated December 6, 1990 between Vallandingham Associates and the Board of County Commissioners guaranteeing completion of West Ridge Court and East Ridge Court by December 1, 1991. The Agreement is backed by a Letter of Credit with First National Bank of St. Mary's in the amount of \$57,800.

**Breton Bay PUD**

Addendum to Public Works Agreement dated December 6, 1990 between Breton Bay Development Associates and the Board of County Commissioners removing Bunker Court from the Public Works Agreement. The Agreement is backed by a reduced Letter of Credit with Signet Bank of Maryland in the amount of \$480,000.

**Tosca Subdivision**

Addendum to Public Works Agreement between Interstate General Company, L.P. and Board of County Commissioners extending the deadline for completion of improvements to Parcel D, Carmen Woods, to March 1, 1992. The Addendum is backed by a reduced Letter of Credit with Maryland National Bank in the amount of \$10,000.

Commissioner Bailey moved, seconded by Commissioner Thompson, to approve and authorize Commissioner Loffler to sign the referenced documents. Motion carried.



FREEDOM FEST 1991

Present: Judy Landau Pedersen, Public Information Specialist  
Cynthia Brown, Director, Office of Community Services  
Walt Biscoe, Prevention Coordinator  
Kay Reed  
Neil Parker  
Lt. Cdr. Bass  
Lt. Cdr. Frazier

The referenced individuals appeared before the Commissioners to present a proposal for Freedom Fest '91 to be held Thursday, July 4 at Dorsey Park in Hollywood. Using last year's Freedom Fest as a model, Mrs. Pedersen indicated that there will be a few minor changes to the form of the program. Suggested changes include: shorter schedule, no shuttle bus service, but more parking availability, more family oriented activities, possible \$1 admission fee, greater variety of concessions, and greater amount of materials dealing with drug and alcohol abuse.

Included in the proposal was a \$13,000 budget for the project, which Mrs. Pedersen requested a guarantee of \$10,000 and endorsement of the project from the County Commissioners.

During discussion of the parking situation, the Commissioners indicated that they would like to have the shuttle bus service reinstated, but that locations for this service be made available in addition to the Governmental Center location.

Other suggestions offered were:

- to not charge admission, but ask for donations.
- to keep the concessions open after fore works while people are waiting for the buses.

After discussion Commissioner Bailey moved, seconded by Commissioner Thompson to endorse the Freedom Fest 91 project and provide a \$10,000 guarantee as requested. Motion carried.

C & P TELEPHONE COMPANY  
MARYLAND AREA CODE 410

Present: Pat Wathen, Government/Community Relations

Mr. Wathen appeared before the Commissioners to report on the new Maryland 410 Area code that will be implemented starting November 1991. He stated that because Maryland Area Code 301 is running low from heavy demand, the new code was needed. Area 410 will serve the Baltimore Metropolitan Area, Eastern Shore, Harford and Calvert Counties, most of Carroll, Howard and Anne Arundel Counties, and a small part of Frederick County.

In closing Mr. Wathen indicated that the additional area code should serve Maryland until at least the year 2015.

PROCLAMATION  
ENGINEERS' WEEK

Present: R. Ian Kingham, Greenhorne & O'Mara, Inc.  
Robin P. Steel, Litton Amecom

The Commissioners presented the referenced Proclamation designating the week of February 18 - 22, 1991 as Engineers Week.

PROCLAMATION

CHILD PASSENGER SAFETY AWARENESS WEEK

Present: Jamie Raley, Sheriff's Department  
Richard Vorhaar, "  
Jerry Abell, Leonardtown Fire Department  
Donna Williams and daughter Ashley

The Commissioners presented the referenced Proclamation designating the week of February 10 - 16, 1991 as Child Passenger Safety Week.

CHAMBER OF COMMERCE GOVERNMENTAL AFFAIRS COMMITTEE  
2020 GROWTH ALLOCATION PLAN

Present: John Norris, Chairman  
Anne Marum, Director, Chamber of Commerce  
F. Elliott Burch, Jr., R. Johns Dixon, Joe Daley, Robert Dean,  
Keith Fairfax, Robert Gabrelcik, Joe Gough, James Kenney, Alec  
Loker, Mike O'Brien, James Owens, Israel Swarey, Eddie  
Wettengel, Tom Waring.

Mr. Norris advised that the purpose of this meeting was to relate to the Commissioners the concerns of the Chamber of Commerce Governmental Affairs Committee relative to the State's proposed 2020 Land Use Legislation and to offer recommendations. In that regard Mr. Norris distributed a handout listing impacts and offering recommendations.

Mr. Norris stated that those in attendance have concerns regarding the impact of this 2020 legislation:

Joe Daley - Submitted a document outlining concerns regarding affordable housing;

James Owens - Expressed concern for the farming industry;

Alec Loker - Concerned about adverse impact on AICUZ and housing needs for the military;

James Kenney - Presented correspondence from the Economic Development Commission expressing agreement with the goals of 2020; however, pointing out the impact on AICUZ, doesn't take into consideration the county's efforts in developing a Comprehensive Plan, Zoning Ordinance, and Critical Areas document. EDC recommends that the Commissioners voice objection to the legislation. Mr. Kenney further pointed out that the County may need to amend the Water/Sewer Plan to include additional growth areas in order to mitigate the impact of this legislation.

Keith Fairfax - Concerned about impact of 2020 on AICUZ and inquired as to what role the Planning Commission should play at the upcoming meetings. He further pointed out that no consideration was given to the efforts of the county's work in developing a Comprehensive Plan. Mr. Fairfax suggested that the Commissioners recommend to the legislators the delay of the passage of the legislation under further study.

Joe Gough - Indicated that the possibility of passage has already impacted the way banks and other lenders use real estate as collateral in doing business.

Eddie Wettengel - Expressed concern that the State is taking over local land use and pointed out that looking at available facts and figures regarding this legislation, 2020 would not work.

Mike O'Brien - Stated that the immediate impact would be the artificial unavailability of developable land. He also pointed out that with the County's environmental protection mechanisms in place, this legislation is not necessary.

F. Elliott Burch, Jr. - Concerned about the State taking over citizen's individual rights.

Israel Swarey (builder) - Concerned that his legislation would put him out of business.

R. Johns Dixon - Concerned about impact on farming industry.

During discussion Mr. Norris discussed the Governmental Affairs Committee's recommendations:

1. That St. Mary's County support a no passage position on the 2020 legislation.
2. That this position be promoted vigorously at Maryland Association of Counties and with the Annapolis Delegation.
3. That a Commissioner representative present this position at the February 14 Tri-County Council meeting and at the February 26 and 28 hearings in Annapolis.

After discussion Commissioner Bailey moved, seconded by Commissioner Jarboe, to not support the 2020 legislation as proposed and that St. Mary's County recommend that it be put to summer study in order to address the various concerns. Motion carried.

In closing Commissioner Loffler suggested that the referenced individuals who spoke at this meeting be prepared to speak on these concerns at the upcoming meeting and hearings.

#### OFFICE OF PLANNING AND ZONING

Present: Jon R. Grimm, Director, Planning and Zoning  
Barbara Midkiff, Recording Secretary

1) SPEC 384-0015 CEDAR COVE MARINA

(Requesting change in sewer classification from S-2 to S-3D. Property is located north of Md. Rt. 249, West of Andover Road, on Tax Map 61, Block 10, Parcel 100.)

Mr. Grimm stated that the public hearing was held on this case on January 22, 1991. He stated that the only information that had been received since the public hearing, is a letter from Tom Russell of the Health Department in reference to the sewage flow, which the Commissioners received under separate cover.

After further discussion, Commissioner Thompson moved, seconded by Commissioner Bailey, to approve the change in sewer classification from S-6 to S-3D with the stipulation that the consent agreement be referenced on the water and sewer plan regarding the use of the EDU's. Motion carried.

2) SPEC#85-0694, LAUREL RIDGE, SECTIONS 1-4

(Requesting change in water classification from W-6 to W-1 for Sections 1,2, and 3 and change from W-6 to W-3D for Section 4. Property is located on the south side of Golden Beach Road, approximately 1.5 miles west of All Faith Plans Road on Tax Map 5, Block 1. as Parcels 11 and 33.)

Mr. Grimm stated that the public hearing was held on this case on January 22, 1991, and that this will correct a previous mapping error. He stated that there are two separate requests, one from W-6 to W-1 to correct the error that was made, and one from W-6 to W-3D for the new section.

Commissioner Bailey moved, seconded by Commissioner Jarboe, to approve the change in classification as requested. Motion carried.

PROPOSED ST. MARY'S COUNTY DAY CARE CENTER

Present: Edward V. Cox, County Administrator  
John Baggett, Director, Recreation and Parks  
Becky Stevens, Community Services Coordinator

Mr. Cox reviewed with the Commissioners the background of obtaining from the Town of Leonardtown funds from a Housing and Urban Development Grant for the construction of a day care center proposed to be built on the Governmental Center property for primarily state, county and town employees. The project has been designed and bid, but before awarding the bid, staff believed the Commissioners should be made aware of certain facts. Mr. Cox stated that HUD requires that at least 51% of the center's users had to be from low and moderate income families. Mr. Baggett, as the proposed center's operator, presented financial data demonstrating the center could not operate without a subsidy of at least \$26,000.

During discussion Mr. Cox recommended that the Commissioners not proceed with the project, that the bid should not be awarded, and that the HUD funds should be returned to the Town of Leonardtown.

After discussion Commissioner Bailey moved, seconded by Commissioner Jarboe, to accept this recommendation to not proceed with the Day Care Center project. Motion carried.

BOARD OF EDUCATION

Present: William Burroughs, Superintendent of Schools  
Joan Marsh, President, Board of Education  
Jean Campbell, "  
Robert Kirkley "  
Al Lacer "  
Frank Barnett, Assistant Superintendent of Adm.  
Jerry Himmelheber, Supervisor, School Facilities  
Karen Abrams, Attorney, Board of Education  
Kathy Glaser

1) EXECUTIVE SESSION

Present: William Burroughs, Superintendent of Schools  
Joan Marsh, President, Board of Education  
Jean Campbell, "  
Robert Kirkley "  
Al Lacer "  
Frank Barnett, Assistant Superintendent of Adm.  
Jerry Himmelheber, Supervisor, School Facilities  
Karen Abrams, Attorney, Board of Education  
Kathy Glaser

Commissioner Bailey moved, seconded by Commissioner Thompson, to meet in Executive Session to discuss matters of property acquisition. Motion carried. The Session as held from 1:20 p.m. to 2:30 p.m.

2) SIXTH DISTRICT ELEMENTARY AND MIDDLE SCHOOL SITES

Commissioner Bailey moved, seconded by Commissioner Lancaster, to authorize the Board of Education to proceed to conclude the negotiations for the purchase of the site for the Sixth District elementary and middle school sites. Motion carried.

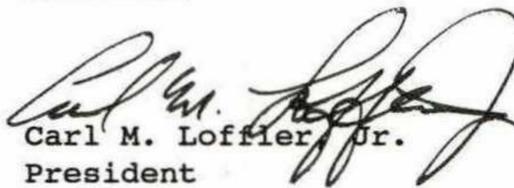
WICOMICO SHORES STATUS REPORT

The Commissioners left to attend a meeting at the Wicomico Shores Club House on a status report of the recreational facilities, plans for roads and sewer lines, and land development.

ADJOURNMENT

The meeting adjourned at 5:15 p.m.

APPROVED,

  
Carl M. Loffler, Jr.  
President