

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, January 22, 1985

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

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 Tuesday, January 8, 1985. Motion carried.

APPROVAL OF BILLS

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

PROJECT OPEN SPACE GRANT APPLICATION
NICOLET PARK

Present: John V. Baggett, Director, Recreation and Parks

Mr. Baggett presented the Grant Application for Open Space funds in the amount of \$800 in order to have appraisals made of the property donated for the expansion of Nicolet Park in Lexington Park.

After discussion, Commissioner Dean moved, seconded by Commissioner Arnold, to approve and authorize Commissioner President Aud to sign said Grant Application. Motion carried.

(COMMISSIONER MILLISON LEFT MEETING - 9:30 a.m.)

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

- 1) RESOLUTION NO. 85-
CDA OWNERSHIP DEVELOPMENT/MORTGAGE PURCHASE PROGRAM
HERITAGE MANOR HOMES OF LEXINGTON PARK, INC.
SAN SOUCI

On behalf of the Director of Economic & Community Development, the County Administrator presented the referenced Resolution which sets forth that the Community Development Administration is willing to provide financing for the construction of the referenced project. The Resolution further indicates that the County endorses the construction of this project.

Commissioner Dean moved, seconded by Commissioner Arnold, to adopt and sign Resolution No. 85- . Motion carried.

(COMMISSIONER MILLISON RETURNED TO THE MEETING - 9:35 a.m.)

a) PERSONNEL

a) PROMOTION OF SHERIFF'S DEPARTMENT PERSONNEL

The Commissioners having approved the Sheriff's Department ranking structure on January 2, 1985, the Personnel Officer submitted a memorandum dated January 21, 1985 setting forth the Sheriff's selections for promotions as follows:

Sergeant: Joseph R. Maloy, Donald W. Purdy, Charles A. Kerr and Stanley J. Williams.

Corporal: Phillip R. Cooper, John G. Capado, George A. DeLozier, Sr., James K. Raley, John T. Rhodes, and Richard J. Voorhaar.

P.F.C. : William P. Bell, Timothy I. Bennett, Timothy K. Cameron, Samuel T. Haynie, Jeffrey L. McLane and Jack H. McMillin.

The Personnel Officer recommended the Commissioners' approval for the referenced promotions.

Commissioner Aud moved, seconded by Commissioner Dean, to approve the promotions as requested, effective January 28, 1985.

b) OFFICE OF PLANNING
PLANS REVIEWER POSITION

The County Administrator presented a memorandum dated January 11, 1985 from the Personnel Officer recommending the appointment of Charles P. Brenton to the position of Plans Reviewer, Grade 15, in the Office of Planning and Zoning. The principle responsibility of this one-year contract position is Sedimentation Control and Storm Water Management and is funded through a state grant.

After discussion, Commissioner Sayre moved, seconded by Commissioner Aud, to approve hiring Mr. Brenton, with entry on duty to be determined at a later date. Motion carried.

3) BUDGET AMENDMENT NO. 85-45
COUNTY ENGINEER

The County Administrator presented the referenced Budget Amendment recommended for approval by the Budget Officer with the following justification: To consolidate accounts associated with Beachville Road project.

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

4) FLOOD HAZARD MANAGEMENT PROGRAM

The County Administrator advised that the County has an opportunity to participate in a Flood Hazard Management Program for McIntosh Run and presented correspondence for the Commissioners' signatures and approval to Water Resources Administration designating the County Engineer as the contact person.

The Commissioners agreed to sign and forward said letter.

5) MOSQUITO CONTROL PROGRAM
BUDGET ADJUSTMENT

The County Administrator presented correspondence dated January 17, 1985 from the Department of Agriculture enclosing an amendment to the Mosquito Control Agreement for a budgetary adjustment.

The Commissioners approved said adjustment and authorized Commissioner Aud to sign the amendment.

6) SAND AND GRAVEL OPERATIONS
COUNTY HIGHWAY WINTERIZATION

The County Administrator advised that the current sand and gravel operation regulations are restrictive and does not allow the loading of county vehicles during off-duty hours during emergencies. Therefore, Mr. Cox requested the Commissioners' concurrence in submitting an application to the Zoning Board of Appeals for the removal of this restriction for emergencies. The Commissioners gave their concurrence.

7) CORRESPONDENCE

The County Administrator presented the following items of correspondence for the Board's review and signatures.

- a. To various agencies expressing appreciation for their efforts during the recent snow storms;
- b. To Nursing Program scholarship applicants clarifying the terms of the scholarship award;
- c. To Carroll E. Moak, Sr. responding to his letter relative to the Technical Center home building project.

The Commissioners agreed to sign and forward said letters.

(COMMISSIONER MILLISON LEFT MEETING - 9:50 a.m.)

8) ZONING AMENDMENT RESOLUTION NO. 85-02
ZONE #84-0839
J. L. MILLISON

(Requesting rezoning of 1.07 acres from R-2, Low Density Urban Residential, to C-2, Commercial. The properties are Lots 39, 40, 41 and 42 in Block A, Section I, Patuxent Park Subdivision, Eighth Election District, Tax Map 43A.)

The Commissioners having conducted a public hearing and subsequent decision discussion, the County Administrator presented the referenced Zoning Amendment Resolution approving the rezoning as requested.

Commissioner Arnold moved, seconded by Commissioner Dean, to approve and sign Zoning Amendment Resolution No. 85-02. Commissioner Aud abstained. Motion carried 3-0-1.

(COMMISSIONER MILLISON RETURNED TO THE MEETING - 9:55)

9) TUESDAY, FEBRUARY 12 - HOLIDAY
LINCOLN'S BIRTHDAY

The County Administrator advised that Tuesday, February 12 is a holiday and requested direction from the Board as to their desire for rescheduling the Commissioners' meeting that week. The Commissioners agreed to reschedule the meeting to Monday, February 11.

OFFICE OF COUNTY ENGINEER ITEMS

Present: John Norris, County Engineer

1) BID TALLY SHEET
RENTAL CONTRACT SERVICES

The County Engineer presented the bid tally sheets for the following rental contract services with recommendations as indicated:

Carpentry and Millwork

Lowest bidder - Paul W. Dean (Mr. Norris recommended that no action be taken on this bid until he was able to familiarize himself with the type of work done by this company in this area.)

The Commissioners gave their concurrence.

Electrical Modifications and Improvements

Lowest bidder - William C. Mattingly Electric (Mr. Norris recommended awarding the bid to the lowest bidder.)

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

Plumbing Modifications and Improvements

Lowest bidder - John Steven Lacey (Mr. Norris recommended awarding the bid to the lowest bidder.)

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

Painting and Wallpaper Improvements

Lowest bidder - Paul W. Dean & Sons (Mr. Norris recommended awarding the bid to the lowest bidder.)

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

2) CHANGE ORDER NO. 1
BUSHWOOD WHARF PROJECT

The County Engineer presented the referenced Change Order in the amount of \$1,718 payable to Edwin A. and John O. Crandell, Inc. for the purpose of increasing the quantity of replacement items for pier repair. The project is totally funded by DNR.

Commissioner Dean moved, seconded by Commissioner Sayre, to approve and authorize Commissioner President Aud to sign said Change Order. Motion carried.

3) COUNTRY LAKES SUBDIVISION

The County Engineer advised that Country Lakes Subdivision is one of two subdivisions left that has a personal bond. He stated that there is minor work (surface treatment of shoulders and growth in ditches) to be done on the two remaining roads to be taken into the County's system.

Mr. Norris presented a Deed dated January 9, 1985 by and between Country Lakes, a Maryland partnership, by Benjamin H. Burroughs, Jr., General Partner, and the Board of County Commissioners of St. Mary's County accepting the following roads into the County Highway Maintenance System: Tintop School Road, Yowaiski Mill Road (Section I), Redgate Drive, Tanyard Drive, Oxley Drive, Yowaiski Mill Road (Section II).

Commissioner Arnold moved, seconded by Commissioner Aud, to approve and sign said Deed. Motion carried.

In addition Mr. Norris presented the following two Road Resolution for Country Lakes:

a) R85-2

Designating the following streets as Stop Streets:

Tintop School Rd. as it intersects with Asher Rd.
Tintop School Rd. as it intersects with Yowaiski Mill Rd.
Redgate Drive as it intersects with Tintop School Rd.
Redgate Drive as it intersects Yowaiski Mill Rd.
Millseat Drive as it intersects with Yowaiski Mill Rd.
Oxley Drive in an easterly direction as it intersects
with Yowaiski Mill Rd.
Oxley Drive in a westerly direction as it intersects
with Yowaiski Mill Rd.
Tanyard Drive in an easterly direction as it intersects
with Yowaiski Mill Rd.
Tanyard Drive in a westerly direction as it intersects
with Yowaiski Mill Rd.

b) R85-3

Posting speed limit on the following roads at 25 miles per hour: Tintop School Road, Yowaiski Mill Road, Redgate Drive, Millseat Drive, Oxley Drive and Tanyard Drive.

Commissioner Aud moved, seconded by Commissioner Arnold, to approve and sign Road Resolution Nos. R85-2 and R85-3. Motion carried.

4) STREET LIGHT CHANGE ORDER NO. 5

The County Engineer presented the referenced Change Order with Southern Maryland Electric for lighting at the intersection of Jones Wharf Road and Md. St. Rt. 235. Total net change in annual charge is \$183.60.

The Commissioners concurred in authorizing Commissioner Aud to sign Street Light Change Order.

5) STREET LIGHT CHANGE ORDER NO. 6

The County Engineer presented the referenced Change Order with Southern Maryland Electric for lighting at the entrance to Queen Anne Apartments on Rt. 246. Total net change in annual charge is \$201.

The Commissioners concurred in authorizing Commissioner Aud to sign said Street Light Change Order.

6) STANDARD "T" TURNAROUND

Mr. Norris presented the Road Ordinance Standard Plate for "T" Turnarounds which the Commissioners had previously approved and requested Commissioner President Aud's signature on same.

The Commissioners concurred in Commissioner Aud signing the "T" Turnaround Plate.

7) TALL TIMBERS SECOND SHORE EROSION CONTROL DISTRICT
CORRESPONDENCE TO DEPARTMENT OF NATURAL RESOURCES

The County Engineer presented correspondence for the Commissioners' signatures to DNR stating that the County does not concur with DNR's project development schedule for the referenced project and, therefore, proposes to advance funds to consultant design costs so that construction can begin during this calendar year. This offer is made contingent upon reimbursement by DNR when the budgeted funds become available.

The Commissioners agreed to sign and forward said letter.

8) SNOW REMOVAL

Mr. Norris updated the Commissioners on the progress and success of the snow removal system to date stating that \$50,000 has been expended and there are enough funds for one more snow removal job.

9) REQUEST FOR EQUIPMENT

Mr. Norris requested authorization to use funds in his equipment budget for the purchase of a refrigerator, hot water pot and microwave oven for his department.

Commissioner Arnold moved, seconded by Commissioner Sayre, to approve this request. Motion carried.

AGRICULTURAL TASK FORCE
FINAL REPORT

Present: Robert Jarboe, Chairman
Ed Swecker, Cooperative Extension
Dan Donnally, "
David Morgan, Economic Development Coordinator

The referenced individuals appeared before the Commissioners to present A Report on the Agricultural Economy of St. Mary's County with Special Emphasis on Tobacco as the Principle Cash Crop which was prepared by the St. Mary's County Agricultural Task Force.

Mr. Jarboe reviewed the report with the Commissioners and highlighted the recommendations (page 42-44) some of which require action by the Board of County Commissioners.

In conclusion, the Commissioners stated that they would take the recommendations under advisement and will respond in approximately 30 days.

(A copy of the report is on file in the Commissioners' Office.)

"FLOATING HOMES"

Present: Frank Gerred, Director, Office of Planning & Zoning
Charles Kimball, KRK Partnership
Jack Witten, Potomac River Assoc.
George Springer, citizen
Charles Caruth, "
Marylynn Whetstine, Taxpayers' Assoc.
Other interested citizens

As had previously been requested by the Board, Mr. Gerred presented a report addressing concerns relative to the issue of "floating homes." "Floating homes" have been introduced in the County at the Cedar Cove Marina, which have raised a number of environmental, tax and other questions. Mr. Gerred pointed out that in the report are alternatives by

which the Commissioners can address the issue including the possibility of legislation regulating "floating homes. He stated that the Health Department has adopted regulations declaring that they must be treated as single family residents and must have on-land disposal of wastewater and conveyance in an approved manner.

Commissioners Sayre and Arnold spoke out in opposition to "floating homes" because of pollution and aesthetic concerns.

Mr. Kimball stated that he has not received any negative comments about the project and further that he would not do anything to intentionally harm the environment. He advised that was willing to cooperate with the County and Legislators in any way.

Mr. Witten presented correspondence dated January 17, 1985 setting forth the Potomac River Association's opposition and requested that the Commissioners take action to amend the zoning ordinance to prohibit floating homes as a permitted use in all zoning categories.

Mr. Springer and Mr. Caruth each spoke in opposition to "floating homes" being allowed in St. Mary's County.

Mrs. Whetstine, on behalf of the Taxpayers' Association, reiterated the Association's concerns relative to equitable taxing of such structures should they be allowed.

In conclusion, the Commissioners advised that they would address the issue of "floating homes" in a timely manner.

LENGTH OF SERVICE AWARDS
COUNTY EMPLOYEES

Present: Virginia B. Johnson, Mary Lou Norris, John V. Baggett, John W. Delozier, James R. Hayden, Joseph R. Maloy, Richard N. Thompson, Phillip I. Trossbach, Stanley J. Williams, Sr. (Not able to be present: Walter B. Norris, George C. Duke)

The Commissioners presented Length of Service Awards to the above county employees.

PARENTS WITHOUT PARTNERS

Present: Clement Brooke
Myrtle Follin
Joyce Cantor

The above-referenced representatives of Parents Without Partners presented a Commendation to the County Commissioners for their cooperation in allowing the use of the Governmental Center facilities for Parents Without Partners meetings.

NURSING HOME BUILDING COMMITTEE

Present: Bill Gaudreau, Gaudreau, Inc. (Architects)
Lou Huber, Housing & Health Services
Terry Kennedy, "
George Smith, Director, Nursing Home
Dan Capper, Chairman, Bldg. Com.
Joseph Tolson
John Norris, County Engineer

Mr. Gaudreau presented and reviewed the proposed site plan for the new nursing home pointing out building location, parking area, access roads and future expansion. He stated that the plans have been submitted and approved by the State Health Department and has been submitted to the Leonardtown Planning Commission for their review for zoning requirements.

Mr. Capper requested permission from the County Commissioners to proceed with the project.

After discussion, the Commissioners thanked them for their presentation and indicated that they would respond within two weeks and further directed county staff to prepare recommendations as to the joint use of the site and out the two properties can be divided.

EXECUTIVE SESSION

Present: Joseph Densford, Assistant County Attorney
Karen Abrams, Attorney

Commissioner Dean moved, seconded by Commissioner Aud, to meet in Executive Session in order to discuss a matter of Property Acquisition followed by matters of Personnel. Motion carried. The Session was held from 2:10 p.m. to 2:25 p.m.

CHAMBER OF COMMERCE

Present: J. Patrick Jarboe, President
Kenneth Kelley, Mantech
Richard Wilson, Tracor
Joseph Gough
Sonny Burch
George Havens, Director

The referenced representatives of the Chamber of Commerce appeared before the Commissioners to request support in contacting our Congressional delegation regarding the impact of a navy moratorium on contract services and the resulting loss of jobs in St. Mary's County.

Dr. Jarboe pointed out that evidently insufficient funds were budgeted in the Contract Support Services for the Department of Defense and that 500-1,000 jobs in St. Mary's County are potentially involved.

Dr. Jarboe stated that contact has been made with Congressman Dyson to have the Secretary of Navy remove the restrictions on contract approvals.

Commissioner Dean stated that he had also learned of this situation and prepared correspondence for the Commissioners' review and signatures addressed to our Congressional Delegation directing their attention to this matter.

After discussion, the Commissioners agreed to sign and forward said letters.

COUNTY PROMOTION

Commissioner President Aud requested the assistance of the Chamber of Commerce to promote more positively St. Mary's County and to use the Chamber's influence in motivating the media to do the same. Commissioner Aud indicated that we are very fortunate in St. Mary's County and should be stressing the positive nature of the County rather than detracting in a negative way.

LEGISLATIVE ITEMS

The Commissioners discussed and took action on the following additional legislative items:

(COMMISSIONER MILLISON LEFT MEETING - 2:35 p.m.)

NO. 33 - ACCOMMODATION TAX

The Commissioners agreed to submit a request to the legislators for legislation granting the permissive authority to the Board of County Commissioners to effect an accommodations tax in St. Mary's County similar to that authority existing in Article 81, Section 411H for the counties of Allegany, Kent, and Worcester. One similarity is that the County Commissioners request the maximum rate be set at 5% rather than 3%.

(COMMISSIONER MILLISON RETURNED TO THE MEETING - 3:00 p.m.)

NO. 34 - "FLOATING HOMES"

The Commissioners unanimously agreed to submit a request to the legislators for legislation amending Article 66B "to authorize St. Mary's County to prohibit 'floating homes.'"

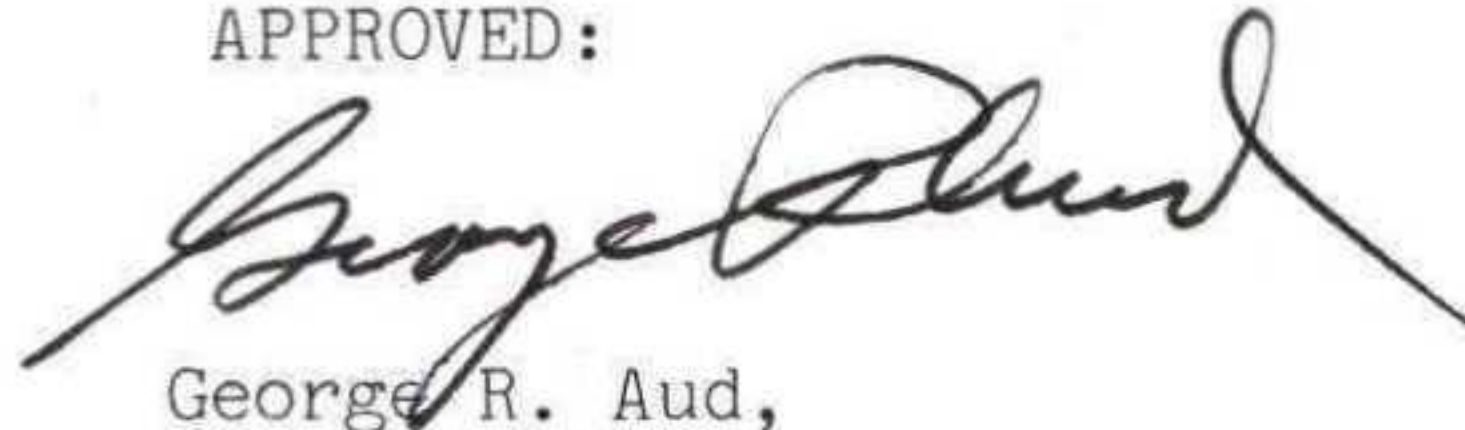
EXECUTIVE SESSION

Commissioner Arnold moved, seconded by Commissioner Dean, to meet in Executive Session in order to discuss matters of personnel. Motion carried. The Session was held from 3:15 a.m. to 4:00 p.m.

ADJOURNMENT

The meeting adjourned at 4:00 p.m.

APPROVED:



George R. Aud,