

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

July 14, 1992

Present: Carl M. Loffler, Jr., President
W. Edward Bailey, Commissioner
Robert T. Jarboe, Commissioner
Barbara R. Thompson, Commissioner
Edward V. Cox, County Administrator
Judith A. Spalding, Recording Secretary

(Commissioner Lancaster was not present.)

CALL TO ORDER

The meeting was called to order at 9:10 a.m.

APPROVAL OF MINUTES

Commissioner Thompson moved, seconded by Commissioner Bailey, to approve the minutes of the Commissioners' meeting of Tuesday, July 7, 1992, and the Planning and Zoning Department portion of the June 30, 1992 meeting. Motion carried.

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) Annual Department of Transportation Meeting

The County Administrator advised that the Department of Transportation is working on this year's schedule for the highway needs tour and has tentatively scheduled St. Mary's for Thursday, October 1, 2:30 p.m., Carter State Office Building.

The Commissioners concurred with the date and time of the meeting.

2) Comprehensive Water/Sewer Plan Amendments

The County Administrator presented the following Comprehensive Water/Sewer Plan Amendment Resolutions for the Commissioners' review and consideration:

Resolution No. W/S 92-04
Lacey's Run Estates - CWSP #88-0223

Amending the Plan to include 161.8 acres, described as Parcel 52 of Block 9, Tax Map 12 in the Luckland Run Sanitary District within a W-3D Immediate Priority service area.

Resolution No. W/S 92-05
Mark Hawes - CWSP #85-1083

Amending the Plan to include 16.72 acres described as parcel 175 of Block 19 of Tax Map 40 to allow sewerage service from the St. Clement's Shores wastewater treatment plant.

Resolution No. W/S 92-06
Robert & Dorothy Joyner Property - CWSP #90-1245

Amending the Planing to include approximately one acre described as Lots 49-56 and Lots 110-120 of Block 24 of Tax Map 39B to allow sewerage to allow sewerage serve from St. Clements Shores wastewater treatment plant with an S-3D service area.

Commissioner Bailey moved, seconded by Commissioner Jarboe, to approve and sign the Resolutions amending the Comprehensive Water and Sewer Plan as submitted. Motion carried.

3) Personnel
Recreation and Parks - Seasonal Worker Positions

The County Administrator presented a memorandum dated July 14 from the Personnel Officer indicating that the Director of Recreation and Parks has requested the establishment of two additional seasonal positions based upon increased workload. The positions being requested are for one seasonal Grounds Maintenance Foreman, Grade 13, and one seasonal Grounds Maintenance Worker, Grade 10. The positions would be funded from reduction in the work season of the other seasonal grounds maintenance employees.

Commissioner Bailey moved, seconded by Commissioner Jarboe, to establish the Grounds Maintenance Foreman and Grounds Maintenance Worker positions as requested. Motion carried.

- 4) **Clearinghouse Projects**
MD920706-0624 - DOT 1992 Federal Aid Update Program
MD920702-0614 - Water Quality Planning and Management

The County Administrator presented the referenced clearinghouse projects and recommended that they be forwarded to the State with the comment that they are consistent with the county's plans, programs and objectives.

The Commissioners agreed to accept the County Administrator's recommendation.

- 5) **Correspondence**

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

Southern Maryland Wood Treatment Plant - To Project Manager, EPA pointing out that one of the major topics of concern was the need for improvement in public information. The letter offers several suggestions to improve the public information process.

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

Blessing of the Fleet - To welcome citizens to the 25th Annual Blessing of the Fleet and Historical Pageant at St. Clement's Island. The letter is to be placed in the Seventh District Optimist Club booklet for the event.

The Commissioners agreed to sign the letter as presented.

Budget Process - To W. Vernon Gray, Alliance of Concerned Taxpayers thanking him for his expression of concern and suggestions for improvement of county government. The letter indicates that the Commissioners will look at his suggestions during preparation of the FY '94 Budget.

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

During discussion of the letter, Commissioner Loffler suggested that a work session be scheduled in September in conjunction with the Board of Education to discuss possible format changes to the budget process.

Contribution to Marcey House - To John Smith, BG&E expressing appreciation for the \$2,500 contribution to Marcey House and the challenge for an additional \$2,500 if Marcey House raises \$10,000.

The Commissioners agreed to sign and forward the letter.

- 6) **Tri-County Council - Step Increases**

The County Administrator presented correspondence dated July 9, 1992 from Tri-County Council reiterating the request for \$3,922 additional funding for step increases for TCC employees.

The Commissioners agreed to defer a decision until next week when the full board is present.

- 7) **Commission for Disabled - Budget Request**

The County Administrator presented a memorandum advising the Commissioners that during development of the FY '93 Budget the request of the Commission for Disabled for \$2,000 had been omitted. A copy of the budget is attached to the memorandum. Consideration is now requested for the \$2,000.

Commissioner Bailey moved, seconded by Commissioner Jarboe, to appropriate \$2,000 for the Commission for Disabled as requested. Motion carried.

- 8) **Appointments**
Southern Maryland Wood Treatment Plant Task Force

Commissioner Bailey moved, seconded by Commissioner Jarboe, to appoint Joseph Anderson as the new member and Tom Russell as the chairperson. Motion carried.

DEPARTMENT OF PUBLIC WORKS

Present: Dan Ichniowski, Director

1) Letter to Department of Transportation

As a follow up to a previous discussion, Mr. Ichniowski presented correspondence addressed to the Department of Transportation. The letter lists the projects approved by the State for St. Mary's County and points out the two projects that do not appear on the list, which are of high priority to the County: Reconstruction of Md. Rt. 237 (Chancellors Run Road) and Md. Rt. 4 from Camp Brown Road to Point Lookout.

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

2) Draft Ordinance - Special Taxing District
Miles Drive

For the Commissioners' information, Mr. Ichniowski presented a Draft Ordinance establishing a Special Taxing District for Miles Drive, Sixth Election District. He also presented copies of the Notice of Public Hearing, which is scheduled for August 11 at 9:40 a.m.

3) Governmental Center Access Road

Mr. Ichniowski presented a memorandum that will be distributed to all department heads at the governmental center complex advising that on or about July 20, traffic patterns will change at the Governmental Center. The northern access road will be closed, and the new access road by the State Police will be opened to traffic.

4) Addendum to Public Works Agreement
Cook Hall Run

Mr. Ichniowski presented an Addendum to the Public Works Agreement between Henry Fowler, Jr. and Board of County Commissioners for St. Mary's County extending the deadline for completion of improvements to June 1, 1993.

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

EXECUTIVE SESSION

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

Commissioner Thompson moved, seconded by Commissioner Bailey to meet in Executive Session to discuss a matter of Personnel. Motion carried. The Session was held from 9:50 a.m. to 10:05 a.m.

AGRICULTURE/SEAFOOD COMMISSION
STATE CERTIFICATION
COUNTY AGRICULTURAL LAND PRESERVATION PROGRAMS

Present: Joseph Mitchell, Director, DECD
Donna Sasscer, Agr/Seafood Coordinator
Jon Grimm, Director, DPZ

The referenced individuals appeared before the Commissioners to present the Application for Certification for the County Agricultural Land Preservation Programs. Mr. Mitchell explained the purpose of the certification stating that a local program would ensure that agriculture transfer tax funds would stay in the County for land preservation programs. In order for the certification to move forward with the State, it must be approved by the Board of County Commissioners and the Agricultural Land Preservation Board.

Mrs. Sasscer reported that the Application for Certification explains the proposal for a county "purchase of development rights," which would encourage the sale of development rights from lands identified as being agriculturally significant. She stated that there would be a provision to allow the re-buy of development rights if land was no longer agriculturally significant.

Mr. Grimm made the following points regarding the program: (1) that it is a non-regulatory option in implementing one of the goals of the Comprehensive Plan--preservation of rural land; (2) that it allows the county to address the issue rather than relying on state mandates; (3) that it will allow the county to retain some, if not all, of the agricultural transfer funds that currently gets turned over to the State; and (4) that the county would make an effort to target priority land.

After discussion Commissioner Jarboe moved, seconded by Commissioner Thompson, to sign the Application for Certification of County Agricultural Land Preservation Programs. Motion carried.

**ASSOCIATION FOR RETARDED CITIZENS
(REVITALIZATION PROGRAM)**

Present: Cecelia Price, President, ARC
Mary Lu Bucci, Treasurer
Connie Thompson, Secretary

The referenced individuals appeared before the Commissioners to present an overview of past, current, and future developments of ARC, including plans for revitalization. She explained the programs and services provided by ARC and pointed out that there has been a number of turnovers creating stability concerns. Ms. Price advised that the ARC Board did a self-evaluation and hired a consulting firm to look at methods of revitalizing the program. The consultants developed three plans:

Plan I - The internal development and reorganization of the present organization;

Plan II - Create another adult service organization--"spin-off the present organization;

Plan III - A merger with another like agency (Calvert ARC)

Mrs. Price stated that work groups will review the three plans and present their findings to the Board. The ARC Board will then make a decision as to which plan to recommend to the general membership. She indicated that the ARC will keep the Commissioners informed of its progress in the revitalization efforts.

The Commissioners thanked the ARC Board representatives for the presentation and offered the services of county government to assist them in finding professional staff for the ARC.

POLICY FOR ALCOHOL USE IN COUNTY PARKS

Present: Joe Densford, County Attorney

As a follow up to a request by the Commissioners, Mr. Densford advised that he examined the issue of whether a local Ordinance would be required in order to permit consumption of alcohol in public parks. He stated that the policy adopted by the Commissioners legitimately grants authorization for the consumption of alcohol in that Section 212, Article 2B states that the County "may adopt by local law or ordinance standards providing for the authorization of the consumption of alcoholic beverages..."

During discussion of the use of alcohol on county property other than public parks (fairgrounds, governmental center grounds), Commissioner Loffler indicated that although the policy is legal, he would be more comfortable with an Ordinance.

Commissioner Jarboe requested Mr. Densford to research whether the Fair Board is a public body and whether the County could adopt an Ordinance concerning use of alcohol on that property.

Mr. Densford will return to the Commissioners with a draft Ordinance and a legal opinion regarding the fairgrounds.

ACCUSATION IN LOCAL PAPER

Commissioner Loffler referred to an article in a local newspaper that makes certain accusations about a Department of Public Works official relative to procurement practices. He indicated that the Commissioners had a responsibility to the public to have the matter investigated and directed the County Administrator to formulate a report on the issue within 30 days.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator

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

Personnel

Also Present: Dan Ichniowski, Director

Held from 11:05 a.m. to 11:25 a.m.

Personnel

Held from 11:25 a.m. to 11:45 a.m.

MEMORIAL SERVICE - LOUIS V. HAMMETT

The Commissioners conducted a memorial service with family, friends, and co-workers of Louis Hammett.

BOARD OF COUNTY COMMISSIONERS/BOARD OF EDUCATION

Present: Joan Kozlovsky, Superintendent of Schools
Jonathan Nelson, President, Bd/Ed
Jean Campbell, "
Robert Kirkley, "
Fred Wallace, "

1) **New American Schools Development Corporation
St. Mary's Public Schools - "Roots and Wings"**

Dr. Kozlovsky announced that St. Mary's County Public Schools has been selected as one of 11 schools systems chosen out of 686 proposals submitted from across the nation to New American Schools Development Corporation. She stated that the five year program for St. Mary's, will focus on innovative and progressive projects for four elementary schools (Green Holly, Lexington Park, Carver, and Ridge).

She reported that St. Mary's had submitted a proposal to New American Schools Development Corporation for a project entitled "Advancing Achievement for All," a St. Mary's Learning Environment Concept; however, St. Mary's was not selected as a recipient.

2) **Fiscal Year 1993 Budget
Allocation by Categories**

Also Present: Elaine Kramer, Director, Budget & Finance

Mrs Kramer presented documents outlining the Summary of Revenues and Summary of Expenditures by category as they will appear in the budget document currently being finalized.

After review, the Commissioners indicated that they will review the allocations by categories and make a decision in two weeks.

During discussion of the salary increases for the public schools, Commissioner Loffler indicated that the September joint meeting will consist of discussion of the budget process and format. He suggested that there be an executive session to discuss contract negotiations and the impact on future budgets.

Commissioner Thompson distributed an article from The Baltimore Sun regarding reductions in state aid.

3) **Ingraham Report - Capital Improvement Program**

Also Present: Frank Barnett, Dir., Asst. Superintendent/Adm.
Jerry Himmelheber, Supervisor/School Facilities

Mr. Barnett distributed copies of a memorandum addressed to Dr. Kozlovsky setting forth recommendations relative to the School Facilities Master Plan for Public Schools as prepared by Ingraham Planning Associates. He stated that a committee reviewed each chapter of the report and agreed with a substantial portion of the report; however, recommendations were made regarding Scenario Three for capital improvement projects. Attached to the memorandum was a Proposed School Construction Program for the years Fiscal year 1994 through Fiscal Year 2000.

Areas of discussion included correlation between school sizes and efficiency of the school systems, justifications for school sizes and ranges, available dollars in out years, and the county's plan to review economic impact fees.

During discussion Mr. Himmelheber advised that the preliminary School Facilities Master Plan will be submitted to the State on July 15.

Commissioner Loffler emphasized the need to have the Commissioners' support for the document. He further pointed out that the County's Director of Finance should review and comment on it. The Commissioners will return to the Board of Education with their comments on the School Facilities Master Plan.

4) Procurement System - Status Report

Mrs. Kramer reported on the progress of using the county's procurement system for the Piney Point School roofing project and stated that there will be a meeting later this week to develop scope of services, the basis for the Request for Proposals. She indicated that a report will be made at the next joint meeting.

DEPARTMENT OF PLANNING AND ZONING

Present: Jon Grimm, Director
Jeffrey Jackman, Principal Planner
Peggy Childs, Recording Secretary.

PUBLIC HEARING - 2:45 P.M.

CWSP #92-0492 - ST. CLEMENTS WOODS PARTNERSHIP
Lots 500-26 through 500-50, Outparcel E and Parcels B,C & D
Requesting sewer category amendment from S-6 to S-3D. The property contains 74 acres, is zoned RNC/RCA and is located on the northwest corner of Bayside Road and Lady Baltimore Avenue, approximately 2,000 ft. from Maryland Route 243; Tax Map 39B, Block 12.

Present: Phil Dorsey, Partner
Billy Mehaffey, of McCrone, Inc.

Legal Ad published in The Enterprise on 6/24/92 & 7/1/92.

Mr. Grimm stated staff's analysis as required by H.B. 601 is included in the Staff Report. He stated that at the Planning Commission's public hearing staff recommended disapproval of the category change, because the Comprehensive Plan prohibits the extension of sewerage facilities in the RPD except to correct septic system failures and health hazards. MetComm has commented that the existing capacity of the plan should be used to serve already identified existing failures.

However at their public hearing the Planning Commission moved to recommend approval of this request; a separate motion was also made to reserve 23 EDUs under Priority 1 of the Allocation Policy (CCRS Resolution 84-22) for failing systems as delineated by the 1992 Health Department Sanitary Survey.

Mr. Dorsey stated this subdivision was originally recorded in 1926 along with St. Clements Shores, all with 20' X 100' lot configurations. He said he had originally proposed 108 townhouses in this area but, after meeting with staff, recognized the importance of maintaining the neighborhood in the RNC zone, and feels that providing these acre lots more than adequately addresses the concerns of the area and meets the minimum lot area of the rest of the subdivision. He reminded that, in 1989, the Commissioners granted a sewer category change for 10 lots within this same subdivision.

The Chair opened the hearing to public comments; hearing none, he closed the public comment portion.

Commissioner Thompson asked why staff had recommended disapproval and said there seems to be a conflict between the Comprehensive Plan and Resolution #84-22. She again expressed her concern about sending the applicant and the Planning Commission the message that the EDUs should be allocated. She said she thinks we need to take a hard look at upgrading the plant so people who have property out there can use it, and it won't be a matter of luck as to whether the EDUs are available because MDE has changed their flow rate. Mr. Grimm responded that staff has been directed to do a feasibility study with MetComm and will be reporting back to the Commissioners.

Commissioner Bailey commented that maybe the Commissioners are sending a message to the Planning Commission, but the Planning Commission has recommended approval of the request to the Commissioners. Commissioner Thompson replied her position is that she doesn't want to see any further approvals of W/S category changes until we have a plan to service the area and know whether it is feasible to upgrade the plant.

Commissioner Loffler stated he doesn't think the request falls out of line with the Comprehensive Plan, stating the subdivision was recorded in 1926, we have already reserved allocations for existing failure, and lowering the flow rate has allowed for some flexibility. Because of those circumstances, he said he would support providing sewer service for these lots which are contiguous or close to the existing line.

Commissioner Bailey moved for approval of the sewer category change from S-6 to S-3D for St. Clements Woods Partnership, as requested. The motion was seconded by Commissioner Jarboe and passed by a vote of 3-1; Commissioner Thompson voted against the motion.

ZONING ORDINANCE AMENDMENTS DISCUSSION

Mr. Grimm stated that the Planning Commission met last evening and revisited their recommendations to the Commissioners on Illegal Uses and Signs and Billboards. The Commission concurred with the language regarding Illegal Uses contained in Mr. Densford's memorandum of June 26, 1992, and, based on his memorandum, felt that no further action was required by the Commission.

However, based on public comment made at the Commissioners' public hearing of 6/30/92, the Commission voted to revise their recommendation and that Section 58.08 be modified to ban any new billboards, reverting back to the draft which was the subject of their public hearing; that Section 64.04(5) be reinstated except as otherwise provided for directional signs; and that Section 58.05 be deleted in its entirety.

Commissioner Thompson noted the Planning Commission had not considered her comments. Mr. Grimm replied that his list, which has not been finalized, includes her comments, and said he would be prepared to return in a couple of weeks with a written summary and recommendation for all the changes as to whether they are appropriate and with specific language for the Commissioners' consideration.

Mr. Grimm walked through the comments for each Article, however much of the comments and discussion regarded signs, including directional signs, directional signs and setbacks for directional signs for the sale of agricultural products, signs for political fund raisers, signs advertising a home occupation, and Commissioner Loffler noted a letter received from MDOT regarding electronic message signs. Mr. Grimm was asked to research the Planning Commission records to see whether specific permission was given for the electronic message sign and Wildewood.

School bus shelters were discussed at some length, as Mr. Grimm stated most of the shelters are no longer bona fide school bus stops and are being used solely for commercial signs. Commissioner Bailey stated that a lot of the shelters were probably put up 20 years ago, when you didn't need a permit and when they were legitimate school bus stops, but now probably the children have grown and gone. Commissioner Jarboe also stated he feels we need to make some allowances, as he doesn't want the County getting into telling people they can't put up shelters for their children on their own property.

Mr. Grimm will come back with written summary and recommendations for the Commissioners' review. Regarding time frame the target date is two weeks, but Mr. Grimm said he said he would let the Commissioners know on the 21st how far along he is.

VESTED RIGHTS

Mr. Grimm stated there are approximately 25 projects which would be affected by the recent request for an extension of vested rights projects to May 1, 1993. Some site plans and subdivisions have received final record plat approval from the Planning Commission conditioned upon applicable agencies approval, and in some cases they perhaps have not bonded their work or may not yet have received all agencies' approval. Also, some of the projects on the list are phased projects. Mr. Grimm was asked to check on Eagle Systems, on Route 235.

The County Commissioners' public hearing is scheduled for Tuesday, July 28, at 10:15 a.m.

ADJOURNMENT

The meeting adjourned at 3:30 p.m.

Minutes Approved by Board of
County Commissioners on 7/21/92

Judith A. Spalding
Recording Secretary