

BOARD OF COUNTY COMMISSIONERS' MEETINGTuesday, November 26, 1985

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

CALL TO ORDER

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

APPROVAL OF MINUTES

Commissioner Dean moved, seconded by Commissioner Sayre, to approve the minutes of the Commissioners' meeting of Tuesday, November 19, 1985, as recorded. Motion carried.

APPROVAL OF BILLS

Commissioner Millison moved to approve payment of the bills as submitted, except that he would abstain from voting to approve #001261. Motion was seconded by Commissioner Arnold and unanimously approved by the Board. Commissioner Aud made a motion to approve #001261, seconded by Commissioner Arnold and unanimously approved. Commissioner Millison abstained.

SALE OF SURPLUS PROPERTY

Present: Paul Raley, Director, Purchasing & Logistics

Mr. Raley presented the bid tally sheet for surplus County property from the tax sale the County had, and recommended the property be sold to each of the high bidders. Mr. Raley said this would bring in a total of \$6,361.00 for the eight parcels offered for sale, even though none of the properties perc'd. Mr. Aud made a motion to approve the sale as recommended. The motion was seconded by Commissioner Arnold and unanimously approved.

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) The Calendar of Events for November 29 through December 13, 1985 was provided for the Commissioners' information.

2) PERSONNEL ITEMS

a. DPW - Promotion of Journeyman to Engineering Technician. Mr. Cox stated that when the Journeyman position was advertised over a year ago, it was advertised with promotional capabilities. The incumbent has now fulfilled the requirements of the next level, which is Engineering Technician. Last week the Commissioners approved the hiring of a Journeyman at the lower level, and this request is for approval of the advancement to Engineering Technician. Mr. Aud made the motion to approve this promotion, seconded by Commissioner Dean. All voted in favor.

b. DPW - Appointment of Office Secretary I, Grade 6, to replace Jeanene Lowey, who resigned as of November 22nd. This provides the opportunity for advancement by a lower-positioned person in the Department of Public Works, and this request is for approval of that promotion. Commissioner Aud moved to approve, seconded by Commissioner Arnold. All voted in favor.

c. DPW - The above promotion, then, creates a vacancy in Melanie Johnson's position. Commissioner Aud made a motion to fill this vacancy, seconded by Commissioner Arnold. Motion carried.

d. DPW - Commissioner Aud moved to fill the vacancy created by the resignation of Larry Donmoyer, Engineer IV, Grade 15. Commissioner Sayre seconded; motion carried.

e. Commissioner Aud moved to extend the probationary period for the employee named in the memorandum of November 20th which was before the Commissioners. Commissioner Sayre seconded; motion carried.

f. By their letter to the Board of Commissioners dated November 25, 1985, the Metropolitan Commission has asked that Mary Ann Murray be reappointed to the position of Treasurer for MetComm, and Larry Petty be deappointed. Ms. Murray resigned from this position a year ago, but has now rejoined their staff. Commissioner Dean moved that the Board approve the Continental Insurance Company as surety for the bonding specified in Section 1131.E. of the Public Local Laws of St. Mary's County in the amount of \$25,000, to be issued to Mary Ann Murray as the duly appointed Treasurer of the St. Mary's County Metropolitan Commission, effective December 2, 1985. The motion was seconded by Commissioner Aud and all Commissioners voted in favor.

3) APPOINTMENTS TO BOARDS AND COMMISSIONS

a. Commissioner Sayre moved to appoint Mr. Ray McKean to the St. Mary's Council on Children and Youth, his term to expire on December 31, 1988; seconded by Commissioner Aud and unanimously approved.

b. Commissioner Aud moved to appoint John Wood and Fredrick Meatyard III to the St. Mary's River State Park Citizens Advisory Committee; seconded by Commissioner Sayre and unanimously approved.

c. Commissioner Aud moved to appoint Mr. Albert Lechak, Vice-President of Planning Architects, Inc., to the Job Training Partnership Act (Private Industry Council). The motion was seconded by Commissioner Sayre and unanimously approved.

4) MENTAL HEALTH, ALCOHOLISM, DRUG ABUSE ADVISORY COUNCIL (MHADAAC) CHAIRPERSON PROPOSAL

By memorandum dated November 14, 1985, Mr. Cox presented a proposal for reimbursement of expenses to the Chairperson of MHADAAC, suggesting the Board approve reimbursement of expenses through the Director of the Office of Community Services, said reimbursement to be for business-related mileage and expenses. Commissioner Aud moved to accept his recommendation and approve option #3 of said memorandum. The motion was seconded by Commissioner Millison and unanimously approved.

5) SALE OF EQUIPMENT BY TREASURER

The County Treasurer recommends the sale of an IBM 3741 Data Entry Station which is no longer of use to the County. Commissioner Dean moved to authorize this sale; seconded by Commissioner Arnold and unanimously approved.

COUNTRY AND WESTERN FESTIVAL

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

Mr. Baggett stated he was here to talk about the Country and Western Festival held in June of this year, and presented the following facts: Tickets sold - 4,711; break-even was just a little over \$1,000; expenses were \$88,447.15; a R&P survey showed 42% of those attending were from out of the County, of that group 15% had never been in St. Mary's County before, and, in talking unofficially with some business people some of them felt they had benefited from motels, campgrounds, restaurants, etc.; in addition to all of that, Mr. Baggett said, they provided very good entertainment at home for our citizens. For those reasons, and he said has considered very fully the strain on his staff, he would like to request two things:

1) Permission to stage the Country-Western Festival on the 7th and 8th of June, 1986, with a maximum budget of \$100,000 to be taken from the revolving fund as it was before; and

2) Permission to sign the documents that are necessary.

At this point Commissioner Millison stated that, although he has positive thoughts, he felt it would be inappropriate for him to sit on this issue, and left the meeting.

Mr. Baggett said they have come up with three possible names to negotiate with: the Marshall Tucker Band; Louise Mandrell, and Conway Twitty.

Commissioner Arnold stated he has heard some suggestions and had some offers from local people involved in the Country-Western music field who said they would be glad to offer Mr. Baggett their help in improving it, in particular Tommy Alvey and Teddy Wathen. Mr. Arnold said he thought we could get some people for less than \$35,000, which was paid to Charlie Daniels Band. Commissioner Dean suggested that Bluegrass music is very popular and could also be considered. Commissioner Arnold stated he thought Peggy Sue, who is Loretta Lynn's and Crystal Gayle's sister, had told Claude Clarke to contact her as it was possible the three sisters might perform. The Commissioners stated that they would give the matter some thought and let Mr. Baggett know their decision at a later date.

DEPARTMENT OF PUBLIC WORKS

Present: John B. Norris, Jr., Director, DPW

Mr. Norris stated that he had a series of items in the marine category and that he is attempting to rearrange some funds, all of which are totally supported by the State and which will come out of the Waterway Improvement Fund:

1) BUSHWOOD RECREATIONAL FACILITY, Phase II

a. Request a \$5,000 supplemental grant from DNR, authorizing Commissioner Aud to sign that correspondence;

b. The remaining money in the Phase I Bushwood Grant will be transferred over to Phase II. Need authorization for Commissioner Aud to sign a budget document in the amount of \$1,200 to cover a contract about to be authorized. This is revenue to offset the expense from State money.

c. Conditionally award to Bayside Contractors the Phase II work for the bulkhead at Bushwood, subject to approval by DNR, in the amount of \$30,540.

2) TALL TIMBERS PUBLIC WHARF

a. Need to reject the Crandall proposal because it is too high. Mr. Norris said the problems became more acute and he had to go down and make some repairs, so that at least there are no access and hazard problems.

b. Request to withdraw the approved \$5,000 grant and authorize Commissioner Aud to sign that correspondence to DNR.

3) LEONARDTOWN RECREATIONAL FACILITY

a. Need to withdraw the approved \$25,000 grant application to DNR and authorize Commissioner Aud to sign correspondence. Mr. Norris said the Commissioners will be seeing a Capital Project request to replace the access to Breton Bay in the Leonardtown area (boat ramp at the bottom of Leonardtown hill).

Mr. Norris stated that all of this is geared toward getting the project awarded at Bushwood.

Commissioner Dean moved to approve these projects as outlined by Mr. Norris, seconded by Commissioner Sayre and unanimously approved.

4) TALL TIMBERS SECOND SHORE EROSION DISTRICT

Mr. Norris said that DNR received bids on November 19, 1985, and there were three bidders, with Martin Embach offering the lowest bid of \$188,000. This will reduce the cost from \$12.46 per front foot per year to \$8.85 per front foot per year - a reduction of almost 30%. Commissioner Dean moved that the Board concur with DNR to award this contract, seconded by Commissioner Aud. Motion carried.

5) SPECIAL DRAINAGE TAXING DISTRICT IN LEXINGTON PARK

Mr. Norris said they had a public hearing on November 15th and the bottom line is there is more work that needs to be done in order to answer some of the questions that were asked at the public hearing. He said there are two alternatives that have a substantial difference in annual assessment and he is asking for a proposal for some additional engineering work and will come back before the Board after this is done.

6) MARINE PROJECT - PINEY POINT RECREATIONAL FACILITY

Mr. Norris showed the Commissioners photographs of some damage that was done by the last storm, and presented a \$5,000 grant from DNR for the County to do the repair work. He asked the Board to authorize Commissioner Aud to sign the grant and also to sign a budget document when prepared by Mr. O'Dell offsetting revenue coming from the State.

Commissioner Dean moved that the Board approve and authorize Commissioner Aud to sign the grant application to DNR for work to be done at the Pine Point Recreational Facility. The motion was seconded by Commissioner Sayre and unanimously approved.

7) GRADING AGREEMENT No. 86-10 - PARAGON BUILDERS, INC.

This agreement will expire on December 1, 1985, and Mr. Norris asked that it be extended to May 1, 1986 and that Commissioner Aud be authorized to sign the agreement when the signature of the County Attorney and the seal of Maryland Bank and Trust have been obtained. Commissioner Millison moved to grant this extension; seconded by Commissioner Sayre. The vote was four in favor, with Commissioner Dean abstaining.

8) PUBLIC HEARING - CHANGE OF NAME FROM ED ROAD
TO BAYFRONT DRIVE

Mr. Norris said the Board of County Commissioners held a public hearing to change the name of Ed Road, and this is a continuation of that hearing. He said after that hearing he had met with Mr. Lomedico, Mrs. Wilkerson and another gentleman in the audience for an hour or so. The bottom line is that Mr. Lomedico has written to the Commissioners that he no longer has any objection to renaming the Road "Bayfront Drive." Mr. Norris asked the Board to approve Resolution No. 85-50, renaming Ed Road to Bayfront Drive. This motion was made by Commissioner Aud, seconded by Mr. Sayre, and unanimously approved. This concluded the public hearing.

9) SURFACE TREATMENT ASPHALT OVERLAY

Mr. Norris said his office spent a week trying to determine the dollar value and amount of material expended for Surface Treatment Asphalt Overlay, and the settlement reached by the State of Maryland and the Attorney General's office was in excess of \$88,000. He said we have received our first check in the amount of \$33,000.

10) SNOW AND ICE REMOVAL

Mr. Norris said he is setting motion a duplicate of what they have done in prior years and presented an operational plan which remains essentially the same. Major highways will be treated as bare pavement highways and will be chemically treated. Roads of lower classification will take 2" of accumulation before they will plow. In addition to that, hills, turns, and intersections will be chemically treated on the minor highways as the equipment can get to it in a hierarchy of need. The County will utilize more than 16 rental contractors to do 20-25 miles each of plowing in their neighborhood areas. They will be assigned specific routes with specific authority which they will know in advance. This worked very well last year, he said. Further, he will utilize the rental rates that SHA is using again, which have gone up about \$2.00 per hour. A dump truck with an operator and a plot or salt spreader, plus a helper, will run the County \$50.00 per hour; however, most of the trucks do not have a helper. Mr. Norris said this year he hopes to get the job done in eight hours.

The other thing this year, Mr. Norris said, is that we will utilize the salt barns from SHA by their guidelines. Mr. Norris said last year he was told, under very stringent, strict procedures, with SHA having the ability to cut us off whenever their needs warrant, that we could use their storage facility, but only for one year. Now he has arranged it so we could have another year. Commissioner Dean said the storage facilities were built by taxpayers' dollars to service the people of St. Mary's County, and the people who use the State roads the County roads are the same people. Mr. Dean said he was proposing for the Commissioners to see how they can pursue this with SHA. Mr. Norris said the Commissioners have no idea what an effort it took to get this additional year, and said he thought the Commissioners would have problems all the way up the line, and he thought they were going to be strong. Commissioner Dean said he thought it was worth a try.

Mr. Norris said he was asking for authorization for the President of the Board to sign these specific contractors' rental agreements and any agreements that they have not yet received. Commissioner Arnold moved, seconded by Commissioner Aud and unanimously approved, that Commissioner Aud sign the following contracts:

Russ Cullins, Clements, MD.
Robert Lee Owens, St. Inigoes, MD.
John A. Taylor, Park Hall, MD.
Clayton E. Cullison, Valley Lee, MD.
C.I. Norris & Son, Hollywood, MD.
W. Alan Raley, Hollywood, MD.
Leonard T. Bowles, Jr., Loveville, MD.
B.I. Mattingly, Leonardtown, MD.
Aloysius R. Raley, Avenue, MD.
John H. Copenhaver, Mechanicsville, MD.
Buddy Knott - The Trading Post, Great Mills, MD.

UPDATE ON STORM DAMAGE AID

Present: Tom Oliver, Director, Civil Defense
Murray Jackson, Disaster Chairman for Local Red Cross

Mr. Oliver stated that this would be a very brief session, and apologized for not getting here last week. Mr. Oliver said the Small Business Administration was down for two days, the Federal Emergency Management Agency was down, the Federal Transportation Department, and the Corps of Engineers were down to survey the damage from the recent storm.

The Small Business Administration's criteria is that they had to see 25 buildings that sustained 40% of their value in uninsured loss. He said they saw that - we met their criteria, their report has been submitted and we're waiting to hear from Atlanta at this point. This aid would be in low-interest, long-term loans; the interest right now is 8%. Mr. Oliver said he felt confident that we will be getting th SBA declaration.

Federal Emergency Management Agency (FEMA) is still up in the air and we are waiting for the Federal declaration.

Commissioner Sayre stated that this storm covered maybe a small area, but that doesn't mean it was any less of a storm - why should they have less help? He said he had someone call him last night who lives on St. George Island and who had gotten the brunt of the storm - his damages are tremendous, and he is asking for some king of help - not a gift, but a low-interest loan.

Mr. Jackson said the Red Cross had come in and set up a service center at the Valley Lee Firehouse on November 15th and ran it for 10 days. The purpose was to interview people who had suffered damages and what they were doing on the first phase was emergency relief - food, clothing, repairs to homes and businesses so they could get back in operation. In the 10 days they were open they gave assistance to 58 families in the County, and their total expenditures to date are just short of \$20,000. When the SBA declaration is made, he said, he will call his people back in and they will call those 58 families, and if their application to SBA is denied or they don't qualify, then they can come back in to the Red Cross for long-term aid.

Commissioner Sayre asked if the low-interest loans depend also on how much the family or the person makes a year. Mr. Oliver said not that he is aware of, but that is something that will be SBA policy, and, when they hear from SBA they will get the word out via the news media. Mr. Sayre said there has been a terrible amount of damage and he has received several dozen phone calls. He said he is still repairing the damage to his own property.

Mr. Jackson stated that, in the course of their 10 days down in the Second District, the business community of St. Mary's County responded magnificently. He said they had a lot of homes, particularly in St. George's Island, that were flooded, and the rugs, if they had any age on them, fell apart when you took them out to dry. He said he called a couple of businesses in the County and they made very generous donations of rugs that were in their warehouses, that were damaged or unsaleable for one reason or other—they were very good rugs, and the Red Cross distributed those along with the financial aid they gave. Mr. Jackson said he was very pleased to see this response.

Commissioner Sayre said he would personally like to congratulate the Red Cross, the Emergency Center, the Rescue Squads and Fire Departments or any other organization that helped out these low-lying areas. He said he is in a position to know what is taking place and those people are very thankful of what has been done and is still being done - it meant so much especially to the elderly people, the people who were slightly handicapped and can't move about like young people, to get them out of that area and lend them a helping hand in so many ways, to give them knowledge of what they possibly could do for them in the future, to help them financially. Commissioner Sayre stated that they had done a good job and the Commissioners all congratulated them. Commissioner Sayre said he knew that the Second District Fire Department had absolutely ruined two of their trucks in the rescue work and had to call for mutual aid from other departments.

Commissioner Arnold said he noticed in particular Mr. Jackson's letter that he wrote to Captain Welch on the Naval Air Station, and said he thought that was very, very good; that so many times people forget to say "thank you."

COLTON POINT ROAD DAMAGE

Mr. Norris, Director, DPW, stated the Commissioners responded to a petition they had on Colton's Point re-establishing a road that was washed out in the storm. He said he has given the Commissioners an estimate of costs on that, but has not identified the source of funds yet. He said they will start that work next week, if the weather looks good, and will be working with the Commissioners and the Budget Officer to see what they can come up with. Mr. Norris said the road is still barricaded.

OFFICE OF PLANNING AND ZONING ZONING DECISION/DISCUSSIONS

Commissioners present: George Aud, Ford Dean, David Sayre, and Richard Arnold. Commissioner Larry Millison was absent. Staff present included: Frank J. Gerred, Director, Robin Guyther, Planner, and Anita M. Meridith, Recording Secretary.

ZONE # 85-0880: H. T. WARING

Requesting rezoning of 1.77 acres from R-2, Low Density Urban Residential, to C-2, Commercial. The property is located on Maryland Route 235, California, adjacent to the Patuxent Inn, Eighth Election District, shown on Tax Map 43, as Parcel 5.

Mr. Guyther recalled that this subject property was a tract of R-2 zoned land adjacent to the Patuxent Inn, situated between the former and Hickory Hill Shopping Center. The applicant is requesting C-2 zoning in order that he might expand the facilities at the Patuxent Inn by adding forty rooms, sauna, meeting and banquet facilities. The Planning Commission recommended approval with the condition that the new site be restricted from direct access to Route 235, said property to be served by the existing entrance to the Patuxent Inn.

Commissioner Dean moved, seconded by Commissioner Aud, and unanimously passed, to instruct the Assistant County Attorney to prepare the appropriate resolution for an approval of the requested rezoning, based on the finding that there has been a change in the neighborhood and on the basis of the staff's analysis and recommendation, which in essence, would adopt the Planning Commission's recommendation with regard to limitation of additional access from this site to Route 235.

ZONE #85-1019: H. T. WARING

Requesting rezoning of 2.07 acres from R-2, Low Density Urban Residential, and C-1, Commercial, to C-2, Commercial. The property is located on Maryland Route 246, Great Mills Road, adjacent to Southern Mobile Home Park, Eighth Election District, shown on Tax Map 51, Block 3, as Parcel 373.

This property is adjacent to the Southern Mobile Home Park (formerly known as Hopewell Manor), and has access from Praether Drive. The applicant advised that his proposed use for the property was for personal mini-storage facilities. The Planning Commission recommended approval with the condition that certain uses normally permitted in the C-2 zoning category be restricted, i.e. Gas and go stations; multiple family dwelling units (R-15); automobile filling stations; automobile sales and service; drive-in eating and drinking establishments (specifically fast-food stores); multiple family dwelling units (R-30). Staff advised that the applicant was amenable to this conditioned rezoning approval (restrictions as aforereferenced).

Commissioner Dean moved, seconded by Commissioner Arnold, to instruct the Assistant County Attorney to prepare the appropriate resolution approving the requested rezoning on the condition that the uses, as recommended by the Planning Commission, be prohibited, said approval based on the finindg that there had been a change in the neighborhood, per staff's analysis and recommendation.

ZPUD # 85-1318: MARK DILLOW/A. LEOLA DEAN

Requesting rezoning of ten acres from R-1, Rural-Residential, to PD-SC, Planned Development Shopping Center. The properties are located on Maryland Route 235, Hollywood (Dean Lumber Company site), in the Sixth Election District, shown on Tax Map 26, Blocks 11 and 16 as Parcels 310, 354 and 374.

NOTE: Commissioner Ford Dean excused himself from participation in this singular case and temporarily left the premises.

Mr. Guyther advised that the Planning Commission would formulate their recommendation on this matter at their December 9th meeting.

PRESENTATION OF FLOOD PLAIN MAPS

The full complement of the Board of County Commissioners was present.

Mr. Gerred advised that the Office of Planning Zoning had just received the updated flood plain maps, prepared by Dewberry and Davis, dated November 20, 1985. He emphasized that his main thrust at this point was to advise the public that these new, preliminary detailed, Federal Emergency Management Agency (FEMA) maps, which outlined and specifically identified the flooding areas of the County, were being made available to the public for review and public comment. He urged that cursory review of same would indicate their accurateness, based upon recent flooding conditions in the County. However, Mr. Gerred noted that there did not appear to be complete details with regard to flooding along the creeks. Subsequently, staff has sought input from the Office of Public Works and from the Office of Civil Defense with regard to the accuracy of the maps.

Mr. Gerred advised that the maps were inclusive of all of the tidal areas in the County and the majority of the creeks. Again, Mr. Gerred emphasized the need for public review and input at this point.

Commissioner Dean took exception with the fact that the maps did not provide detail with regard to roads. Mr. Gerred advised that the mylar tax maps could be overlaid, however, he recognized that there were inaccuracies on the existing tax maps. Mr. John Norris, Director of the Office of Public Works, advised that the Office of Public Works was currently involved in compiling figures towards formulation of an operating budget request to provide the data base for roads. He suggested that these two projects could be combined. He recognized that while the end result would not be totally accurate, it would be effected through the "best source of information that we have...the current highways, but also the highways that will be added to the system...."

Mr. Gerred spoke to the importance of public input, noting that there was a requirement for homeowners' flood insurance in certain areas where the flood waters might touch a particular piece of property. Additionally, he emphasized that the Zoning Ordinance restricted construction in those specific flood areas. He stressed that these maps were detailed by on-ground survey (prior maps were effected through flood elevation study which were imposed on U.S.G.S. quad-sheets which had 20 ft. intervals, which created great difficulty in terms of identifying properties within the flood plain). In summarization, Mr. Gerred stated, "These maps determine whether or not you can build and whether or not you can get emergency flood insurance." Additionally, Mr. Gerred emphasized that at such point when the maps were finalized, the County would be removed from the emergency program and placed on the full insurance program (currently restricted from the latter until such time as these official maps are adopted). Commissioner Dean concurred, noting, "The advantage to the individual, who owns property in these areas, you have to be in this area in order to be able to participate in the National Flood Insurance Program."

Commissioner Sayre voiced concern with the fact that an adoption of these maps would in effect, be placing restriction on many landowners in the County, if their properties were identified within the flood plain areas. Mr. Gerred advised that the Zoning Ordinance required the following with respect to properties located within the 100 Year Flood Plain: That the first floor living elevation must be one foot above flood level; and that any construction must not intrude upon adjacent properties so as to effect flooding conditions on adjacent land. Mr. Gerred reiterated that construction within the 100 Year Flood Plain was possible, however, certain restrictions did pertain and he elaborated on those requirements.

In conclusion, Mr. Gerred advised that the essence of the maps was to prevent major development in those sensitive areas (identified) and his purpose in presenting the maps this date was to introduce the maps and solicit public input.

These maps will be available in the Office of Planning and Zoning for public review.

INTRODUCTION OF REAR ADMIRAL JOHN READY

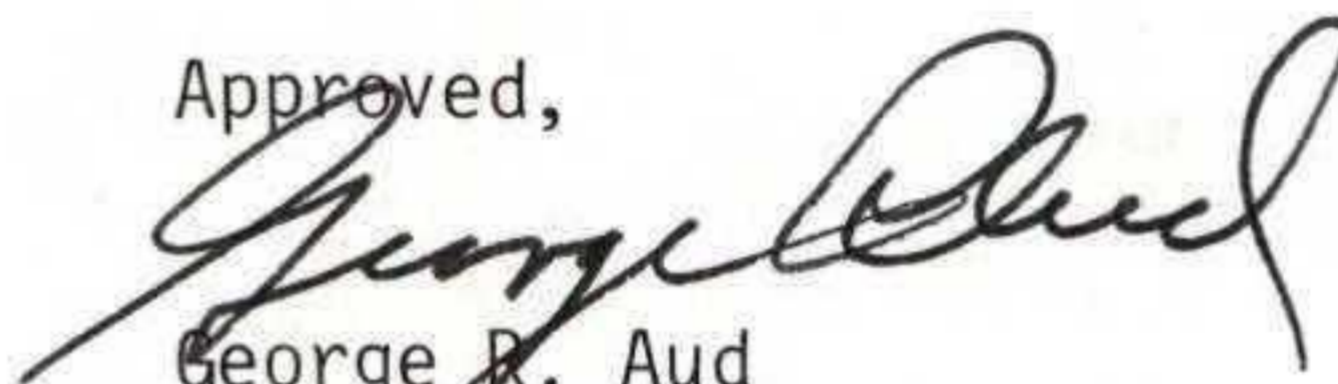
Present: Commander John Ready, Capt. John M. Welch and Mr. Mike Marley.

Mr. Marley introduced Commander Ready to the Board of County Commissioners. Speaking on behalf of the Board, Commissioner President Aud welcomed Admiral Ready and extended the County's assistance to the Navy, in any way possible. Admiral Ready advised that he had served several tours in St. Mary's County, the last in 1976 and he was quite impressed with the growth and strength evidenced between the Navy and the community. He noted that St. Mary's County enjoyed a great reputation world-wide in terms of the many attributes the County offered. Commissioner Aud presented Admiral Ready with a framed County seal and extended him best personal regards and hopes for a continued fruitful relationship.

ADJOURNMENT

Meeting adjourned at 11:25 a.m.

Approved,



George R. Aud
President