

ST. MARY'S COUNTY  
BOARD OF COUNTY COMMISSIONERS  
MAY 31, 1994

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**Present:** Commissioner Carl M. Loffler, Jr., President  
Commissioner W. Edward Bailey  
Commissioner Robert T. Jarboe  
Commissioner John G. Lancaster  
Commissioner Barbara R. Thompson  
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 Lancaster moved, seconded by Commissioner Thompson, to approve the minutes of the Commissioners' meeting of Tuesday, May 24, 1994. Motion carried.

**APPROVAL OF BILLS**

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

**COUNTY ADMINISTRATOR ITEMS**

Present: Edward V. Cox, County Administrator

1) **Tulagi Place Renovations**

The County Administrator presented correspondence addressed to the Maryland Department of State Planning and the State Highway Administration indicating the Commissioners' concurrence with the Illustrative Development Plan for the Tulagi Place Revitalization as prepared by the Maryland Office of Planning. The letter indicates that the County's concurrence allows those agencies to proceed with the design and construction of the parking facility.

During discussion Commissioner Bailey advised that he has received requests for additional street lights in Lexington Park. County Administrator Cox pointed out that the Lexington Park Planning Task Force has recently been established and the light request can be an agenda item.

**After discussion Commissioner Thompson moved, seconded by Commissioner Lancaster, to sign and forward the letters as presented. Motion carried.**

2) **Personnel**

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

**Mileage Reimbursement**

The County Administrator presented a memorandum dated May 31, 1994 from the Personnel Officer indicating that the State will retain the current reimbursement rate for travel by privately owned vehicles at \$.27 per mile for Fiscal Year 1995. In that the County follows the State's reimbursement rate, the Personnel Officer requested the Commissioners' approval to retain the current mileage allowance rate of \$.27 per mile.

**Commissioner Bailey moved, seconded by Commissioner Thompson, to retain the mileage reimbursement rate at \$.27. Motion carried.**

**Temporary Change in Employment Status**  
**Substance Abuse Testing Technician**

The County Administrator presented a memorandum dated May 31, 1994 from the Personnel Officer requesting approval to temporarily change the employment status of Laura Roberts, Substance Abuse Testing Technician, from Full Time to Regular Part Time, effective June 1994 through August/September 1994. The request is based upon the fact that the position is funded by revenues produced by the testing services provided, and the number of testing services during the summer months is greatly reduced.

The memorandum further requests that the employee's health insurance premiums be retained at the Full Time employee level (90/10) during this period.

**Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve the change in employment status as referenced. Motion carried.**

**Appeals of Classification of Positions - Fiscal Year 1995**

As a follow up to the May 24 executive session, the County Administrator presented a memorandum dated May 31 from the Personnel Officer listing the nine positions submitted for classification reconsideration during the Fiscal Year 1995 budget. The memorandum indicated that it was staff's recommendation that none of the positions be further reclassified.

**Commissioner Lancaster moved, seconded by Commissioner Thompson, to accept staff's recommendation. Motion carried.**

**3) Citizen Advisors' Appreciation Night Program**

The County Administrator presented correspondence to be signed by the Board of County Commissioners for inclusion in the Citizen Advisors' Appreciation Night Program. The annual event is scheduled for Thursday, August 11 at the Hollywood Fire House.

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

**4) Historic Preservation Grant Agreement - Phase II**

On behalf of the Director of Planning and Zoning, the County Administrator presented the Grant Agreement between the Maryland Historical Trust and St. Mary's County for Phase II of the Survey and Planning project in the amount of \$18,867.

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

**5) Sludge Utilization Permit Applications**

The County Administrator presented the standard correspondence addressed to the Maryland Department of Environment waiving the County's right for a public hearing/meeting on the sewage sludge utilization permit applications for the Thomas C. Bayne (SM33) and Robert L. Owens (SM34) properties. The letter reiterated the Commissioners' ongoing concerns over environmental safety and land records notification.

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

7) **Public Works Agreement/Addendum**

On behalf of the Director of Public Works, the County Administrator presented the following documents for the Commissioners' consideration:

**Jenni's Dawn, Section 1**

Public Works Agreement between Pyles Family Ltd, Partnership and St. Mary's County guaranteeing completion of Shannon Court and Christopher Court by May 1, 1995. The Agreement is backed by a Letter of Credit with Peoples Bank in the amount of \$194,000

**Maple Run Subdivision, Section 4**

Addendum to Public Works Agreement between Guenther Construction Company, Inc and Board of County Commissioners for St. Mary's County extending the deadline for completion of improvements to June 1, 1995. The Addendum is backed by a Letter of Credit with First National Bank of St. Mary's in the reduced amount of \$106,000.

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

7) **Budget Amendment No. 94-89  
County Administrator**

The County Administrator presented the referenced Budget Amendment recommended for approval by the Director of Finance with the following justification: To provide funding for public affairs television program (\$2,500).

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

9) **St. Mary's Proud to Serve  
Re-Signing of Grant**

Because a different form is needed for the grant application, the County Administrator presented the new application form for the referenced St. Mary's Proud to Serve grant in the amount of \$229,630.

**Commissioner Lancaster moved, seconded by Commissioner Thompson, to authorize Commissioner Loffler to re-sign the grant application as presented. Motion carried.**

10) **Walden-Sierra  
Basic Center Grant Application  
Runaway & Homeless Youth Program**

The County Administrator presented the referenced Grant Application for the Runaway and Homeless Youth Program in the total amount of \$185,659.

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

11) **Program Open Space  
St. Clements Island Museum Park**

The County Administrator presented the referenced Program Open space grant application for the acquisition of 21.5 acres, Friends of the Museum property, for the St. Clements Island Museum Park in the total amount of \$118,150.

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

**12) Emergency and Transitional Housing and Services Program Application**

The County Administrator presented the referenced Emergency and Transitional Housing and Services Grant Application for Fiscal Years '95 - \$174,000; '96 - \$58,000; '97 - \$58,000; and '98 - \$58,000 as prepared by the Department of Social Services.

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

**DEPARTMENT OF PLANNING AND ZONING**

Present: Jon Grimm, Director

**1) Renovations - Planning and Zoning**

As a follow up to last week's discussion Mr. Grimm appeared before the Commissioners to discuss the proposed renovations to the Department of Planning and Zoning's office. He presented a memorandum and floor plan relative to the proposed changes and indicated that the main objective of the renovations is improvement of customer service.

After review and discussion the Commissioners indicated concurrence to proceed with the renovations as proposed.

**2) Grandfathering/Vested Rights**

Relative to the issue of grandfathering of vested rights for projects approved under the old zoning ordinance and have not been implemented, Mr. Grimm presented a memorandum dated May 24 listing the submissions of projects requesting additional consideration. Mr. Grimm advised that letters were sent to developers/representatives requesting financial and project information for the purpose of considering whether to grant additional grandfathering.

Based on these submissions, Mr. Grimm indicated that the following projects have significant infrastructure investments and should be considered for grandfathering: Bay Ridge, Cedar Cove, Essex South, and The Courtyards. The Lynch Subdivision does not have heavy investment in infrastructure, but has had extensive negotiations with the Department of Public Works for right of way acquisition and should also be considered. Countryside and Hidden Acres did not receive final plan approval from the Planning Commission and would, therefore, not be eligible for additional consideration.

Mr. Grimm advised that if the Commissioners would like to consider grandfathering these projects, a public hearing should be conducted.

**After discussion Commissioner Bailey moved, seconded by Commissioner Jarboe, to schedule a public hearing in order to consider the following projects for grandfathering under the old Zoning Ordinance: Bay Ridge Estates, Cedar Cove on the Chesapeake, Essex South, and Lynch Subdivision. Motion carried.**

**3) Zoning Ordinance Amendments**

Mr. Grimm advised that the Planning Commission has made recommendations relative to amendments to the Zoning Ordinance and inquired if the Commissioners wanted a separate public hearing on the amendments or combine it with the grandfathering of vested rights hearing.

The Commissioners directed that there be two separate hearings.

Relative to the issue of the Zoning Ordinance requirement for produce stands, Commissioner Bailey inquired as to what could be done to accommodate the Russells who have plans to construct a structure under which to sell produce from trucks. The Zoning Ordinance (Section 53.22) places restrictions on the building size and requires a privy, and the Russells had planned to build a structure larger than the restricted square footage in order to accommodate the trucks.

Removal of the square footage requirement and the self-contained privy requirement are items to be considered during the update of the Zoning Ordinance; however, Commissioner Bailey referred to time element and the fact that the Russells would like to start as soon as possible. The Commissioners and Mr. Grimm discussed various options for the Russells including the Board of Appeals process, building in accordance with the current zoning ordinance requirements and adding on at a later time, and building an equipment shed to be used as a produce stand.

After discussion Mr. Grimm agreed to work with the Russells in trying to work out a solution to the problem.

4) **Sign Ordinance Requirements**  
**Regional Park Signs**

Commissioner Jarboe inquired of Mr. Grimm as to how the sign ordinance requirements affect the signs to be located at the Regional Park. Mr. Grimm responded that he would discuss this with the Director of Recreation and Parks and the County Attorney and return to the Commissioners with an answer.

**WICOMICO SHORES RECREATION AREA**

Commissioner Loffler advised that he had received a telephone call informing him that the public area at Wicomico Shores, including the marina, was closed on Memorial Day and requested the County Administrator to get a full report on who made the decision to close and why.

**GOVERNOR'S HIGHWAY SAFETY COMPETITION AWARD**

Present: Sheriff Pettit  
Cpl. James Raley

Sheriff Pettit appeared before the Commissioners to present the Governor's Highway Safety Competition Award for which the County received second place.

**SYSTEMS REFORM INITIATIVE**

Present: Phyllis Brunson, Systems Reform Initiative  
Ella May Russell, Director, Department of Social Services  
William Marek, Health Officer  
William Combs, Director, Department of Juvenile Services  
Representative from Maryland Department of Education  
Representative from Maryland Department of Human Resources

Ms. Brunson appeared before the Commissioners to explain the Systems Reform Initiative as mandated by Senate Bill 588 and House Bill 1055. The legislation is aimed at making available a continuum of community based services for children with special needs using an interagency Local Planning Entity. HB 1055 establishes state policy for providing interagency family preservation services to children at risk of an immediate out-of-home placement, and SB 588 establishes state policy for returning and diverting children from out-of-state facilities.

Ms. Brunson stated that St. Mary's County has not yet established a Local Planning Entity and that once established the County would receive a one-time only grant in the amount of \$50,000 to assist with start up and planning activities. In order to begin the process the Commissioners need to submit a Letter of Intent indicating the County's commitment to planning and implementing the Systems Reform Initiative. The Letter of Intent should include letters of

support by each of the following agencies: Department of Social Services, Department of Juvenile Services, Public Schools, and the Department of Health.

Ms. Brunson described the planning and implementation process advising that SRI staff would be available for technical assistance. In response to inquiries from the Commissioners relative to proper staffing to implement initiative, Ms. Brunson explained the revenues that are generated from the two programs--family preservation services and the diversion of children from out-of-state placements.

After the presentation and discussion County Administrator Cox advised that a Letter of Intent will be prepared for the Commissioners' signatures and the four local agencies will be requested to submit letters of support to accompany the Letter of Intent.

#### **FISCAL YEAR 1995 BUDGET**

Present: Edward V. Cox, County Administrator  
Charles Wade, Director of Finance

Mr. Cox and Mr. Wade appeared before the Commissioners to present the following documents relative to the Fiscal Year 1995 Budget.

- 1) **Resolution No. 94-04**  
**1994-1995 Operating and Capital Budgets**  
**Fire and Rescue Capital Revolving Fund**  
**Recreation and Parks Enterprise Fund**  
**Wicomico Shores Enterprise Fund**  
**Adult Day Care Enterprise Fund**  
**Special Assessments Fund**  
**Energy Tax Rates**  
**County's Property Tax Rate**

Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve and sign Resolution No. 94-04 approving the County's Operating Budget at \$77,730,328; the Capital Budget at \$17,063,138; the Recreation and Parks Enterprise Fund at \$1,084,741; the Wicomico Shores Enterprise Fund at \$845,372; the Adult Day Care Enterprise at \$728,946; the Special Assessment Fund at \$55,173; and Energy Tax Rates at \$0.00365 per kilowatt-hour for electricity, \$0.05313 per gallon for liquefied petroleum gas, and \$0.05000 per gallon for fuel oil; and the County's Property Tax Rate assessed at \$2.18 per \$100 of assessed valuation. Motion carried.

- 2) **Resolution No. 94-05**  
**Fire Tax**

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to approve and sign Resolution No. 94-05 assessing the Fire Tax on every \$100 of assessed valuation of all real and personal property, effective July 1, 1994 as follows: Election District 1 - \$.09; Election District 2 - \$.05; Election District 3 - \$.06; Election District 4 - \$.11/\$.09; Election District 5 - \$.09; Election District 6 - \$.11; Election District 7 - \$.11; Election District 8 - \$.11; Election District 9 - \$.05. Motion carried.

- 3) **"Budget in Brief"**

Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve and sign "The Approved Budget in Brief" as presented. Motion carried.

- 4) **Statement by Commissioners Bailey and Jarboe**

Commissioners Bailey and Jarboe presented a statement which explains their willingness to approve and sign the Fiscal Year 1995 Budget, even though they had some questions relative to certain parts of it. A copy of the statement is on file in the Commissioners' Office.

## ALLEGED VIOLATION AT COUNTY LANDFILL

Commissioner Thompson indicated that she had been advised of a possible violation of out-of-county trash being dumped at the county landfill and requested the County Administrator to obtain a report on the situation.

## PUBLIC HEARING 911 ADDRESSING TASK FORCE RECOMMENDATIONS ROAD NAME CHANGES

Present: Jon Grimm, Director, Planning and Zoning  
Debbie Settle, Addressing Technician  
Connie Johnson, "  
Task Force Members

The Commissioners conducted a public hearing on the renaming of the following roads as they appear on the Official Road Name List:

- o Md. Rte. 5 (Md. Rte. 235) - Known as Waldorf-Leonardtwn Road; Point Lookout Road; Washington Street; and Jefferson Street
- o Md. Rte. 238 - Known as Maddox Road and Budds Creek Road
- o Md. Rte. 234 - Known as Budds Creek Road and Deep Falls Road
- o Md. Rte. 245 - Known as Old Hollywood Road and Washington Street
- o Md. Rte. 944 - Known as Old Md. Rte. 235
- o Md. Rte. 244 - Known as Beauvue Road, Medley's Neck Road and Drayden Road
- o County Numbers 30292 and 30297 - Known as McKay's Beach Road
- o County Numbers 30293 - Known as Larredore Road
- o Md. Rte 472 - Known as Sandgates Road
- o County Number 30636 - Known as Sandgates Road
- o County Numbers 30355 and 30897 - Known as Snow Hill Manor Road.

After presentation by county staff and the task force, the Commissioners opened the meeting to comments and questions from the audience as follows:

### Md. Rte. 5/235

Hal Willard - Recommended it be named History Highway

Eddie Burroughs - Inquired whether the State Route numbers would remain (They will remain)

### Md. 245

Becky Proffitt - Will get comments from Leonardtown Council  
Larry Gibson - Supported the name change

### Md. Rt. 238; Md. Rt. 234

Wilma Reeves - Recommended that 238 be named Chaptico Road or Helen Road

### Md. Rt. 944 and Clark's Mill Road

Cozette Wade - In support of renaming Clark's Mill Road

Ray Wood - Recommended Old Three Notch Road (Name is already used)

George Duke - Recommended naming it Mervel Dean Road

**Md. Rt. 244; County Nos. 30899; 30292; 30297; 30293; McKay's Beach Rd.**

Carol Fisher - Recommended renaming Larredore Road to Blake Creek Road; supported keeping the name McKay's Beach Road for the main portion of the road.

Duncan Selph - Recommended that C-3 on the map be called McKay's Beach Rd.

Scott Bruce - Recommended that C-3 be called McKay's Beach Rd.

Molly McKay - Supported the name of McKay's Court or Drive for C-3

Margaret Craig - Supported McKay's Court or Drive for C-3

**Sandgates Road (a loop road)**

Doris Tippet - Recommended that the "upper" Sandgates Road be named Cape St. Mary's Road (Name already used)

**Snow Hill Manor Road**

Robert Thompson and W. Ralph Clark - Recommended Snow Hill Manor Road North and Snow Hill Manor Road South.

Pat Garrett - Advised that a road off of Snow Hill Manor Road was changed to East Snow Hill road.

Hearing no other comments the public hearing was closed. The record will remain open for ten days for any written comments and the Commissioners will discuss the road name changes at their June 21 meeting.

**ADJOURNMENT**

The meeting adjourned at 8:40 p.m.

**Minutes Approved by Board of  
County Commissioners on 6/7/94**

*Judith A. Spalding*  
**Recording Secretary**