

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, November 20, 1984

Present: Commissioner George R. Aud, President  
Commissioner Richard D. Arnold  
Commissioner Ford L. Dean  
Commissioner David F. Sayre  
Edward V. Cox, County Administrator  
Peggy Childs, Secretary

(Commissioner Millison was not present due to illness.)

CALL TO ORDER

The meeting was called to order at 9:15 a.m.

APPROVAL OF MINUTES

Commissioner Arnold moved, seconded by Commissioner Dean, to approve the minutes of the Commissioners' meeting of November 13, 1984 as submitted. Motion carried.

APPROVAL OF BILLS

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

COUNTY COMMISSIONER ITEMS

Present: Edward V. Cox, County Administrator

- 1) TRI-COUNTY COUNCIL
  - a) \$5,000 participation in Public Relations Program for Tourism.
  - b) Participation in \$100,000 local match for Regional Tourism Center.

Mr. Cox presented these two requests from Tri-County Council, stating that these items would be discussed by the counties involved in tonight's meeting in Prince George's County.

Mr. Gary Hodge, Executive Director for the Tri-County Council of Southern Maryland, was present and came forward to explain that the new Secretary of the Department of Transportation has committed \$515,000 of his FY 86 Budget for construction of a Regional Tourism Center for Southern Maryland on the conditions that the local governments contribute matching funds for \$100,000 and that they agree on a site for the facility. Mr. Hodges requested that one of the Board members participate in a task force with the other two counties to resolve these two issues. He stated that Charles County has appointed Commissioner Marland Deen and Calvert County has appointed Commissioner John Gott. The Commissioners concurred with this request and the motion was made by Commissioner Arnold and seconded by Commissioner Dean to appoint Commissioner Aud to represent St. Mary's County. The motion was carried by three members of the Board with Commissioner Aud abstaining.

Mr. Arnold asked if the \$100,000 was a ball park figure and whether Secretary Hellmann might accept less. Mr. Hodge replied that what the Secretary wants is a statement of commitment for construction costs for the visitor center building.

COUNTY COMMISSIONER ITEMS (Continued)

Mr. Dean stated that the question is do we feel that a regional tourism center will be important to the tourism development industry in the area. If it will, then, he said, he doesn't disagree with the State's position that if the counties put some money into it it would be a statement of commitment, and if the State is going to contribute \$515,000 and then operate the facility, \$100,000 from the thirteen counties does not seem unreasonable.

Mr. Dean asked whether the County's Tourism Council has expressed a position on this. Mr. Hodge said he has met with the Council on Friday, and they have adopted a motion to support a regional State-operated facility.

Discussion followed regarding the site of the facility, and the Commissioners stated that this is something which should be discussed by the three counties. Mr. Hodge responded that this is on the TCC agenda for December 5th; however, they had hoped to give Secretary Hellmann an answer before December 5th because he is under deadlines to submit his budget to the Legislature. Mr. Aud said it has never been discussed by the three counties as to what their share is going to be, and he thought he should talk to the other two gentlemen on the task force and try to have a meeting this week, and then get back to the Board as to what they have come up with.

Regarding the \$5,000 participation in the Public Relations Program for Tourism, Mr. Hodge stated, following the 350th Anniversary promotion, the Secretary of DECD was quite impressed with the attention it brought Southern Maryland and felt it would be a wise investment to follow that up, so he has come forward with \$15,000 to support the follow-up program to complete a package with mailed-out information and so. Mr. Dean asked whether the counties had taken a position and Mr. Hodge said he is meeting with Charles County at 11:00 today and Calvert County has asked him to contact them this afternoon with Charles and St. Mary's positions, so they could possibly take action.

Mr. Hodge said this is an entirely separate allocation of money by the Secretary for something he thinks makes perfect business sense and is not in competition with any other State grant funds received by the counties.

Mr. Dean said he thinks what we need to do is identify whether the County has the money in our general DECD budget. Mr. Aud said he also thought our DECD would want to have some input. Mr. Hodge said he has talked about this on Friday and has asked the Tourism Council for two sets of recommendations: 1) their thoughts on the location of the information center; and 2) their nomination of 3 or 4 tourism attractions to be considered for television coverage as part of the television commercial, and they indicated they would get back to him on the first subject in a month, and indicated also a strong desire to be involved in the second subject.

Commissioner Dean stated that conceptually he is in support of the \$5,000; however, he felt the Commissioners owed it to their department head to find out where the money is coming from. Mr. Dean said perhaps the Commissioners could meet with Mr. Mitchell later today. As far as the letter is concerned he said he thinks the Commissioners have complied with Senator Simpson's request, because the letter does not ask the Board to make a definitive commitment or decision regarding the regional information center.

COUNTY COMMISSIONER ITEMS (continued)2) CHRISTMAS COMMUTATION  
SHERIFF'S DEPARTMENT

Commissioner Dean moved and Commissioner Aud seconded the motion that the Commissioners concur with the Sheriff's recommendation of Mr. Christopher E. Barnes for Christmas commutation, in keeping with the Department of Public Safety and Correctional Services criteria. The motion was unanimously approved and the Commissioners signed the letter to Secretary Frank Hall recommending the commutation.

3) BUDGET AMENDMENTS

The County Administrator presented the following Budget Amendments recommended for approval by the Budget Director with Justifications for Adjustment as indicated:

No. 85-34  
Various Departments

Justification: To provide budget authority to expend general fund encumbrances as of June 30, 1984 as shown as reservation of fund balance in FY '84 audit report - \$137,727.

No. 85-35  
County Engineer  
Recreation and Parks

Justification: To provide budget authority as shown in year-ending financials as reservation of capital fund balance. Encumbrances as of June 30, 1984 - \$1,226,719.

No. 85-36  
County Commissioners

Justification: Based on restructuring of general obligation issue savings in FY '85 to be transferred to Commissioners reserve account for offset against shortfall concerning business corporation taxes - \$103,426.

Commissioner Dean moved, seconded by Commissioner Arnold, to approve the refernced Budget Amendments, as presented. Motion carried.

4) REZONING RESOLUTION NO. Z84-22  
ZONE #84-0530  
MARYLAND CAPITAL CORPORATION (Breton Bay Gardens)

Commissioner Arnold moved, seconded by Commissioner Dean, to approve and authorize signing of Resolution No. Z84-22 for Maryland Capital Corporation (Breton Bay Gardens). The motion was unanimously approved and the Commissioners sign said Resolution.

5) SAFETY AND HEALTH PROGRAM

The County Administrator presented for the Commissioners' approval and signature a proposed Safety and Health Program in order to provide the safest working conditions for employees and a safe environment for the public and appointing the Personnel Officer as County Safety and Health Coordinator and the Deputy Director, Civil Defense, as Safety Officer. Commissioner Aud moved that the Commissioners endorse and sign said proposal. The motion was seconded by Commissioner Arnold and unanimously approved.

COUNTY COMMISSIONER ITEMS (continued)

6) PERSONNEL

a) Request from the Director, Civil Defense, to convert three part-time positions to one full-time merit positions and for authorization to advertise in-house. Commissioner Dean moved, to approve, seconded by Commissioner Sayre and carried unanimously.

b) Request by County Engineer to approve the selection of Mr. Stephen Quade for the position of Maintenance Mechanic II, Grade 9, Commissioner Dean voted to approve, seconded by Commissioner Arnold, and unanimously voted by the Board.

c) Request by the Office of Planning & Zoning to approve the selection of Mr. Kenneth Malone for the position of Sediment Control Inspector, Grade 10. Commissioner Sayre moved to approve, seconded by Commissioner Aud. Motion carried. unanimously.

d) Mr. Cox stated that the Employees' Association has requested that the Commissioners grant Christmas Eve a holiday for County Employees; however, he said it is his recommendation that the Commissioners allow supervisors to keep their offices open as best they can while allowing a liberal leave policy. The Commissioners agreed with Mr. Cox's recommendation.

e) Mr. Cox requested an Executive Session with the Commissioners sometime during today's meeting.

7) CORRESPONDENCE

The Commissioners signed letters to the following individuals congratulating them on honors recently conferred by the Vatican:

Right Reverend Monsignor Richard Smola, on being named Monsignor.

Ms. Mary Catherine Stone	)	
Ms. Hope Adams	)	
Ms. Louise Barnes	)	on receiving the Pro Ecclesia
Ms. Susan Delehay	)	et Pontificia award.

OFFICE OF COUNTY ENGINEER ITEMS

1) BID AWARD  
RUBBER-TIRED FRONT END LOADER, CREW CAB TRUCKS AND SNOW PLOWS

The County Engineer presented the Commissioners with a Talley Sheet showing the following bids received for the front end loader:

<u>Alban Tractor Company</u>		
Price	\$98,321.00	
Trade-In	61,000.00	5-Year Buy-Back
NET	\$37,321.00	\$80,570.00

<u>Elliott and Frantz</u>		
Price	\$77,000.00	
Trade-In	20,000.00	5-Year Buy-Back
NET	\$57,000.00	\$69,000.00

<u>S. M. Christhilf Company</u>		
Price	\$91,658.00	
Trade-In	40,000.00	5-Year Buy-Back
NET	\$51,658.00	\$42,829.00

COUNTY ENGINEER (continued)

Mr. Norris said that the County currently has 950 Cat Front End Loader with a guaranteed buy-back of \$61,000 which is good through the first part of March 1985. He explained that the net cost to St. Mary's County would be \$16,000 and advised that the sum was insufficient to utilize a Lease Purchase Agreement. He further stated that this Fiscal Year Budget authorized \$120,000 for the purchase of a front end loader and requested authority for the replacement of two crew cab dump trucks and purchase of snow plows for use on the County equipment and contractor equipment. This would allow the County to have sufficient expenditures to make use of the Lease Purchase Agreement.

Therefore, Mr. Norris is requesting inclusion of the following in the Lease Purchase Agreement: \$16,000 for front end loader; \$80,000 for two crew cab trucks; and \$10,000 - \$15,000 for snow plows.

Commissioner Aud moved to approve the above-referenced purchases, seconded by Commissioner Arnold and unanimously voted by the Board.

2) ST. MARY'S COUNTY AIRPORT  
FAA PROJECT - CONTRACT 84-4-4

Mr. Norris presented for the Commissioners' approval and signature a Contract between the County Commissioners and Raymond Woodburn in the amount of \$183,475, which has already been approved by FAA. Commissioner Dean made the motion authorizing Commissioner Aud to sign the Contract, seconded by Commissioner Arnold and unanimously approved by the Commissioners. Mr. Norris said this grant the Commissioners have already awarded and budgeted, and it is for some grading adjacent to the runway on the 29 end.

OFFICE OF PLANNING AND ZONING  
PUBLIC HEARINGZ

Present: Robin Guyther, Planner, OPZ

SPEC #84-1646 - AMEND WATER & SEWER PLAN

Proposed amendments to change the water service categories for various properties in the Chancellor's Run-Great Mills area to W2D and W3D, which permit the installation of water systems at the developers' expense. The properties for consideration are: Indian Bridge (TM51, P17); Chancellor's Run Estates (TM43, P194); Greenview Knolls West (TM43, P30); Amber Meadows MHP (RM42, P51); Beverly Hills MHP (TM42, Pii8); and San Souci Estates (TM43, BLK1, P20).

Mr. Guyther read the Notice of Public Hearing, published in the October 31, 1984 issue of The Enterprise. He reminded the Commissioners that, in order for these projects to go to the planning stage, they must have an S-3 or W-3 category. He said these projects have recently recieved site plan approval and now need to have their water service categories changed, and added that the Planning Commission had held their hearing on these changes last night and recommended approval.

Commissioner Aud inquired if there was anyone present who wished to speak either in favor of or opposed to this request. Hearing no response, he moved to approved the requested amendments to the Water & Sewer Plan. The motion was seconded by Commissioner Dean and unanimously voted by the Board.

OFFICE OF PLANNING & ZONING  
REZONING DECISIONS

Present: Robin Guyther, Planner, OPZ

ZONE #84-1236 - TEXT AMENDMENT TO ZONING ORDINANCE (Penalties)

Commissioner Dean moved to approve this amendment, seconded by Commissioner Arnold and unanimously voted by the Board.

ZONE #84-0998 - TEXT AMENDMENT (Minimum Lot Size)

Commissioner Arnold moved, to adopt the Planning Commission's recommendation to reduce the minimum lot size in an AR zoning district from 1½ to one acre. The motion was seconded by Commissioner Sayre and unanimously voted by the Commissioners.

ZONE #84-0312 - TEXT AMENDMENT (Day Care/Child Care Centers)

Commissioner Aud moved to approve this amendment, seconded by Commissioner Arnold and unanimously voted by the Commissioners.

ZONE #84-0747 - TEXT AMENDMENT (Home Occupations)

Decision deferred until a later date.

ZONE #84-0977 - JACK SHRIVER (The Greenery)

Commissioner Dean made the motion to authorize the County Attorney to prepare the appropriate resolution approving this rezoning request, based on staff's report and the Planning Commission's recommendation. Commissioner Aud seconded and the motion was unanimously approved.

ZONE #84-1377 - 1984 BOCA BASIC CODE

Commissioner Aud moved, to approve the 1984 BOCA BASIC CODE and any subsequent revisions, seconded by Commissioner Arnold and unanimously voted by the Commissioners.

ZONE #84-0987 - CURTIS TIRE CENTER

Commissioner Dean moved to authorize the County Attorney to prepare the appropriate resolution approving this rezoning request, seconded by Commissioner Aud and unanimously voted by the Commissioners.

INNOVATIVE AND ALTERNATIVE SEWERAGE AGREEMENT

JAMES O. SNYDER

Present: Robin Guyther, Planner, OPZ

Mr. Guyther presented for the Commissioners' approval and signature an I & A Agreement for Mr. James O. Snyder of 311 Port Place in Leonardtown, this agreement already having been signed by Mr. Snyder, the County Attorney, the Office of Planning & Zoning, and the Health Department. Commissioner Arnold made the motion authorizing the President to sign said Agreement, seconded by Commissioner Sayre and unanimously approved by the Commissioners.

PUMP OVER FROM PINEY POINT TO PINE HILL RUN

Commissioner Dean stated that Mr. Larry Petty, Director of the Metropolitan Commission, had come before the Commissioners last week requesting the Commissioners' concurrence with a pump-over from Piney Point to Pine Hill Run and that the State has indicated a willingness to approve that alternative provided that they be denied access lines if property fell without the Piney Point service area, with exception of those projects that are already in the planning stage and have been given assurances that they could connect, and that the County sign a consent agreement that the property in that area be rezoned from R-1 to Agricultural, and the Commissioners had left that on "hold."

PUMP-OVER FROM PINEY POINT TO PINE HILL RUN (continued)

Commissioner Dean moved that the Commissioners approve Mr. Petty's request; that they concur with the pump-over and that they concur in the signing of the consent agreement to meet the requirements of the State Health Department. Commissioner Aud seconded the motion and opened it up for discussion.

Commissioner Sayre stated that last week he had felt that a developer should not be able to connect to this line, and said he had wanted to discuss it with his people down in the Piney Point area who were at some of the previous public hearings. Mr. Sayre said he was not present at those hearings, but he has been told that nothing was mentioned about Piney Point Landing hooking up to the main sewerage line. Mr. Sayre said he felt that the reason for a new sewerage plant proposal at Piney Point was that there already was a discharge pipe into the Potomac River from Piney Point housing development and the Harry Lundeberg School and the State decided that the ground there was not able to take care of septic systems, so they held a public hearing to have people in the area have some input in just what to do - to build a new sewage plant or to run a line up the road. He said they had decided to run the line, but he understood there was no mention of anyone other than the people in Phase I and Phase II as it went along. Mr. Sayre said he would like to see the minutes giving the right to hook up to the line running to Great Mills. Mr. Sayre said he thought the reason for building the plant or running the line was to get rid of pollution into the River, and he said he thought this was very important and that no newcomers should be able to hook up to it.

He suggested instead that the Commissioners consider enlarging Phae I and having it run up above Piney Point Shores, possibly to St. George's Pond or even run it down further on St. George Island. He said let's help those who are in need right now, adding that, if you allow one developer to hook up, you will have many to follow.

Commissioner Dean said the public sentiment that the sewer not generate development in that area is the same concern expressed by the State Health Department, because under the EPA grant fund guidelines, whenever grant funds are provided to build a sewer line, there are a number of tests which must be taken into consideration: (1) whether or not the proposed force main would induce abnormal growth along its route; (2) whether there would be undesirable impact from flood plain, prime agricultural land or agricultural operations; and (3) whether existing development along the pipeline should be allowed to connect. Mr. Dean said the State said they would allow the alternative of the pump-over but that the line would have to be a denied access line because of the concerns that Mr. Sayre discussed and EPA grant requirements.

At the same time the State recongized that the County had amended the Water and Sewer Plan with regard to Piney Point Landing and the State had approved that, and also that MetComm has given assurances that they could service that property, so, the owners of the property felt they had a commitment for sewer service. And, on that basis, the State said they would grandfather in those projects that had received certain levels of approval up to this point.

With regard to the failing systems, Mr. Dean said when they had met with the Health Department, they had raised that as one of the Commissioners' concerns - that the capacity of the line be used to service those areas where there were failing systems, and that is one of the conditions that the County is going to state, but, by the same token, you have to have enough density in those areas where there are failing systems to make it cost effective to hook up to the line.

As far as enlarging the service area, Mr. Dean said, when you make application for a State or EPA Grant you have to do a Facilities Plan, which identifies a given service area, and to enlarge that now would mean going back through the whole process again.

Commissioner Dean said the question before the Board and the reason MetComm had come before the Board was to obtain the approval of the Board for a pump-over alternative in lieu of upgrading the plant at Piney Point. He said the Board has expressed an agreement with that alternative. The State is willing to approve that alternative with these conditions:

- (1) That the area of the pipeline be rezoned from R-1 to Agricultural.
- (2) That those existing areas that have failing systems or potentially failing systems be allowed to connect.
- (3) That the line would be a denied access line to properties outside of the service area, to properties that do not fall into the category of failing septic system, with the exception that those projects which are already in the planning stage and have received commitments.

Mr. Dean said he has reviewed MetComm's file and he is convinced that the developer has been given assurances of long standing that MetComm would serve that project.

- (4) That the County sign a Consent Agreement with the State Health Department agreeing to these items.

Mr. Dean said he felt it is a better alternative to pump it over than to build the plant at Piney Point.

Having a motion before them, the Commissioners voted as follows:  
Commissioners Aud, Arnold and Dean: Yes . Commissioner Sayre: No.

DEPARTMENT OF ECONOMIC & COMMUNITY DEVELOPMENT  
\$5,000 FOR PUBLIC RELATIONS PROGRAM FOR TOURISM

Present: Joe Mitchell, Director, DECD  
Dave Morgan, Economic Development Coordinator

Commissioner Aud explained that the Commissioners had received a request from Tri-County Council for the County to participate in a Public Relations Program for Tourism in the amount of \$5,000, and asked Mr. Mitchell whether this amount would be available in his budget.

Mr. Mitchell stated that, although he thinks there is no question that there are several levels of promotion necessary for the tourism industry, if he had to choose between the State program and the local program they are embarking on, he thinks they would need to continue doing what they are doing.

Commissioner Dean stated that the County would have to find some other source for the \$5,000 amount.



JOINT SERVICES ADVANCED VERTICAL LIFT AIRCRAFT  
(JVX PROJECT)

Present: Capt. Tom Flanary, USN (Retired)  
Dan Bilicki, Bell Helicopters  
Sam Porter, Chief Engineer, NATC

Capt. Flanary came before the Commissioners to inform them of a new testing program that will be coming to the Naval Air Test Center on the Joint Services Advanced Vertical Lift Aircraft (JVX Project). The JVX is an experimental aircraft which takes off vertically and then tilts its rotors forward to become an aircraft capable of flying 300 knots. The JVX will be made by Bell Helicopters-Textron and Boeing-Vertol and testing will begin at the Naval Air Test Center in 1988. Capt. Flanary said this will be the biggest program at NATC since the FA-18 - approximately 525 people will be brought into the County for these testing programs and approximately 150 to 200 local people will be hired. The program will have a five year cost figure of \$11 million. Capt. Flanary showed the Commissioners a film on the new aircraft.

Commissioner Dean stated that we are very grateful to have the program in St. Mary's County, and Commissioner Aud pledged that the County will participate in any way we can be helpful.

EXECUTIVE SESSION  
PERSONNEL

The Commissioner met with the County Administrator in Executive Session to discuss Personnel. The session was held from 12:30 to 12:58 p.m.

ST. MARY'S COUNTY DEVELOPMENTAL CENTER

Commissioner Aud turned the Chairmanship over to Commissioner Dean for this portion of the meeting.

Commissioner Dean read to those present a letter from the County Commissioners dated November 20, 1984 addressed to the Board of Directors and Staff of the Developmental Center, the Association for Retarded Citizens, The Parent-Direct Care Advocacy Association, P.D.A., and the Parents of Clients of the St. Mary's County Developmental Center. This letter states the Commissioners' observations and recommends that there be formed internally a task force consisting of members of the Board of Directors, staff, parents, the Association for Retarded Citizens and the Parent-Direct Advocacy Association, to be charged with the task of developing an agenda to identify and address the concerns and problems as they may exist. The letter also suggests that the task force, after it has developed its agenda, interface with the entire Board of Directors instead of only the Executive Committee.

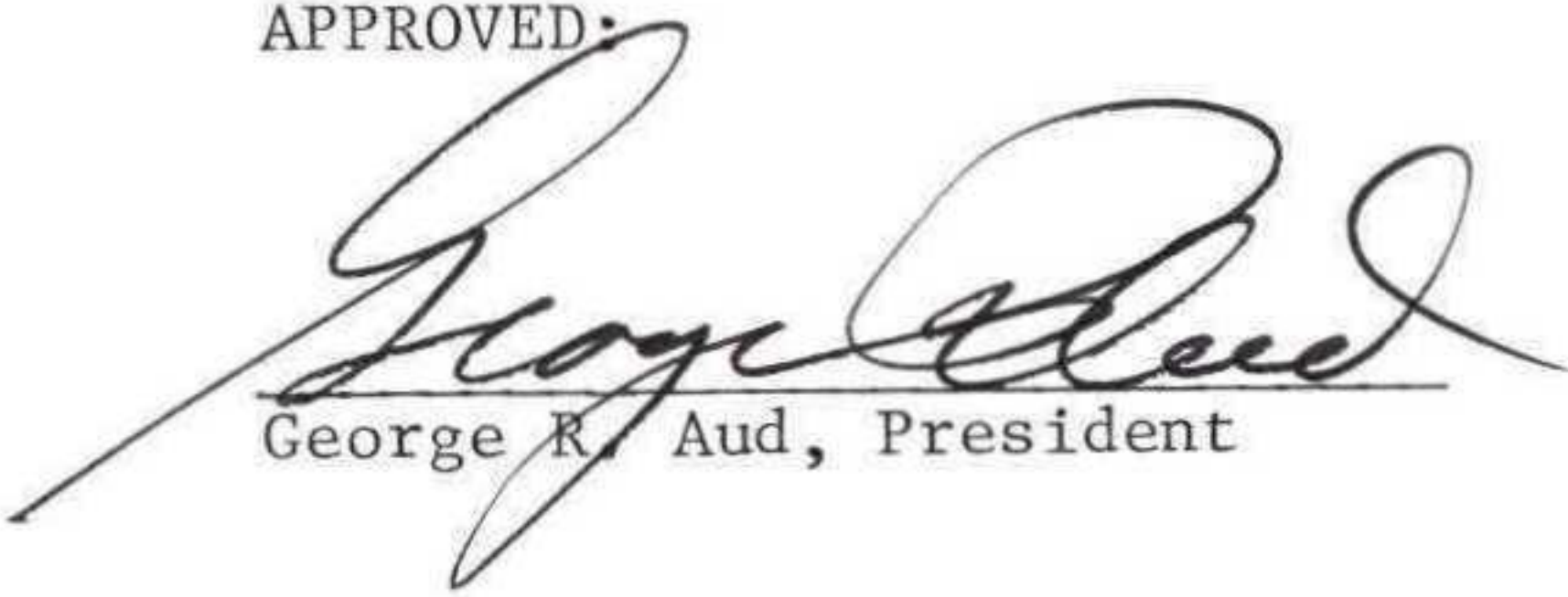
Finally the Commissioners' letter invites the concerned entities to return to the Board, in a timeframe they deem appropriate, to apprise the Commissioners of the progress they have made.

Having concluded the reading of the Commissioners' letter, Commissioner Dean inquired if there were any questions or comments from those present. There were none.

ADJOURNMENT

The meeting adjourned at 1:40 p.m.

APPROVED:

  
George R. Aud, President