

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, July 1, 1986

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

(Commissioners Larry Millison and Richard Arnold were not present due to illness.)

CALL TO ORDER

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

APPROVAL OF MINUTES

Commissioner Dean moved, seconded by Commissioner Aud, to approve the minutes of the Commissioners' meeting of Tuesday, June 17, 1986 as submitted.

Commissioner Aud moved, seconded by Commissioner Sayre, to approve the minutes of the Commissioners' meeting of Tuesday, June 24, 1986 as submitted. Motion carried.

APPROVAL OF BILLS

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

CHAMBER OF COMMERCE

Present: George Havens, Director
Shirley Colleary, President
F. Elliott "Sonny" Burch, Jr.
John F. Wood

The referenced representatives of the Chamber of Commerce appeared before the Board to present a Commendation to Commissioner Richard D. Arnold for his years of support to the Chamber.

DEPARTMENT OF ECONOMIC & COMMUNITY DEVELOPMENT

Present: Joseph Mitchell, Director

1) SMALL CITIES BLOCK GRANT

Mr. Mitchell informed the Commissioners that HUD has notified his office that funds are not available at this time for the Small Cities Block Grant for the sewer line to McIntosh Road; however, this project is next in line should funds become available.

In addition, Mr. Mitchell advised that funds are being made available to the Town of Leonardtown for the revitalization and development program.

2) EXPORT DEVELOPMENT FUNDS

Mr. Mitchell advised the Commissioners of correspondence dated June 20, 1986 from Tri-County Council regarding the grant application submitted by TCC requiring matching funds from the three counties for the Export Development Grant Program by the Maryland Office of International Trade. Each County is being requested to commit in the amount of \$7,000 each to match the grant of \$21,000 from the State. The application includes research and development of an export promotion program and advertisement for the promotion of Type 32 tobacco in the international marketplace.

Mr. Mitchell stated that the application has been submitted to the State; however, a letter of endorsement and commitment of the \$7,000 is needed from each County.

During discussion, Commissioner Dean suggested that before committing the funds, there should be a meeting of the three Counties and Tri-County Council to develop the proper approach to take in this project.

After discussion, Commissioner Dean moved, seconded by Commissioner Sayre, to conceptually approve the proposal with the assistance of the Office of Economic & Community Development, subject to the concurrence of Calvert and Charles Counties, and source of funds to be determined.

EXECUTIVE SESSION

Present: John Baggett, Director, Recreation & Parks
John Norris, Director, Public Works
Jay McGrath, Engineer, DPW
Edward V. Cox, County Administrator

Commissioner Dean moved, seconded by Commissioner Sayre, to meet in Executive Session to discuss a matter of land acquisition. Motion carried. The Session was held from 9:25 a.m. to 10:10 a.m.

OFFICE OF PLANNING AND ZONING

Present: Robin Guyther, Planner, OPZ
Anita Meridith, Recording Secretary

1) DECISIONS/DISCUSSIONS

NOTE: The following matters, rezoning and industrial site plan, are carry-over items from last weeks agenda.

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.

Mr. Guyther explained that EM Investments was a contractor associated with the P.N.A.S., who wished to construct an office building on this site. The Planning Commission recommended that the C-1 zoning be granted, based on the staff's analysis, finding change in the character of the neighborhood. The County Commissioners having held a public hearing on the matter on May 13, 1986, the matter now appears before the Board for decision.

Staff verified that while the company would initially employ 20 individuals, once the building was completed, it would staff 40+ employees.

Commissioner Aud moved, seconded by Commissioner Dean and unanimously passed, to instruct the Assistant County Attorney to prepare the appropriate resolution, approving this C-1 rezoning request, based on the staff's analysis and report, finding change in the character of the neighborhood, as supported by the Planning Commission.

STSP # 86-0650: "C-CUBED" 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.

Staff advised, that this industrial site plan was for a firm associated with the P.N.A.S. (performs testing of naval electronic equipment), which had contracted to construct a building in the Wildewood Technology Park. Mr. Guyther urged that the Zoning Ordinance required that all industrial site plans receive approval of the Board of County Commissioners. The matter has been forwarded through the TEC and the Planning Commission recommended approval, subject to final sign-off by the Department of Public Works, as there were still some pending details relative to stormwater drainage to be resolved.

Commissioner Aud addressed Mr. Joseph R. Densford, Assistant County Attorney, and asked for his opinion as to whether or not there was any legal difficulty with him voting on this matter. Mr. Densford responded that he had no legal objection to Commissioner Aud's participation in this matter.

Speaking to this application, President Aud noted that this proposal was very important in terms of the County's growth, as former testimony in this matter indicated that the firm would provide employment for approximately 60 high tec positions. Understanding that time was of the essence, Mr. Aud felt that it was extremely important that the County act expeditiously on this matter, as any delay could cause a loss of this project. Commissioner Aud motioned to approve this industrial site plan and explained that his stance on this matter was consistent with his former actions and political platform, as promised to the citizenry of the County, that he would make every effort to promote the County, safeguard the tax rate and preserve the environment through promotion of nonpollution industry.

Motion remaining on the floor, Commissioner Sayre seconded. The Chair called for the question, then the vote. Commissioners Aud and Sayre voted aye, Commission Dean abstained. The motion passed by majority vote.

2) PUBLIC HEARING

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

Mr. Gerred read the public hearing notice aloud into the record, as published in The Enterprise Newspaper, a publication of general county-wide circulation, in the Friday, June 13, 1986 issue, providing legal notification of the following:

SPEC # 86-0983 - UPDATE OF THE COMPREHENSIVE
WATER AND SEWER PLAN

The Commissioners will consider the 1986 Update of the St. Mary's County Water and Sewer Plan by adoption of a Report of the Review.

Mr. Gerred explained that while legislature mandated that the water and sewer plans for all counties be updated every two years, the State Health Department has found that conditions do not alter to any large degree in terms of population projections, land use and zoning, to support a full-scale update. Staff explained that essentially, the report of the review explained that the County had reviewed the former up-date, finding that those projections and conclusions remained unchanged.

Also taking into consideration the fact that the County was in the process of updating the Comprehensive Land Use Plan, the staff recommends that it would be appropriate to update the Water and Sewer Plan subsequent to completion of the Comprehensive Plan Revision. Mr. Gerred explained that if the Commissioners opted to adopt this proposal, it would effect a readoption of the '84 Water and Sewer Plan.

Mr. Gerred recalled that staff had previously distributed copies of draft correspondence to Mr. Richard Sellars, Director, Division of Planning, Office of Environmental Programs, Department of Health and Mental Hygiene, from President of the Board of County Commissioners, for the Commissioners' consideration. Said correspondence provided that the County elected to extend the current CWSP for a maximum period of two years; said action taken in lieu of revising and upgrading the CWSP, as required every two years per Article 43, of the Annotated Code of Maryland. The basis for this extension, versus revision, being based upon the following pending issues: Update of Comprehensive Plan, Critical Areas Legislation, Watershed Protection Study and Impending Reduction of Federal Grants for Wastewater Treatment.

The Chair inquired whether anyone in the audience wished to speak to this proposal. No commentary being offered, the public hearing was closed.

The Board having duly considered the reference correspondence, Commissioner Dean moved, seconded by Commissioner Sayre, and unanimously passed, to authorize the President of the Board to sign and forward the prepared letter to Mr. Richard Sellars.

3) UPDATE ON THE COMPREHENSIVE PLAN CONTRACT

Mr. Gerred explained that a panel had been formed, constituted of several existing and one former Planning Commission members, a County Commissioner and several members of the Planning staff, who reviewed, evaluated and ranked the ten proposals received for update of the County's Comprehensive Plan. The top five consultants were subsequently interviewed and narrowed to three. Those three were evaluated and via exhaustive analysis, the committee concurred that the firm of Wallace, Roberts and Todd was the most able and best matched personality of the group, in terms of complimenting St. Mary's County.

Mr. Gerred urged that the Commissioners approve and sign the agreement for hiring the firm of Wallace, Roberts and Todd, (Architects, Landscape Architects, Urban and Environmental Planners, 1737 Chestnut Street, Philadelphia, Pennsylvania 19103 (215) 564-2611). He explained that the total contract was for \$230,000 and would extend over two fiscal/budget years. \$175,000 has been included and approved in this years budget, which includes the computer mapping program and an additional \$100,000 is anticipated next year from the Critical Areas Program. Also included in those funds, were monies from the Open Space Recreation and Parks Plan. Mr. Gerred noted that while he anticipated that monies would be forthcoming, another option was that the contract could be cut back, if necessary at the end of the process. Additionally, he noted that the contract did contain a clause which would allow that the County could discharge the consultant for any reason, including that those funds were not available.

Commissioner Dean commented that he had served on the committee which had selected this firm and he wished to note that there had been a number of competent firms bidding on this project, however, he felt that this particular firm had demonstrated their superior ability and experience. He emphasized that the scope of this project was more than just an up-date of the County's Comprehensive Land Use Plan, in that it also embodied the Recreation and Parks element, would incorporate the Critical Areas legislation into this planning process and provide for an extensive and detailed comprehensive mapping process.

Commissioner Dean asked that staff make available to the press, some of the details concerning this firm.

Commissioner Dean moved, seconded by Commissioner Aud, and unanimously passed, to approve the planning consultant contract between the firm of Wallace, Roberts and Todd and the St. Mary's Board of County Commissioners.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator
John Norris, Director, Dept. of Public Works
Jay McGrath, Engineer, DPW

Commissioner Dean moved, seconded by Commissioner Sayre, to meet in Executive Session to discuss a matter of litigation. Motion carried. The Session was held from 10:25 a.m. to 10:40 a.m.

NON-URBANIZED TRANSPORTATION PROGRAM

Present: Billye McGaharn, Director, Area Agency on Aging
Joseph P. O'Dell, Director, Budget & Data Services

Mrs. McGaharn presented a proposal for the continuation of the County's public transportation system for Fiscal Year '87. She explained that the commuter routes to and from NAS would continue as currently established. The non-commuter routes were explained by way of proposed schedules denoting times and locations. The overall funding is the same as for FY '86, \$44,888 (Federal - \$22,444; State - \$11,222; Local - \$11,222).

A question needing resolution by the Board of County Commissioners is whether the local match will be "hard" (cash) or "soft" (in-kind services). The final date for filing the application to the State Transportation Department is September 1986; however, the State has committed the funding as of July 1 within the above-mentioned amounts. The Commissioners asked if the local provider of the commuter service will continue.

Mr. O'Dell presented a Contract signed by the local provider indicating his commitment to continue under certain terms and conditions. Mr. O'Dell spoke to the question of "hard" and "soft" match and said that the Commissioners' decision was whether to expand services with additional county cash or restrict the scope of services by using a soft match.

After some discussion Commissioner Aud moved, seconded by Commissioner Sayre, to defer a decision on the matter until a later date and in the meantime to request the current provider to continue the service under the current terms and conditions. Commissioner Dean abstained. Motion carried.

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

- 1) REAPPOINTMENTS
BOARDS, COMMITTEES AND COMMISSIONS

Commissioner Dean moved, seconded by Commissioner Sayre, and unanimously carried, to make the following reappointments to Boards, Committees and Commissions with terms to expire as indicated:

<u>Airport Commission</u>	<u>Term to Expire</u>
Edward H. Long	June 30, 1989
<u>Commission on Aging</u>	
Leroy Thompson	June 30, 1989
<u>Commission for Women</u>	
Roberta Kaskel	June 30, 1989
Lynne Fitrell	June 30, 1989

Community College Advisory Board

E. Les Shaw June 30, 1991
Hope A. Swann June 30, 1991

Environmental Committee

Herman Dixon June 30, 1988
Tucker Brown June 30, 1988
Charles A. Young June 30, 1988

Historic District Commission

David Roberts June 30, 1989
H. K. Reynolds June 30, 1989

Job Training Partnership Act (PIC)

K. Bernard Chase, DDS June 30, 1989
Frank Combs June 30, 1989

Johnsongrass Committee

Vernon Saunders June 30, 1988
James R. Owens June 30, 1988
Tommy Bradburn June 30, 1988
R. Johns Dixon June 30, 1988
Douglas Bowles June 30, 1988
Aloysius Raley June 30, 1988
Franklin Hewitt June 30, 1988

Mental Health Alcoholism Drug Abuse Advisory Council

Dr. C. W. Duncan June 30, 1989
Kathy O'Brien June 30, 1989
Sue Gelrud June 30, 1989
Berlin Cummings June 30, 1989
Howard Hagen June 30, 1989

Plumbing Board

B. I. Mattingly June 30, 1989
Tommy Garner June 30, 1989

St. Mary's County Development Corporation

Catherine R. Herndon June 30, 1988
Dr. Andrew Kozak June 30, 1988
Leisl Stark June 30, 1988
James Spence June 30, 1988

Human Relations Commission

Marie Duff June 30, 1989
Ralph Butler June 30, 1989

Social Services Board

Robert Hmielski June 30, 1989
Philip H. Dorsey, III June 30, 1989

Tri-County Community Action Committee

Carrie J. Glascoe June 30, 1989

2) ALCOHOLISM/DRUG ABUSE PREVENTION PROGRAM

On behalf of the Director of Office of Community Services, the County Administrator presented Alcoholism/Drug Abuse Prevention Program Grant application in the amount of \$10,000 for FY '87.

Commissioner Sayre moved, seconded by Commissioner Dean, to approve and authorize Commissioner President Aud to sign the Grant Application to be submitted to the Alcoholism Control Administration. Motion carried.

3) CORRESPONDENCE TO CHAMBER OF COMMERCE

The County Administrator presented correspondence addressed to the Tourism Development Division of the Chamber of Commerce indicating the County's support for the Chamber's tourism proposal to establish the Chamber as the lead agency for tourism in St. Mary's County. The letter indicates that the County cannot commit the requested funds, however, every effort will be made to identify funds for this program.

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

4) GRANT MODIFICATION - OFFICE ON AGING
MASS TRANSIT ADMINISTRATION
STATE-WIDE SPECIAL TRANSPORTATION ASSISTANCE PROGRAM

The County Administrator presented correspondence dated June 23, 1986 from Mass Transit Administration notifying the County of the transfer of FY '86 funds from the Operating Assistance Budget to the Capital Assistance Budget for the purchase of two lift equipped vans as opposed to the original request of one lift equipped van and one station wagon. Enclosed with the letter was the Amending Agreements for the Change in Operating and Capital Project.

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

5) STORMWATER MANAGEMENT GRANT-IN-AID PROGRAM

On behalf of the Director of Planning and Zoning, the County Administrator presented the referenced Grant Agreement by and between Department of Natural Resources/Water Resources Administration and St. Mary's County in the amount of \$77,064 for administration of the Stormwater Management Grant Program.

Commissioner Dean moved, seconded by Commissioner Sayre, to approve and authorize Commissioner President Aud to sign the Stormwater Management Grant Agreement as set forth above. Motion carried.

6) SHERIFF'S DEPARTMENT PENSION SYSTEM
WORKING AGREEMENT AND RELEASE

With regard to the establishment of a separate pension system for the Sheriff's Department, the County Administrator presented a Working Agreement and Release by and between Employees Retirement System of the State of Maryland and Pension System for Employees of the State of Maryland and the Board of County Commissioners of St. Mary's County for the Board's signatures.

Commissioner Aud moved, seconded by Commissioner Sayre, to accept and sign the Working Agreement and Release as presented. Motion carried.

7) MEMORANDUM TO COUNTY EMPLOYEES
EQUAL EMPLOYMENT OPPORTUNITY POLICY

The County Administrator presented a memorandum addressed to County Employees which reiterates the County Commissioners' commitment to ensure equal employment opportunity and setting forth the County's policy regarding equal employment.

Commissioner Sayre moved, seconded by Commissioner Dean, to approve and sign the memorandum as presented. Motion carried.

8) ZONING AMENDMENT RESOLUTION NO. 86-06
MICHAEL HEWITT (ZONE #85-1374)

(Application to rezone approximately 3.25 acres of land on Md. Rt. 235 in California, at the intersection with Chancellors Run Road, from C-1, Commercial, to C-2, Commercial. The property is located in the Eighth Election District on Tax Map 43, Block 1, Parcel 238.)

Commissioner Dean moved, seconded by Commissioner Aud, to approve and sign Zoning Amendment Resolution No. 86-06, granting the rezoning request from C-1 to C-2.

9) ANIMAL WARDEN POSITION
OFFICE OF CIVIL DEFENSE

The County Administrator presented a memorandum dated June 25, 1986 from the Personnel Officer requesting authority to fill the Animal Warden I, Grade 7, position, in the Office of Civil Defense, which will be vacated by Tamora Carty on July 7, 1986.

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

10) RESEARCH ASSISTANT POSITION
DEPARTMENT OF ECONOMIC & COMMUNITY DEVELOPMENT

The County Administrator advised that the position of Tourism Coordinator in the County's Department of Economic & Community Development has been vacated, and the Director is recommending that a temporary position of Research Assistant be created using the funds of the vacated position. The Research Assistant would develop information relative to employment in St. Mary's County.

Commissioner Sayre moved, seconded by Commissioner Aud, to leave vacant the Tourism Coordinator position and to approve the creation of the Research Assistant temporary position in the Department of Economic & Community Development. Motion carried.

11) BUILDING PERMIT FEE WAIVER REQUEST
PATUXENT RIVER ASSEMBLY OF GOD

The County Administrator advised that the Patuxent River Assembly of God in Lexington Park has requested a waiver of the Building Permit Fee for the construction of a new church on Rt. 4. In that the request is in compliance with County's Resolution No. 75-53, the Office of Planning and Zoning has recommended approval of this request.

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

12) ST. MARY'S COUNTY CIVIL DEFENSE STATEMENTS OF WORK

The County Administrator presented the St. Mary's County Civil Defense Statements of Work for federal Fiscal Year 1987. This is in conjunction with the Comprehensive Cooperative Agreement and the County's request for continued federal funding under the Emergency Management Assistant Program.

Commissioner Dean moved, seconded by Commissioner Sayre, to authorize Commissioner President Aud to sign the Comprehensive Cooperative Agreement for continuing federal funding as set forth above. Motion carried.

WALDEN-SIERRA
REQUEST FOR REPLACEMENT OF VAN

The County Administrator advised correspondence dated June 26 was received from Walden-Sierra requesting the County to provide funds in the amount of \$18,000 to replace the state-purchased county van which had been stolen and involved in an accident. The van has been totalled and the individual involved has been charged as a juvenile. There is little hope of damage recovery through legal action because of the limited resources of the family. The van is not insured by an independent insurance company.

The Commissioners expressed agreement to replace the van, however, requested that the Risk Management Committee and the insurance adjustor review the matter and make a recommendation to the Board.

ST. MARY'S PUBLIC SCHOOLS
MODIFICATIONS TO BUDGET REQUEST

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

The County Administrator presented correspondence dated June 25, 1986 from Dr. Lorton, Superintendent of Schools requesting forth two modifications to the Board of Education Budget: 1) Transfer of \$125,000 from Instructional Salaries to Special Education for additional teachers; 2) Transfer of \$23,000 from instructional equipment (computers) to instructional salaries.

Mr. O'Dell presented a memorandum dated June 30 in which he made the following observations regarding the above:

- 1) \$50,000 for staff development has been added but approval had not been granted by the Board;
- 2) \$50,000 has been decreased from the fixed charged area and applied to staff development.

After discussion Commissioner Dean moved, seconded by Commissioner Sayre, to approve the Board of Education's request with the condition that the Board of Ed must not overexpend the fixed charge area in FY '87 as a result of the \$50,000 reduction and that Commissioner President Aud to be authorized to sign a letter to Dr. Lorton setting forth the above. Motion carried.

ADJOURNMENT

The meeting adjourned at 3:35 p.m.

Approved,



George R. Aud, President