

ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS

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September 15, 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 Jarboe, to approve the minutes of the Commissioners' meeting of Tuesday, September 8, 1992. Motion carried.

APPROVAL OF BILLS

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

**HIGHWAY SAFETY PROJECT AGREEMENT
IMPAIRED DRIVING/COMPREHENSIVE PLANNING**

Present: Joe Dick, Executive Director, Alliance

Mr. Dick appeared before the Commissioners to present the referenced Highway Safety Project Agreement entitled Impaired Driving/Comprehensive Planning on behalf of the Alliance for Alcohol/Drug Abuse Prevention. The grant, in the amount of \$35,000, will provide a program with emphasis on underage enforcement with special focus on youth ages 16 -24 with preventive education and enforcement.

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

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

- 1) **RESOLUTION NO. W/S 92-07
WATER/SEWER PLAN AMENDMENT
MT. PLEASANT SUBDIVISION - SECTION 5, LOT 6
(CWSP #92-1019)**

The Commissioners having conducted a public hearing and discussion on August 25, the County Administrator presented the referenced Resolution amending the Comprehensive Water and Sewer Plan to reclassify from W.6 to W-3D property located in the Seventh Election District, containing 4.02 acres, zoned RPD, located at the junction of Md. Rte. 242 and Md. Rte. 470, Tax Map 31, Block 13, Parcel 61.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve and sign Resolution No. W/S 92-07 as presented. Motion carried.

- 2) **ZONE #86-1340
ST. ANDREWS RUBBLE LANDFILL**

The County Administrator presented correspondence addressed to Philip H. Dorsey, III responding to his of July 24 regarding the referenced rezoning application. The Commissioners' letter addresses the two conditions set forth in the July 24 correspondence and sets forth the County's conditions.

After discussion Commissioner Bailey moved, seconded by Commissioner Jarboe, to defer action on the letter until next week. Motion carried.

3) **AMERICANS WITH DISABILITIES ACT (ADA)**

The County Administrator presented a memorandum addressed to various departments requesting each to do a self-evaluation regarding compliance with the Americans With Disabilities Act. The self-evaluations are to be completed and returned to the Office of Community Services prior to October 31 and will be reviewed with by the Commission for Disabled. The Commission for Disabled will review the self-evaluations and develop a report for the Commissioners by December 31.

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

4) **PERSONNEL - LEAVE WITHOUT PAY REQUEST**

The County Administrator presented a memorandum dated September 4 requesting to allow a two months leave of absence for Lloyd Gray, Department of Public Works, because of serious illness, effective September 8.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to grant the Leave of Absence as requested. Motion carried.

5) **SLUDGE UTILIZATION PERMIT APPLICATIONS**

The County Administrator presented correspondence from the Maryland Department of Environment dated September 4 forwarding Sludge Utilization Permit Applications for Eunice A. Long, Mark E. Tennyson, Richard A. Wood, and Edward Kennett properties which have been amended to include additional wastewater treatment plants. Therefore, Mr. Cox presented the standard correspondence addressed to MDE indicating the Commissioners do not request a public meeting/hearing but reiterating the Commissioners' reservations.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to sign and forward the letter as presented. Motion carried four to one with Commissioner Jarboe voting against.

6) **BUDGET AMENDMENT NO. 93-11
DIRECTOR OF FINANCE**

As a follow up to last week's discussion County Administrator presented the referenced budget amendment recommended for approval by the Director of Finance with the following justification: To fund anticipated self-insurance liability.

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

7) **APPOINTMENTS
BOARDS, COMMITTEES, COMMISSIONS**

Commissioner Bailey moved, seconded by Commissioner Thompson, with motion carried, to make the following appointments with terms as indicated:

Adult Public Guardianship Review Board Terms to Expire

Monalea C. Potter 12/31/95

Mental Health Authority Board

Sharon K. Bradley 12/31/95

8) **TRI-COUNTY COUNCIL - NOMINATING COMMITTEE**

The County Administrator presented correspondence addressed to the Tri-County Council nominating Commissioner Robert T. Jarboe to the nominating committee to recommend a Southern Maryland representative on the "Economic Growth, Resource Protection and Planning Commission.

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

9) **ST. MARY'S COUNTY FIRE BOARD - FINANCIAL ISSUES**

As a follow up to the August 4 meeting with St. Mary's County Fire Board, the County Administrator presented correspondence addressed to the Fire Board addressing the concerns expressed at that meeting relative to financial matters.

The Commissioners agreed to sign and forward the letter.

10) **INFORMATION RELEASE
SOUTHERN MARYLAND WOOD TREATMENT PLANT**

The County Administrator presented an Information Release advising that on September 23 there will be a conference call with the Environmental Protection Agency, Maryland Department of Environment, Southern Maryland Wood Treatment Plan Task Force, members of the Environmental Awareness Coalition, the media and other interested parties relative to issues concerning the wood treatment plant.

The Commissioners agreed to distribute the Information Release as presented.

11) **DEED OF CONVEYANCE
GENE MELVIN CARROLL AND FRANCES CARROLL**

The County Administrator presented a Deed dated September 14, 1992 between Board of County Commissioners of St. Mary's County in consideration of \$6,439.70 to grant to the Carrolls property on the east of Willows Road, part of Forrest Hall, Eighth Election District. The Deed includes a contingency that should neither of the Carrolls reside continuously at the property as their primary residence for a period of five years, title to the property will revert to the County.

Commissioner Thompson moved, seconded by Commissioner Bailey, to accept the Deed as presented. Motion carried.

12) **DRAFT CORRESPONDENCE TO GOVERNOR SCHAEFER
BUDGET REDUCTIONS
MARYLAND INSTITUTE FOR AGRICULTURE AND NATURAL RESOURCES**

The County Administrator presented draft correspondence received from Tri-County Council addressed to Governor Schaefer expressing concern regarding proposed budget cuts to the Maryland Institute for Agriculture and Natural Resources (MIANR), part of the University of Maryland System. He stated that if the Commissioners concur, the letter will be forwarded to the Governor by the Tri-County Council on behalf of the three southern Maryland counties.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve the letter as presented to be forwarded to the Governor by Tri-County Council. Motion carried.

DEPARTMENT OF PUBLIC WORKS

Present: Dan Ichniowski, Director

1) **Lexington Park Transportation Plan**

Also Present: Eileen M. Bennett, Johnson/Mirmiran/Thompson
Matthew J. Wolniak, "

Mr. Ichniowski advised that the purpose of this meeting was to review the background of the Lexington Park Transportation Plan, and short-term and long-term improvements recommended by the consultant.

Ms. Bennett reviewed the traffic patterns of the area as well as access roads, average daily traffic volumes, and levels of service during peak hours.

Mr. Wolniak reviewed the proposed long-term improvements for the Lexington Park 2010 Proposed Network and compared the 1985 Plan with the updated plan.

Mr. Ichniowski presented an area map and pointed out the proposed changes for the Lexington Park area.

After the presentation, the Commissioners raised the following points:

Whether the impact fees will be sufficient to pay for the proposed improvements;

Whether expanding Rte 235 to six lanes was the best solution and whether other alternatives should be addressed: underpasses, underpasses, alternate routes;

Whether expanding FDR Boulevard would relieve congestion on Rte. 235;

Concern about creating a fifth lane on Great Mills Road;

Possibility of a bus system to alleviate traffic congestion.

Looking at improvements for Route 5 in the Leonardtown area in that it is also a growth development area, particularly Routes 4 and 5.

In response to an inquiry as to whether there was a cost study to demonstrate that the proposals were the best solutions from a planning and economic point of view, Mr. Ichniowski advised that many alternatives were studied and these proposal were proven to cause the least impact on businesses and homes and also minimized costs.

In conclusion Mr. Ichniowski advised that the next steps would be to begin mapping and the public hearing process. He stated that there would continue to be dialogue during the process to discuss decisions that need to be made. Later in the process a Capital Improvement Program will be developed, a mechanism to fund those improvements, and then implementation.

The Commissioners were in concurrence for Mr. Ichniowski to proceed.

2) Consolidated Transportation Program

In preparation for the Department of Transportation's annual tour of Maryland jurisdictions, Mr. Ichniowski reviewed the proposed projects for construction, planning and special projects. He further reviewed the Commissioners' previous priorities as set forth in October 15, 1991 and July 14, 1992 correspondence.

3) St. Mary's County Airport - Runway Extension

Mr. Ichniowski presented the following documents relative to the Runway Extension Project at the St. Mary's County Airport:

Agreement dated July 31, 1992 between Alice R. Waldschmitt and Board of County Commissioners of St. Mary's County for the acquisition by the County of property containing 13.828 acres in the 6th and 8th Election Districts in consideration of \$122,450;

Easement Agreement dated July 31, 1992 between Alice R. Waldschmitt and Board of County Commissioners of St. Mary's County for land containing 1.920 acres in consideration of \$4,050.

Easement Agreement dated September 2, 1992 between Wildewood Park Partnership and Board of County Commissioners of St. Mary's County for parts of Lots 5 and 6 and Parcel "A", Wildewood Technology Park in consideration of \$16,400.

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

**COOPERATIVE EXTENSION SERVICE
BUDGETARY CONCERNS**

Present: Jean Dean, Director
Ann Richards

The referenced individuals appeared before the Commissioners to request support of the local Cooperative Extension Office in light of proposed budget reductions by the Governor. Mrs. Dean advised that there is a letter writing campaign in support of Cooperative Extension and expressing concern regarding the impact on local services if there are drastic budget cuts. She pointed out that the Service is willing to bear its fair share of the burden, but could not withstand major reductions. Mrs. Dean indicated that they are looking into other alternatives such as a regional office for the three counties, but there are problems associated with that suggestion.

Ann Richards advised that she has written the Governor citing the value the extension agents and the programs provide to the community and requesting him to re-evaluate his proposal to reduce the University of Maryland System's budget.

Commissioner Lancaster stated he would like to know the impact of these cuts on federal funds.

The Commissioners directed the County Administrator to draft correspondence for their signatures giving the Commissioners' support for the Cooperative Extension Service.

**PROCLAMATION
AMERICAN HEART WALK DAY**

Present: Don Cropp, Chairperson
Kristie Swift, American Heart Association
Phil Rollins, Vice-Chairperson

The Commissioners presented the referenced Proclamation designating October 3, as American Heart Association Heart Walk Day and urging all citizens to participate in the Heart Walk.

FOREST HEIGHTS - PUBLIC WATER AND SEWAGE

Present: Edward Elam

Mr. Elam appeared before the Commissioners to present a Petition from the citizens of Forest Heights requesting the Commissioners to urge the Metropolitan Commission to begin construction of public water and sewage lines in the Forest Heights development.

The Commissioners requested the County Administrator to draft correspondence indicating receipt of the petition and suggesting a meeting.

FREE WING AIRCRAFT CORPORATION

Commissioner Loffler referred to a proposal dated August 14 from Free Wing Aircraft Corporation wherein they have requested free land, tax deferments, roads, etc., but has not come before the Board for final disposition. Therefore, Commissioner Loffler requested the County Administrator to draft a response to Free Wing indicating that the requests of the County are not appropriate unless they were done for others.

DEPARTMENT OF PLANNING AND ZONING

Present: Jon Grimm, Director, Planning and Zoning
Peggy Childs, Recording Secretary.

(1) ZONING ORDINANCE AMENDMENTS - 1:05 p.m.

Following discussion, Commissioner Loffler stated it appears that the only area where the Commissioners have questions is Signs, Section 58.04.5. Staff was directed to provide the following information for the Commissioners' review:

- (a) Charles and Calvert County Sign Regulations.
- (b) Draft Ordinance containing sign language which went to Planning Commission at their original public hearing.

Mr. Grimm will provide information pertaining to Commissioner Jarboe's question regarding slaughterhouses permitted in General Commercial but not in an Agricultural District and any other information requested by the Commissioners and bring back at next week's Commissioners' meeting.

(2) CRITICAL AREA AMENDMENTS

Also present: Scott Kudlas, Environmental Planner, DPZ

Commissioner Loffler stated his concerns as to requiring minimum vs. maximum implementation of Critical Area requirements, stating people should be allowed to utilize their property as much as possible. He also expressed concerns regarding afforestation requirements, saying he thinks we need to be very careful to not require overplanting of trees. Commissioner Jarboe also expressed concerns concerning afforestation of cleared land.

Mr. Grimm noted that staff did provide to the Commissioners the Tabular Summary of Uses omitted from the original draft. Staff will respond to the written comment following the public hearing regarding the lack of definition for community marinas, commercial marinas, community piers, and private piers, print the document and bring back to the Commissioners for adoption.

(3) 1990 BOCA CODE

Also present: Paula Martino, Chief, Enforcements & Inspections, DPZ

Mr. Grimm stated DPZ had held two seminars on the proposed 1990 BOCA Code, soliciting comments from the total of 44 people attending both sessions. He provided responses to the issues raised by the Board.

Ms. Martino pointed out the review of construction plans would be a nonstructural review with an eye toward public safety, staff would not review the plans for accuracy, and it would not require a licensed engineer on staff, staff would rely on the engineers for structural review, evidenced by their seal. She stated she believes our new Code Coordinator is already BOCA certified to do the review and she herself has take a structural review course and would like to take a non-structural review course. The review would merely be a check and balance to ensure the plans meet the safety aspects of the Code.

The consensus of the Commissioners was for staff to schedule a public hearing on the 1990 Code for sometime in October, including the following components:

Construction plans will be accepted by DPZ at time of application and the engineering or architectural seal will be verified. The set of construction plans will then be available for inspectors to take into the field; however the Commissioners made it very clear that this will not add any time or costs to the review period.

Heating, Ventilation and Air Condition requirements for regulation of natural gas and Fire Suppression/Sprinkler Requirements of Article 10 will also be taken to public hearing, but the Commissioners gave no guarantee of their support.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator
Joseph R. Densford, County Attorney
Dan Ichniowski, Director, Public Works
Robert Cave, Hogan & Hartman
Clyde Sorrell, "

Commissioner Bailey moved, seconded by Commissioner Lancaster, to meet in Executive Session to discuss a matter Litigation. Motion carried. The Session was held from 3:10 p.m. to 4:00 p.m.

ADJOURNMENT

The meeting adjourned at 4:00 p.m.

Minutes Approved by Board of
County Commissioners on 9/22/92

Judith A. Sealsberg
Recording Secretary