

BOARD OF COUNTY COMMISSIONERS' MEETINGTuesday, September 23, 1986

Present: Commissioner J. Patrick Jarboe, M.D., President
 Commissioner Larry Millison
 Commissioner Ford L. Dean
 Commissioner David F. Sayre
 Edward V. Cox, County Administrator
 Judith A. Spalding, Recording Secretary

(Commissioner Arnold was 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 Sayre, to approve the minutes of the Commissioners meeting of Tuesday, September 16, 1986 as submitted. Motion carried.

APPROVAL OF BILLS

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

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

- 1) RESOLUTION NO. 86-24
ST. MARY'S COUNTY SELF-INSURANCE FUND
AMENDMENT NO. 3

The County Administrator presented the referenced Resolution amending Article VIII, Section 8 of the by-laws of the St. Mary's County Self-Insurance Fund regarding Public Officials and Employees Liability.

Later in the meeting after discussion, Commissioner Dean moved, seconded by Commissioner Sayre, to approve and sign the Resolution as presented. Motion carried. (Commissioner Millison was not present.)

- 2) BUDGET AMENDMENTS

The County Administrator presented the following budget amendments recommended for approval by the Budget Director with the justifications as indicated:

No. 87-07 - Public Schools

Justification: To use under project budget funds to execute No. 1 priority roofing project in FY '87 budget.

No. 87-09 - Public Works

Justification: County Commissioner discussion on 9/16 subject to FAA approval of new grant funds. The amount is outside of grant approval and will be an additional local cost.

Commissioner Dean moved, seconded by Commissioner Sayre, to approve and authorize Commissioner Jarboe to sign the Budget Amendments as presented. Motion carried.

3) APPOINTMENTS/NOMINATIONS

Commissioner Dean moved, seconded by Commissioner Millison, and motion carried, to appoint the following individuals:

Historic District Commission

Dr. Frederick Fouts for a term to expire June 30, 1989.

Cable TV Study Committee

Charles A. Norris

Private Industry Council

Dr. James Easom for a term to expire June 30, 1987.

Southern Maryland Health Systems Agency
(Governing Body)

Nomination of Ms. Joan A. Miller as a provider.

4) LEASE WITH U.S. GOVERNMENT
STORAGE FACILITY AT PINEY POINT

The County Administrator presented correspondence dated September 5, 1986 from the U. S. Department of Interior enclosing a U. S. Government lease for Building No. 2 consisting of 450 square feet of space at Piney Point. The lease has been reviewed by the Director of Recreation and Parks and the Director of Purchasing and Logistics.

Commissioner Dean moved, seconded by Commissioner Sayre, to authorize Commissioner President Jarboe to sign the lease as presented. Motion carried.

5) SERVICE CONTRACT
CHILD SEXUAL ABUSE PREVENTION PROJECT

The County Administrator presented the Service Contract between Maryland State Department of Human Resources (Social Services Administration) and St. Mary's County Domestic Violence/Sexual Assault Program to provide a community-based program for the purpose of expanding the present elementary school prevention program to include second and third grade students.

Commissioner Dean moved, seconded by Commissioner Sayre, to approve and authorize Commissioner President Jarboe to sign the Service Contract as presented, to be effective October 1, 1986. Motion carried.

6) MARYLAND ASSOCIATION OF COUNTIES
LEGISLATIVE COMMITTEE

The County Administrator advised that in the absence of the two Commissioners who had been appointed to the MACo Legislative Committee (George Aud and Richard Arnold), he recommended that the Commissioners appoint Commissioner Jarboe as a member and himself as alternate.

Commissioner Sayre moved, seconded by Commissioner Dean, to accept the County Administrator's recommendation. Motion carried.

(THE FOLLOWING ITEMS WERE PRESENTED BY THE COUNTY ADMINISTRATOR
IN THE AFTERNOON. COMMISSIONER MILLISON WAS NOT PRESENT.)

7) METROPOLITAN COMMISSION
APPLICATION TO AMEND SEWER SLUDGE UTILIZATION PERMIT
JANNSON PROPERTY - MULBERRY FIELDS

By correspondence dated September 23, 1986 the Metropolitan Commission requested that the County waive the right to a public hearing relative to the referenced application which would allow MetComm to apply treated wastewater sludge from Pine Hill Run WWTP to alternative fields.

After discussion Commissioner Sayre moved, seconded by Commissioner Dean, to grant this waiver and authorize Commissioner Jarboe to sign correspondence to Environmental Programs advising that County has no objection to the issuance of the referenced permit. Motion carried.

8) PERSONNEL

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

a) Permits Clerk II
Office of Planning and Zoning

Memorandum dated September 23, 1986 from Personnel Officer recommending the selection of Phyllis Krasnokutsky to the referenced position, Grade 5, which was vacated by Kathleen Dionne.

Commissioner Sayre moved, seconded by Commissioner Dean, to accept this recommendation, to be effective September 29, 1986. Motion carried.

b) Correctional Officer
Sheriff's Department

Memorandum dated September 22, 1986 from the Personnel Officer recommending the selection of Joseph L. Wheeler, to the referenced position, Grade 10, effective October 6, 1986.

Commissioner Dean moved, seconded by Commissioner Sayre, to accept this recommendation, pending satisfactory results of a psychological examination. Motion carried.

c) Patrolmen Position (2)
Sheriff's Department

Memorandum dated September 23, 1986 from the Personnel Officer recommending the selection of Stephen Walker and William Cease to the two Patrolmen positions, Grade 11, effective October 6, 1986.

Commissioner Dean moved, seconded by Commissioner Sayre, to accept this recommendation pending satisfactory results of a psychological examination. Motion carried.

DEPARTMENT OF PUBLIC WORKS

Present: John Norris, Director

1) PROJECT NO. SM 87-1-8
DRIVEWAY ENTRANCES AND RELATED CONSTRUCTION ITEMS

Mr. Norris presented the bid tally sheet for the referenced project and recommended awarding the bid to Copenhaver Asphalt Service in the amount of \$11,900.

Commissioner Sayre moved, seconded by Commissioner Millison, to award the contract as recommended by Mr. Norris. Motion carried.

2) COUNTY HIGHWAYS SALT BARN FACILITY
LABOR FOR CONSTRUCTION

Mr. Norris presented the bid tally sheet for the labor for the construction of the salt barn facility and recommended awarding the bid to Warren Martin at \$9.50 (Foreman) and at \$8.50 (Laborer).

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

3) ACCEPTANCE OF DEEDS
PARAGON BUILDERS (WILDEWOOD SUBDIVISION)

Mr. Norris presented the following Deeds, accepting roads as indicated into the County Highway Maintenance System, for approval by the Board:

Deed by and between Paragon Builders, Inc. and St. Mary's County accepting Scotch Pine Court;

Deed dated January 31, 1986 by and between Paragon Builders Inc. and St. Mary's County accepting Wildewood Blvd.;

Deed dated July 1985 by and between Paragon Builders, Inc. and St. Mary's County Commissioners accepting T-Turnaround on Scotch Pine Court;

Deed by and between Paragon Builders, Inc. and St. Mary's County Commissioners accepting 70 feet of Wildewood Parkway.

Deed dated January 31, 1986 by and between Paragon Builders Inc. and St. Mary's County Commissioners accepting Wildewood Blvd.

Commissioner Millison moved, seconded by Commissioner Sayre, to accept the Deeds as set forth above and authorize Commissioner President Jarboe to sign same. Commissioner Dean abstained. Motion carried.

4) ROAD RESOLUTIONS
WILDEWOOD SUBDIVISION

Mr. Norris presented the following Road Resolutions for approval by the Board.

R-87-11

Posting Scotch Piney Court and White Oak Parkway at 25 miles per hour.

R-87-8

Designating the following streets in Wildewood Sub-division as Stop Streets:

Wildewood Boulevard at its intersection with St. Rt. 235;

Wildewood Parkway at its intersection with Wildewood Blvd;

Scotch Pine Court at its intersection with Wildewood Parkway.

Commissioner Millison moved, seconded by Commissioner Sayre, to approve and authorize Commissioner President Jarboe to sign the Road Resolutions for Wildewood as presented. Commissioner Dean abstained. Motion carried.

5) ACCEPTANCE OF DEED
COUNTRY LAKES

Mr. Norris presented a Deed dated September 12, 1986 by and between Country Lakes, by Benjamin Burroughs, and the Board of County Commissioners of St. Mary's County, accepting East Lakeland Drive and Yowaiski Mill Road into the County Highway Maintenance System.

Commissioner Millison moved, seconded by Commissioner Sayre, to accept the Deed as submitted and authorize Commissioner President sign the Deed. Motion carried.

6) ROAD RESOLUTIONS
COUNTRY LAKES

Commissioner Dean moved, seconded by Commissioner Millison, and motion carried, to accept the following Road Resolutions for Country Lakes as presented by Mr. Norris:

R-87-9

Designating the following streets in Country Lakes Sub-division as a Stop Street:

East Lakeland Drive at its intersection with Yowaiski Mill Road.

R-87-10

Posting East Lakeland Drive and Yowaiski Mill Road at 25 miles per hour.

7) PUBLIC WORKS AGREEMENT
AMANDIANA ESTATES

Mr. Norris presented a Public Works Agreement by and between Maryland Bank and Trust Company and St. Marys' County guaranteeing the completion of the roads in Amandiana Estates, Eighth Election District, by September 17, 1986, said Agreement backed by a Letter of Credit in the amount of \$129,000 from Maryland Bank and Trust.

Later in the meeting, Commissioner Dean moved, seconded by Commissioner Sayre, to authorize Commissioner President Jarboe to sign the Agreement. Motion carried. (Commissioner Millison was not present during the motion.)

8) MAINTENANCE DREDGING

Mr. Norris stated that the Corps of Engineers advised in correspondence dated September 15 that the Corps intends to do maintenance dredging on three navigation projects: St. Jeromes Creek, Herring Creek, and St. Catherine's Sound. The Corps is requesting that the County act as local sponsor to secure local easement areas.

He stated that the other issue is that the Corps is requesting the County to pay the costs of getting dredged material pumped to the spoil disposal area and that the placement of a sleeve under the roadway should be county-funded. Mr. Norris indicated that in correspondence dated September 19 he stated that the County does not consider placement of a pipe line sleeve a local cost but should be part of the construction costs borne by the Corps.

After discussion, Commissioner Dean moved, seconded by Commissioner Sayre, to grant approval for the Department of Public Works to work on the three referenced dredging projects as set forth above. Motion carried.

9) ST. MARY'S COUNTY AIRPORT

Mr. Norris advised that the Board had previously approved an addendum to the contract to extend the grading project at the Airport. He stated in order to do all the grading at one time, that authorization be given for the contractor to grade the parking area. This will allow for the expansion of the tie-down area. Mr. Norris stated that the work will be county funded and the Budget Director has identified a source of funding. Mr. Norris indicated that he will bring the specifics of the contract back before the Board.

After discussion, the Commissioners gave their concurrence.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator

Commissioner Dean moved, seconded by Commissioner Sayre, to meet in Executive Session to discuss matters of Personnel, Litigation and Property Acquisition. Motion carried. The session was held from 10:05 a.m. to 10:40 a.m.

Personnel with the County Administrator;

Litigation and Property Acquisition with the Director of Public Works. (Commissioner Millison did not participate.)

ST. MARY'S COUNTY LEGISLATIVE DELEGATION

Present: Senator Bernie Fowler
Delegate Joseph E. Bell, II
Delegate John K. Parlett
Delegate John F. Slade III
John Norris, Director, Dept. of Public Works
Joseph Mitchell, Director, Economic & Community Development
David W. Morgan, Economic Development Coordinator
John Baggett, Director, Recreation and Parks
Claude Clark, Recreation Supervisor, R & P
John Griffin, Department of Natural Resources
Mike Nelson, "

1) 1987 LEGISLATIVE PACKAGE

The County Administrator advised that solicitations were made to the various departments and agencies for items for the 1987 Legislative Package. Therefore, Mr. Cox distributed copies of the package and a synopsis to the Commissioners and legislative delegation. Mr. Cox requested direction for proceeding with regard to the public hearing on the package. After discussion it was agreed that the hearing be held in the first part of December.

2) SEWER LINE FOR FIFTH DISTRICT LIBRARY/
REGIONAL RESOURCE CENTER

Mr. Norris advised the legislators that the Commissioners had previously requested GSA for consideration to allow utilization of the Veterans Home Administration Wastewater Treatment Plant as opposed to putting in a line across Old Rte. 5 to the 3.2 acre county parcel. Mr. Norris stated that the County has been receiving a negative response from GSA to this request because when all phases of the Veterans Home are built, there would not be sufficient capacity for others. Mr. Norris indicated that the cost difference is approximately \$75,500.

Commissioner Jarboe stated that the Commissioners felt that the plant may never reach its capacity and perhaps GSA would allow the County to use the plant until it was needed by the Veterans Home.

Delegate Parlett advised that he had talked with representatives of GSA and Veterans Home Commission and also received a negative response.

Delegate Bell agreed to draft a letter from the Legislative Delegation to GSA requesting reconsideration.

3) STATE OFFICE BUILDING/CORRECTIONAL FACILITY
PROJECT UPDATE

Mr. Norris presented the current status of the two referenced projects for the benefit of the legislators who have had successful involvement in both projects.

The correctional facility is in the final stage of design and is expected to be bid in the near future with an 18-month construction schedule planned for occupancy in July 1988. Bond proceeds are in place, and the Jail Loan Act from the State is secured.

With regard to the state office building, Mr. Norris explained that this project was under the auspices of the County Building Authority Commission is currently under design. The project will be bid in the Spring with a 12-month construction schedule culminating in occupancy in July 1988. Negotiations are continuing with the State to remove disagreement on certain issues such as parking lot, roadway, and certain costs. It is anticipated all the difficulties will be resolved and the project will proceed on schedule.

Commissioner Dean reminded those present that the Commissioners had suggested some time ago that the State Office Building be named in memory of Joseph D. Carter because of his efforts in making the building become a reality.

4) OYSTER HATCHERY
PINEY POINT PROPERTY ACQUISITION

Messrs. Mitchell and Morgan presented the current status of the state's acquisition of property in Piney Point for the purpose of establishing an oyster hatchery facility. A previously scheduled settlement was cancelled because of a problem in identifying a source of funds. Delegate Parlett stated that in conversations this date with Department of Natural Resource officials, he learned that a source of funds had been identified, "Open Space" funds; that Comptroller Goldstein wishes to personally visit the site in the near future. Messrs. Griffin and Nelson explained that there was some opposition to the State's acquisition and establishment of the oyster hatchery facility by the State Watermen's Association President and Senator Malkus of the Eastern Shore. However, the belief that the differences are now resolved and that no serious opposition now exists.

The Commissioners and Legislators agreed that the St. Mary's County would be represented at any future meetings on this issue before the Board of Public Works. Messrs Nelson and County Administrator Cox were instructed to keep everyone informed.

5) ST. MARY'S RIVER WATERSHED PROJECT

Mr. Baggett distributed an outline for the development of a park at the watershed property Site Development #2. Mr. Baggett advised that funds are in the capital budget to begin the planning for the first phase of the park and was looking for some type of financial assistance from the State.

Mr. Baggett explained and displayed an artist drawing depicting uses by the County at the park, including, pools, camper trailer site, trails, court game areas, tot lot, sports complex, etc. He stated that it would take approximately ten years to build out.

Discussion ensued regarding financing of the project including the possibility of a bond bill.

Mr. Griffin indicated the support of the Department of Natural Resources and advised that the State may be able to fund items of common interest such as roads.

After his presentation, Mr. Baggett requested approval to proceed to obtain a consultant to do the park design, after which he would return to the Board for approval.

PROCLAMATION
KNIGHTS OF COLUMBUS - TOOTSIE ROLL MONTH
OF OCTOBER FOR MENTALLY RETARDED CITIZENS

The Commissioners presented the referenced Proclamation designating the month of October as Knights of Columbus - Tootsie Roll Month for the mentally retarded citizens.

Commissioner Millison left the meeting.

LEXINGTON PARK TRANSPORTATION PLAN

Present: Joseph Gough, Chairman, Planning Commission
Keith Fairfax, "
Frank Gerred, Director, OPZ
Dan Ichniowski, Dept. of Public Works

The above individuals appeared before the Commissioners to present the recommendations regarding the cost and alternate financing method for the proposed Lexington Park Transportation Plan.

Mr. Gough stated that the County has been experiencing growth in both commercial and residential areas of Lexington Park. The Plan adopted on October 29, 1985 calls for the construction of 14.9 miles of new collector and higher classified roads to serve the new growth in the Lexington Park area. The Committee was established to develop information to pay for the expansion of the road network and to make recommendations.

By way of charts, Mr. Fairfax explained the alternative financing methods:

- a) Increased gas tax for St. Mary's County;
- b) Increased property tax;
- c) Tax incremental financing;
- d) Impact Fee;
- e) Tag Fees
- f) Inventory Tax.

The existing Economic Impact Fee and Recreation and Park Fee were discussed, and Mr. Fairfax stated that the Committee recommended the following actions:

- a) \$600/dwelling unit be collected and placed in a special transportation fund (Impact Fee);
- b) Non-residential development be assessed at four dwelling units/acre developed;
- c) Exemptions in Resolution 76-30 be eliminated;

- d) Consider reenacting inventory tax;
- e) Task Force be maintained to complete a permanent financing method;
- f) Recommendation should be implemented as soon as possible as an interim measure.

The Commissioners discussed the various funding methods and in conclusion requested that more information be provided regarding the Tax Increment, Impact Fees and Tag Fees.

A work session with the Commissioners was scheduled for 8:00 a.m. on October 8, 1986.

COMPREHENSIVE WATER AND SEWER PLAN REVISED MAPS

Present: Steve King, Metropolitan Commission

Mr. King appeared before the Commissioners to review the Bi-annual update of the Comprehensive Water and Sewer Plan. Mr. King displayed and explained the various areas in the County that have been changed in the past two years and requested the Board's concurrence with the amended maps and text. He stated that upon approval of the Board the revisions will be forwarded to the State Health Department for approval, after which the document will be printed.

After discussion, Commissioner Dean moved, seconded by Commissioner Sayre, to approve the revised maps and amended text changes to the Comprehensive Water and Sewer Plan. Motion carried.

OFFICE OF PLANNING AND ZONING

Present: Frank Gerred, Director
Robin Guyther, Planner
Jeff Jackman, Planner

- 1) RESOLUTION NO. Z86-14
DAY CARE/CHILD CARE CENTER
ZONE #84-1312

Having conducted a public hearing on February 11, 1986 regarding proposed text changes to the Zoning Ordinance concerning site plan approval and access to a major road for Day Care/Child Care Centers serving more than 12 children, Commissioner Sayre moved, seconded by Commissioner Dean, to approve Zoning Amendment Resolution No. Z86-14, amending Article 5, Section 53.035.1 and .2 and Section 8 (Definitions). Motion carried.

- 2) DECISION DISCUSSION
ZONE #85-0650
JAMES B. LONG, SR.

(Requesting rezoning of nine acres from R-1, Rural Residential, to C-1, Commercial of property located on Md. Rt. 235, approximately two miles north of Md. Rt. 245, Hollywood, as shown on Tax Map 20, Block 14, as part of parcel 22.)

Having conducted a public hearing on March 11, 1986, the Commissioners commenced discussion on the referenced zoning application.

Commissioner Dean noted that the staff and Planning Commission recommended denial of the application because there was no evidence of mistake in original zoning or change in the neighborhood.

Therefore, Commissioner Dean moved, seconded by Commissioner Sayre, to instruct the County Attorney to prepare the appropriate Resolution DENYING the application for rezoning. Motion carried.

2) ZONE #84-1221 - ESSEX SOUTH EAST (DARCHAP)

Mr. Guyther advised that the applicant for the referenced project submitted an application to rezone a part of the property formerly designated as open space which was to be donated to the County. That application went to the Planning Commission, which recommended denial. The Commissioners heard the case and directed the County Attorney to prepare a Resolution denying the application. Prior to the Commissioners taking action on that Resolution, the attorney for the applicant requested that the Commissioners withhold the decision and he went to the Planning Commission with a new application to amend the original Development Plan by withdrawing the stipulation that they had to donate the land to the County. The Planning Commission recommended that the original Plan stand. Mr. Guyther stated that the applicant never took this action before the County Commissioners.

After discussion, the Commissioners directed that Mr. Gerred prepare correspondence to the applicant inquiring whether he wishes to withdraw the application for rezoning, and giving a deadline for response or the case will be dropped.

3) FLOATING HOMES

Mr. Gerred advised that, as directed at last week's meeting, he contacted Mr. Eichbaum of the State Health Department and was informed that the Consent Agreement for the existing floating homes at Cedar Cove had been held up in the Attorney General's Office.

Mr. Gerred stated that the marina at Cedar Cove had been taken over by another individual who has given notice to the owners to remove the floating homes or he will have them put up on dry land.

There are current 14 floating homes in the County; 13 at Cedar Cove, one at Point Lookout Marina, and one at Winslow Marina in Town Creek.

Discussion ensued as to how to handle the removal of floating homes in an equitable manner. It was agreed that the homes be allowed to stay up to five years after which time they would have to be removed.

Mr. Gerred was directed to prepare a Resolution regarding removal of the homes and return it to the Commissioners next week.

4) STSP #86-1407 - TRACOR BUILDING

(Requesting site plan approval for offices and laboratory space on Lot 9, Wildewood Technology Park. The site contains 6.5 acres and is zoned PD-IP. The property is shown on Tax Map 34, Block 8, Part of Parcel 79.)

Mr. Guyther presented the referenced site plan which had been reviewed and recommended for approval by the Planning Commission.

Commissioner Sayre moved, seconded by Commissioner Jarboe, to approve and sign the referenced site plan, subject to approval by the Department of Public Works. Commissioner Dean abstained. Motion carried.

5) CRITICAL AREAS COMMISSION

Mr. Gerred advised that in the Critical Areas criteria is a requirement that all development in the County since December of 1985 be subtracted from the development allocation allowed if the County has not insofar as possible made the development comply with the criteria. He stated that he would like to arrange a joint public hearing with the Commissioners and Planning Commission on the adoption of an interim Resolution applying the resource conservation criteria to the first 1,000 feet from tide until the development regulations are put into effect.

The Commissioners gave their concurrence to proceed with the public hearing.

6) COMPREHENSIVE PLAN UPDATE

Mr. Jackman reported to the Commissioners on the progress of the update of the Comprehensive Plan. He stated that the consultant is proceeding according to schedule; the scope of work has been revised and a contract with the Critical Areas Commission for a \$100,000 grant per year for two years will be presented to the Commissioners. Maps are being prepared and two questionnaires will be distributed to the public.

7) ZOHD #86-0531
ST. JOSEPH'S MANOR (DILLOW)

(Requesting approval to establish a historic district in Town Creek. The property contains 30 acres and is in the Eighth Election District, shown on Tax Map 35B as Parcel 19, zoned R-1, Rural-Residential.)

The Commissioners conducted a public hearing on the referenced application for a historic district on September 16, 1986.

Commissioner Dean moved, seconded by Commissioner Sayre, to direct that the appropriate Resolution be prepared APPROVING the application for the creation of the Historic District as requested. Motion carried.

ST. MARY'S COUNTY TRANSPORTATION SYSTEM

Relative to last week's decision regarding an evaluation after four months of the Transportation System, Commissioner Dean suggested that the lease with the subcontractor for the extra bus be for only four months. The County Administrator agreed to handle that.

PROPOSED AMENDMENTS TO ETHICS ORDINANCE

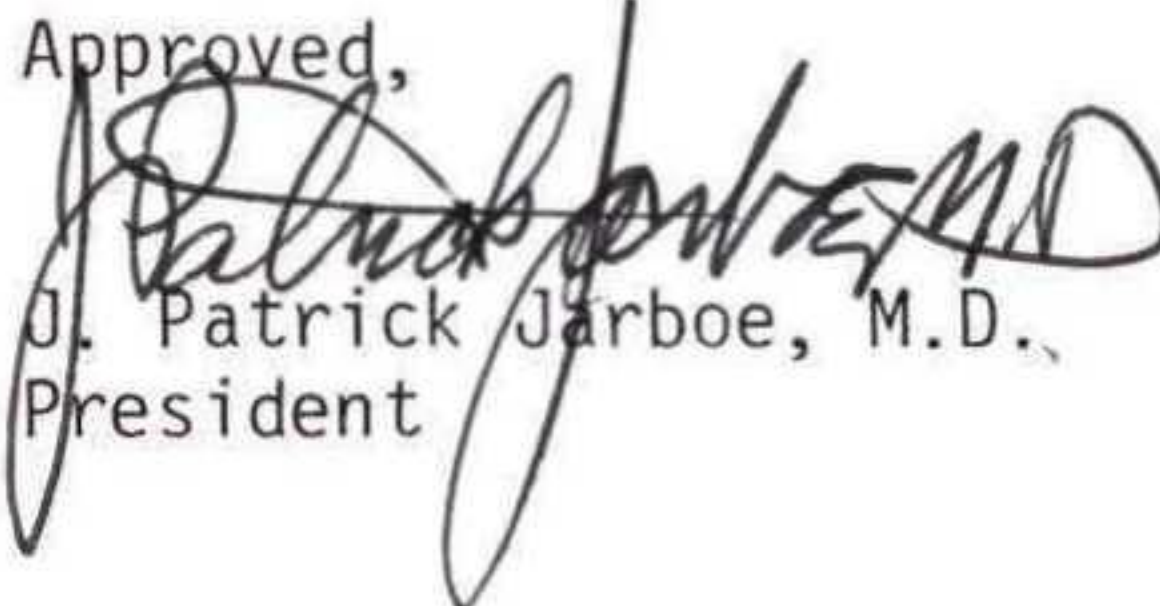
Commissioner Jarboe stated that the Board had agreed to forward proposed amendments to the St. Mary's County Ethics Ordinance to the State for concurrence. He suggested that the Ethics Commission review the entire Ordinance to see if any other changes are needed.

The Commissioners gave their concurrence.

ADJOURNMENT

The meeting adjourned at 3:55 p.m.

Approved,


J. Patrick Jarboe, M.D.,
President

