

ST. MARY'S COUNTY  
BOARD OF COUNTY COMMISSIONERS

October 15, 1991

Present: 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 9:10 a.m.

**1991 BOND ISSUE**

During discussion of the approval of the County Commissioners' minutes of October 8 relative to the portion concerning the 1991 Bond Issue, Commissioner Jarboe indicated that it was his intent that there be separate motions--one for the reinstatement of Indian Bridge Road and another for the approval of the 1991 Bond Issue. He stated that he was in favor of reinstating Indian Bridge Road, but because there are a number of unanswered questions relative to the exchange of property for the Sixth District Elementary School, he was not in favor of approving the bond issue at this time with that in it. He pointed out that he had questions regarding the option on the three to five acres--the exact location; who the exchange will benefit; it needs to go through the county's process for disposal of surplus property; whether it is for straightening property lines or for access.

Commissioner Bailey stated for the record that he was concerned that the transfer was not handled in the legal manner established by the Commissioners for the disposal of surplus property.

In response to Commissioner Jarboe's comment, Commissioner Loffler advised that he had restated the motion to reinstate Indian Bridge Road and to approve the 1991 bond issue as requested by the Director of Finance. Relative to the transfer of the property, Commissioner Loffler indicated that the matter will come before the Board to be finalized.

After discussion Commissioner Lancaster moved, seconded by Commissioner Jarboe, to rescind the motion made on October 8 relative to the 1991 Bond Issue. Motion carried.

Commissioner Jarboe moved, seconded by Commissioner Thompson, to reinstate Indian Bridge in the amount of \$307,300 into the 1991 Bond Issue. Motion carried.

Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve the 1991 Bond Issue in the amount of \$8,010,000 for the following projects:

<u>Project</u>	<u>Budget</u>
Indian Bridge Road	\$ 307,300
Lettie Dent Addition	267,800
Green Holly Addition	289,100
Pegg's Road	2,000,000
Sixth District Elementary School	4,841,100
Multi-Use Center	\$ 296,864
<b>TOTAL</b>	<b>\$8,010,000</b>

Commissioners Bailey and Jarboe voted against the motion because of forementioned concerns regarding the Sixth District Elementary School. Motion carried three to two.



Commissioner Thompson suggested that the Commissioners get a legal interpretation from the County Attorney as to the legality of the property transfer.

Later in the meeting, Mr. Wade presented an alternative funding level for the 1991 Bond Issue which will be considered by the Commissioners at next week's meeting.

#### **APPROVAL OF MINUTES**

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to approve the minutes of the Commissioners' meeting of Tuesday, October 8, 1991 as clarified in this meeting. Motion carried.

#### **APPROVAL OF BILLS**

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

#### **PROCLAMATIONS**

The Commissioners presented the following Proclamations:

##### **National Businesswomen's Week**

Designating the week of October 21 - 26, 1991 as National Business-women's Week in St. Mary's County.

##### **Cystic Fibrosis Awareness Month**

Designating the Month of November as Cystic Fibrosis Awareness Month in St. Mary's County.

##### **Red Ribbon Week for Drug Prevention Education**

Designating the week of October 19 - 27, 1991 as Red Ribbon Week for Drug Prevention Education.

#### **HIGHWAY SAFETY PROJECT AGREEMENT**

Present: Joe Dick, Director, Alliance for Alcohol/Drug Abuse Prevention

Mr. Dick appeared before the Commissioners to present a Maryland Department of Transportation Highway Safety Project Agreement for the Alliance for Alcohol and Drug Abuse Prevention Alcohol/Drug Highway Safety Project. The grant, a renewal in the amount of \$30,000, is for the period October 1, 1991 to September 30, 1992. Mr. Dick stated that the project is funded by the federal government and administered by the state.

After discussion Commissioner Lancaster moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Loffler to sign the Agreement as presented. Motion carried.

#### **COUNTY ADMINISTRATOR ITEMS**

Present: Edward V. Cox, County Administrator

- 1) **BUDGET AMENDMENT NO. 92-17  
STATE'S ATTORNEY'S OFFICE**

The County Administrator presented the referenced Budget Amendment recommended for approval by the Director of Finance with the following justification: Expert testimony - Somerville case.

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



2) **CORRESPONDENCE TO GOVERNOR SCHAEFER  
NAVAL AIR STATION EXPANSION**

The County Administrator presented correspondence addressed to Governor Schaefer requesting his assistance in helping us meet the challenges facing the County with the expansion of the Patuxent River Naval Air Station.

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

3) **CORRESPONDENCE TO ST. MARY'S COUNTY FAIRBOARD**

The County Administrator presented correspondence addressed to the St. Mary's County Fair Board expressing the Commissioners' gratitude on behalf of the community for a successful 1991 County Fair.

The Commissioners agreed to sign and forward the letter.

4) **ST. GEORGE CATHOLIC CHURCH  
REQUEST FOR ABATEMENT OF BUILDING PERMIT FEE**

The County Administrator presented a request from Rev. Sierkierski, St. George Catholic Church requesting an abatement of the building permit fee for the expansion of the church's rectory.

In that the request is in compliance with Resolution No. 75-53, County Administrator Cox presented correspondence for the Commissioners' signature to Rev. Sierkierski waiving the fee as requested.

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

5) **APPOINTMENTS  
BOARDS, COMMITTEES, COMMISSIONS**

Commissioner Bailey moved, seconded by Commissioner Lancaster, and motion carried, to make the following appointments:

<b>COUNCIL ON CHILDREN AND YOUTH</b>	<b>TERM TO EXPIRE</b>
Dale Farrell (Reappt)	6/30/92
Ruth Ann Heibel "	6/30/92
Michelle Lawyer "	6/30/92
Kevin Williams "	6/30/92
<b>ENHANCED 911/UNIFORM ADDRESSING TASK FORCE</b>	
Erin E. Burch (Rescue Squad Rep.)	No Term
Leon H. Carrington (4th Dist. Rep.)	No Term
Joe Cooper (Fire Dept. Rep.)	No Term
Mary L. Duke (Private Bus System Rep.)	No Term
<b>SOCIAL SERVICES BOARD</b>	
Carol M. Esch	6/30/94
Helen L. Ginn	6/30/94
William J. Heimer	6/30/94
Ann R. Waring	6/30/93/96

6) **CORRESPONDENCE TO SOUTHERN MARYLAND WOOD TREATMENT PLANT TASK FORCE**

The County Administrator presented correspondence to the referenced Task Force requesting them to include Mr. Rambo's suggestion that the Task Force search for and evaluate alternatives to an incinerator at the wood treatment plant site.



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

(The following items were presented by the County Administrator later in the day. Commissioner Lancaster was not present for these items. Judy Landram was the Recorder for the remainder of the County Administrator's items.)

7) SOTTERLEY MANSION

The County Administrator presented correspondence addressed to Mr. J. Spence Howard indicating that the current request for \$5,000 does not address the request as presented for the Fiscal Year 1992 Budget. The letter stated that because of uncertainty of county revenues the Commissioners have deferred the request at this time.

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

8) CORRESPONDENCE TO BOARD OF EDUCATION  
PROPOSED HOLLYWOOD ELEMENTARY SCHOOL SITE

The County Administrator presented correspondence addressed to the Board of Education requesting information relative to the proposed site for the new Hollywood Elementary School. The letter inquires as to whether the purchase process has been completed, and if so to provide settlement documents; and inquires whether the seller has made the sale contingent on the transfer of approximately five acres at another location, and if so to provide a location map and plat.

Commissioner Jarboe moved, seconded by Commissioner Bailey, to sign and forward the letter as presented. Commissioner Loffler voted against stating that the letter should include a reminder that the Board of Education must come before the Commissioners to finalize the transfer process. Motion carried four to one.

9) RESOLUTION NO. 91-36  
TIN TOP HILL SEWER LINE ALLOCATION POLICIES

The County Administrator presented the referenced Resolution clarifying Resolution No. 91-27 relative to the allocation of equivalent dwelling units (EDU's) for the Tin Top Hill Sewer Line.

Commissioner Bailey moved, seconded by Commissioner Thompson, to approve and sign Resolution No. 91-36. Motion carried.

DEPARTMENT OF PUBLIC WORKS

Present: Dan Ichniowski, Director

1) CORRESPONDENCE TO DEPARTMENT OF TRANSPORTATION  
CONSOLIDATED TRANSPORTATION PLAN

Mr. Ichniowski presented correspondence addressed to the Maryland Department of Transportation requesting consideration for the acceleration of the following projects because of proposed expansion of the Patuxent River Naval Air Station and the transfer of the Navy Surface Weapons Center to Dahlgren:

- Maryland Route 235 at Pegg Road;
- Maryland Route 246 (Great Mills Road);
- Maryland Route 237 (Chancellors Run Road);
- Maryland Route 5 - Camp Brown Road to Point Lookout;
- Maryland Route 235 in the Lexington Park area;
- Maryland Route 5 in Charlotte Hall;
- St. Mary's County Airport;
- Maryland Route 236.



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

2) PUBLIC INFORMATIONAL MEETING  
STREETLIGHTING SPECIAL TAXING DISTRICT  
CAMBRIDGE AVENUE - SOUTHAMPTON SUBDIVISION

Mr. Ichniowski presented the handout that will be distributed at the October 22, 1991 public informational meeting on the establishment of a special taxing district for streetlighting on Cambridge Avenue in Southampton Subdivision.

3) NOTICE OF PUBLIC HEARING - ABANDONMENT OF PORTION OF WHARF ROAD

Mr. Ichniowski presented a Notice of Public Hearing for the abandonment of a portion of County Route 3106, Wharf Road, Seventh Election District, from the mean high waterline for a distance of approximately 588 feet. The hearing is scheduled for November 12 at 9:45 a.m.

The Commissioners authorize Mr. Ichniowski to proceed.

**METROPOLITAN COMMISSION - ISSUANCE AND SALE OF WATER QUALITY BONDS**

Present: Larry Petty, Director, Metropolitan Commission  
Stuart Diana, Piper & Marbury

The referenced individuals appeared before the Commissioners to present a Resolution wherein the Board of County Commissioners concur in and approve the issuance and sale of St. Mary's County Metropolitan Commission Water Quality Bond, Series 1991, in an amount not to exceed \$1,330,080 for the purpose of financing the Piney Point Wastewater Treatment Plant facility.

Mr. Diana explained that the Metropolitan Commission passed a Resolution authorizing the issuance of the Bond on October 10.

After discussion Commissioner Lancaster moved, seconded by Commissioner Jarboe, to approve and sign the Resolution as presented, pending approval by the County Attorney. Motion carried.

**OFFICE OF PLANNING AND ZONING**

Present: Jon Grimm, Director

1) PSUB #89-0675 - NEWTON MANOR SUBDIVISION

Appeal of Planning Commission Decision of July 8, 1991 disapproving a preliminary plan for a 48-lot subdivision on 200.61 acres, zoned RPD, located on the southwest side of Maryland Route 235, north of Joy Chapel Lane; Tax Map 20, Block 21, Part of Parcel 103.

The Commissioners having conducted a public hearing on September 17 and continued on October 1, commenced discussion on the referenced matter.

Commissioner Loffler indicated that he was concerned about the project being located next to the Southern Maryland Wood Treatment Plant Superfund site and questioned how the property owner is going to sell the lots at any value.

Commissioner Jarboe stated that he could not support this project because of the health aspect of the site. He stated that he believed it was the County's responsibility to protect the health and safety of the community. He further pointed out that he would not have a problem with it if it were cleaned up and declared hazardous-free.



Commissioner Bailey said that he was in favor of approving the project in that there has been nothing received from the Environmental Protection Agency indicating that the adjacent property is hazardous. He pointed out that the property in question has been checked and there is not evidence of contamination from the wood treatment plant site. EPA has indicated that there will be no run-off from the superfund site to this property.

Commissioner Thompson advised that she agreed with Commissioners Loffler and Jarboe pointing out that this project is something that the Commissioners do have a say in, and there are too many unresolved issues; and therefore, stated that she is opposed to approving the project.

Commissioner Lancaster pointed out that the site is being cleaned up and if the property owners want to take the risk of buying a lot, they should be allowed to take that risk. He stated that the Commissioners should not take away an individual's right to make a transaction.

After discussion Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve the preliminary plan for the 51 lot Newton Manor Subdivision. Commissioners Loffler, Jarboe and Thompson voted against the motion. Motion defeated three to two.

2) **INFORMATION RELEASE**

**PROFESSIONAL ARCHITECT PARTICIPATION IN BUILDING DESIGN**

Commissioner Loffler advised Mr. Grimm that he had concerns with regard to the proposed Information Release announcing the changes in requirements for professional architect participation in building design and inquired whether it was state law. Mr. Grimm indicated that the law went into effect on July 1 and stated that the Department of Planning and Zoning requires the appropriate seal and signature of a qualified licensed professional prior to the issuance of building permits for commercial and multi-family structures.

Commissioner Loffler requested Mr. Grimm to verify that first paragraph of the Information Release complies with the state law and conforms with the County building code. Commissioner Bailey also requested Mr. Grimm to check into whether an entire building has to be brought up to BOCA standards when minor renovations are done.

Mr. Grimm will return next with to respond to these concerns.

**EXECUTIVE SESSION**

Present: Edward V. Cox, County Administrator

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

Litigation

Also Present: Jon Grimm, Director, Planning and Zoning

(Held from 11:40 a.m. to 12:00 Noon)

Personnel

Also Present: Charles Wade, Director of Finance  
George Foster, Personnel Officer

(Held from 12:00 Noon to 12:30 p.m.)



**CRITICAL AREA COMMISSION GROWTH ALLOCATION DECISION**

Present: John Grimm, Director, Planning and Zoning  
Joseph Densford, County Attorney

Mr. Grimm presented a memorandum advising that the County will be receiving formal notification of the Critical Area Commission's action on the County's first growth allocation request. Six specific requests were submitted and only one, Avenmar Community Center, received CAC's approval. He stated that the Calvert Estates and Chesapeake Industrial Park project was denied on a technicality relating to the strict interpretation of the local program. The Bashford Creek Estates design project and the minor subdivision proposal for Maydel Manor were denied because of the State's concern about the ability of small agricultural parcels to retain RCA character and a concern about "footprinting" with the proposed calculation of the actual growth allocation acreage. The State contends that the entirety of the newly created lots must be deducted from the allocation. The remaining minor subdivisions, Lore's Landing and Eppard Property were denied because CAC believed the entire acreage in the critical area should be subtracted from the growth allocation rather than the 1.5 acre lots called for in the County's program.

Mr. Grimm stated that the CAC's actions raise serious concerns about local interpretation of the mapping provisions and the validity of the state approved categories of the local program for allocating the county growth allocation. He pointed out that the CAC's action was final on these requests and there is no formal appeal process and recommended that the Commissioners seek clarification on this matter from the State.

Therefore, Mr. Grimm presented correspondence addressed to Judge John North, Chairman, Critical Areas Commission indicating the County's concerns regarding CAC's actions and requesting a meeting to discuss CAC's rulings.

After discussion Commissioner Bailey moved, seconded by Commissioner Lancaster, to sign and forward the letter as presented. Motion carried.

**EASEMENT AGREEMENT - MARYLAND NATURAL GAS**

Present: Joseph Densford, County Attorney

Mr. Densford presented an Easement Agreement among The Board of County Commissioners of St. Mary's County, Southern Maryland Electric Cooperative, Inc. and Washington Gas Light Company whereby the County and SMECO conveys to Washington Gas a perpetual easement for the sum of \$215,000 for a natural gas pipeline across the railroad right-of-way.

After discussion Commissioner Bailey moved, seconded by Commissioner Lancaster, to authorize Commissioner Loffler to sign the Agreement as presented. Motion carried.

**REDUCTIONS IN STATE AID TO LOCAL GOVERNMENTS**

Present: Charles Wade, Director of Finance

Mr. Wade appeared before the Commissioners to present information relative to the proposed state reductions to local governments which will have a serious impact on St. Mary's County. He pointed out that there will also be a shortfall in county revenues. He advised that the Governor is scheduled to sign the legislation on the budget reductions on Thursday (October 17).

Mr. Wade recommended that a course of action of not doing anything now, but in November assess revenues and identify areas for reductions for county government, which should be implemented by December 1.

During discussion Commissioner Loffler suggested that the County Administrator prepare correspondence for his signature outlining the impact of the reductions on St. Mary's County and reminding him that local revenues are



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being impacted too. He stated that the county absorbing a major portion of the state deficit could have a serious impact on basic level programs to the citizens of St. Mary's.

Commissioner Thompson moved to request the County Administrator to prepare correspondence to the Governor as suggested by Commissioner Loffler. The motion died for lack of a second.

Commissioner Bailey stated that there was not enough information at this time to send a letter.

Commissioner Lancaster indicated that he believed that it would be more advantageous to the County to be calm and collected and suggested that the Commissioners look at all information and try to have a positive influence.

Later in the meeting Mr. Wade returned with revised figures of estimated local state aid reductions which included the impact on various activities in St. Mary's County at an approximate total of \$2,322,000.

#### **ALLIANCE FOR ALCOHOL AND DRUG ABUSE PREVENTION COUNCIL MEETING**

The Commissioners attended the Alliance for Alcohol and Drug Abuse Council held at the Carter State Office Building Public Meeting Room.

(Judy Landram was the recorder for the following portion of the meeting.)

#### **FISCAL YEAR 1992 TOURISM GRANT APPLICANT**

The County Administrator presented the Department of Economic and Community Development Fiscal Year 1992 Tourism Grant Application in the amount of \$5,000 and Marketing Plan which will be forwarded to the Maryland Office on Tourism. The application includes an indication of local government support for tourism as a significant economic development program.

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

#### **BOARD OF EDUCATION PENDING ITEMS**

Present: Charles Wade, Director of Finance

Mr. Wade presented correspondence addressed to the Board of Education relative to following pending items from the October 8 joint meeting with the Commissioners and Board of Education.

- Request for categorical transfer of \$29,000 to Food Service Revolving Fund
- Request for approval of Restricted Program Revenues
- Leonardtown Elementary School Heating System

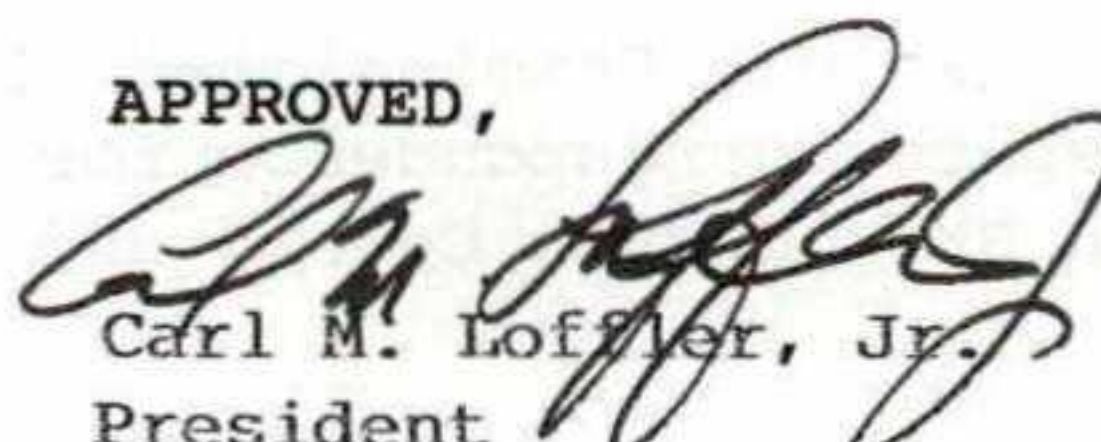
Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve the allocation of \$25,000 for planning money for the Leonardtown Elementary School project. Commissioners Bailey and Jarboe voted against the motion. Motion carried three to two.

The Commissioners will take action on the other items next week.

#### **ADJOURNMENT**

The meeting adjourned at 5:20 p.m.

APPROVED,

  
Carl M. Loffler, Jr.  
President