

ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS
JANUARY 3, 1995

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Present: Commissioner Barbara R. Thompson, President
Commissioner D. Christian Brugman
Commissioner Paul W. Chesser
Commissioner Frances P. Eagan
Commissioner Lawrence D. Jarboe
Edward V. Cox, County Administrator
Judith A. Spalding, Recording Secretary

CALL TO ORDER

The meeting was called to order at 9:00 a.m.

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve the minutes of Tuesday, December 27, 1994. Motion carried.

APPROVAL OF BILLS

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

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) **Appointments**

Commissioner Eagan moved, seconded by Commissioner Chesser, and motion carried, to make the following appointments with terms as indicated:

Adult Public Guardianship Review Board

John O. Sharrett

Terms To Expire

12/31/97

Agriculture Commission

Rudolph J. Baliko

12/31/97

William Lyon

12/31/97

John F. Mattingly

12/31/97

Commission on the Environment

Edith A. Hoschar

12/31/97

Lawrence E. Rowland

12/31/97

Council on Children and Youth

Anthony W. Pitt

12/31/97

Emergency Services Committee

Betsy Myers *Lexington Park Rescue Squad Rep.*

No Term

Paul E. Wible *Emergency Mgmt. Agency Rep.*

No Term

Mental Health Authority Board

Dr. William Marek

12/31/97

George Roberson

12/31/97

Nursing Center Board

Julia (Judy) M. Raley 12/31/97

St. Clement's Island Potomac River Museum Board of Trustees

Viola Gardner 12/31/99
Grace M. Sheaffer 12/31/99

Solid Waste Advisory Board

Melva Abell 12/31/96
Larry C. Donmoyer 12/31/96
Donald F. Hammett 12/31/98
Kenneth W. Hastings 12/31/95/99

Tri-County Youth Services Bureau

Virginia A. Reilihen 12/31/96

Wicomico Recreation Complex

Bernard A. Bailey, Sr. 12/31/98
Wayne L. Pettit 12/31/98

2) **Tributary Team Membership
Lower Potomac Watershed**

Commissioner Eagan moved, seconded by Commissioner Chesser, to sign and forward correspondence to the Chesapeake Bay Coordinator in the Governor's Office submitting the following nominations for appointment to represent St. Mary's County on the Lower Potomac Tributary Team. Motion carried four to one with Commissioner Brugman voting against.

<u>Area/Organization Representing</u>	<u>Name</u>
County	Mary R. Owens
Municipal	Tom Shea
Environmental	Bob Boxwell Mervyn Hampton
Federal	Patrick Woodburn
Citizen	Norris J. Hanks
Agriculture	James Owens Bruce Young
Business	Larry Brown John C. Houser John Roberts
Academic	Donna Iannotti

3) **Boards, and Committees - St. Mary's County Libraries**

As a follow up to last week's discussion, the County Administrator advised the libraries had indicated a willingness to display the information regarding boards and committees and that it should be in place in two weeks.

4) **Fiscal Year 1996 Budget**

The County Administrator advised of the Commissioners that spending units have been notified that in addition to the Fiscal year 1995 level and the '95 level reduced by 5% budgets, the Board was willing to accept as a separate submission a list of needed items in priority order that cannot be funded in the aforementioned budget submittals.

5) **Mail Log System**

The County Administrator referenced the mail log system and inquired if it met the Commissioners' needs. The Commissioners responded that it is satisfactory.

6) **Telephone Message System**

The County Administrator referenced the telephone message system and inquired if it met their needs. The Commissioners responded that it is satisfactory.

7) **Boards, Committees, Commissions
Annual Reports**

The County Administrator explained the annual report system for boards, committees and commissions and advised that over the next three months the various groups will be coming before the Board to present annual reports for 1994.

8) **Upcoming Projects**

The County Administrator informed the Commissioners of the various upcoming and ongoing projects in the County including the Development Review/Permit Issuance Process Review; Solid Waste Plan; Space Needs Study; Budget for Fiscal Year 1996 (Capital Improvement Programs, Operations); and 1995 Legislative proposals.

HANOVER RUN (MYRTLE POINT) PROJECT

Present: Aleck Loker, Director, DECD
Phil Rollins, Director, Recreation and Parks

The referenced individuals appeared before the Commissioners to present an overview relative to the Hanover Run project.

Mr. Loker presented a handout setting forth the chronology of the Economic Development Commission's subcommittee's review of the Potomac River Association's proposal that the 211 acre waterfront portion of the property be set aside for public use (archaeology, heritage network, public access to the water). The PRA indicated it would assist in the development plan for the remaining 287 acres (no waterfront access, the possibility of a larger park).

Mr. Loker indicated that the consensus of the EDC subcommittee was to continue the plan to attract a reputable developer sensitive to environmental and archaeological issues and who will produce a high quality waterfront development.

Mr. Loker further pointed out that the Resolution Trust Corporation (RTC) is in the process of obtaining clear title to the property and has hired a property management firm. RTC is obtaining information on the property including the identification of environmental hazards and special resources. First option for purchase of the property will be given to public agencies and will be given 90 days to react. If no option is taken by public agencies RTC will accept public offerings for the property.

In response to an inquiry regarding the PUD zoning of the property from Commissioner Thompson, Mr. Loker advised that the property has been grandfathered and will be impacted by the Critical Area legislation and the Forest Conservation Act. The PUD calls for approximately 130 homes on the 200 acre parcel.

Mr. Rollins presented an overview of the Department of Recreation and Park's involvement and that a Task Force has been established to make recommendations to the Commissioners concerning the amount of property needed, funding for acquisition, type of park uses, degree of use for natural park area, and costs to operate and user fees.

Mr. Rollins identified other parks in the County, particularly state parks and pointed out that the Land Preservation Recreation Plan adopted by the Board of County Commissioners identified a need for a waterfront park in the Eighth Election District.

In conclusion Mr. Rollins advised that once the Task Force meets and develops recommendations a presentation will be made before the Board of County Commissioners.

**DEPARTMENT OF PLANNING AND ZONING
ANONYMOUS COMPLAINTS**

Present: Jon Grimm, Director, DPZ

As requested at last week's meeting Mr. Grimm appeared before the Commissioners to discuss the issue of anonymous complaints received by his office. He stated that his office has been using formally adopted procedures for inspection activities. The procedures, which have been in effect since 1992, were reviewed by the Planning Commission and Board of County Commissioners prior to implementation. Mr. Grimm reviewed the procedures and stated that his office no longer refers to these as complaints but are referred to as "inquiries." He pointed out that an "Inquiry Form" is completed when a citizen calls and is given to the appropriate inspector for follow up. As recommended by the County Attorney the names and identities of complainants remain confidential unless the matter is taken to court. Mr. Grimm noted that approximately 300 to 400 inquiry calls are made to DPZ annually regarding building, critical areas and wetlands.

Commissioner Thompson stated she received a request to allow comments from the audience. Mr. Nicholas Gibson stated that he had been visited by an inspector from Planning and Zoning with various complaints, which he pointed out, were not substantiated. He suggested that the inspectors get more training in dealing with citizens and on the rules and regulations. Mr. Grimm indicated that he would look into the situation of the inspectors going to Mr. Gibson's residence.

During discussion the Commissioners raised the following points:

Commissioner Brugman reiterated his view that DPZ not allow anonymous complaints.

Commissioner Chesser stated he supported the procedures that are currently in place.

Commissioner Jarboe suggested that a volunteer ombudsman look into complaints received by DPZ.

In conclusion Commissioner Eagan requested statistics on the number of anonymous complaints and the percentage of those that are valid. Mr. Grimm indicated that he would provide this information and because of the impact on other procedures would be willing to participate in a comprehensive review of the procedures.

**PROCLAMATION
KNIGHTS OF COLUMBUS - ST. MARY'S CHARITY BALL**

The Commissioners presented the referenced Proclamation designating January through March as the 35th Annual Southern Maryland Charity Ball Drive.

**PEBBLE BEACH DRIVE - BRETON BAY
REQUEST FOR WAIVER OF SIDEWALK REQUIREMENT**

Present: Tom Waring, Developer
Martin Wise, property owner
Ron Glockner, "
Dan Ichniowski, Director, DPW

The referenced property owners appeared before the Commissioners to request a waiver of the sidewalk requirement as contained in the Subdivision Regulations for Pebble Beach Drive in Breton Bay. Dr. Wise pointed out that Pebble Beach Drive is a cul-de-sac and that sidewalks would be unnecessary and would dead end at the utility box. Dr. Wise submitted petitions from the property owners of Pebble Beach requesting the waiver and stating that they were willing to enter into a legal agreement binding themselves and their successors to not now or in the future request the construction of a sidewalk.

During discussion Mr. Waring advised that he had put up a bond with the County and if the Commissioners agree to waive the sidewalk requirement, he would like to have the bond released.

Mr. Ichniowski pointed out that if the property owners are in agreement to not have sidewalks and that a document was filed in the land records indicating the owners and successors will not request a sidewalk, he would concur with the request.

After discussion Commissioner Brugman moved, seconded by Commissioner Chesser, to waive the sidewalk requirement for Pebble Beach Court in Breton Bay as requested. Motion carried.

Mr. Ichniowski advised that he will prepare the appropriate Road Resolution for the Commissioners' approval at a later meeting.

MANAGEMENT MEETING

The Commissioners attended the regular monthly management meeting at the Carter State Office Building Public Meeting Room.

**STREAMLINING
DEVELOPMENT REVIEW AND APPROVAL PROCESS**

Present: Jon Grimm, Director, DPZ
Permit Process Review Committee Members and Agency Representatives

Mr. Grimm appeared before the Commissioners to present an update on the recommendations of Environmental Resources Management (ERM) on the development review and approval process. He pointed out that there were five general recommendations: Improving the TEC Process; Improving the Permit Process; Establishing Accountability; Improving Public Relations; and Improving Interdepartmental Coordination. He explained each of the recommendations and pointed out the status of implementation of those recommendations. He especially noted the pending appointment of the recommended Oversight Committee.

After the presentation the Commissioners thanked Mr. Grimm for the report, requested to be kept informed of the progress of implementation, and agreed to take action in the near future on the Oversight Committee.

7:00 P.M.

**FISCAL YEAR 1996 BUDGET OVERVIEW
ST. MARY'S COUNTY ECONOMIC OUTLOOK**

Present: Charles Wade, Director of Finance

Mr. Wade presented information relative to the development of the Fiscal Year 1996 Budget which included: revenues vs. expenditures; assessable base; property tax rates; property tax revenue trend; exempt federal property; income tax revenue trend; personal income; unemployment rate; Navy employment trends; other revenue trend; state-shared taxes trend; use of fund balance trend; capital budget requirements; impact fees trend; transfer tax trend; and factors to be considered in fiscal planning.

After the presentation the Commissioners accepted questions and comments from the audience.

A copy of the handout is available in the County Commissioners' Office.

PUBLIC FORUM

The Commissioners conducted the regularly monthly public forum accepting questions and comments from the audience:

Vaughn McCall - (1) Expressed concern about a public school bus driver ignoring the "Yield" sign from Cedar Cove onto Md. Rte. 235 and school bus drivers ignoring the "No Left Turn" sign from Md. 235 onto Great Mills Road. Dr. Kozlovsky, Superintendent of Schools, advised that she would look into this matter. Mr. Fred Wallace, Board of Education member, advised that the Board of Education meets twice a month during which time there are opportunities for the public to make comments. (2) Recommended that the Department of Planning and Zoning complaints remain anonymous.

Ken Hastings - Referred to the Commissioners' correspondence of December 27 to MDE recalling the Solid Waste Plan and inquired whether the Commissioners thought MDE would send it back. Commissioner Thompson responded that the Commissioners have not yet received a response from MDE.

Daphne McGuire - (1) Advised that the local paper indicated that Christmas trees would only be collected until January 9 and suggested that the time should be extended; (2) Stated that the Maryland Scrap Tire Recycling Act requires the Maryland Environmental Service to have a system in operation in the county or region by January 1994. County Administrator Cox advised that it was in progress. Commissioner Jarboe pointed out there is a private tire recycling business in Charles County.

Commissioner Frances Eagan - Inquired of Fred Wallace (Board of Education member) about allegations regarding misappropriation of funds at one of the high schools. Mr. Wallace advised that the matter was currently under investigation by the Attorney General's Office.

Minnie Russell - (1) Thanked the Commissioners for having Public Works contact SHA about double yellow lines on the road through St. Mary's City going north about six miles. (2) Advised that the citizen of Ridge she mentioned at last month's forum has now received cable after eight months of trying; (3) Inquired why someone has to pass the Regional Park and go the extra distance to Dorsey Park to play soccer. County Administrator Cox explained that the fields at the Regional Park are being renovated. Mrs. Russell responded that during the fall she did not see any work being done to those fields. Mr. Cox advised that he will look into the matter; (4) Expressed opposition to doing away with allowing anonymous calls to Planning and Zoning about use of property complaints stating that it could put neighbor against neighbor; (5) Stated that she was in favor of banning bank traps stating that three commercial crabbers have set bank traps in Smith Creek.

Cheryl Gibson - Reiterated her husband's concerns about inspectors coming to their property on seven different occasions because of alleged zoning complaints, and she suggested that the inspectors get training on the rules and codes.

Jay Hanks - (1) Regarding bank traps, stated that he heard at the December public forum that DNR was in favor of the traps. Commissioner Chesser stated that the individual who said that at the forum (who was trapping turtles) had indicated that DNR had no objection to him doing that.

Larry Pinto - Advised that he called DNR inquiring if there was data as to whether there was damage to the fisheries by bank traps and was told during that conversation that DNR had no position on the matter.

ADJOURNMENT

The meeting adjourned at 8:30 p.m.

Minutes Approved by Board of
County Commissioners on 1/10/95

Judith A. Spalding
Recording Secretary