

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, March 19, 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 9:05 a.m.

APPROVAL OF MINUTES

Commissioner Thompson moved, seconded by Commissioner Jarboe, to approve the minutes of the Commissioners' meeting of Tuesday, March 12, 1991. Motion carried.

APPROVAL OF BILLS

Commissioner Lancaster moved, seconded by Commissioner Thompson, to authorize Commissioner Loffler to sign the Check Register as presented. 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:

No. 91-51
Board of Education - CIP

To provide funding for additional foundation work needed for state relocatable not included in original contract costs. (\$1,480)

No. 91-49
Board Education - CIP

The cost of utilizing a state relocatable includes dollars necessary for the rehabilitation to make usable. Since these costs cannot be determined until the unit is on site they are difficult to accurately budget. (\$3,971)

No. 91-50
State's Attorney

Medical expenses for rape victim. (\$452)

No. 91-51
Department of Public Works

To provide electricity for additional lighting and a secondary alarm system at the Lexington Park Library.

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

2) INVITATION TO GRAND OPENING OF SWANN HOTEL

The County Administrator presented correspondence addressed to Governor Schaefer and Comptroller Goldstein inviting them to the Grand Opening of Swann's Hotel, Restaurant, Bar and Store to be held April 7, 1991 at 1:00 p.m.

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

3) RESOLUTION NO. W/S 91-03
WATER/SEWER AMENDMENT - CEDAR COVE MARINA
(SPEC #84-0015)

The County Administrator presented the referenced Resolution approving the amendment to the St. Mary's County Comprehensive Water and Sewer Plan to reclassify the property from S-6 to S-3D, subject to the condition that no EDU's shall be approved for use by the subject property which would violate the Consent Agreement.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve and sign Resolution No. W/S 91-03 as presented. Motion carried.

4) ZONING BOARD OF APPEALS - CUAP #88-1499
PERSIMMON WOODS RUBBLE WASTE PROCESSING/RECLAMATION CENTER

The County Administrator presented correspondence addressed to the Chairman of the Zoning Board of Appeals setting forth the Commissioners' position that the referenced proposal does not meet the requirements of the Solid Waste Ordinance.

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

5) PERSONNEL ITEMS

The County Administrator presented the following personnel items for the Commissioners' review and consideration:

Blue Cross/Blue Shield - Walden-Sierra

Memorandum dated March 7, 1991 from Personnel Officer requesting approval for Walden-Sierra to join the County's health plan with Blue Cross and Blue Shield, effective April 1, 1991.

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to grant approval of this request as presented. Motion carried.

Appointment of Law Clerk - Circuit Court

Memorandum dated March 15 from Personnel Officer advising that Judge John H. Briscoe has appointed Marie B. Daugherty as a Law Clerk to replace Joseph C. Capristo, effective March 14, 1991. Because of Ms. Daugherty's experience as a lawyer for five and a half years, Judge Briscoe is requesting approve the position at Grade 18, Step 3.

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

PERSONNEL ITEMS (continued)

Leave Without Pay - Department of Public Works

Memorandum dated March 18 from Personnel Officer requesting 56 days of Leave Without Pay for Mary B. Cook. According to the County's Manual of Personnel Policies and Procedures, the County Commissioners may approve periods of unpaid leave that exceed 30 days.

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

6) 1991 LEGISLATIVE PROPOSAL STATUS REPORT

The County Administrator presented a updated status report of the County's 1991 Legislative Package items.

DIRECTOR, RECREATION AND PARKS

Present: John Baggett, Director, R & P

Mr. Baggett appeared before the Commissioners to formally announce his resignation as director of Recreation and Parks, effective June 30, 1991. Mr. Baggett offered two recommendations to the Commissioners: (1) That the Comprehensive Recreation and Parks Plan be tied in with the County's Comprehensive Land Use Plan, and (2) that his replacement be hired from existing Recreation and Parks staff.

In closing the Commissioners expressed appreciation to Mr. Baggett for his 22 years of dedicated service to the County.

JIM WEBER

Mr. Weber, former, Chief, Permits & Inspections, for the County appeared before the Board to present a plaque to the county employees in appreciation for his retirement party held in October.

FISCAL YEAR 1992 BUDGET

Present: Edward V. Cox, County Administrator
Charles H. Wade, Jr., Director of Finance
Mary Jones, Finance Department

The referenced individuals appeared before the Commissioners to review proposed revenues and expenditures for Fiscal Year 1992. During discussion of revenues, Mr. Wade indicated that the Commissioners may want to consider increasing the impact fee. Revenues are projected to be \$65,418,873 and requests total \$74,544,936. Funding these requests would require a \$0.749. The tentative budget recommends funding requests at the \$65,418,873 level with no property tax increase. Expenditures will be kept at or below FY '91 levels.

Mr. Wade reviewed the FY '92 Tentative Recommended Budget Deletions department by department. He noted that the top priorities for restoration to the FY '92 budget are (1) step increases for county employees and (2) health insurance to 90-10 level.

The Commissioners will have a work session on Thursday, March 21, 9:00 a.m. on the FY '92 Recommended Budget.

ALCOHOL/DRUG ABUSE IN ST. MARY'S COUNTY

Present: Walter Biscoe, Prevention Coordinator
Joe Dick, Director, Alcohol/Drug Abuse Prevention

The referenced individuals appeared before the Commissioners to present a status report of alcohol and drug abuse in St. Mary's County. Mr. Biscoe reviewed the 1988-89 Survey of Substance Abuse among county adolescents and displayed graphs showing percentage of adolescents

reporting current alcohol and drug use; substance abuse treatment programs admission; numbers of clients in alcohol clinic treatment, numbers using Walden/Sierra drug crisis services; total arrests for narcotics violations and DWI's; arrests of persons 18 and older for violation of drug laws by type of drug; arrests of persons under 18 for violations of drug laws by type of drug; drug use by charge at arrest.

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

COMMUNITY SERVICE AWARD

Mr. Biscoe requested the Commissioners to join the Alliance for Alcohol/Drug Abuse Prevention in nominating Glen Guy for a Community Service Award to be presented at the Seventh Annual State Alcohol and Drug Abuse Prevention Conference in Baltimore on April 11 for the work he has done for the Alliance.

Commissioner Thompson moved, seconded by Commissioner Bailey, to nominate Mr. Guy as recommended and to sign and forward correspondence to Governor Schaefer submitting Mr. Guy's name. Motion carried.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator
Joseph Densford, County Attorney
George Foster, Personnel Officer
Phil Dorsey, attorney for client
Joan Newton Guy

Commissioner Bailey moved, seconded by Commissioner Lancaster, to meet in Executive Session to discuss a matter of Personnel. The Session was held from 11:40 a.m. to 12:20 p.m. (Mr. Dorsey and Ms. Guy left the Session at 12:05 p.m.)

SHERIFF'S DEPARTMENT ANNUAL REPORT

Present: Sheriff Wayne Pettit
Douglas Devenyns, Detention Center, Administrator
Lt. Phil Cooper
Sgt. Stanley Williams
Joseph M. O'Dell, Administrative Services

The referenced representatives of the Sheriff's Department appeared before the Commissioners to present the Sheriff's Department's Annual Report. The Sheriff highlighted organizational charts, service calls, criminal activities, arrests, narcotics report, Southern Maryland Drug Task Force, D.A.R.E., civil process, traffic activities, crime prevention, canine program under the Law Enforcement section of the report and inmate population, staffing, and work release program under the Detention Center section of the report. The Sheriff pointed out that the jail population has decreased from 173 in January of 1990 to 113 in December 1990.

The Commissioners expressed appreciation for the work being done by the Sheriff's Department.

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

ANNUAL REPORT

MENTAL HEALTH ALCOHOLISM DRUG ABUSE ADVISORY COUNCIL

Present: Dennis Scott, Chairman
Cynthia Brown, Director, Office of Community Services
MHADAAC members

Representatives of the Mental Health Alcoholism Drug Abuse Advisory Council appeared before the Commissioners to present the Annual Report for 1990. Mr. Scott cited MHADAAC's responsibilities and membership. Significant activities of the past year included endorsement of the Core Services Agency concept, formation of a search committee for nominees to

serve on the Mental Health Authority Board, formation of a committee to update the County Mental Health Plan, evaluation of the Mental Health Clinic and Freedom Landing, and community education.

Recommendations offered by MHADAAC include:

1. That existing programs and service levels be maintained for the mentally ill and chemically addicted be maintained through 1991.
2. That there be a strengthened partnership between county government and mental health community because of diminishing state and federal support.
3. That prevention and education be emphasized.

During discussion Mr. Scott distributed charts setting forth agencies by services, agencies by population and funding sources.

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

ANNUAL REPORT

DOMESTIC VIOLENCE/SEXUAL ASSAULT BOARD

Present: Robert Kirkley, Chairman
Robert Guest

Rev. Kirkley appeared before the Commissioners to present the Annual Report of the Domestic Violence/Sexual Assault Board for 1990. Rev. Kirkley began by reviewing the history of the DV/SA Board stating that it had been charged with a program for rape prevention and domestic violence education and treatment. During discussion Rev. Kirkley distributed statistics provided by Walden/Sierra for rape crisis/sexual assault services and for the domestic violence program.

Rev. Kirkley inquired as to the specific role of the DV/SA Board in that the Board is having an "identity crisis." He pointed out the contract that the County has with Walden and questioned whether the Commissioners wanted DV/SA to be an advisory board or in a supervisory capacity. During discussion of this issue, Rev. Kirkley stated that the Board has not met since November. He advised that he had recently received correspondence from Dr. Marek, County Health Officer, making recommendations regarding the Board, which will be shared with the other members. Rev. Kirkley pointed out that he had some problems with the recommendations. Commissioner Jarboe requested that Rev. Kirkley provide him with a marked-up copy of the letter pointing out his concerns.

In closing, Commissioner Loffler stated that the Domestic Violence/Sexual Assault Board is an advisory board, and that the County's relationship with Walden is contractual.

ANNUAL REPORT

COUNCIL ON CHILDREN AND YOUTH

Present: Wayne Guy, Chairman
Becky Stevens, Community Services Coordinator

Mr. Guy appeared before the Commissioners to present the Annual Report for the Council and Children and Youth for 1990. Mr. Guy reviewed the purpose of the group, significant activities for the past year, programs and challenges encountered or expected, and plans for the current year.

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

OFFICE OF PLANNING AND ZONING

Present: Jon Grimm, Director
Joe Meinert, Deputy Director
Peggy Childs, Recording Secretary

PUBLIC HEARING

**SPEC #89-1067 - MEADOW WOODS SUBDIVISION
WATER CATEGORY CHANGE**

Requesting approval of a change in Water Classification from W-6 to W-3D for development of a subdivision containing 55 single-family lots. The property contains 165.45 acres, is zoned RPD, and is located in the 4th Election District on the South side of Bethel Church Road, approximately 1.5 miles of Maryland Route 236, adjacent to Country Lakes; Tax Map 12, Block 19, Parcel 23.

Owner/Applicant: Harvest Homes, Inc.

Mr. Meinert advised the public hearing was advertised in The Enterprise on February 27th and March 3, 1991. He stated the application has been through the TEC process and MetComm and the Health Department recommend approval, as does the Planning Commission. Staff also, finding it to be consistent with Water/Sewer Plan guidelines, recommends approval.

Commissioner Loffler opened the hearing to public comment. Hearing none, he closed the public hearing and advised the Commissioner would schedule the request in two weeks for discussion/decision.

DISCUSSION

GROWTH ALLOCATION PROJECTS

Mr. Grimm stated he has been asked by Mr. Norris and also by Mrs. Spalding of the CCRS Office to request the Commissioners make no decision on the Avenmar and Calvert Estates projects today, because Mr. Norris could not be present. Mr. Grimm said it is at the Commissioners' discretion; his only request is, whether they make a decision today or next week, that they consider all the cases at the same time.

Commissioner Loffler asked if there was any indication why they couldn't be here today; Mr. Grimm responded that Mr. Norris had to be out of town. He said he had indicated to Mr. Norris that his understanding of the Commissioners' policy is if they have already had the public hearing, they would not entertain additional comment unless they had a specific question.

Commissioner Loffler said from their standpoint there's really no reason why they can't proceed, but asked that the order be changed as he could not participate in the Avenmar discussion but wanted to take part in staff discussion and the other requests.

Mr. Kudlas presented a cover memo regarding the items which must be addressed prior to submission to the State Critical Area Commission, the process for program amendment requests, and a matrix illustrating the overall results of the 1990 cycle. and providing options for calculating growth allocation for Calvert Estates, which staff feels can be approved as a Standard Site Plan under the LDA category; however if growth allocation is approved for this project, the various options for mapping are shown in the matrix.

Commissioner Thompson complimented staff on the presentation and the staff reports, saying it has finally jelled in her mind what is going on, however she still is not quite comfortable with the matrix yet.

Commissioner Bailey asked if Calvert Estates could do the same thing that he wants to do under Growth Allocation; Mr. Kudlas replied yes, it is his opinion that the applicant is substituting a set of requirements under LDA which he feels are less restrictive for a set of requirements under IDA, but in his opinion it is not necessary to use growth allocation. Mr. Grimm stated some of the applicants are before the Commissioners because staff directed them to seek growth allocation, but Calvert Estates came in without any pre-submission staff review directing them to growth allocation. He said the project can be accomplished with the density and type of uses they want under the existing zoning, but he is not saying they will have all the buildings in exactly the same location.

Commissioner Loffler stated we want to retain as much growth allocation as we possibly can, but he is concerned that we don't change what the applicant has asked to do. Commissioner Bailey agreed, stating he would say we would have to go with the least growth allocation possible if people get what they want, but if the applicant has got to go back to zero and redo the whole design he is not getting what he wants.

Commissioner Thompson asked whether the Planning Commission has been advised of this newest recommendation that Calvert does not require growth allocation. Mr. Grimm they have not.

Commissioner Bailey expressed further concern that we not take growth allocation away from Calvert Estates unless we are sure they will not require it, stating if the Commissioners approve it without growth allocation and the CAC determines that it is needed, they will be dead in the water.

After reviewing the six projects briefly (Calvert Estates, Bashford Manor Estates, Maydel Manor, Eppard Property, Lore's Landing and Avenmar - Commissioner Loffler did not participate in the Avenmar review and Commissioner Bailey assumed the Chair for Avenmar only), the Commissioners agreed to utilize Option 2 as the policy on how to calculate minimum growth allocation, directing staff to do the following:

- (1) Contact State Critical Area Commission for their concurrence, especially regarding Calvert Estates.
- (2) Contact Calvert Estates advising them of staff's recommendation that growth allocation not be used, and receive their input on how it will affect the project.
- (3) Contact all other applicants of the Commissioners' decision to utilize the least amount of growth allocation possible.
- (4) Advise the Planning Commission of staff's recommendations presented here today and get their response.

Commissioner Loffler closed the discussion, stating growth allocation would be rescheduled in two weeks and the Commissioners will receive arguments taking them away from their position during this two week period.

7:00 P.M.

PUBLIC HEARING

ST. MARY'S COUNTY CONSTRUCTION AND DEVELOPMENT USER FEES

Present: Mary Pat Pope, Administrative Officer
Jon Grimm, Director, Planning and Zoning
Dan Ichniowski, Director, Public Works

(Commissioner Lancaster was not present because he was attending another meeting.)

The Commissioners conducted a public hearing on revisions to the schedule of fees for the Office of Planning and Zoning and the Department of Public Works reviews and inspections.

Ms. Pope reviewed the background of the user fees stating that the current fee schedule was established February 1, 1989 with the provision that they be reviewed and updated periodically.

Ms. Pope presented the proposed fee schedule which was based on recovery of Fiscal Year 1991 funding and the average work volume for Fiscal Years 1988, 1989 and 1990.

During discussion Mr. Grimm stated he wanted to make the Commissioners aware that the current fee schedule subsidizes Board of Appeals review cases. He stated that he felt this was legitimate because it was an action landowners had to take in order to use their property; however, he was not so sure about the county subsidizing conditional uses and expansions of nonconforming use.

The Commissioners opened the hearing for comments.

Herb Redmond (DH Steffens) questioned the fees for major subdivisions, which the Commissioners responded that they have been reduced.

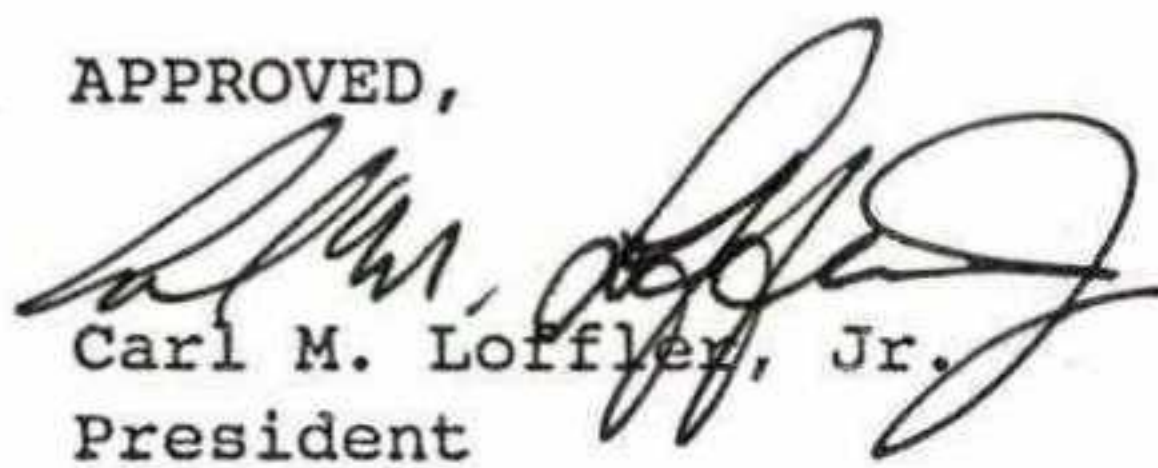
Brooks Grady (SMBIA) indicated appreciation for the proposed reduction in major subdivision fees.

Glenn Gardiner questioned whether these fees would head off an increase in taxes. Ms. Pope advised that these fees were revenue neutral and are meant to cover costs in the Office of Planning and Zoning and the Department of Public Works.

ADJOURNMENT

The meeting adjourned at 7:50 p.m.

APPROVED,



Carl M. Loffler, Jr.
President