

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, March 26, 1991

Present: Commissioner W. Edward Bailey, Vice-President
 Robert T. Jarboe, Commissioner
 John G. Lancaster, Commissioner
 Barbara R. Thompson, Commissioner
 Edward V. Cox, County Administrator
 Judith A. Spalding, Recording Secretary

(Commissioner Loffler was not present because of the death of his mother.)

CALL TO ORDER

The meeting was called to order at 9:05 a.m.

APPROVAL OF MINUTES

Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve the minutes of the Commissioners' meeting of Tuesday, March 19, 1991. Motion carried.

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to approve the Planning and Zoning portion of the March 12, 1991 County Commissioners' meeting. Motion carried.

APPROVAL OF BILLS

Commissioner Thompson moved, seconded by Commissioner Lancaster, 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 AMENDMENT NO. 91-53
 RECREATION AND PARKS**

The County Administrator presented the referenced Budget Amendment recommended for approval by the Director of Finance with the following justification: To transfer funds to complete additional work on Regional Park - \$7,584.

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

2) **ST. JEROME'S POINT**

The County Administrator presented correspondence responding to Rita G. Montague indicating that the Commissioners are confident that the Planning Commission, Board of Appeals, and Office of Planning and Zoning staff are executing their duties with full commitment to protecting and safeguarding the environment.

The Commissioners agreed to sign and forward the letter.

3) **CORRESPONDENCE TO BOARD OF EDUCATION**

The County Administrator presented correspondence to the President of the Board of Education indicating that the projected \$500,000 unallocated fund balance from the Board of Education are programmed for use in the FY '92 budget. The letter requested that the Board of Education refrain from any categorical changes unless it is an emergency for the remainder of Fiscal Year 1991.

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

4) RESOLUTION NO. W/S 91-04
WATER/SEWER PLAN AMENDMENT
LAUREL RIDGE - SPEC #85-0694

The Commissioners conducted a public hearing on January 22, 1991 on an application to amend the Comprehensive Water and Sewer Plan for property located in the Fifth Election District, containing 333 acres of land, south side of Golden Beach Road, Laurel Ridge Subdivision from W-6 to W-1 for Sections One, Two and Three and W-6 to W-3D for Section Four.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve and sign Resolution No. W/S91-04 amending the Comprehensive Water and Sewer Plan to reclassify Sections One, Two and Three of the subject property from W-6 to W-1, and Section Four from W-6 to W-3D. Motion carried.

5) FORESTRY CONSERVATION LEGISLATION

The County Administrator presented a copy of correspondence that Chairman Middleton of the Tri-County Council forwarded to the Chairman of the House Environmental Matters Committee expressing concerns regarding SB 222 and HB 199 - Forest Conservation: funding, timing, affect on agricultural land preservation, and state assistance. The letter was forwarded to the Commission on March 21 because of timing.

The Commissioners agreed with the position taken in the letter as presented.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator

Commissioner Lancaster moved, seconded by Commissioner Thompson, to meet in Executive Session to discuss a matter of Personnel. Motion carried. The Session was held from 9:25 a.m. to 9:40 a.m.

**PROCLAMATION
FAIR HOUSING MONTH**

Present: Nancy Hutson
Sandra Johnson
Tom Waring

The Commissioners presented the referenced Proclamation designating the Month of April as Fair Housing Month.

**PROCLAMATION
AUCTIONEERS' WEEK**

Present: Billy Fitzgerald

The Commissioners presented the referenced Proclamation designating March 31 - April 6 as National Auctioneers' Week.

**PRESENTATION OF PETITION
GOLDEN BEACH ROAD**

Present: Richard Busch, President, Golden Beach Civic Assoc.

Mr. Busch appeared before the Commissioners to present a Petition requesting that the Commissioners investigate improvements to Golden Beach Road, i.e., excessive oil caused by the type of tar used during construction in 1986, in light of recent accidents on the road.

DEPARTMENT OF PUBLIC WORKS

Present: Dan Ichniowski, Director

**1) ST. JEROMES CREEK
SPOIL DISPOSAL EASEMENT**

Mr. Ichniowski presented the Spoil Disposal Easement Agreement dated June 14, 1989 between Patricia B. Polvinale, and Mildred Williams and St. Mary's County for spoil disposal easement for the St. Jeromes Creek improvement project.

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to approve and sign the Easement Agreement as presented. Motion carried.

**2) ISLAND CREEK JETTY
FEDERAL NAVIGATION PROJECT**

Mr. Ichniowski presented correspondence addressed to Senators Mikulski and Sarbanes regarding the Army Corps of Engineers' proposal to terminate 13 navigation projects, including the Island Creek Jetty project, and their efforts in getting funding restored for this project.

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

3) PUBLIC WORKS AGREEMENTS

Mr. Ichniowski presented the following Public Works Agreements for the Commissioners' review and consideration:

Persimmon Hills, Phase One

Dated October 18, 1990 between Bay Mills Construction Company guaranteeing completion of: Seminary road, Abbey Place, Chapel Place, Rectory Court, Parrish Court by March 1, 1992. Agreement is backed by Letter of Credit with International Fidelity Company Co. in the amount of \$204,180.

Hearts Desire, Cluster One

Dated February 25, 1991 between Norris Pyles and St. Mary's County guaranteeing completion of Autumnwood Drive by February 1, 1992. Agreement is backed by Letter of Credit with Old Line National Bank in the amount of \$17,500.

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

4) ADDENDUM TO PUBLIC WORKS AGREEMENTS

Mr. Ichniowski presented the following Addenda to Public Works Agreements for the Commissioners' review and consideration:

Abell's Run

Between Morgan Associates, Inc. and St. Mary's County extending the deadline for completion of improvements to April 1, 1992. Addendum is backed by a Letter of Credit with First National Bank of St. Mary's in the amount of \$207,300.

Wildewood - White Oak Parkway

Between Paragon Builders, Inc. and St. Mary's County extending the deadline for completion of improvements to White Oak Parkway to September 1, 1991. Addendum is backed by a Letter of Credit with Maryland Bank and Trust in the amount of \$37,000.

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

5) ACCEPTANCE OF DEED
ROAD RESOLUTION
FOREST RUN DRIVE

Mr. Ichniowski presented a Deed between Edward J. Cook and Fairmay, Inc. and Board of County Commissioners of St. Mary's County accepting Forest Run Drive in Forest Run Subdivision into the County Highway Maintenance System. He also presented Road Resolution No. R90-22 posting Forest Run Drive at 25 miles per hour.

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

OFFICE ON AGING

1) ADULT DAY CARE BUDGET - FY '92

Present: Gene Carter, Director
Norman Breslauer
Carol Wells, Adult Day Care Program Manager

Mr. Carter appeared before the Commissioners to present the grant application renewal for the Adult Day Care Program for Fiscal Year 1992. Mr. Carter distributed updated charts showing attendance at the two day care centers and noted that the number of participants paid under medical assistance is growing. He stated that this is significant because it provides necessary income for the operation of the program.

After discussion Commissioner Jarboe moved, seconded by Commissioner Lancaster, to approve submittal of the grant as presented and to authorize Commissioner Vice-President Bailey to sign the application. Motion carried.

2) RETIRED SENIOR VOLUNTEER PROGRAM

Mr. Carter advised that the Commissioners had previously approved and signed the RSVP Program Grant, and the federal government has offered \$2,455 in additional funding. This will enable the part-time Program Assistant to maintain current amount of hours. The County would be required to match in the amount of \$437.

After discussion Commissioner Jarboe moved, seconded by Commissioner Lancaster, to approve and sign the supplemental grant application as presented. Motion carried.

FRIENDLY HANDS, INC.

Present: Bill Oliver, President
Connie Thomas, Secretary
Rey Bald, Treasurer

The referenced representatives of Friendly Hands, Inc. appeared before the Commissioners to present a check in the amount of \$1800. The check represents funds raised by Friendly Hands through raffles, bake sales, donations from churches and civic organizations, and other fundraisers. Friendly Hands, Inc. was formed to assist the Department of Recreation and Parks with financial support of the Special Population Fun Camp.

FISCAL YEAR 1992 RECOMMENDED BUDGET

Present: Charles Wade, Director of Finance

Mr. Wade presented the referenced Recommended Budget for Fiscal Year 1992 setting the Recommended General Fund Budget at \$66,613,698 and the Recommended Capital Fund at \$14,449,864, of which \$85,000 is funded by the State and Federal Government. The Recommended Budget reflects no increase in the property tax rate. Public Hearings on the Recommended Budget are scheduled for April 16 and 17, 7:00 p.m.

After discussion Commissioner Jarboe moved, seconded by Commissioner Lancaster, to approve and sign the Fiscal Year 1992 Recommended Budget. Motion carried.

**INTRODUCTION OF SOUTHERN TROOP COMMANDER
MARYLAND STATE POLICE**

Present: Lt. Alan Potts
Capt. Richard Johnson

Lt. Potts appeared before the Commissioners to introduced Capt. Richard Johnson, the new Southern Troop Commander. Capt. Johnson replaced Capt. Richard Stuftt, who was promoted to Director of the Maryland Port Administration Police Department.

**RESOLUTION NO. 91-07
FOREST HALL APARTMENTS**

Present: Joseph Mitchell, Director, DECD
Tom Waring, applicant

Mr. Mitchell appeared before the Commissioners to present a Resolution regarding the approval of Forest Hall Apartments to be financed by the Community Development Administration. He stated that the Affordable Housing Task Force had recommended that in order to solve housing problems that the private sector get involved. Mr. Waring has submitted an application to the State for construction of a 120 unit apartment project on Willows Road.

The State has requested the Commissioners endorsement of the project by approving and sign the referenced Resolution. Further, the State has requested an indication from the County as to the County's local contribution. Mr. Mitchell advised that local contributions could be: (1) reduction of development costs (donation of land, long-term leasing, installation of infrastructures); (2) reduction of operating costs (tax abatements, payment in lieu of taxes; (3) contributions in support of the project (rent subsidy). Mr. Mitchell pointed out that the County does not have the financial ability to do this and has taken exception to these policies, and has contacted the State as to what the County can negotiate as a reasonable local contribution.

Mr. Waring suggested the following be considered:

1. Waive the fees imposed by Resolution No. 89-18 (\$14,000-\$15,000);
2. Waive a part of the impact fee; i.e., roads and recreation and parks;
3. Change the payment of impact fee from time of obtaining building permit to to of Use and Occupancy Permit.

Mr. Waring pointed out that without some assistance by the County, he would not be able to go forward with the project. Mr. Mitchell indicated that the State would have to approve whatever local contribution the County agrees to make.

With regard to the referenced resolution, Commissioner Jarboe moved, seconded by Commissioner Lancaster, to approve and sign Resolution No. 91-07. Motion carried.

With regard to the County's local contribution, the Commissioners agreed to request staff to prepare recommendations for consideration by the Board on April 9.

ANNUAL REPORTS

The following groups presented Annual Reports for 1990:

Human Relations Commission

Present: Mary Novotny, Co-Chair
Cynthia Brown, Director, Community Services
Georgia Kaspar, Secretary

The referenced individuals appeared before the Commissioners to present the 1990 Annual Report for the Human Relations Commission, setting forth its purpose, activities, which included complaint process, community relations and education, commission growth and development; problems and challenges; and plans for the current year.

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

Ethics Commission

Present: Charles Mander, Chairman
Jan Baldwin
Richard Portee
Virginia Sapp

The referenced individuals appeared before the Commissioners to present the 1990 Annual Report for the Ethics Commission. Mr. Mander explained the composition of the Board, its purpose, issuance of complaints for not filing financial disclosures and disposition of those cases. He further reviewed plans for the current year.

Mr. Mander stated that the Ethics Commission believed that individuals interested in serving on one of the county's boards or committees should be advised earlier in the appointment if a financial disclosure is required. Commissioner Thompson suggested that those boards requiring filing of financial disclosures be noted on the personal profile sheet by an asterik, with an explanation at the bottom of the sheet. Mr. Mander further indicated that the Commission was working on developing a form for possible conflict of interest which would put on record and would have to receive approval by the Ethics Commission and the appropriate agency.

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

Marcey House Board of Directors

Present: Dan Donahue, Member
Larry Harvey, Director

The referenced individuals appeared before the Commissioners to present the 1990 Annual Report for the Marcey House Board of Directors. Mr. Donahue reviewed the Marcey House programs, activities of the past year (admissions and graduates) and plans for the future, which includes full implementation of its Quality Assurance Plan, effective implementation of its comprehensive After-Care Program, and increased community involvement.

ANNUAL REPORTS (continued)

During the presentation Mr. Harvey noted that there are four vacancies on the Board.

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

Metropolitan Commission

Present: Larry Petty, Director
Frances Eagen

The referenced individuals appeared before the Commissioners to present the 1990 Annual Report for the Metropolitan Commission. Mr. Petty explained its purpose, accomplishments during the past year, problems and challenges, and plans for the current year. During the presentation, Mr. Petty reviewed a chart indicating growth from 1981 to 1991 demonstrated by number of customer billings.

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

Resource Conservation and Development Board

Present: Don White, Director
Joan Lucini, Secretary

Representatives of the RC&D Board appeared before the Commissioners to present the 1990 Annual Report. Mr. White requested the Commissioners to give positive consideration for continued funding for the RC&D Board's secretary. Plans for the future include continuation of current projects such as Natural Resource Camp and Recycling.

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

Noxious Weed Committee

Present: Mark Smith, Dept. of Agriculture
Vernon Saunders
Douglas Bowles

The referenced individuals appeared before the Commissioners to present the 1990 Annual Report for the Noxious Weed Committee reviewing its purpose, functions and activities, and problems and challenges. Mr. Smith, by way of slide presentation, showed the various noxious weeds in the county including johnsongrass, thistle, and shattercane.

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

Mental Health Authority Board

Present: Frank Sullivan, Program Director
Francis Fenwick
Cynthia Brown

The referenced individuals appeared before the Commissioners to present the 1990 Annual Report for the Mental Health Authority Board. Mr. Fenwick presented its purpose, significant activities, problems and challenges for the next year and plans for the current year.

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

OFFICE OF PLANNING AND ZONING

All Commissioners were present except Commissioner Loffler; as Vice President, Commissioner Bailey chaired the meeting. County Administrator Ed Cox was also present.

County staff present were: Joe Densford, County Attorney; and Jon Grimm, Director; and Peggy Childs, Recording Secretary, of OPZ.

1) ZPUD #89-1819 - WILDEWOOD PUD AMENDMENT (Also 78-166)

Mr. Densford advised the Commissioners that he concerns with a number of issues, some of which were discussed in passing at the public hearing and some which have not been discussed. Mr. Densford said he feels more public discussion is necessary and suggested the Commissioners re-open the public hearing, which could be set for April 16th and meet the legal advertising requirement.

Discussion between the Commissioners, Mr. Densford, and Mr. Grimm resulted in the decision that the public hearing will be re-opened on April 16th as suggested for discussion of at least the following items:

(1) Utilization of Lawrence Hayden Road - this should be specifically addressed before approval of the Development Plan.

(2) School Site - should be resolved with the Board of Education and Developer.

(3) What standards of the 1978 Ordinance are being deviated in the Green Book?

(4) APF Standards - either 1978 or 1990.

(5) Private Road Issue - DPW will be present for discussion.

(6) Deviation of 1990 Ordinance standards - Mr. Grimm states he can provide areas of deviation only but no detail because the project has not been reviewed under this 1990 Ordinance. Review under #90-11 (1990 Ordinance) would require much more time than a few weeks.

(7) Clarification of Item 5 of Planning Commission's recommendation of 3/11/91.

Mr. Densford stated he thinks it is imperative that the County Commissioners have input directly from the different agencies which reviewed the case at the public hearing; the developer will present additional evidence as he sees fit, and the hearing will be opened to public comment. Commissioner Bailey stated he wants to make sure everyone involved is allowed to have input on these issues, and that we are all "playing on a level field."

By way of background, Mr. Grimm stated when he came to the County as Planning Director in 1988 he had a lot of questions about how Wildewood was processing their plans, and he had asked the Developer to provide written documentation. He said Mr. Wettengel was very cooperative, and this Development Plan was prepared partly in response to his request and partly because of the PUD Amendment request.

The question was raised as to whether the record would remain open for a 10-day period following the public hearing. Mr. Densford will research the issue and advise the Commissioners. If the record is to remain open for 10 days the earliest date the Commissioners could schedule a decision would be April 28th; however, Commissioner Thompson stated that she did not want to commit to a decision on that date, that this is such a major decision she feels if there is any option to keep the record open the Commissioners should take it, because there will be new testimony and there should be public input. She does not want to rush into a decision, Ms. Thompson stated.

Mr. Grimm distributed to the Commissioners copies of the seven (7) letters or submissions received following the public hearing.

It was moved by Commissioner Jarboe and seconded by Commissioner Lancaster that the public hearing be legally advertised and re-opened on April 16, 1991. The vote was unanimous in favor.

Commissioner Bailey closed discussion at 4:15 p.m.

RECREATION AND PARKS

Present: John V. Baggett, Director

1) HENDERSON PARK

Mr. Baggett advised the Commissioner that the contract for the ball field at Henderson Park was awarded to Long Fence. Upgrading will include replacing backstops, upgrading of field, players' benches, etc.

Regarding the County turning over the park to the schools, Mr. Baggett stated that since the park has been in existence for 22 years and had used federal and state funding, he has written the federal government requesting that the lease be called null and void. If the federal government does not agree, it will have to go through the conversion process.

2) LITTLE RED SCHOOL HOUSE

Mr. Baggett advised that the Little Red School House has been given to the Friends of the St. Clements Island Museum, who will pay the cost of placing it on the site at the museum. Mr. Baggett display a map of the area, pointed out the proposed site, and requested the Commissioners approval of the site.

After discussion Commissioner Jarboe moved, seconded by Commissioner Thompson, to approve the site as requested. Motion carried.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator
Dan Ichniowski, Director, Public Works
Joseph Densford, County Attorney

Commissioner Lancaster moved, seconded by Commissioner Thompson to meet in Executive Session to discuss a matter of litigation. Motion carried. The Session was held from 4:50 p.m. to 5:15 p.m.

7:00 P.M.

ECONOMIC OUTLOOK - FINANCIAL STATUS REPORT

Present: Charles H. Wade, Director of Finance
Joseph Mitchell, Director, Economic & Community Development

By way of overhead slides, Mr. Wade and Mr. Mitchell presented the Economic Review and Analysis and Financial Status Report for St. Mary's County.

Following the presentation the Commissioners opened the meeting for comments from the audience.

Doug Ritchie inquired as to projects for future years spending.

Leonard Greess questioned the shortfall of funding in 1995 and if these are needs that must be met. Mr. Greess suggested that the County re-establish the Revenue Task Force to look into possible revenue sources.

**CORRESPONDENCE TO SECRETARY OF DEFENSE
NAVAL ELECTRONICS SYSTEMS ENGINEERING ACTIVITY (NESEA)**

The County Administrator presented correspondence addressed to Secretary of Defense Chaney forwarding the County's suggestions for realignment of the Naval Electronics Systems Engineering Activity.

The Commissioners agreed to sign the correspondence as presented.

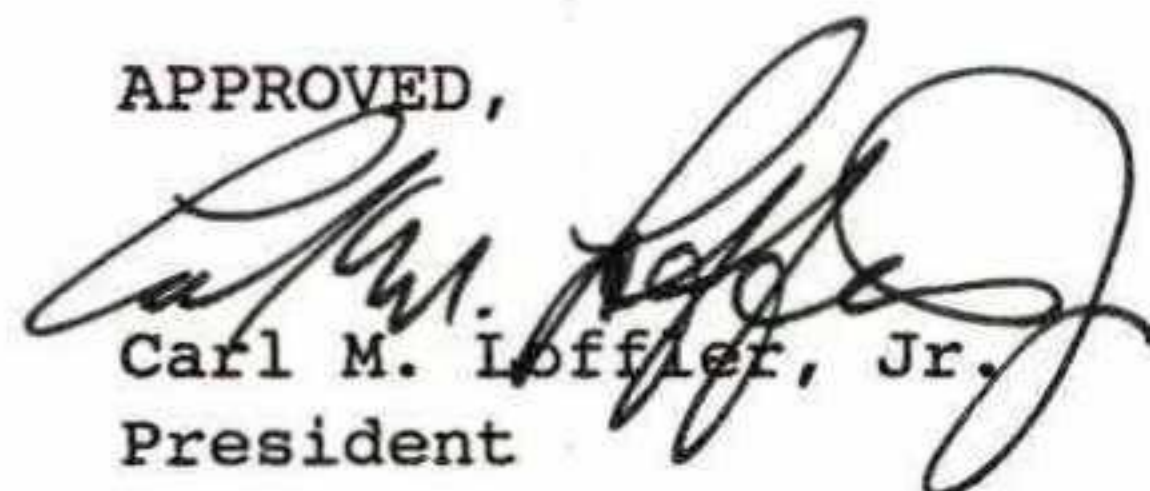
SETTLEMENT OF LEGAL CASE

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to settle the legal case with Molly I. Raley. Motion carried.

ADJOURNMENT

The meeting adjourned at 8:45 p.m.

APPROVED,



Carl M. Loeffler, Jr.
President