

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, December 17, 1985

Present: Commissioner George R. Aud, 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 9:05 a.m.

APPROVAL OF MINUTES

Commissioner Arnold moved, seconded by Commissioner Aud, to approve the minutes of the Commissioners' meeting of Tuesday, December 10, 1985. Motion carried.

APPROVAL OF BILLS

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

Commissioner Dean moved, seconded by Commissioner Arnold, to approve Check Request #5611. Commissioner Aud abstained. Motion carried.

FLAGS AT HALF-MAST

In light of the recent tragedy wherein 248 servicemen lost their lives in an aircraft accident in Newfoundland last week, Commissioner Arnold suggested that the County's flags be flown at half-mast. The Board concurred.

Relative to this accident, Commissioner Arnold further suggested that correspondence be forwarded to our Congressional Delegation and the Armed Services Committee requesting an evaluation of the method the military is using to transport our servicemen so that accidents like this do not occur again. The Board gave their concurrence.

(COMMISSIONER DEAN LEFT MEETING - 9:30 A.M.)

ECONOMIC DEVELOPMENT REVENUE BOND
DEAN LUMBER AND SUPPLY CO.
(MARK A. DILLOW) AUTHORIZING RESOLUTION
RESOLUTION NO. 85-33

Present: Joseph Mitchell, Director, Dept. of Economic & Community Dev.
 David W. Morgan, Economic Development Coordinator
 Mark Dillow, applicant
 Steven E. Weingarten, Piper & Marbury
 Joseph Densford, County Attorney

The above individuals appeared before the Commissioners to present the referenced Resolution authorizing the issuance of economic development revenue bonds in an amount not to exceed \$1,200,000 to Mark Dillow for the financing of Dean Lumber and Supply Company, Inc. The Resolution makes clear that the issuance of this bond will not affect the general credit or taxing powers of the county.

After discussion Commissioner Arnold moved, seconded by Commissioner Sayre, to approve and sign Resolution No. 85-33 authorizing the issuance of economic development revenue bonds. Motion carried.

(COMMISSIONER DEAN RETURNED TO THE MEETING - 9:45 A.M.)

COMMENDATION

Present: Sean O'Hara, Intern, Office of Economic & Community Dev.

The Commissioners presented a Commendation to Sean O'Hara for his outstanding and praiseworthy accomplishments during his internship with the Department of Economic & Community Development.

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

- 1) REZONING RESOLUTION NO. Z85-12
ZPUD #85-1318
MARK DILLOW/A. LEOLA DEAN

(Application to designate a parcel of land containing approximately ten (10) acres from R-1, Rural-Residential, to PD-SC, Planned Development Neighborhood Shopping Center. The site is known as the Dean Lumber Company property, located on the east side of Md. Rt. 235, in the Sixth Election District of St. Mary's County; Tax Map 26, Block 11, Parcels 310, 354, and 374.)

Having conducted a public hearing on November 12, 1985 on the reference rezoning application, Commissioner Aud moved, seconded by Commissioner Sayre, to approve and sign the Rezoning Resolution granting the request with conditions as set forth in said Resolution. Commissioner Dean abstained. Motion carried.

- 2) ZONING AMENDMENT RESOLUTION NO. Z85-11
ZONE #85-0519
BARBARA LAWRENCE

(Application to rezone approximately .83 acres of land on the east side of Md. Rt. 5, North of Leonardtown, (across from Leonardtown Sunoco) from R-1, Rural Residential, to C-1, Commercial. The property is located in the Third Election District of St. Mary's County, Maryland, on Tax Map 32, Block 16, Parcel 177.)

Having conducted a public hearing on October , 1985 on the referenced rezoning application, Commissioner Dean moved, seconded by Commissioner Arnold to approve and sign the Rezoning Resolution granting the rezoning request. Commissioner Aud abstained in that he was not present during the hearing. Motion carried.

- 3) ORDINANCE NO. 85-34
ST. MARY'S COUNTY PUBLIC ETHICS ORDINANCE
(REVISED - 1985)

Having conducted a public hearing on December 3, 1985 on the amendment to the St. Mary's County Public Ethics Ordinance, Commissioner Dean moved, seconded by Commissioner Aud, to approve and sign Ordinance No. 85-34. Motion carried.

- 4) RESPONSE TO REQUEST/APPEAL OF PLANNING COMMISSION DECISION
BEASLEY REZONING REQUEST

The County Administrator advised that a request for an appeal of a Planning Commission decision on the referenced case by an applicant represented by Attorney Vance and a request to dismiss the appeal by an attorney representing Green Holly Pond Association has been received. Mr. Cox stated that the matter has been reviewed by the County Attorney, and it is recommended that the Commissioners forward correspondence to Mr. Vance deny the request for appeal in that the deadline for the appeal had passed.

Commissioner Dean moved, seconded by Commissioner Sayre, to sign and forward said correspondence. Motion carried.

5) PERSONNEL

a) LEAVE WITHOUT PAY

The County Administrator presented a memorandum dated December 12, 1985 from the Personnel Officer advising that the Sheriff has requested 50 days of leave without pay for P.F.C. Jack McMillan because of mandated military training.

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

b) PAYMENT OF COMPENSATORY TIME

The County Administrator presented a memorandum dated December 17, 1985 from the Personnel Officer forwarding a request from Sheriff Pettit for payment of 80 hours of compensatory time for P.F.C. Robert L. Hall. Because of manpower shortage, it is not feasible to grant P.F.C. Hall time off.

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

6) FRANK KNOX ELEMENTARY SCHOOL
USE BY NAVAL AIR STATION

The County Administrator advised that the Board of Education has been negotiating with the Naval Air Station regarding use of a portion of Frank Knox Elementary School for a security check station. The Deed for the school states that when the property ceases to be used as a school it would revert back to the County, and, therefore, concurrence by the Commissioners is requested by the Board of Education regarding the lease arrangement with NAS.

Commissioner Sayre moved, seconded by Commissioner Dean, to give the County Commissioners' concurrence. Motion carried.

7) BOARDS, COMMITTEES AND COMMISSIONS
APPOINTMENTS

Commissioner Aud moved, seconded by Commissioner Sayre, and unanimously approved, to make the following appointments with terms as indicated:

<u>Agricultural Preservation Advisory Board</u>	<u>Term to Expire</u>
Robert Jarboe (reappt.)	December 31, 1988
Luther Wolfe "	December 31, 1988
<u>Community College Advisory Board</u>	
A. E. Forsman (reappt.)	June 30, 1990
Jonathan Nelson	June 30, 1988
<u>Disabled Persons Review Board</u>	
Phyllis Taylor (reappt.)	December 31, 1990
<u>Library Board of Trustees</u>	

Robert Novotny (reappt.)	December 31, 1990
<u>Metropolitan Commission</u>	
Francis E. Taylor (reappt.)	December 31, 1988
<u>Planning Commission</u>	
James Spence (reappt.)	December 31, 1990
<u>Recreation and Parks</u>	
Louis Clements (reappt.)	December 31, 1988
John Wood "	December 31, 1988
Stan Schrader "	December 31, 1988
Ellen Capper "	December 31, 1988
<u>St. Clements Island Potomac Museum Board</u>	
Louanne Cosimano-Bailey (reappt.)	December 31, 1988
Elmer Bailey "	December 31, 1988
<u>St. Mary's County on Children and Youth</u>	
J. F. "Jack" Kralle (reappt.)	December 31, 1988
<u>Transportation Committee</u>	
Leonard Kessler (reappt.)	December 31, 1988
Joseph P. O'Dell "	December 31, 1988
Charles Ridgell "	December 31, 1988
<u>Zoning Board of Appeals</u>	
Donald Insely (reappt.)	December 31, 1988
Gwyn Gardiner (reappt.)	December 31, 1988

ST. MARY'S NURSING HOME, INC.
PROGRESS REPORT

Present: George Smith, Director
Dan Capper
Joseph Tolson
Laverne Steuart

The referenced individuals appeared before the Commissioners to present a progress report concerning the construction of the new nursing home and highlighted the following points:

1. The nursing home corporation has selected Davis Corporation as the general contractor for the project. Construction is to begin in February;
2. The State has tentatively approved the Hurtzler farm on Md. Rt. 232 as a dumping site for the rubble of the old hospital building. The final certificate will be issued on Friday (December 20).
3. The Leonardtown Commissioners have approved the construction plans and have authorized building plans for the facility.

Mr. Tolson explained that one final element needs to be resolved--the financing. He stated that the corporation has recommended that the County Commissioners issue revenue bonds through the Building Authority Commission and the necessary documents for that approval similar to what was done for the State Office Complex.

The County Administrator explained that there is a 1986 legislative item which will allow pledging of assets (building and property) to back up the bond sale. This legislation will cover this project as well as the state office building project. The documents relative to this would come back to the Commissioners for approval.

After discussion, Commissioner Dean moved, seconded by Commissioner Aud, to grant the request of the St. Mary's Nursing Home, Inc. that the funding of the construction of the new nursing home be by revenue bonds issued through the St. Mary's County Building Authority. Motion carried.

In conclusion the Nursing Home board representatives indicated that a capital fund drive is underway with a goal of \$500,000-750,000.

DEPARTMENT OF PUBLIC WORKS ITEMS

Present: John B. Norris, Director

1) SHA RESPONSES

Mr. Norris advised that the State Highway Administration has responded to several issues that have been addressed by the Commissioners:

- a) SHA is of the opinion that Fischer Road should function as a county road even though it is bound on both sides by state facilities.
- b) SHA does not think that the intersection of Md. Rt. 5 and Cedar Lane in Leonardtown should be signalized.
- 3) SHA does not agree that Indian Bridge Road should be transferred to the State and they feel the bridge, once renovated, and the remaining one mile should be in the county system.

2) FEDERAL AID AGREEMENTS

Mr. Norris presented the following federal agreements by the State Highway Administration:

Federal Aid Secondary Agreement in the amount of \$112,611;

Federal Aid Urbanized Agreement in the approximate amount of \$17,000.

Commissioner Dean moved, seconded by Commissioner Arnold, to approve and authorize Commissioner President Aud to sign the referenced Agreements. Motion carried.

3) TALL TIMBERS BULKHEAD REPAIRS

Mr. Norris explained that \$5,000 had been previously authorized for the repair work on the Tall Timbers bulkhead; however, there has been additional damage, and an increase of \$700 is now necessary. These funds will be reimbursed by the Association. Therefore, Mr. Norris requested authorization for the increase and for the Budget Director to prepare the appropriate Budget Amendment for the President's signature.

Commissioner Sayre moved, seconded by Commissioner Arnold, to approve this request and to authorize Commissioner President Aud to sign the Budget Amendment. Motion carried.

4) COUNTRY LAKES SUBDIVISION

Mr. Norris advised the Commissioners of a drainage problem by a property owner in Country Lakes. There is a watershed of approximately 40 acres that drains to the culvert in front of this individual's property, which is a natural drainage area, and sometimes there is about seven to eight feet of impounded water. Mr. Norris indicated that he was going to respond to this individual that under the riparian rights, it is the property owner's obligation to receive that water.

5) JAIL ANNEX REPORT

Mr. Norris reported that several minor items are needed to be done to complete the jail annex project: plumbing, parking lot and smoke alarms. The annex should be ready for occupancy by January 3.

6) REQUEST FOR PURCHASE OF BOOM AXE

Mr. Norris recommended to the Board an increase in the roadside brush cutting services from every four years to every two years, which would require the purchase of a Boom Axe. He stated that the item is in next year's budget request; however, the dealer, Security Ford Tractor, has agreed to provide a piece of equipment for \$24,500 with 300 hours on it and a year's warranty at a cost savings of approximately \$9,000.

Commissioner Arnold moved, seconded by Commissioner Sayre, to approve the purchase of the equipment, subject to concurrence by the Budget Director. Motion carried.

7) ENGINEERING SERVICES AGREEMENT
FEDERAL BRIDGE REPLACEMENT/REHABILITATION

Mr. Norris presented an Agreement by and between St. Mary's County and Wilson T. Ballard Company for engineering services for the Federal Bridge Replacement/Rehabilitation Program.

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

8) RELEASE AND ASSIGNMENT
CLASSIC LOG HOMES (SOTTERLY MANOR SUBDIVISION)

Mr. Norris presented the Release and Assignment for the entrance permit bond for Classic Log Homes (Lot 24, Section 2, Sotterly Manor Subdivision).

Commissioner Sayre moved, seconded by Commissioner Aud, to approve and sign said Release and Assignment. Motion carried.

COMMENDATION

Present: Arthur "Buck" Briscoe
Mike Marlay
Esley Schwartz

The Commissioners presented a Commendation to Esley Schwartz upon his retirement for his dedicated services to the annual St. Mary's County Oyster Festival.

PRESS CONFERENCE

Present: Commissioner President George R. Aud
Commissioner Richard D. Arnold
Frank Gerred, Director, Office of Planning and Zoning
John B. Norris, Director, Department of Public Works
Richard Marks, WKIK
Michael Gray, Enterprise
Judy Landau, WPTX/WMDM

Commissioners Aud and Arnold and Messrs. Gerred and Norris conducted a public hearing relative to the items discussed at the recent MACo convention in Hagerstown.

NORTHERN LIBRARY/REGIONAL RESOURCE CENTER

Present: Charlotte Young, Chairperson, Library Board of Trustees
Katherine Hurry, Director, So. Md. Regional Library Assoc.
John Norris, Director, Department of Public Works

The referenced individuals appeared before the Commissioners to present a progress report on the construction of the Southern Maryland Resource Center and the northern library.

Those present explained recent developments and current status of the resource center/library project presenting design drawings for the combined structure and site plan. A problem has developed in that the originally proposed 90/10 proportionate use of space and cost has been changed by the design of the facility whereby the resource center square footage is less than originally planned making the County's square footage proportionately greater and, therefore, the County's cost has significantly increased. The increase in county cost is approximately \$150,000.


Recent meetings involving representatives from the County's legislative delegation, Regional Library Association, State Board of Education, State Department of General Services, State Department of Planning, and county officials have resulted in a proposal to maintain the county's costs at currently budgeted level and to obtain appraisals on the property by a firm designated by the County. The appraised value of the property will be used to offset the County's increased proportionate use. Because the State funds were authorized by the 1985 General Assembly in the form of a capital project rather than a state grant, final approval will be made by the Board of Public Works.

In conclusion Commissioner Dean agreed to work with the appropriate parties on this matter.

ADJOURNMENT

The meeting adjourned at 12:15 p.m.

Approved,


George R. Aud
President