

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, July 31, 1984

Present: Commissioner George R. Aud, President
Commissioner Richard D. Arnold
Commissioner Ford L. Dean
Commission David F. Sayre
Edward V. Cox, County Administrator
Judith A. Spalding, Recording Secretary

(Commissioner Larry Millison was absent due to illness.)

CALL TO ORDER

Commissioner President Aud called the meeting to order at 9:10 a.m.

APPROVAL OF MINUTES

Commissioner Dean moved, seconded by Commissioner Arnold, to approve the minutes of the Commissioners' meeting of Tuesday, July 24, 1984. Motion unanimously carried.

APPROVAL OF BILLS

Commissioner Aud moved, seconded by Commissioner Sayre, to approve payment of the bills as submitted. Motion unanimously carried.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator
John Norris, County Engineer
Joseph O'Dell, Budget Director
Joseph Densford, Asst. County Attorney
George Sparling, Attorney

Commissioner Aud moved, seconded by Commissioner Arnold, to meet in Executive Session in order to discuss matters of land acquisition followed by matters of Personnel. The Session was held from 9:15 a.m. to 10:00 a.m.

PUBLIC HEARING

ST. CLEMENTS SHORES WASTEWATER TREATMENT PLANT ALLOCATION POLICY

Present: Frank Gerred, Director, Office of Planning & Zoning
Robin Guyther, Planner, " " " " "
Larry Petty, Director, Metropolitan Commission
St. Clements Shores Property Owners

The Commissioners conducted a public hearing on the St. Clements Shores Wastewater Treatment Plant Allocation Policy for Excess Capacity. The purpose of the proposed policy is to insure that sewage treatment capacity of the facility is allocated in a fair and equitable manner.

The secretary read the Notice of Public Hearing.

Mr. Gerred explained that the proposed policy was developed following a Zoning Ordinance change (Article 48.05) which allowed the development of any lot of record in the County provided that necessary health permits are obtained. The change greatly increased the number of potential building lots within St. Clements Shores.

Mr. Gerred advised that the Planning Office staff has reviewed the proposed policy and recommends: that the minimum lot size be 6,000 square feet as opposed to 6,500 square feet for multiple-owned lots; that all lots meet yard and setback requirements contained in the Zoning Ordinance; and that the regulations not become effective for at least 30 days to allow for transactions in progress.

Mildred Seek, on behalf of residents of St. Clements Shores, presented a petition requesting that a building permit not be issued for a property size of less than 8,000 square feet and that no permit be issued for a mobile home in that the "indiscriminate building of homes on undersized lots will lead to a lowering of property values, traffic hazards and a highly overpopulated community. (A copy of the Petition is on file in the Commissioners' Office.)

Marion Wathen, John Mattingly, Louise Davis, Christine Moberg, Michael Gardiner, Richard Russell, John Brooks, Lee Claggett, and Mary Zaccarella each expressed spoke in favor of the petition and expressed their concerns regarding development of small lots, mobile homes, etc.

Larry O'Brien, on behalf of Pat Burch of St. Clements Shores, presented a site plan for three contiguous lots which total 6,000 square feet, and depicted a proposed dwelling 40 feet in length with ten foot side yards. Mr. O'Brien indicated that the multiple-owned lot size requirement should be 6,000 square feet.

During discussion Mr. Gerred explained that according to actions of the Courts in the past, the County cannot require a minimum for the size of a dwelling unit. With regard to the comments relative to mobile homes, they must be treated as a "stick-built" dwelling.

In conclusion, the Commissioners advised that they would take all the comments under advise and make a decision with regard to the proposed policy in two weeks.

Commissioner Dean moved, seconded by Commissioner Aud, that subject to review and approval by the County Attorney that the St. Clements Shores Wastewater Treatment Plant Allocation Policy that the Board of County Commissioners ultimately adopt be effective as of the date of the public hearing, at the time of the hearing - 10:00 a.m., and thus would apply to property under ownership at that time. Motion unanimously carried.

PUBLIC HEARING
RENAMING OF LISTON ROAD TO BRISCOE ROAD

Present: John Norris, County Engineer

Also Present: Mr. and Mrs. Howard Clifford, Tom Liston, Tommy Liston, Jr., Hazel Liston, Linda Liston, John Liston, Frieda Hill, James Lloyd.

The Commissioners conducted a public hearing for the purpose of renaming Liston Road to Briscoe Road.

The County Engineer read the Notice of Public Hearing.

Responding to Commissioner President Aud's inquiry as to comments regarding the name change, Mr. Clifford and other residents expressed their opposition to renaming the road to Briscoe Road. John Liston stated that the first house on the road (1952) was owned by a Liston, which was before the Briscoes ever lived there, and many Listons live there today.

After discussion, the Commissioners agreed to take the comments under advisement and make a decision in two weeks (August 14).

ST. MARY'S COUNTY ROAD MAINTENANCE MANAGEMENT SYSTEM

Present: John Norris, County Engineer
Walter Wise, Supervisor, Highway Maintenance
John Thompson, Assistant, Supervisor, Highway Maintenance
Jack Schoon, Roy Jorgensen Associates, Inc.

The referenced individuals appeared before the Commissioners to explain the road maintenance Management System developed for the County Engineer's Office with the assistance of Roy Jorgenson Associates. The computerized system provides a method for the planning of highway maintenance, scheduling of work activities and controlling maintenance performance. Mr. Schoon presented and

reviewed two handouts, Road Maintenance Output Reports and a paper setting forth the specifics of the system and the significant benefits to the County such as: cost-effective allocation of maintenance resources; realistic maintenance work schedules; uniform level of services; increased work productivity, etc.

In closing the Commissioners thanked Mr. Schoon for his presentation.

PRESENTATION OF OF PROCLAMATION AND COUNTY SEAL PINS

Present: Viola Gardner
Pearl Lee

In that Mrs. Gardner and Mrs. Lee were unable to attend the Commissioners' Citizen Advisors Appreciation Night in June, the Commissioners presented them with a county seal pin and proclamation expressing appreciation for their dedicated services to the County.

TALL TIMBERS SHORE EROSION DISTRICT

Present: John Norris, County Engineer
Larry Petty, property owner

Mr. Norris advised that federal law has been passed assigning responsibility for the mitigation of shore erosion damages caused by the Herring Creek federal navigation project to the Corps of Engineers. The Corps indicates that their report outlined corrective measures will not be available until mid September. Mr. Norris presented ~~accepted~~ correspondence addressed to the District Engineer, Army Corps of Engineers and requested authorization for Commissioner President Aud to sign same. The correspondence discusses the damages that currently exist at Tall Timbers and requests the COE to make temporary improvements so that the property can get through the coming winter without additional damage to property or homes. The alternative being the COE to authorize St. Mary's County to perform the emergency work with the Corps sharing fiscal responsibility.

Commissioner Sayre moved, seconded by Commissioner Dean, to authorize Commissioner President Aud to sign said letter.

As a fallback Mr. Norris presented a petition from the residents just south of the existing shore erosion districts requesting the establishment of another shore district. Discussion ensued relative to the limits of the taxing district and the inclusion of the Runco and Petty properties. Mr. Norris recommended, and the Board concurred, that the establishment of the boundaries of the shore erosion district so that the properties are contiguous and exclude the Petty and Runco properties at this time. The Commissioners further authorized that the petition be forwarded to the Department of Natural Resources for the feasibility report to be prepared.

The Commissioners advised Mr. Petty that his desire to be a member of the district could be addressed further in the process.

OFFICE OF COUNTY ENGINEER ITEMS

Present: John Norris, County Engineer

1) STATUS REPORT

Mr. Norris brought the Commissioners up to date on the following projects:

a) Kathy Circle

A petition was received from residents of Kathy Circle, Golden Beach, requesting the establishment of a Special Taxing District to bring the road up to County Standards;

b) Restriping Project

A number of roads in the County have now be restriped.

c) Maintenance Department Vehicles

There are still a number of vehicles that the County has purchased but have not received--a pickup truck which was bid on in February and awarded in March and two vehicles from SHA that the County has not received title to.

(The Commissioners left the meeting to attend the Dedication of the Tracor Building at the Airport Industrial Park - 12:00 Noon)

PUBLIC HEARING
DELINQUENT PROPERTY TAX PENALTY

Present: Edward V. Cox, County Administrator
Joseph O'Dell, Budget Director
Matt Kaye, WKIK

On behalf of the County Commissioners, the County Administrator conducted a Public Hearing in order to present a proposed Ordinance to impose and collect after October 1 of each year penalties for failure by that date to make payment of real property taxes, in addition to the two-third of one percent per month penalty imposed by Article 81, Section 48(a). The penalty will be in the amount of three percent of the amount of taxes overdue and in arrears.

The secretary read the Notice of Public Hearing.

In closing the hearing, Mr. Cox advised that the Ordinance is proposed to take effect no sooner than days of this hearing. The hearing was closed.

(The Commissioners returned to the meeting - 2:00 p.m.)

INNOVATIVE AND ALTERNATIVE SEWAGE DISPOSAL SYSTEMS

Present: Frank Gerred, Director, Office of Planning & Zoning
Walter Raum, Director, Environmental Hygiene

Mr. Gerred explained that a meeting was held with all eligible applicants for the Innovative and Alternative Sewage Disposal Systems to explain the systems and which systems for which they were eligible. The numbers of eligible applicants (other than solar) are as follows - Low Pressure - 3; Valve System - 2. All but one are improved properties. There are 11 properties qualified for the solar system, of which two are improved lots.

Mr. Gerred suggested to the Board that even though there are not enough properties for the scientific testing, that authorization be given to proceed with Low Pressure and Valve Systems and that efforts still be made to obtain the recommended number (six of each). He further suggested that the lottery selection of the six properties for the solar system be delayed until the eligible applicants have had an opportunity to obtain a firm price. This would also allow an opportunity to try to obtain funding from the State for this project. The County Administrator recommended that he and Mr. Gerred prepare correspondence to the State requesting a commitment of funding for this project.

During discussion of the high cost for the construction of the solar system, Commissioner Dean suggested that perhaps the County could build one; Mr. Raum could prepare the specifications and the County Engineer's Office could draft them. Once the elements of construction costs are determined, Mr. Gerred should return to the Commissioners for further direction.

OFFICE OF PLANNING & ZONING

Present: Frank Gerred, Director, OPZ

1) ZONING AMENDMENT RESOLUTION NO. Z84-19
WILLIAM E. WINTERS - ZONE #84-0115

(Requesting rezoning from AR, Agricultural-Residential to C-2, Commercial. The properties contain approximately 8.5 acres and are located on Md. Rt. 5, Redgate, Tax Map 50, Block 13, Parcels 53, 54, and 232, Second Election District.)

Having conducted a public hearing on June 19, 1984 and held subsequent zoning decision discussions, Commissioner Sayre moved, seconded by Commissioner Arnold, to approve and sign the referenced Zoning Amendment Resolution GRANTING the rezoning as requested. Motion carried.

2) ZONING AMENDMENT RESOLUTION NO. Z84-17
FRANK GASS - ZONE #84-1355

(Requesting rezoning from R-1, Rural Residential, to C-1, Commercial. The property is located in Point Blackistone, Lots 1-5 and 10-20 in Block 4 and 1-4 and 39-44 in Block 12, Tax Map 53A2, Seventh Election District.)

Having conducted a public hearing on June 19, 1984 and held subsequent zoning decision discussions, Commissioner Sayre moved, seconded by Commissioner Arnold, to approve and sign the referenced Zoning Amendment Resolution GRANTING the rezoning of Lots 1-4 and 39-44 of Block 12 of Point Blackistone Subdivision from R-1 to C-1; and that the rezoning of the subject property be DENIED. Motion carried.

3) RESOLUTION NO. Z84-18
STORMWATER MANAGEMENT REGULATIONS - ZONE #84-0850

(Requesting amendment to the Zoning Ordinance, in accordance with new State Stormwater Management Regulations, increasing requirements for detention, retention, and infiltration of stormwater; adding provisions for exemptions, waivers, and variances; and adding requirements for maintenance of stormwater devices.)

Having conducted a public hearing on July 17, 1984 on the adoption of the Stormwater Management Regulations, Commissioner Dean moved, seconded by Commissioner Sayre, to approve and sign said Resolution No. Z84-18. Motion carried.

4) LEXINGTON PARK TRANSPORTATION STUDY

Mr. Gerred presented a proposal from Kamber Engineering, Inc. for the provision of engineering services for the Lexington Park Transportation Study in the amount of \$4,835.

Commissioner Aud moved, seconded by Commissioner Sayre, to accept the proposal as submitted. Motion carried.

ZPUD #84-1167
HARKINS ASSOCIATES, INC.

Present: Oliver Guyther
Frank Gerred, Director, OPZ

Mr. Guyther appeared before the Board to request consideration for a joint public hearing with the County Commissioners and Planning Commission for the rezoning of the referenced project. The reason for this

request, Mr. Guyther stated, was that there are two Farmers Home projects within the PUD and funding commitment is only available up to October 1. Because of the amount of time involved with advertising and separate hearings, the final decision would not be until after the October 1 deadline. Mr. Guyther recommended that the joint hearing could be advertised as a pilot project.

After discussion, the Commissioners gave their concurrence and requested Mr. Gerred to make the necessary arrangements for an evening public hearing.

RESOLUTION NO. 84-19
CDA FUNDING - INDIAN BRIDGE

Present: Dennis Nicholson, Housing & Community Development Coordinator
Tom Waring, developer

Mr. Nicholson presented the referenced Resolution approving the development of the Indian Bridge project in Lexington Park to be financed by the Community Development Administration.

Commissioner Dean moved, seconded by Commissioner Arnold, to approve and sign said Resolution. Motion unanimously carried.

BID TALLY SHEET
PURCHASE OF THREE PICKUP TRUCKS
OFFICE OF PLANNING & ZONING

Present: Paul Raley, Director, Purchasing & Logistics

Mr. Raley presented the bid tally sheet for the purchase of the referenced vehicles and indicated that the lowest bidder is Bell Motor Company in the amount of \$23,073. He stated that there was some question as to whether 1984 vehicles can be obtained.

After some discussion, Commissioner Aud moved, seconded by Commissioner Sayre, to award the bid to the lowest bidder, Bell Motor Company; however, if Bell does not inform the County by Friday, August 3, 1984 of the availability of the vehicles, Mr. Raley should return to the Commissioners next Tuesday for further direction. Motion carried.

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) BUDGET AMENDMENT NO. 85-5
OFFICE ON AGING

The County Administrator presented the referenced Budget Amendment recommended for approval by the Budget Director with the following justification: To budget estimated grant costs during FY '85 for Titles B, C-1 and C-2.

Commissioner Dean moved, seconded by Commissioner Arnold, to approve said Budget Amendment. Motion carried.

2) PERSONNEL ITEMS

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

a) Fiscal Director
Office on Aging

Memorandum dated July 27 from Personnel Officer recommending the appointment of Constance Bromley to the Fiscal Director position, Grade 10, effective August 13, 1984. Commissioner Arnold moved, seconded by Commissioner Sayre to grant this authority. Motion carried.

b) Administrator (Law Enforcement)
Sheriff's Department

Memorandum dated July 30, 1984 from Personnel Officer requesting authority to begin the established hiring procedure for the Administrator (Law Enforcement) position, Grade 12, in the Sheriff's Department. Commissioner Aud moved, seconded by Commissioner Sayre, to grant this authority. Motion carried.

c) Correctional Officer
Sheriff's Department

Memorandum dated July 30, 1984 from Personnel Officer recommending the appointment of Louis F. Burris III for one of the Correctional Officer positions, Grade 11, in the Sheriff's Department. Commissioner Aud moved, seconded by Commissioner Dean, to accept this recommendation. Motion carried.

d) Office Secretary I
Office of Economic & Community Development

Memorandum dated July 26, 1984 from Personnel Officer recommending the appointment of Mary Langley to the position of Office Secretary I, Grade 7, Office of Economic & Community Development. Commissioner Dean moved, seconded by Commissioner Aud, to accept this recommendation. Motion carried.

e) Civil Engineer
Office of Planning & Zoning

Memorandum dated July 24, 1984 from Personnel Officer recommending the establishment of the Civil Engineer position, Grade 15, in the Office of Planning and Zoning, with the option of recruiting at a lower grade if necessary. Commissioner Aud moved, seconded by Commissioner Dean, to accept this recommendation. Motion carried.

3) APPOINTMENTS

a) Human Relations Commission

Commissioner Sayre moved, seconded by Commissioner Dean, to reappoint Pere Joseph Jarboe to the Human Relations Commission for a term to expire June 30, 1987. Motion carried.

b) Industrial Development Bond Review Committee

Commissioner Dean moved, seconded by Commissioner Sayre, to appoint Margaret Henderson to the Industrial Development Bond Review Committee. Motion carried.

4) ST. MARY'S HOSPITAL
REQUISITION NO. 39

Commissioner Sayre moved, seconded by Commissioner Dean, to approve and authorize Commissioner President Aud to sign Requisition No. 39 dated July 31, 1984 in the amount of \$563,885.31 representing costs incurred for St. Mary's Hospital project. Motion carried.

5) TECH CENTER HOUSE NO. 3
REQUEST FOR SETTLEMENT DATE EXTENSION

The County Administrator presented correspondence from Jimmie Mora, who purchased the Tech Center home, requesting a 120 day extension for settlement in that the house is being purchased through the Veterans Administration and there is a holdup with the paperwork. The Commissioners agreed to extend the settlement date for 120 days.

6) CLEARINGHOUSE PROJECT NO. 84-6-683
EXCESS STATE PROPERTY - 3.5 ACRES
WEST SIDE OF MD. RT. 4

The County Administrator presented the referenced clearinghouse project and advised that it has been reviewed by the Director of Planning & Zoning and he recommended Comment #3 which states that this agency has an interest in the referenced proposal for use of the property by Chamber of Commerce as a tourist information center.

In that this property is landlocked, the Commissioners requested Mr. Cox to obtain additional information as to whether it can be use for that purpose and whether the Chamber of Commerce is interested before forwarding any comments to the State.

7) SUPPLEMENT TO JOHNSONGRASS CONTROL AGREEMENT

The County Administrator presented the Supplement to the Agreement for the Control and Eradication of Johnsongrass, Thistle and Multi-flora Rose between the Department of Agriculture and St. Mary's County for FY '84 for an additional \$1442.06.

The Commissioners gave their concurrence in approving said Supplement and authorizing Commissioner President Aud to sign same.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator
John Norris, County Engineer
Joseph O'Dell, Budget Director

Commissioner Aud moved, seconded by Commissioner Sayre, to meet in Executive Session in order to discuss matters of land acquisition and personnel. The Session was held from 3:25 p.m. to 4:35 p.m.

(Commissioner Aud left meeting at 4:35 p.m.)

STATE OFFICE COMPLEX
SELECTION OF ENGINEERING FIRM

Present: John Norris, County Engineer

Mr. Norris presented correspondence dated July 30 from the Hospital Building Committee recommending the selection of the architectural/engineering firm of Gaudreau, Inc. to perform the analysis of the existing hospital building for conversion into a State Office Complex and the design of said facility in the amount of \$217,500.

Commissioner Arnold moved, seconded by Commissioner Sayre, to accept this recommendation. Motion carried.

ST. MARY'S COUNTY JAIL SITE

Present: John Norris, County Engineer

The Commissioners reviewed with Mr. Norris correspondence from Moseley-Henning Associates, Inc. dated July 6 and 10 regarding Site Evaluations for the four possible sites for the location of the proposed new jail at the Governmental Center property. The Commissioners discussed the four potential locations and agreed that Sites 3 and 4 appear should be given further consideration.

ADJOURNMENT

Having no further business, the meeting adjourned at 5:25 p.m.

Approved,
