

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, August 6, 1985

Present: 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

(Commissioner President George Aud was not present due to illness.)

CALL TO ORDER

The meeting was called 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 30, 1985. Motion carried.

APPROVAL OF BILLS

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

BUILDING AUTHORITY COMMISSION

Present: Theodore Weiner, County Attorney (President)  
Joseph P. O'Dell, Director, Budget & Data Services (V. President)  
Edward V. Cox, County Administrator (Secretary)  
John B. Norris, Director, Public Works

The referenced members of the Building Authority Commission appeared before the Commissioners to advise the Board of several items as a result of the first meeting of the Commission:

1) By-Laws

The By-Laws were accepted by the Building Authority Commission for recommended approval by the County Commissioners;

2) Memorandum of Understanding

The Memorandum of Understanding as drafted by the county's bond counsel and Attorney General's Office was recommended to be submitted to the Commissioners for approval;

3) Advanced Funding

Mr. O'Dell explained that since there will be certain costs preceding the bond sale the Commission is requesting advanced funding from the County Commissioners. These funds would be repaid from the bond proceeds and would be protected by the Memorandum of Understanding.

4) Assignment of County Staff

The B/A Commission requested approval of assignment of county staff to support the Commission, which will be charged to the project.



The Commissioners thanked the Building Authority Commission members for their presentation and stated that the matter will be taken under advisement and a decision will be made next week.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator  
Theodore Weiner, County Attorney

Commissioner Sayre moved, seconded by Commissioner Arnold, to meet in Executive Session in order to discuss a matter of litigation. Motion carried. The Session was held from 9:30 a.m. to 10:05 a.m.

BID TALLY SHEET  
PICK UP TRUCK FOR OFFICE OF PLANNING & ZONING

Present: Paul Raley, Director, Purchasing & Logistics

Mr. Raley presented the bid tally sheet for the purchase of a pickup truck for the Office of Planning and Zoning and recommended awarding the bid to Bell Motor Co. in the amount of \$8179.36.

Commissioner Arnold moved, seconded by Commissioner Sayre, to accept Mr. Raley's recommendation. Motion carried.

DEPARTMENT OF PUBLIC WORKS

Present: John Norris, Director  
George Jarboe, Supervisor of Construction, Inspection and Building Services

1) PUBLIC WORKS AGREEMENT  
HOLLY HILL OF WILDEWOOD

Mr. Norris presented a Public Works Agreement dated July 24, 1985 by and between Paragon Builders, Inc. and St. Mary's County for the completion of Scotch Pine Court "T" turnaround located in Holly Hill of Wildewood, resubdivision of Plat One, Neighborhood Three, Cluster Two, Plat 37. The Agreement is backed with an Irrevocable Letter of Credit in the amount of \$7,500 with Maryland Bank and Trust Company.

Commissioner Sayre moved, seconded by Commissioner Arnold, to approve and authorize Commissioner Vice-President Millison to sign the Agreement. Commissioner Dean abstained. Motion carried.

2) ST. MARY'S COUNTY FAIR BOARD ASSOCIATION  
REQUEST FOR ILLUMINATION LIGHT

Mr. Norris advised that correspondence dated August 3 was received from the Fair Association requesting the installation of an illumination light at the intersection of Md. Rt. 5 and 244 and Fairgrounds Road because of a safety problem.

Commissioner Sayre moved, seconded by Commissioner Arnold, to approve the County having the lights installed. Motion carried.

3) ST. MARY'S COUNTY AIRPORT  
RESTRIPING PROJECT

Mr. Norris indicated that the State has advised that it was the County's responsibility to restripe the runway at the County Airport; however, they will furnish the paint and beads. In that the County currently has a road striping contract with Allied Striping, Inc., Mr. Norris recommended accepting a proposal from Allied in the amount of \$6,260 to do the striping project at the Airport and using existing funds in the capital project approved by the Airport Commission.



After discussion, Commissioner Dean moved, seconded by Commissioner Arnold to accept the proposal from Allied Striping, Inc. for the reflectorized pavement marking at the St. Mary's County Airport. Motion carried.

4) PROJECT NO. SM 85-1-11  
AUTHORIZATION FOR EXTRA WORK #2  
LEONARDTOWN MIDDLE SCHOOL - PAVING PROJECT

Mr. Norris presented the Authorization for Extra Work in the amount of \$44,200 to Arundel Asphalt Products, Inc. for the paving project at Leonardtown Middle School. Funds to come from the School Paving Capital Project.

Commissioner Dean moved, seconded by Commissioner Arnold, to authorize Commissioner Vice-President to sign the Extra Work Order. Motion carried.

5) ROADS PROJECT REVIEW

Mr. Norris and Mr. Jarboe reviewed with the Commissioners the status of various road projects in the County--resurfacing, asphalt overlay, road improvements, signing, etc.

INNOVATIVE AND ALTERNATIVE SEWAGE DISPOSAL SYSTEMS

Present: Dr. William Marek, Deputy Health Officer  
Cliff Stein, Office of Environmental Programs  
John Norris, Director, Dept. of Public Works

The referenced individuals appeared before the Commissioners to review the Memorandum of Understanding with the County for Innovative and Alternative Septic Systems Program and the grant from the State for this program. Mr. Stein explained that \$150,000 has been made available for FY '85 throughout the State with \$37,500 being granted to four counties, including St. Mary's.

During discussion Commissioner Dean raised a question regarding the possibility of some of those funds being used for the University of Maryland to do research and development on one of the proposed systems, the solar system in that there was not enough information to make a determination as to the feasibility of this system. Mr. Norris advised that the University of Maryland will be submitting a proposal for this project within a week. Mr. Stein and Dr. Marek indicated that once the proposal is received, it would be reviewed by the State and a determination made as to the use of the grant funds.

In further reviewing the Memorandum of Understanding, Mr. Stein stated that there is a requirement that the County develop a model agreement that would serve as an agreement between the County, the Health Department and the applicant for an I and A system. The County Attorney is to be contacted to develop the appropriate agreement.

RECREATION AND PARKS DEPARTMENT  
SHELTER BUILDING - SECOND DISTRICT PARK

Present: John Baggett, Director

Mr. Baggett advised that he solicited proposals for the construction of a shelter building at Second District Park and did not receive any responses. He stated that in conversations with the Public Works Director and the Assistant County Attorney, he had two alternatives: (1) to wait about a month and bid the project with some of public works projects or (2) act as general contractor and subcontract each item out as long as each item did not exceed \$25,000.



The Commissioners gave their concurrence for Mr. Baggett to proceed as necessary.

ZONING DECISION DISCUSSION  
ZONE #85-0519 - BARBARA LAWRENCE, ET AL

Present: Robin Guyther, Planner, OPZ

(Requesting rezoning of one acre from R-1, Rural Residential to C-1, Commercial. The property is located on the east side of Md. Rt. 5, north of Leonardtown (across from Leonardtown Sunoco), in the Third Election District; shown on Tax Map 32, Block 16, as Parcel 177.)

Having conducted a public hearing on July 23, 1985 on the referenced zoning application, the Commissioners commenced discussion. Mr. Guyther noted that the Planning Commission recommended approval of the application based on change of the character of the neighborhood in that the area adjacent to the site is now entirely commercial. Mrs. Lawrence plans to have a flower shop or restaurant at this location.

After discussion, Commissioner Dean moved, seconded by Commissioner Arnold, to direct the County Attorney to prepare the appropriate Resolution APPROVING the zoning application for the referenced property from R-1 to C-1 based on the findings of fact from the Planning Commission and Planning and Zoning staff. Motion carried.

ACCESS TO PLANNING AND ZONING FILES

Present: Lawrence Wayne Caples  
Robin Guyther, Planner, OPZ

Mr. Caples appeared before the Commissioners to present his concern regarding his access to files in the Office of Planning and Zoning. He stated that Mr. Gerred, Director, OPZ, has informed him that he would have to make an appointment with him and he would access the documents for him. Mr. Caples stated he felt that this was a variance in county procedures and policies in that he has been able to get a file and have it xeroxed for the past one and a half years. He further stated that he did not think that he should have to make an appointment with Mr. Gerred in order to see a file.

Commissioner Dean agreed that public records should be accessible to the public; however, public agencies are custodians of the records and must maintain the integrity of the files and citizens should not be allowed to take them from the office to be copied.

Commissioner Millison stated that the files are public information and that all citizens should be treated in the same manner, and the Commissioners should give a clarification as to the policy regarding access of files.

Mr. Guyther pointed out that this procedure had been developed because some of the files being requested were older files and were not easily accessible. The staff was taking a lot of time in looking for certain files.

In conclusion it was agreed that the matter would be discussed with Mr. Gerred when he returns next week.



COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) BUDGET AMENDMENT NO. 86-08  
OFFICE OF PLANNING AND ZONING

The County Administrator presented the referenced Budget Amendment recommended for approval by the Budget Director with the following justification: To transfer to proper account to acquire associated software and additional hardware capabilities of personal computer.

Commissioner Arnold moved, seconded by Commissioner Dean, to authorize Commissioner Vice-President Millison to sign the Budget Amendment. Motion carried.

2) PARTIAL RELEASE OF MORTGAGE  
ST. MARY'S HOSPITAL

The County Administrator presented the Partial Release of Mortgage by and between the County Commissioners and St. Mary's Hospital for property the hospital has contracted to sell on Washington Street.

Commissioner Arnold moved, seconded by Commissioner Sayre, to authorize Commissioner Vice-President Millison to sign the Partial Release of Mortgage. Motion carried.

3) ROAD RESOLUTIONS  
FOREST RUN SUBDIVISION

On behalf of the Public Works Director, the County Administrator presented the following Road Resolutions:

R85-35 - Posting all streets in Forest Run Subdivision at 25 miles per hour.

R85-36 - Designating Forest Run Drive as a Stop Street as it intersects with Md. Rt. 246.

Commissioner Arnold moved, seconded by Commissioner Sayre, to approve and authorize Commissioner Vice-President Millison to sign the referenced Road Resolutions. Motion carried.

4) BOARDS, COMMITTEES AND COMMISSIONS  
APPOINTMENTS

Commissioner Arnold moved, seconded by Commissioner Sayre, and motion carried, to make the following appointments:

<u>Domestic Violence/Sexual Assault Board</u>	<u>Term to Expire</u>
Judith Jenkins	June 30, 1988
<u>Tri-County Group Home Board</u>	
John Bennett	June 30, 1988
<u>Mental Health Alcoholism Drug Abuse Advisory Council</u>	
William Arick	June 30, 1988
Mary Clements	June 30, 1988



Job Training Partnership Act  
(Private Industry Council)

Don O'Neal (Board of Education rep.)

June 30, 1988

Historic District Commission

Walter Thomas

June 30, 1988

5) ORDINANCE NO. 85-17  
MARYLAND TRANSPORTATION BOND ORDINANCE  
AND PARTICIPATION AGREEMENT

The Commissioners having conducted a public hearing on July 23, 1985 on a proposed Maryland Transportation Bond Ordinance authorizing St. Mary's County to enter into a Participation Agreement with the Department of Transportation of Maryland for the issuance of Department of Transportation Bonds in the amount of \$1,400,000, the County Administrator presented the referenced Ordinance and Participation Agreement.

Commissioner Dean moved, seconded by Commissioner Arnold, to approve and sign Ordinance No. 85-17 and attached Participation Agreement. Motion carried.

6) SOTTERLY FOUNDATION  
REQUEST FOR FUNDS

The County Administrator presented correspondence in response to a request from the Sotterly Foundation for funds from the County stating that it cannot be considered this budget year, but will be taken under advisement for the next budget year. The Commissioners agreed to sign and forward said letter.

7) PROJECT SELF-SUFFICIENCY

On behalf of the Director of Economic & Community Development, the County Administrator presented two items of correspondence for the Commissioners' signatures as follows:

To Assistant Secretary for Policy Development and Research, Project Self-Sufficiency expressing the County's support of this project.

To Mr. Thomas Hobbs, HUD, encouraging the approval of additional "Project Self-Sufficiency" Section 8 funds.

Commissioner Sayre moved, seconded by Commissioner Arnold, to sign and forward said letters. Motion carried.

8) SHERIFF'S DEPARTMENT  
TRAINING AND SERVICE AGREEMENT

The County Administrator presented a memorandum dated August 6, 1985 from the Personnel Officer advising that the Sheriff has requested approval of the draft Training and Service Agreement, which is to be signed by each candidate prior to actual date of employment. The purpose of this is to avoid the County losing substantial sums of money when individuals were hired and then left county service shortly after completion of the mandatory training.

Commissioner Sayre moved, seconded by Commissioner Arnold, to approve the Training and Service Agreement form as presented. Motion carried.



PROPOSED AMENDMENT TO ZONING ORDINANCE  
HOME OCCUPATION

Present: Robin Guyther, Planner, OPZ

Commissioner Dean distributed copies of the section of the County's Zoning Ordinance pertaining to Home Occupation and stated he felt that was a conflict in the definition of Home Occupation. The definition states that Home Occupation is a "personal service or profession or use customarily conducted within a dwelling carried on ..." Commissioner Dean stated that this restricted certain occupations that would be conducted in an accessory building--such as welding, building a shed, etc. Therefore, Commissioner recommended a proposed amendment to the Ordinance which would eliminate the word "customarily" and adding language allowing a home occupation to be conducted in a separate building accessory to the dwelling.

After discussion, the Commissioners agreed to direct the Office of Planning and Zoning to initiate the appropriate public hearing procedures for this amendment.

EXECUTIVE SESSION


Present: Edward V. Cox, County Administrator

Commissioner Sayre moved, seconded by Commissioner Dean, to meet in Executive Session in order to discuss a matter of Personnel. The Session was held from 12:40 to 1:30 p.m. Motion carried.

ADJOURNMENT

The meeting adjourned at 1:30 p.m.

Approved,

  
George R. Aud  
President