

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS**

June 30, 1992

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 9:05 a.m.

APPROVAL OF MINUTES

Commissioner Thompson moved, seconded by Commissioner Bailey, to approve the minutes of the Commissioners' meeting of Tuesday, June 23, 1992. 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.

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) Tri-County Youth Services Bureau

The County Administrator advised the Commissioners that Tri-County Youth Services Bureau has been unable to pay its rent for the months of March, April, May and June amounting to \$3,000. Director Bauman has indicated that they cannot make the payments due to state and county budget reductions. County Administrator Cox indicated to the Commissioners that there are two alternatives for the Commissioners' consideration: (1) To forward correspondence indicating the Commissioners understand the Bureau's difficulties that payment should be made and requesting statement of intentions by July 10; or (2) To forgive the debt and require Fiscal Year 1993 payments to be kept current.

The County Administrator advised that he recommended Alternative 1 and presented correspondence addressed to Tri-County Youth Services Bureau to that effect.

Commissioner Lancaster moved, seconded by Commissioner Thompson, to accept Alternative No. 1 and to sign and forward the letter as presented. Motion carried.

2) Community College Site

The County Administrator stated that since the decision by the State against the Indian Bridge Road site for the community college has been finalized, he suggested that the Commissioners consider the following course of actions:

- a. Effect a Request for Proposal process to solicit sites. Delegate to the Community College Board the task of reviewing, evaluating, and recommending.
- b. Get concurrence of the four partners in the higher education consultant study to amend into the scope of work a determination of the advisability of a joint use site. Since the goal of the study is to end up with a specific site recommendation, the issue of joint use could be resolved as part of that recommendation.

During discussion Commissioner Loffler suggested that the consultants be requested to review data regarding the community college that had already been gathered by St. Mary's County.

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to request the consultants to amend the scope of work to include making a determination as to the advisability of a joint use (higher education and community college). Motion carried four to one with Commissioner Loffler voting against.

During discussion Commissioner Thompson moved to amend the motion to include a request that the consultants review previously gathered data. Motion was lost for lack of a second.

With regard to Item a., the County Administrator agreed to defer proceeding with Request for Proposals until after the consultants make a decision whether or not to amend the scope of services. If they do agree, there would be no need for the RFP's.

(The Commissioners left at 9:30 a.m. to attend the Change of Command at the Naval Air Station and returned at 12:30 p.m.)

Commissioner Loffler did not return at this time.

3) **Correspondence - Motor Vehicle Administration**

The County Administrator presented correspondence addressed to Motor Vehicle Administration expressing displeasure at the decision to terminate MVA facilities at Valley Lee and requesting justification of the decision.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to sign and forward the letter.

6) **Correspondence - Richard Hillman**

The County Administrator presented correspondence to Richard Hillman expressing appreciation for his presentation on "Conducting Effective Meetings" on June 23.

The Commissioners agreed to sign and forward the letter.

7) **Personnel**

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

a. **Position Reclassifications**

Memorandum dated June 19 recommending changing practice of considering reclassifications from pay adjustments to promotions. Currently, once the Commissioners approve a reclassification the incumbent is placed at the step closest to the current salary. The change would provide an incumbent with an increase of at least 6%. County Administrator Cox advised that he had researched this matter with the Federal Civil Service System and with other counties and recommended that the Commissioners change the practice. The June 19 memorandum set forth the proposed changes to the Personnel Manual for Promotions (providing an increase of at least 6% and Pay Adjustments (salary adjusted to a step closest to, but not lower than current salary).

Mr. Cox pointed out that if the Commissioners approve the change, a budget amendment has been prepared to provide appropriate funding.

After discussion Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve the change to the Personnel Manual as outlined in the June 19 memorandum, to be retroactive as of the effective date of the Herget Study. Motion carried.

b. **Sheriff's Reclassification Requests**

Memorandum dated June 22 outlining the Sheriff's request during the Commissioners' meeting of June 16, for the reclassification of two positions (Secretary IV, Grade 15, to Administrative Assistant IV, Grade 17 and Fiscal Clerk V, Grade 16, to Grants Administrator, Grade 18).

The June 22 memorandum explains the classifications of other departments for similar positions, and the County Administrator pointed out that after thorough review, staff did not believe there was sufficient justification for reclassifications.

Commissioner Bailey moved to approve the reclassifications as requested by the Sheriff. Motion was lost for lack of a second.

6) **Town of Leonardtown
Assignment of Easement Agreements and Sewer Facilities
Agreement for Reimbursement of Sewer Costs**

As a follow up to the meeting with Leonardtown officials on June 2, the County Administrator presented the following documents for the Commissioners' consideration and approval: Agreement for Reimbursement of Sewer Costs regarding costs that the Town and County expended for the sewer line project for the State Office Building and Detention Center; and the Assignment of Easement Agreements and Sewer Facilities regarding the easements the County had obtained from several property owners for the construction of the sewer line.

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

7) Tri-County Council - FY 1993 Funding

The County Administrator advised that at the last Tri-County Council meeting the Council submitted a proposal to the three counties for an increase of funding for Fiscal Year 1993. For Charles and Calvert the amounts would be \$9,320 and for St. Mary's \$6,542, because St. Mary's County had decreased the budget by 4% of the FY '92 level for FY '93. The increase would bring St. Mary's County's share to the Fiscal Year 1992 level (\$2,621) and for step increases for eligible employees (\$3,920).

Commissioner Bailey moved, seconded by Commissioner Lancaster, to fund Tri-County Council at the Fiscal Year 1992 level, but not fund the step increases at this time.

Commissioner Lancaster moved to approve the allocation of St. Mary's County's share for the step increases. Motion was lost for lack of a second.

The Commissioners agreed to revisit the step increase after a determination is made by Charles County to fund its share. Charles County has requested Tri-County to be allowed to use a portion of the Patuxent River Demonstration Project funding for this purpose.

ALLIANCE FOR ALCOHOL/DRUG ABUSE PREVENTION

Present: Joe Dick, Alliance
Judy Landau Pedersen, Public Information Specialist
Lt. Allen Potts

1) Recognition - Lt Allen Potts

Mr. Dick, on behalf of the Alliance, presented a plaque to Lt. Potts upon his retirement from the Maryland State Police and read a letter commending him for his outstanding contributions to the Alliance.

2) Freedom Fest '92

Mrs. Pedersen presented each Commissioner with a Freedom Fest "survival kit" (hats, water bottles, and U. S. flags). She reported that plans for the Fourth of July event are proceeding well and should be a successful event.

DEPARTMENT OF PLANNING AND ZONING

Present: Jon Grimm, Director,
Peggy Childs, Recording Secretary.

1) PUBLIC HEARING - 1:15 p.m.
ZONING ORDINANCE AMENDMENTS - ANNUAL REVIEW

Mr. Grimm stated this public hearing was legally advertised and walked the Commissioners through a two-page Summary of Changes recommended for adoption by the Planning Commission. Proposed mapping amendments recommended by the Commission are for 11 properties. Mapping changes to five properties have been requested by the landowners but are not recommended for approval by the Commission, and eight properties have had mapping changes requested since the Planning Commission's recommendation of May 26. Mr. Grimm stated these eight mapping changes are being presented for County Commissioners' consideration because staff believes mapping mistakes have occurred and should be corrected; however staff does recommend they be referred to the Planning Commission for review prior to action by the Commissioners.

Also provided to the Commissioners was the list of Mapping Rules applied for mapping the districts of the Draft Zoning Maps.

Regarding Section 48.05.2, Illegal Uses, Commissioner Thompson said the first sentence is extremely long and difficult to read and if there's any way to make it easier to understand it should be done. She asked what is meant by uses "which have been in existence for more than three years and which the County had actual or constructive knowledge..." Mr. Grimm said that whole first sentence is the result of a lot of legal review and it is intended to reflect upon case law that if, for some reason, we were aware of an illegal activity which had been going on for some length of time, the Courts will not support our closing it down after three years. The reference to "actual or constructive knowledge" is our responsibility for identifying violations of the Ordinance and making a timely response.

Commissioner Thompson asked why "legal" action was changed to "official County enforcement action" in the first sentence? Mr. Grimm said that was suggested by Mr. Densford and he thought he had felt it improper for us to be regulated by a private Court suit in our zoning enforcement. Commissioner Thompson said she knows it has to be legally sound but it also has to be understood, and it seems to her that when you say "legal" action it implies that whatever is being done under the Ordinance is what is considered legal, and "official County enforcement" makes it seem less stringent. Mr. Grimm replied he could tell her with some certainty that the change was not, in his opinion, an attempt to weaken the provision. He said he understands Mr. Densford has drafted a position on this section for the Commissioners' consideration, and he would make sure that they got that, and report back to them about it.

Section 58.03 - Commissioner Thompson asked whether plywood or metal signs advertising the Crab Fest or similar activities would be allowed. Mr. Grimm replied they would be considered public service signs exempt from the permit and that language should be clarified to reflect that, unless they were older than 60 days, in which case they would be considered permanent and require a permit. Ms. Thompson asked about signs for a political candidate who is having a fund raiser that is not within an election year; e.g., Senator Fowler's annual fund raiser - would his sign be allowed under this? Mr. Grimm replied that's a good question but he did not think that was what was intended as an exemption when the provision was written. Commissioner Jarboe stated he has not looked at the wording, but suggested these types of special event signs would have a time limit of so many days prior to the activity and so many days after the activity for removal. If that hasn't been looked at, perhaps that a method that could be reviewed.

Commissioner Thompson said we want to encourage preservation of farmland, and asked what about a farmer who is not on a main road but would like to be able to sell his produce on his property. As she reads this, she said, there are no provisions for that type of sign, or directional sign even, and she thinks we should add signs for sale of agricultural products. If we want to have farmland, she said farmers have to have viable ways of making money.

Commissioner Thompson stated she was asked about putting a sign on your own vacant property, such as "SHOPPING CENTER COMING SOON". Mr. Grimm replied that would probably be exempted only if it was 5 sq. ft. or less, as a real estate sign, which does not have a time limit.

Commissioner Thompson asked how you determine the amortization period of nonconforming signs? Mr. Grimm replied that staff is in the process of cataloging signs, video taping the road corridors and taking still photographs with information as to where the signs are located and approximate size, and then doing the same kind of inventory and registration we do for nonconforming uses. Commissioner Thompson asked if there will be a fee associated with permits and annual renewal of permits, as there is no mention of fees of any kind. Mr. Grimm responded there will be a fee and noted the reference to "fees as adopted by the County Commissioners."

Following Mr. Grimm's presentation, the Chair opened the hearing to public comment.

Oran Wilkerson, representing the Potomac River Association, spoke about signs, and suggested on behalf of the Association that new billboards be banned and off-premises signs be subject to more effective regulations. He said the Association believes the erratic placement of signs and the apparent lack of commitment to meaningful enforcement of existing regulations are contributing to the growing blight of the landscape. Billboards, he said, blight the visual environment, compromise traffic safety, and degrade community character.

Mr. Wilkerson said it seems improbable to them that residential property values and aesthetics can avoid being adversely impacted if the erection of additional billboards and other off-premise and on-premise signs are permitted under Section 58.01. He suggested an annual permit fee and stickers be required for existing signs and billboards for adequate control, and that they eventually be phased out; the stickers should be brightly colored and readily visible, perhaps affixed in the lower right-hand corner. Mr. Wilkerson said 300-400 sq. ft. signs are monstrous and excessive and should be banned. He asked that Sections 58.10.1 and 58.10.2 be reworded because they seem to perpetuate existing billboards and provide for others.

Mr. Wilkerson submitted his comments, including those for School Bus Shelters used as signs, and asked that a working session be held with public input and discussion before the Amendments are adopted.

Commissioner Loffler commented the Commissioners have had a problem with School Bus Shelter signs, because they have nothing to do with schools or buses, and asked if it is the intention of Section 58.07.3 not to take them out of existence if they are not being used. Mr. Grimm replied he suggests a review and permitting of bus shelter signs, with verification from the Board of Education that the shelters are at designated school bus stops; otherwise they would be nonconforming signs, and would be phased out according to the amortization provision; however this section would only apply to new signs. Commissioner Loffler commented if the Commissioners decide they want illegally established shelters to be removed, the language must be changed.

Specifically addressing an illegally erected shelter on Route 235 under the power lines, Mr. Grimm advised the County will have to file an action in Court to have it removed, and the County is prepared to do that.

Commissioner Bailey inquired if all the property owners requesting mapping changes were notified of today's public hearing. Mr. Grimm replied we do not normally notify each property owner but the hearing was advertised, and many of the owners of properties considered by the Planning Commission were present and commented at that hearing. Regarding the requests made after the Planning Commission's hearing and recommendation, he said he had personally notified each one of this hearing.

Attorney Phil Dorsey made the following comments:

(1) Regarding Section 34.01, Commercial Limited, the proposed change allows for accessory residential uses (apartments) of up to 49% of the gross floor area of the CL activity, with a 300 sq. ft. minimum floor area and a maximum of 2 bedrooms per unit. However, in contradiction, it goes on to limit density in accordance with PUDR, per Appendix 2. Mr. Dorsey said he doesn't think the PUDR density provisions should be the standard used, as it could mean a variety of standards, sometimes requiring minimum tract sizes, and he thinks you should be allowed however many apartments you can get, as long as you meet the 49% and 2-bedroom requirements. The CVC also uses PUDR density standards.

(2) The five-acre minimum tract size for bed-and-breakfast is onerous, as many CL spots in rural districts may qualify for a bed-and-breakfast facility but cannot meet the 5-acre standard.

(3) Sanitary landfills should be allowed in the RL designation, because Mr. Dorsey said to have them simply in the RPD doesn't make sense. If the Commissioners do not agree with that, he asked that Parcel 3 in the 8th Election District, the Maryland Bank & Trust Company property, be rezoned in accordance with Rule G6, which allows for downzoning if requested by applicant.

(4) Parcel 137 in the First Election District - eight acres of this parcel is zoned CVC and the remaining two acres are RPD; Mr. Dorsey requests the entire parcel be zoned CVC.

Len Greess, speaking for himself and the Potomac River Association, asked why some very promising Illegal Uses provision in early drafts of the Ordinance were changed or disappeared from this version. He said the Association's letter submitted last Friday explained they still believe that legalizing something that is a violation of long-standing ordinances is clearly bad public policy, and sends a signal that any provision can be waived, set aside, or ignored. Such a policy action, he said, deprives the public of the protection promised by the Commissioners in deliberation and decision.

Mr. Greess said the Planning Director drafted and the Planning Commission, after two long work sessions in which interested parties were allowed to participate in the discussions, approved effective language that they believes makes the proposal worth of consideration. However, in the course of what the Association thought was merely an approval session and did not attend, the phrase "official County enforcement" was substituted for the word "legal" in the first sentence of Section 48.05.2. He said Commissioner Thompson questioned that earlier, and he agrees that that paragraph desperately needs editing.

Mr. Greess stated this seemingly innocuous editing could wipe out the legal rights and financial interests of countians who have an interest in the outcome of a pending citizen lawsuit. He asked that the County Attorney prepare a written explanation for this change and that the public hearing and further action be continued until the explanation is available, since it is damaging to a lot of the citizens of the County.

Mr. Grimm replied for the record the change was done in open session in a meeting that was properly announced, and there was no attempt by Mr. Densford or any of the Planning Commission members to try to slip something in. He said

his understanding was that Mr. Densford had intended to provide written information but he has not received it, and he thought Mr. Greess' request was reasonable. Keith Fairfax, Planning Commission Chairman, concurred, saying the County Attorney recommended the change but there wasn't a lot of analysis, and in hindsight he would support Mr. Greess' request and the Commissioners should consider whether to have a work session or extend the public hearing to get the issue resolved.

Mr. Fairfax said he thought the issue was whether we would take a legal position beginning after the Zoning Ordinance had been in effect or up to and including the time the Ordinance was implemented, and the County Attorney was concerned that there would be follow-on activity after the Ordinance was adopted and whatever action was taken before that time would be carried in and go on ad infinitum, and Mr. Densford was trying to protect us from that, but he wasn't sure that, in writing all the words, it came out exactly the way Mr. Densford intended. Mr. Fairfax said he understands Mr. Densford has some additional language that would maybe correct the position, and he believed the Planning Commission members themselves thought we should take into account not only administrative, but whatever legal actions were brought up to the date the Ordinance was implemented, whether they were brought by private citizens or by the County.

Commissioner Loffler stated the County Attorney would appear before the Commission and present his information and what he thought he heard Mr. Fairfax saying was that the Commission would also like to revisit the issue.

Mr. Greess continued that he supports Mr. Wilkerson's comments about sign regulation, and that the stated purpose and intent of Section 58.00 is to promote County businesses without impacting property values, public safety, or the aesthetic values of the County. He said this section is an excellent addition to the Ordinance but it has already been undermined because a sentence contained in an earlier draft as 58.04.5 that, "Advertising signs must be displayed on the property where the advertised business or function takes place." has been removed from the current document.

Mr. Greess said he knows he heard the Planning Director and Chairman of the Planning Commission state clearly and forcefully that County residents are against the continuance of billboards and the proliferation of signs of all sizes and shapes throughout the County, and cited newspaper articles which he described as an excellent representation of the reactions of a large segment of countians. However, despite their intent to limit off-site signs of all types, despite the fact that the owners of billboards are non-county businesses, and despite the newspaper confirmation of the feelings of countians, the referenced sentence of 58.04.5 was deleted from the Ordinance.

In addition, Mr. Greess said, language in 58.08 and 58.10.4 actually allows new billboards and perpetuates nonconforming billboards in other than commercial and industrial districts for ten years, which seems to fly in the face of the purpose paragraph and the state awareness of public desires. He cited Montgomery County action which adopted the referenced sentence and said just last week Montgomery County unanimously adopted a more specific ordinance requiring all signs that do not conform to the off-site prohibition be removed within 5 years at the owner's expense, and illegal signs that don't conform to certain other provisions must be removed immediately. He asked that the Planning Director and the Planning Commission be asked to reconsider Section 58.00 and furnish a thorough, supporting statement to be available to the public and the media prior to adoption of the Ordinance.

The Commissioners' procedures allow no further input from this point on, Mr. Greess said, and asked why it would be inappropriate for the Commissioners to have a work session as the Planning Commission did.

Commissioner Loffler replied Mr. Greess' comments were recorded and would be written down in permanence, so the review of his concerns would be part of the Commissioners' deliberations and contact with staff. Regarding Mr. Greess' statement about public input, Mr. Loffler said he just gave input, and this is the time for him to do that. He said Mr. Greess was proper in having commented and his comments should be a part of the Commissioners' deliberations and his questions answered before their decision is finalized. The Commissioners can have a work session, he said, but if you bring public input into it you start the process all over again, and there has to be a point of time where you finalize.

Joe Greenwell commented regarding Section 48.05 that evidently Mr. Densford is going to submit a revision of that section, and until then it would be futile to pass judgement on it. He stated he would like to receive a copy of the rewritten language, as he objects to the language as it now stands. Mr. Greenwell said he and his wife have filed an action in Circuit Court based upon

Section 61.07, which allows private citizens to bring actions to enforce the Zoning Ordinance. He said the reason that provision is in the Ordinance is because it is more cost-effective for taxpayers to bring the action than to use County dollars, and, although he personally doesn't feel the language is damaging it could be very damaging to another citizen and he doesn't feel the taxpayers should be undercut by any action of the County Commissioners by not permitting a lawsuit providing it's instigated by the time the Ordinance is enacted. It would be unfair to give power to the taxpayers to bring an action on one hand and on the other hand take it away.

Bill Higgs, of McCrone, Inc., commented that Footnote #7 on page 4-37, Table 49.04 should read Section 38.03(5)(a)(5) instead of 38.05(5)(a)(5) as written. He also commented on the Minimum Yard Requirements for RL and RTC Residential in Appendix 1, saying he believes the one-acre minimum lot size puts an unfair burden on these two sections, particularly where you don't have public sewer, because in all the other sections regarding minimum yard requirements the acreage is less than one acre. It's kind of absurd that you can have a 3/4 acre lot in the RPD, but if you don't have public sewer in the RL you still have to have one acre. He said this does not give you the flexibility to best utilize the land, and he thinks that flexibility needs to be offered.

Robert Perrygo spoke on Section 58.06, Directional Signs, representing his son, who has an agricultural nursery on Cemetery Road, selling only what he grows. He said the last two years his son has lost a lot of business because of the lack of a directional sign. Mr. Perrygo said his son got a permit but it was rescinded by DPZ. He put up a portable sign but was told it was illegal, so his son parked a truck on private property advertising the business and received a letter that the truck violated the intent of the law.

Mr. Perrygo said he doesn't think the section is clear because 58.04 requires a 5 ft. setback and 58.06 requires a 10 ft. setback, and directional signs are limited to a very few businesses. He said he feels the Ordinance should state what businesses can and cannot have a sign and it should not be dependent on a judgement call, and ask that his son be allowed a sign.

Dan Rebarchick, owner of Lenny's Restaurant, stated he owns 10.1 acres of land which has been in his family for years, which was zoned Commercial in the late 1970s, but he just recently found out the tax map shows him as owning Parcel 293 containing 3/4 acre, zoned Residential. He stated he personally has held the 10.1 acres since 1981 but he has never received a tax bill for Parcel 293 and doesn't know how it got there or how it came about. The lot is too small for residential and he asked that it be correctly rezoned to Commercial along with his 10.1 acres.

Mr. Grimm said he is aware of the issue and, in fact, identified it to the applicant, but there is a 1970s County Commissioner Resolution which identifies the Parcel as a buffer, and he will research it further.

Keith Fairfax, speaking as President of the Bay District Fire Department, also Chairman of the Planning Commission, provided a synopsis of NFPA Standards which have been included in the Adequate Facilities section of the revised Ordinance. He noted the State law which goes into effect July 1st will put townhouses under the Sprinkler Legislation, and both garden apartments and townhouses will require sprinklers in areas that provide central water. The Planning Commission has recommended the units be sprinklered even in rural areas. That's something that the State legislation avoided, he said, but he really thinks that's something the Commissioners should consider, because the intent of the law is to protect people in multiple dwellings, whether they're in the rural area or development district.

Mr. Fairfax said he and Mr. Grimm have talked about what should be in the Building Code versus what should be in the Zoning Ordinance, and as long as it's covered in one or the other it will be fine, but he is not sure the BOCA Code would allow adoption of certain standards, so we may have to have it in the Zoning Ordinance. As long as prevention/fire suppression are met, whatever the modus operandi, he said that is fine.

Mr. Fairfax said when the Planning Commission deliberated on the Ordinance the last time they discussed residential/commercial mix and felt it was a good mixture but there should be protection for people who live over a commercial establishment, and that's why they recommended sprinklers for accessory uses.

There being no further comments, Commissioner Loffler closed the public hearing at 4:12 p.m. The record will remain open to receive written comments for 10 days. There might be additional actions, he said, he was sure the Planning Commission will revisit some of these items and come back to the Commissioners with additional recommendations, and then the Commissioners will decide at that time; if there are significant changes they may decide to do another process.

2) DISCUSSION
EXTENSION OF VESTED RIGHTS DEADLINE

Present: John Norris, Chairman, Chamber of Commerce Government
Affairs Committee
Anne Marum and other Chamber of Commerce Members
Realtor Mike O'Brien

Mr. Norris appeared before the Commissioners to request an extension of the current 8/1/92 deadline for vested rights projects to go to record. He stated some things they had anticipated happening in 1992 to improve the economy had not occurred, making it difficult for developers to secure performance bonds and letters of credit. Consequently, the Chamber's Board of Directors had agreed unanimously to support the request for an extended deadline of May 1, 1993 for projects already in the process to go to record. No new projects are included in the request, only projects which have met all agency requirements.

Mr. Grimm provided a list of projects involved, stating that from an enforcement standpoint operating under two different ordinances has caused some confusion, and his issues all along has been that we are delaying implementation of the 1988 Comprehensive Plan and the Courts have not supported vested rights for projects which have investments on paper, but not in the ground. However, if the Commissioners agree to consider this request a public hearing will be required, because it is a change to County Ordinance.

The Commissioners' instruction was to advertise the public hearing.

(Zoning Ordinance Public Hearing and Vested Rights Extension Request)

(Commissioner Loffler returned to the meeting during the Planning and Zoning portion at 2:35 p.m.)

(CONTINUATION OF COUNTY ADMINISTRATOR ITEMS)

8) St. Mary's County Memorial Library - FY '93 Funding
Budget Amendment No. 93-1

As a follow up to last week's presentation by the Library Board, the County Administrator presented a memorandum dated June 25, 1992 from Director of Finance Wade. The memorandum indicates that after review of the St. Mary's County Library budget, it was determined that the requested additional \$20,000 should have been allocated to cover increased health insurance costs for Fiscal Year 1993. Therefore, County Administrator Cox presented Budget Amendment No. 93-1 increasing the allocation to the St. Mary's County Library in the amount of \$20,000 to cover health insurance costs.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Loffler to sign Budget Amendment No. 93-1. Motion carried.

9) Budget Amendments

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

No. 92-58
Self-Insurance

To fund anticipated self-insurance liabilities (\$114,627)

No. 92-59
Judicial

To fund additional law library books and publications (\$2,400)

No. 92-60
Orphan's Court

To adjust salary and fringe to actual for member of the Orphan's Court.

No. 92-61
St. Mary's County Public Schools

To utilize a portion of the existing capital projects surplus balance to cover the cost of including the addition section of the build to avoid future expenditures (St. Mary's County Technical Center Wall Systemic Renovation Construction - \$28,251).

No. 92-62
Public Works

To cover salary/benefit costs through June 30, 1992 for Vehicles Maintenance Facility.

No. 92-63
County Commissioners

Balance year-end statement

No. 92-64
Recreation and Parks

Transfer of funds necessary to cover an adjustment made at the beginning of FY '92 by Finance for the consulting services of John Baggett.

No. 92-65
County Commissioners

Policy change of Pay Adjustments and Promotions

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

10) Christmas in April

The County Administrator presented correspondence addressed to the President of Christmas in April Board of Directors approving use of the Governmental Center grounds on August 29 for a benefit picnic and auction.

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

Regarding the use of alcohol on government property, the County Administrator advised that the County Attorney is developing a document for use of county property with a provision regarding alcohol use.

11) Southern Maryland Wood Treatment Plant Task Force

The County Administrator presented a memorandum dated June 29 advising the Commissioners that Dr. Garner Morgan has resigned from the Southern Maryland Wood Treatment Plant Task Force and has recommended that Tom Collier replace him as Chairman.

Commissioner Bailey moved, seconded by Commissioner Thompson, to designate Tom Collier as Chairman of the Task Force as recommended. Motion carried.

12) Transfer Development Rights

The County Administrator presented documents for the Commissioners' review and consideration regarding the transfer of development rights for John Lore. The documents include an Agreement dated April 2, 1992 between Alice Faye Lore and John Shaw Lore and the Board of County Commissioners for the transfer of development rights for property on Great Mills Road. This agreement completes the TDR process.

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

13) Deeds and Easement Agreement
Pegg Road Reconstruction Project

On behalf of the Director of Public Works the County Administrator presented two deeds and a easement agreement with David Millison relative to property for the reconstruction of Pegg Road.

Commissioner Lancaster moved, seconded by Commissioner Bailey, to approve and authorize Commissioner Loffler to sign the Deeds and Easement Agreement as presented. Motion carried.

14) Agreement - Immaculate Conception Parish
Use of Railroad Right-of-Way

On behalf of the Director of Public Works the County Administrator presented an Agreement between the Board of County Commissioners and Southern Maryland Electric Cooperative, Inc. and the Immaculate Conception Parish to allow ingress and egress in order to access a parking lot.

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

15) Public Works Agreement
Hayden's Runn

On behalf of the Director of Public Works, the County Administrator presented a Public Works Agreement dated June 9, 1992 between Lawrence H. Adams and Swarey Builders, Inc. guaranteeing the completion of Hayden's Runn by June 1, 1993. The Agreement is backed by a Letter of Credit with Maryland Bank and Trust in the amount of \$409,400.

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

16) Southern Maryland Navy Alliance

The County Administrator presented documents regarding the \$25,000 requested by the Southern Maryland Navy Alliance. Included in the documentation was an Interim Operating Budget the County Commissioners' minutes of March 17 indicating the Alliance would be developing a budget. The request to the County is for the release of the \$25,000 committed by the County for this project.

After discussion Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve release of the \$25,000 as requested. Commissioners Loffler and Lancaster voted in favor, with Commissioners Bailey, Jarboe and Thompson voting against.

The Commissioners requested that the Alliance submit an accounting of how the funds will be used prior to approving release.

ADJOURNMENT

The meeting adjourned at 4:55 p.m.

Minutes Approved by Board of
County Commissioners on July 7, 1992

Judith A. Spalding
Recording Secretary