

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, October 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
Joseph P. O'Dell, Budget Director (on behalf of
Edward V. Cox, County Administrator)
Judith A. Spalding, Recording Secretary

CALL TO ORDER

The meeting was called to order at 9:10 a.m.

APPROVAL OF MINUTES

Commissioner Dean moved, seconded by Commissioner Aud, to approve the minutes of the Commissioners' meeting of Thursday, October 17, 1985. Motion carried.

APPROVAL OF BILLS

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

COUNTY ADMINISTRATOR ITEMS

Present: Joseph O'Dell, Director, Budget & Data Services

1) ZONING AMENDMENT RESOLUTION NO. Z85-09
NEW COLONY HOMES

(Application to rezone approximately 39 acres of land from R-1, Rural Residential, to R-2, Low Density Urban Residential, located on Essex Drive in Lexington Park, Eighth Election District, as shown on Tax Map 51, Block 4, Parcel 376.)

Having conducted a public hearing on the referenced application and held subsequent discussion, Commissioner Dean moved, seconded by Commissioner Sayre, to approve and sign Zoning Amendment Resolution No. Z85-09. Commissioners Aud and Millison abstained in that they did not sit in on this case. Three Commissioners voted in favor. Motion carried.

2) SEWAGE SLUDGE UTILIZATION PERMITS

Mr. O'Dell presented correspondence dated October 15, 1985 from State Health Department forwarding two completed applications submitted by Bio Gro Systems, Inc. for two sewage sludge utilization permits to land apply sludge from Pine Hill Run Treatment Plant on the J. Frank Raley and the St. Mary's River State Park properties. Requests for public informational meetings must be scheduled within 10 days within receipt of this notice.

Mr. O'Dell advised that the Metropolitan Commission has been contacted and they have no objection to these permits.

Mr. O'Dell stated that it is recommended that the Commissioners allow the ten days to elapse after which the project could proceed.

The Commissioners gave their concurrence.

LEGISLATIVE PACKAGE REVIEW

The Commissioners reviewed the legislative items presented and received at the public meeting on October 3 and took positions as indicated:

Items Supported by the Board

1. Public Schools (Election Days)
2. - 9. Alcoholic Beverage Board (License Increases)
10. Alcoholic Beverage Board (Residency Requirement)
11. Alcoholic Beverage Board (Assignment/Transfer Fee)
12. St. Mary's Nursing Home (State Debt)
15. Citizens for Decency (Display of Indecent Materials)
(Commissioner Millison abstained.)
17. Speed Limits (Residential Subdivisions)
19. Creation of State Debt (Correctional Facility)
(Commissioner Millison opposed.)
20. - 22 Metropolitan Commission (w/s connection
charge dates; Tampering w/ meters;
and w/s charge date)
23. Accommodations Tax
(Commissioner Millison abstained.
(Commissioner Arnold supported if it would also
apply to the three Southern Maryland Counties.)
24. Electrical Examiners Board (Fees)
26. Building Authority Commission (Municipal Lease)
27. Margaret Brent Gardens
28. Budgetary Procedures
29. Medivac Helicopter
31. Unattended Children
32. Running Away/Juvenile Offense

Items Not Supported

18. Money in Lieu of Land (Flexibility of Use of Funds)
33. County Commissioners' Terms (2-year limitation)

Items Supported with Clarifications

25. St. Mary's Historical Society (Tudor Hall Restoration)

Since the Historical Society has proposed the \$70,000 State Grant as matching funds in conjunction with \$40,000 coming from community contributions and \$30,000 coming from a county government grant, the County Commissioners support this item with the understanding that County Government is not responsible for the \$30,000 grant unless the \$70,000 state grant is provided, and the \$40,000 community fund-raising is realized.

30. County Treasurer

The County Commissioners accept the recommendation of the majority report of the Treasurer Study Committee. The County Commissioners recommend that the referendum occur in the General Election of 1988.

Items Being Held for Additional Information

13. Psychiatric Crisis Cases Transportation

That comments be obtained from the Sheriff and the Rescue Squad Association regarding this bill.

14. Medical Assistance for Mental Illness

That it is state-wide legislation and should be addressed by the Medical Assistance Administration.

16. Highway Maintenance (40 foot right-of-way)

That the Director of Public Works have specific language drafted prior to the Board taking a position.

34. Additional Revenues (Marina and/or Sand/Gravel Tax)

That the Commissioners would hold until more specific information is obtained.

Commissioner Millison opposed this item.

PUBLIC HEARING

RENAMING ST. CLEMENTS SHORES ROAD

Present: John Norris, Director, Department of Public Works

The Commissioners conducted a public hearing for the purpose of renaming St. Clements Shores Road, County Route 3147, to Lady Baltimore Avenue, located off of Bayside Road in the Third Election District.

The secretary read the Notice of Public Hearing.

Commissioner Aud inquired if anyone had any comments regarding this matter. There were no comments.

Commissioner Arnold moved, seconded by Commissioner Sayre, to approve the renaming of the road and to authorize Commissioner President Aud to sign the appropriate Road Resolution. Motion carried.

PUBLIC HEARING
RENAMING BUZZARD POINT ROAD

Present: John Norris, Director, Department of Public Works

The Commissioners conducted a public hearing for the purpose of renaming Buzzard Point Road, County Route 3521, to Abell Road, located off of Abell Road, Seventh Election District.

The secretary read the Notice of Public Hearing.

Commissioner Aud inquired if any present had any comments regarding this matter.

Mr. Norris advised that this change is being made at the request of residents of the road and that it will be an extension of Abell Road.

Commissioner Arnold moved, seconded by Commissioner Sayre, to approve the renaming of Buzzard Road to Abell Road and to authorize Commissioner President Aud to sign the appropriate Road Resolution. Motion carried.

ZONING CONCERNS

Present: John Combs
Frank Gerred, Director, Office of Planning & Zoning

Mr. Combs appeared before the Commissioners to discuss various zoning concerns relative to the Great Mills Trading Post. Mr. Combs had previously submitted a packet of documentation regarding his concerns.

Mr. Gerred explained to Mr. Combs that he had 30 days from the date of the correspondence (January 11, 1983) forwarded by the Office of Planning Zoning setting forth explanations of his concerns.

After considerable discussion, the following allegations and/or concerns were listed by Mr. Combs:

- 1) That Mr. Joseph Knott made false statements in his Application for Certificate of Occupancy dated 11/9/82, Control #82-1348-1262;
- 2) That he questioned the zoning decision by the Board of County Commissioners in Case No. ZA 78-245 (Great Mills Service Community Service Center) Joseph D. Knott, dated July 25, 1979.
- 3) That the applicant for Zoning Permit Control No. 82-1348 dated June 12, 1984, filed erroneous information and the Office of Planning & Zoning accepted it.

The Commissioners advised Mr. Combs that they would look into these concerns and respond back to him at a later date.

MENTAL HEALTH, ALCOHOLISM, DRUG ABUSE ADVISORY COUNCIL
(NOMINATING COMMITTEE)

Present: Jayne Sullivan, Nominating Committee, MHADAAC
Sue Gelrud, " "
Phebe Barth, Community Services Coordinator

The referenced individuals appeared before the Commissioners to propose several suggestions regarding the chairperson of MHADAAC. It is recommended that the volunteer position of chairperson be restructured to a contract for services and that the annual fee be set at approximately \$5,000. The representatives of MHADAAC pointed out how demanding this position was in that it serves in an advisory capacity in the areas of

mental health, alcoholism and drug abuse and needs for these services are continuing to grow. Mrs. Raley, current chairperson, has indicated that she would continue in that role until a qualified person is found.

MHADAAC in their letter of October 17, 1985 (copy of which is on file in the Commissioners' Office) recommended several means of seeking funds for this purpose. The representatives pointed out another option which is to consider a monthly stipend of \$100 plus reimbursement for actual expenses or just reimbursement of necessary expenses.

The Commissioners agreed to give consideration to this request and respond at a later date.

EXECUTIVE SESSION

Present: Joseph Densford, Assistant County Attorney
Frank Gerred, Director, OPZ
Warren Rich
Tom Baker

Commissioner Aud moved, seconded by Commissioner Sayre, to meet in Executive Session in order to discuss a matter of property acquisition. Motion carried. The Session was held from 11:30 a.m. to 11:55 a.m.

PROCLAMATION NO. 85-69
TRICK OR TREAT FOR ANIMALS DAY

Present: Kay Daugherty, Human Society
Barbara Ezelle, "

The Commissioners presented the referenced Proclamation designating October 31, 1985 as Trick or Treat for Animals Day.

PROCLAMATION NO. 85-65
EPILEPSY MONTH

Present: Maureen Detig

The Commissioners presented the referenced Proclamation designating the month of November as Epilepsy Month.

EXECUTIVE SESSION

Present: Joseph Densford, Assistant County Attorney
John Norris, Director, Public Works

Commissioner Aud moved, seconded by Commissioner Dean, to meet in Executive Session to discuss a matter of pending litigation. Motion carried. The Session was held from 1:00 p.m. to 1:25 p.m.

DEPARTMENT OF PUBLIC WORKS

Present: John Norris, Director

- 1) AGREEMENT
SPECIAL DRAINAGE TAXING DISTRICT

(Commissioner Millison abstained.)

Mr. Norris presented an Agreement by and between Board of County Commissioners of St. Mary's County and Larry Reich and Susan Reich wherein the property owners agreed to be included in the taxing district for the purpose of correcting storm drainage problems in the Lexington Park area.

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

2) BID TALLY SHEET
BUSHWOOD WHARF RECREATIONAL AREA

Mr. Norris presented the bid tally sheet for the referenced project and advised that he would return at a later date with a recommendation for awarding the bid.

3) CATHY CIRCLE TAXING DISTRICT

For the Commissioners' information Mr. Norris presented the costs and method of assessment for the Cathy Circle Special Taxing District in the Golden Beach Subdivision. He advised that the information will be forwarded to the residents of the the taxing district and to the Director of Finance, Mr. Sterling so that the district can be effected.

4) RESOLUTION NO. 85-25
TALL TIMBERS SECOND SHORE EROSION DISTRICT

Mr. Norris advised that Mr. and Mrs. Zirpel, Parcel 194, have requested to be included in the Tall Timbers Second Shore Erosion District and presented the referenced Resolution to include that parcel and further approving the plans and specifications for the stone revetment for the District.

Commissioner Millison moved, seconded by Commissioner Sayre, to approve and sign Resolution No. 85-25. Motion carried.

5) ACCEPTANCE OF DEED
ROAD RESOLUTIONS
PINEMORE SUBDIVISION

Mr. Norris presented a Deed dated October 1, 1985 by and between Benjamin H. Burroughs, Jr., F. Elliot Burch, Jr., Edward S. Burroughs and the Board of County Commissioners of St. Mary's County for the resubdivision of Lots 18-23, Section 1, Pinemore, designated as Bryan Court.

In addition, Mr. Norris presented the following Road Resolutions:

R85-47 - Designating the following streets located in Pinemore Subdivision as a Stop Street: Bryan Ct. at its intersection with Laurel Grove Morganza Road.

R85-48 - Posting streets and roads in Pinemore Subdivision at 25 miles per hour.

Commissioner Millison moved, seconded by Commissioner Sayre, to accept the Deed as presented and further to approve and authorize Commissioner President Aud to sign the two referenced Road Resolutions. Motion carried.

6) ADDENDUM TO PUBLIC WORKS AGREEMENT
SAN SOUCI ESTATES

Mr. Norris presented the Addendum to the Public Works Agreement dated November 26, 1984 by and between J. Laurence Millison and the Board of County Commissioners extending the deadline for completion of San Souci Estates to November 1, 1986.

Commissioner Dean moved, seconded by Commissioner Sayre, to approve and authorize Commissioner President Aud to sign said Addendum. Commissioner Millison abstained. Motion carried.

7) EMPLOYMENT AGREEMENT
ASSISTANCE FOR CAPITAL PROJECTS

Mr. Norris apprised the Commissioners of the volume of capital projects in his Department; i.e., Detention Center and the construction of the State Office Building, and requested approval by the Board for employ Charles Lynch at \$15 per hour on an as needed basis.

Commissioner Dean moved, seconded by Commissioner Sayre, to authorize Commissioner President Aud to sign the Employment Agreement with Charles Lynch as presented by the Public Works Director. Motion carried.

8) LANDFILL APPRAISALS

Mr. Norris presented an appraisal proposal from J. Spence Howard for expansion of St. Andrews Landfill and for the Clements Landfill.

The Commissioners agreed to accept the proposal from Mr. Howard as submitted.

9) HIGHWAY SAFETY PROJECT AGREEMENT
MARYLAND DEPARTMENT OF TRANSPORTATION

Mr. Norris presented the referenced Agreement for design and performance standards manual for construction of county roads. The purpose of the project would be to avoid duplication and confusion in county capital projects and development projects.

Commissioner Millison moved, seconded by Commissioner Arnold to approve and authorize Commissioner President Aud to sign the Agreement as presented. Motion carried.

10) PROJECT NO. SM 85-1-6
ENTRANCE PERMITS

Mr. Norris reviewed with the Commissioners the outstanding bonds for driveway entrances and requested concurrence by the Board to advance funds for the value of the contract with Copenhagen (\$19,975). He indicated that funds would come from the County's processing through legal means those permits two years or older. Therefore, Mr. Norris presented a contract by and between Copenhagen Asphalt Services and the Board of County Commissioners of St. Mary's County for labor, equipment, and materials necessary for completion of the driveway entrances.

In addition, Mr. Norris requested authorization for the President of the Board to sign various Release and Assignments from individuals and sureties and further that the President be authorized to sign any other release and assignments in this matter.

After discussion, Commissioner Millison moved, seconded by Commissioner Sayre, to approve and authorize the President to sign the Agreement with Copenhagen; to authorize the President to sign the Release and Assignments as presented and any others pertaining to this project; to collect funds on those driveway entrance permits that have expired; to authorize the County Attorney to pursue collection of those bonds that have expired after a determination has been made that the work has not been done. Motion carried.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator

Commissioner Aud moved, seconded by Commissioner Sayre, to meet in Executive Session in order to discuss matters of land acquisition and Personnel. Motion carried. The Session was held from 2:15 to 2:25 p.m.

FUTURE ITEMS FOR DISCUSSION

Present: Frank Gerred, Director, Office of Planning and Zoning

Commissioner Dean suggested that the following items be placed on the agenda in the future for discussion:

1) Building/Structural Code

Because of public requests, Commissioner Dean suggested that the question of whether or not the County should adopt a building or structural code be addressed. He recommended that if the Commissioners do wish to pursue this idea that a committee be formed comprised of, among others, consumers, builders, and those in building trade. Commissioner Aud suggested that the County Administrator gather information that had previously been reviewed on this issue.

2) Comprehensive Land Use Plan

Commissioner Dean stated that the Comprehensive Plan for the County was done in 1974 with subsequent minor revisions, and suggested that the County conduct a major review of the plan to determine if the goals and objectives are same or in need of revision. He recommended that a firm be hired to assist in this review in concert with the staff of the Office of Planning and Zoning, the Planning Commission, the County Commissioners and the public. If the Commissioners agree to pursue this, a source of funds will have to be determined, scope of services developed, etc.

Mr. Gerred pointed out that funds may be forthcoming from the State under the critical areas review and that his office has requested an entire review of the County.

3) Floating Homes

Commissioner Dean inquired as to the status of floating homes, stating that the Legislators had imposed a moratorium a year ago.

Mr. Gerred stated that a policy has been drafted for presentation at a public hearing with the Planning Commission, after which a recommendation will be presented to the Board of County Commissioners.

EVALUATION OF DOCTORS

Commissioner Millison suggested that the State be requested to take some action for periodic evaluations of physicians to ensure that they are still competent, proficient and emotionally healthy.

LITTERING/PARKING PROBLEMS

PINEY POINT/ST. GEORGE ISLAND AREA

Commissioner Sayre brought to the Commissioners' attention the fact that people are depositing large amounts of trash along the shoreline in the Piney Point and St. George Island area, and that they are also causing hazardous road conditions by improper parking. Commissioner Sayre suggested that law enforcement and health department officials be contacted regarding this matter.

The Commissioners agreed to have discussion on this matter at a later date.

CONTINUATION OF EXECUTION SESSION


Present: Edward V. Cox, County Administrator
B. Harris Sterling, Director of Finance

In that the items in the previous Executive Session were not completed, the Commissioners continued the Session on Land Acquisition and Personnel. This Session began at 2:45 p.m. (Mr. Sterling left the meeting at 3:20 p.m.) and ended at 3:45 p.m.

ADJOURNMENT

The meeting adjourned at 3:45 p.m.

Approved,



George R. Aud
President