

BOARD OF COUNTY COMMISSIONERS' MEETINGTuesday, June 24, 1986

Present: Commissioner George R. Aud, President
 Commissioner David F. Sayre
 Edward V. Cox, County Administrator
 Judith A. Spalding, Recording Secretary

(Commissioners Arnold, Millison, and Dean were not present).

(In that a quorum was not present, all items requiring a vote were brought to Commissioner Arnold for review and a third vote. His vote is recorded in the minutes as appropriate.)

CALL TO ORDER

The meeting was called to order at 9:05 a.m.

APPROVAL OF BILLS

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

DEPARTMENT OF ECONOMIC & COMMUNITY DEVELOPMENT

Present: Joseph Mitchell, Director

1) GRANT APPLICATION
REHABILITATION LOAN PROGRAM

Mr. Mitchell appeared before the Commissioners to advise that the Farmers Home Administration will be making available on a competitive basis funds for a rehabilitation loan program, and requested the Board's concurrence to apply for \$100,000 for low interest loans for home improvements.

The Commissioners gave their concurrence.

2) COMMUNITY DEVELOPMENT ADMINISTRATION
MORTGAGE BOND ISSUANCE

Mr. Mitchell advised that notification has been received that Community Development Administration has announced that \$1,142,700 will be available from local lenders for first-time home buyers up to \$60,000 at 7 7/8 interest.

3) TUBMAN-DOUGLASS
PURCHASE OF HOMES

Mr. Mitchell announced that there will be a settlement ceremony on Thursday for the first five families who were able to purchase their own homes through the HUD's homeownership development program.

BUDGET & DATA SERVICES

Present: Joseph O'Dell, Director

1) RESOLUTION NO. 86-16
DEPARTMENT OF TRANSPORTATION BONDS
FIRST SERIES - REFUNDING
SERIES 1986

Mr. O'Dell presented the referenced Resolution authorizing St. Mary's County to enter a Supplemental Agreement with the Department of Transportation of Maryland for the purpose of securing the payment of the principal and interest on refunding bonds to be issued by the DOT for the purpose of refunding certain issues of the County's transportation bonds.

Commissioner Aud moved, seconded by Commissioner Sayre, to sign referenced Resolution No. 86-16. Motion carried.

2) RESOLUTION NO. 86-15
TOBACCO BARNS

Mr. O'Dell presented the referenced Proclamation granting a tax credit against any local real property taxes levied as tobacco barns for the levy year 1986-87.

Commissioner Aud moved, seconded by Commissioner Sayre, to approve and sign Resolution No. 86-15. Motion carried.

3) NON-URBANIZED TRANSPORTATION PROGRAM

Mr. O'Dell advised that based on meetings with the Area Agency on Aging Director and the Maryland Department of Transportation, it is agreed that the following should occur relative to the Non-Urbanized Transportation Program:

- a) That the existing grant terminate as of June 30. No additional funds required based on analysis and commitments made during year.
- b) Continuation of the Program into the next fiscal year under the following conditions:
 - (1) Open-door policy to allow general public to ride the bus during the day.
 - (2) Continuation of the current commuter run service to NAS.

Commissioner Sayre moved, seconded by Commissioner Aud, to terminate the existing grant and that Mrs. McGaharn, Director, Area Agency on Aging, be directed to prepare the grant application for the next fiscal year's program. Motion carried.

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) PERSONNEL

The County Administrator presented the following personnel items for the Commissioners' review and consideration:

a) Bus Drivers
Office on Aging

Memorandum dated June 24, 1986 from Personnel Officer recommending the appointment of the following individuals to permanent part-time Bus Driver positions, Grade 1: George Neal, Evelyn Page (Grant positions), Charles Mattingly, and Johnny Monarchy (county positions), to be effective June 30, 1986.

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

b) Conversion to Permanent Part-time Appointment
General Clerk - Copy Center

Memorandum dated June 19, 1986 from Personnel Officer forwarding a request from the Director of Purchasing and Logistics for the conversion of the temporary part-time appointment of Rose D. Brown to permanent part-time.

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

c) Employee Assistance Program

Memorandum dated June 19, 1986 from Personnel Officer presenting a status report of the Employees' Assistance Program including number of employees covered and number of employees served.

2) PURCHASING ORDINANCE AND MANUAL

The County Administrator reported that the Committee working on the update of the Purchasing Ordinance and Manual and a proposal will be submitted to the Commissioners in the near future.

3) PRIVATE INDUSTRY COUNCIL - JOB TRAINING PARTNERSHIP ACT

The County Administrator advised that because of lower unemployment rate in the tri-county area and reduction of federal funding in Maryland, FY '87 will be the last year for the JTPA program.

4) TITLE III AREA AGENCY ON AGING PLAN

As a follow up to last week's discussion, the County Administrator presented the Title III Area Agency on Aging Plan for the period 10/1/86 - 9/30/87 and stated that it has been reviewed by the Director of Budget & Data Services and himself and is now recommended for approval.

Commissioner Aud moved, seconded by Commissioner Sayre, to approve and authorize Commissioner President Aud to sign the Area Agency Plan as submitted. Motion carried.

PUBLIC HEARING
MARYLAND TRANSPORTATION BONDS

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

The Commissioners conducted a public hearing to present a proposed Maryland Transportation Bonds Ordinance authorizing St. Mary's County to enter into a Participation Agreement with the Maryland DOT in the amount of \$1,000,000 for the purpose of securing the payment of principal and interest on bonds to be issued by DOT and to authorize St. Mary's County to participate in the proceeds of the Bonds; and to authorize the Commissioners to take such further action to consummate the execution and delivery of the Participation Agreement and the issuance and sale of the Bonds.

Commissioner Aud inquired whether anyone present wished to make any comments with regard to the hearing.

Hearing none, the public hearing was closed.

A decision by the Commissioners will be made after ten days from the date of this hearing.

A tape of the proceedings is on file in the Commissioners' Office.

"LET FREEDOM RING"

The County Administrator advised that Governor Hughes has requested St. Mary's County to join Maryland's other jurisdictions in the "Let Freedom Ring" celebration which will occur on July 3 at 10:55 p.m. by simultaneous ringing of bells throughout the State. This will coincide with bell ringing activities of the Statue of Liberty, Ellis Island Foundation.

OFFICE ON AGING

Present: Billye McGaharn, Director Area Agency on Aging

1) AREA AGENCY PLAN
GARVEY SENIOR CENTER

With regard to the Area Agency Plan approved by the Board earlier in the day, Mrs. McGaharn advised that the State requires that the Garvey Senior Center portion of the Grant must be submitted as a separate grant and not included in the Area Agency Plan Grant application. The Commissioners gave their concurrence.

2) REQUEST FOR PURCHASE OF BUS

Mrs. McGaharn advised that the 21-passenger Champion van has 70,000+ miles and is requesting to replace it with a 29-passenger bus. With a trade-in value of \$16,000 on the Champion, a balance of \$19,008 in various accounts in the Office on Aging budget, and with a Seniors United for Independence Challenge Grant, funds would be available for the purchase of the bus. Mrs. McGaharn advised that appropriate procurement procedures will be followed.

Commissioner Aud moved, seconded by Commissioner Sayre, to authorize the appropriate account transfer and the encumbrance of funds so that the vehicle can be purchased. Motion carried.

PUBLIC HEARING

TALL TIMBERS SHORE EROSION CONTROL DISTRICT NO. 2

Present: John Norris, Director, Department of Public Works
B. Harris Sterling, Director of Finance

The Commissioners conducted a public hearing to update the method of assessment to determine the 1986 method of assessment of the residents of the Tall Timbers Shore Erosion Control District No. 2 to repay the cost of the construction of the seawall. The Shore Erosion Control Project at Tall Timbers has been completed and the first repayment for the cost of the revetment construction will become due this year, therefore, the rates decided at this Hearing will be the rates used for the first billing of residents and/or property owners in the Tall Timbers Shore Erosion Control District No. 2.

Total cost of the project estimate was \$265,670 and the low bid was \$188,685. Annual assessment on a front foot benefit at \$8.848 per front foot is for a 25 year term.

Commissioner Aud inquired whether there were any comments. Hearing none the hearing was closed. A decision will be made at a later date.

A tape of the hearing is on file in the Commissioners' Office.

DEPARTMENT OF PUBLIC WORKS

Present: John Norris, Director

1) BID TALLY SHEET
COUNTY HIGHWAY MATERIALS

Mr. Norris presented the bid tally sheet for the purchase of County highway materials (rip rap, SPR1, Stabilized Aggregate Base, #7 Stone, #8 Stone. He stated that the lowest bidder was Donald E. Gerald.

The Commissioners deferred a decision until a quorum was present at the meeting.

2) BID TALLY SHEET
BANK RUN GRAVEL

Mr. Norris presented the bid tally sheet for the purchase of bank run gravel and indicated that the lowest bidder was Great Mills Trading Post at \$1.75 pr cubic yard to be loaded by County at the pit.

The Commissioners deferred a decision until a quorum was present at the meeting.

3) DRIVEWAY ENTRANCE PERMITS
PROJECT NO. SM 85-1-6

Mr. Norris presented a status list of those property owners that have expired driveway permits. He stated that six property owners could be served court papers because they have left the area with no forwarding address. Mr. Norris stated that whenever the County did the work on the driveways, the contractor's price was met; however, he suggested that the full value of the permit be used in order to build up an escrow account in order to handle those individuals that cannot be located.

The Commissioners gave their concurrence.

4) SPECIAL TAXING DISTRICT
DUKE DRIVE - BUZZARD'S POINT

Mr. Norris advised that a petition has been received to establish a special taxing district for road improvements on Duke Drive a Buzzards Point. The Commissioners agreed for Mr. Norris to proceed and the Board would vote at the appropriate time.

5) ADVANCED LIFE SUPPORT VEHICLES

Mr. Norris advised that he received correspondence from ALS requesting support from the County in the maintenance of their two vehicles. ALS has offered to help in this effort, but from an insurance standpoint, the County should do the work itself.

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

6) WHITE NECK CREEK AREA

Mr. Norris advised that the County owns a 10-12 foot strip of land at the creek and because of limited access to the water and no access to the ramp, making it virtually unuseable, a decision needs to be made with regard to the property. He stated that there is a county-owned facility off of Ellis Road in that area.

The Commissioners suggested that Mr. Norris obtain input from the property owners and return to the Board with a recommendation.

7) DUKEHART'S CREEK

Mr. Norris advised that the State has indicated that they would participate with St. Mary's County in funding for the dredging work at Dukehart's Creek on a 50-50 basis. The County's cost would be approximately \$20,000.

Commissioner Aud requested Mr. Norris to obtain additional information including number of boats and people that use the area.

Mr. Norris stated that he would request representatives from the State to appear before the Board to discuss this project.

8) TOWN CREEK STORMWATER RETROFIT

Mr. Norris presented a Memorandum of Understanding between the Maryland Department of Health and Mental Hygiene Office of Environmental Programs and St. Mary's County Department of Public Works for the construction of a Stormwater Retrofit at Town Creek Elementary School and Town Creek Park in the Lewis Creek Watershed of the Patuxent River. The project will be funded through grant funds in the amount of \$20,000 from the Department of Health and Mental Hygiene. Mr. Norris recommended that the Commissioners approve and authorize Commissioner President Aud to sign the Memorandum of Understanding as presented.

Commissioner Aud moved, seconded by Commissioner Sayre, to accept Mr. Norris' recommendation. Motion carried.

9) ADDENDUM TO PUBLIC WORKS AGREEMENT
WILDEWOOD SUBDIVISION - SCOTCH PINE COURT

Mr. Norris presented an Addendum to the Public Works Agreement by and between Paragon Builders, Inc. and the Board of St. Mary's County Commissioners extending the deadline for the completion of the "T" Turnaround at Scotch Pine Court in Wildewood, NIII, CII, Eighth Election District, from July 1, 1986 to July 24, 1986 covered by a Letter of Credit in the amount of \$7500.

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

10) ADDENDUM TO PUBLIC WORKS AGREEMENT
BIG OAK SUBDIVISION

Mr. Norris presented an Addendum to the Public Works Agreement by and between William S. Lawrence and Board of St. Mary's County Commissioners extending the deadline for the completion of the roads in Big Oak Subdivision, Fifth Election District from July 1, 1986 to October 1, 1986, covered by a Letter of Credit in the amount of \$20,000.

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

SHERIFF'S DEPARTMENT
RETENTION OF PATROL VEHICLES

Present: Sheriff Wayne Pettit

Sheriff Pettit appeared before the Board to request the retention of four of the vehicles from the fleet that are to be traded in or sold for use by the four additional police positions granted in the FY '87 Budget. He stated that he selected those with the lowest mileage.

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

JAIL ANNEX

Present: Sheriff Wayne Pettit

With regard to the Jail Annex located on the seconded floor of the Old Armory building, the Sheriff reported to the Board that there will be a public hearing on July 15 to discuss the continued need for security at the Library. He stated that there have been no problems, and felt that it was a waste of manpower and funds.

EXXON OVERCHARGE REFUND
TRASH-TO-STEAM FACILITY PROPOSAL

Present: John Norris, Director, Department of Public Works
Gary Hodge, Director, Tri-County Council

The referenced individuals appeared before the Board to present correspondence for the President's signature addressed to the Energy Overcharge Restitution Trust Fund Board setting forth the tri-county proposal for the trash-to-steam facility wherein solid wastes would be burned to produce energy. The proposal has been developed for use of the Exxon Petroleum Overcharge Refund. Letters of support are being obtained from the Naval Air Station, NESEA, St. Mary's College, and the Southern Maryland Legislative Delegation.

After discussion, Commissioner Aud moved, seconded by Commissioner Sayre, to sign and forward the referenced letter. Motion carried.

TAX SALE PROPERTY
EIGHTH ELECTION DISTRICT

Present: Aleck Loker (on behalf of Julius J. Finnacom)
Joseph Densford, Assistant County Attorney
Paul Raley, Director, Purchasing and Logistics

Mr. Loker appeared before the Commissioners to request, on behalf of Mr. Finnacom, the Board's consideration to purchase the tax sale certificates for all the property in the Eighth Election District that was not sold at the most recent tax sale. Mr. Finnacom is desirous of letting the County realize its money out of the certificates plus interest, plus appreciation. The County could set a price, and Mr. Finnacom could either accept or refuse the price offered.

Mr. Raley described the County's procedures with regard to tax sale property explaining the advertising, notification and tax sale procedures.

The County Administrator advised that the County tries to make the exchange of property on two premises: (1) It is preferable that the property get returned to the original property owner, if possible; (2) Anything that is done to transfer property is done in an open and competitive manner.

Mr. Densford pointed out that it is difficult to set a price on tax sale property certificates without have a public bid process to sell them.

After further discussion, the Commissioners agreed to take the request under advisement.

APPEAL OF PLANNING COMMISSION DECISION
MSUB 86-0809 - B. A. LOFTIS

Present: Joseph Densford, Assistant County Attorney

Mr. Densford stated that since there is not a quorum present, it is not possible to vote on appointing him as hearing officer in the referenced case; therefore, Mr. Densford recommended that the matter be postponed for two weeks. He further stated that since Mr. Loftis is not responsible for the postponement that the County take care of advertisement and certified mailings to the neighboring properties.

APPOINTMENT OF HEARING OFFICER FOR FUTURE CASES

Present: Joseph Densford, Assistant County Attorney

Mr. Densford recommended that the Board at its next meeting appoint a hearing officer for all future cases wherein a quorum is not present.

ST. MARY'S COUNTY GROWTH MANAGEMENT PLAN

Present: Frank Gerred, Director, Office of Planning & Zoning
David C. Hamme, Wallace, Roberts & Todd
Antoinette F. Seymour, "

Mr. Gerred introduced Mr. Hamme and Ms. Seymour of WRT, the firm who has been recommended by the selection committee to assist the County in preparing the Growth Management Plan.

Mr. Hamme informed the Commissioners of the other members of the Consultant Team and explained the planning process, which will include defining existing conditions, examining future implications and alternatives, workshops, meetings etc.

Mr. Gerred stated that the cost will be \$230,000 to do the Plan over an 18-month period; \$175,000 has been appropriated by the county for FY '87. Mr. Gerred pointed out that \$200,000 will be coming from the Critical Areas Program over a two-year period.

In that there was not a quorum, the Board deferred a decision until next week's meeting.

(Judith Spalding left the meeting and Margaret Nelson was the Recording Secretary.)

METROPOLITAN COMMISSION
WATER USAGE

Present: Larry Petty, Director, Metropolitan Commission
Dan Donnelly, Cooperative Extension

Messrs. Petty and Donnelly discussed the effect of the draught on the water supply in the County and presented a chart depicting the period of high and low demand. They suggested the time of 8:00 a.m. to 11:00 a.m. as the best daytime period for a large amount of water usage such as watering lawns and urged the citizens to limit usage as much as possible during this dry season.

FAREWELL TO CAPTAIN JOHN MICHAEL WELCH
WELCOME TO CAPTAIN STUART JAMES FITRELL

Present: John Michael Welch, Capt., USN, Commanding Officer, NAS
Stuart James Fitrell, Capt., USN, Commanding Officer, NAS

The Board bid farewell to Captain Welch and thanked him for his support to the St. Mary's County community during his tenure at Patuxent River Naval Air Station. Captain Fitrell was welcomed as the new Commanding Officer and the Board pledged support to him during his command.

POTOMAC RIVER ASSOCIATION
WATER POLLUTION

Present: George Gateau
Jack Witten
Other Interested Citizens

Members of the Potomac River Association protested the water pollution in Herring Creek at Tall Timbers and asked Commissioners' assistance to help alleviate the problem.

The Board agreed to contact the Department of Natural Resources, Coast Guard and Health Department in order to check into the complaints.

Mr. Witten suggested a proposed Ordinance that would encourage marine operators to incorporate in their contracts regulations for disposal of sewage and trash from boats while they are moored at a slip, whether a private home or a marina.

He requested that the Ordinance be drafted by a working committee established by the County Commissioners consisting of representatives from local boating organizations and marine operator organizations.

Commissioner Aud agreed with Mr. Witten's suggestions and directed the County Administrator to have the County Attorney check the legalities. He stated that the Board would take the matter under advisement before making a final decision.

REZONING HEARING
LEWIE ALDRIDGE

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

NOTE: Commissioner Aud noted that since a quorum of the Board was not in attendance, the following matters (rezoning and industrial site plan) would be considered by the Commissioners in attendance this date, and a taped recording and minutes of the proceeding would be made available to absent members for their consideration/action.

ZONE # 85-1682: LEWIE ALDRIDGE, ET AL
EM INVESTMENTS

Requesting rezoning of 1.13 acres from R-2, Rural-Residential, to C-1, Commercial. The property is located on Maryland Route 246, Great Mills Road (across from Amber House Nursing Facility) in the Eighth Election District, shown on Tax Map 51, Block 2, as Parcel 4.

Following brief deliberation, Commissioner Aud motioned, seconded by Commission Sayre, to instruct the Assistant County Attorney to prepare the proper documentation, approving the rezoning request for # 85-1682 for Lewie Aldridge, Et Al/EM Investments, based on the findings of the staff and recommendation of the Planning Commission.

STSP # 86-0650: "C-CUBBED" OFFICE/
LABORATORY BUILDING


Requesting site plan approval for a commercial building off Cottonwood Parkway. The site contains 4.3 acres and is located in Wildewood Technology Park in the Eighth Election District, shown on Tax Map 34, Block 8 as Part of Parcel 79, zoned PD-IP, Planned Development Industrial Park.

Mr. Guyther explained that this firm/laboratory performed testing of naval electronic equipment. While all agencies have approved the plan, the firm is requesting something in writing which would indicate to the Navy that approvals have been granted.

Commissioner Sayre motioned, seconded by Commissioner Aud, to approve the industrial site plan for the "C-Cubed" Office/Laboratory Building located in the Wildewood Industrial Park.

ADJOURNMENT

The meeting adjourned at 3:45 p.m.

Approved,

George R. Aud
President