

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, November 25, 1986

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

(Commissioner Millison was not present).

CALL TO ORDER

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

APPROVAL OF MINUTES

Commissioner Dean moved, seconded by Commissioner to approve the minutes of the Commissioners' meeting of Tuesday, November 18, 1986.

APPROVAL OF BILLS

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

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) APPOINTMENTS
BOARDS, COMMITTEES AND COMMISSIONS

St. Mary's Council on Children and Youth

Commissioner Bailey moved, seconded by Commissioner Sayre, to appoint Eddie Keller as a student representative from Ryken. Motion carried.

Mental Health Alcoholism Drug Abuse Advisory Council

Commissioner Sayre moved, seconded by Commissioner Bailey, to appoint Dr. David Allen with a term to expire December 31, 1987. Motion carried.

Comprehensive Plan Advisory Committee

Commissioner Sayre moved, seconded by Commissioner Bailey, to appoint John McFadden as the Board of Education representative in place of Dr. Lorton. Motion carried.

2) PERSONNEL
TOURISM DEVELOPMENT COORDINATOR
ST. MARY'S CHAMBER OF COMMERCE

The County Administrator presented a memorandum dated November 24, 1986 from the Personnel Officer advising that a review panel has selected Lynea Bowdish for the Tourism Development Coordinator position. Therefore, the Personnel Officer recommended in the November 24 memorandum the appointment of Ms. Bowdish to the Tourism Development Coordinator position, Grade 8, effective December 1, 1986, based on availability of appropriations.

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

3) CERTIFICATE OF PARTICIPANT
DEPARTMENT OF TRANSPORTATION BONDS

The County Administrator advised that in June of 1986 the Commissioners agreed to participate in the Maryland Department of Transportation Transportation Bonds and requested that authorization be given for Commissioner President Jarboe to sign the Certificate of Participant.

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

4) PUBLIC ACCOMMODATIONS ORDINANCE

The County Administrator presented a memorandum from the County Commissioners-elect requesting the current Board to approve the re-advertising of a public hearing concerning the Public Accommodations Tax in order to delay the implementation of the Tax until they have an opportunity to study the matter.

After discussion Commissioner Dean moved, seconded by Commissioner Sayre, to authorize the County Administrator to schedule and advertise appropriate notice for a public hearing on the Public Accommodation Tax as requested by the Commissioners-elect. Commissioner Jarboe abstained. Motion carried.

5) BUDGET AMENDMENTS

The County Administrator presented the following Budget Amendments recommended for approval by the Budget Director with justifications as noted:

No. 87-17
Sheriff's Department

Justification: Costs incurred concerning Sheriff's Department Pension Plan.

No. 87-18
Public Works

Justification: To authorize the establishment of temporary central automotive fund to evaluate revenue and cost of activities to FY '88 Budget. Tentative approval by BCC vis-a-vis previous discussion.

No. 87-19
Public Works

Justification: To provide additional authority as a result of increased Public Land Use Fees.

No. 87-20
Community Services

Justification: County Commissioner decision to allow contribution funds during fiscal year to be used as additional expense authority for Alcohol/Drug Abuse Programs.

No. 87-21
Alcoholic Beverage Board

Justification: Non-budgeted costs relative to appeals made by Defendants in alcohol suspension cases.

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

PROCUREMENT POLICY STATEMENT AND MANUAL

Present: Paul Raley, Director, Purchasing and Logistics

Mr. Raley appeared before the Commissioners to present a update on the Procurement Policy Statement and Manual. He stated that the final draft of the document is being distributed to all departments for review and comment after which he will come back to set a public hearing on the adoption of a Resolution on the Statement and Manual.

ST. MARY'S PUBLIC SCHOOLS
CAPITAL IMPROVEMENT BUDGET - FY '1988

Present: Dennis Younkin, Director of Fiscal & Administrative Services
Jerry Himmelhaber, Facilities Coordination

The reference representatives of St. Mary's Public Schools appeared before the Commissioners to present and review the Capital Improvement Program for FY 1988.

The County Administrator indicated that the incoming President of the Board has reviewed the document and is in concurrence with the Program.

After discussion, Commissioner Dean stated that there is a December 7 deadline for submission to IAC, and the incoming President and Commissioner Bailey are in agreement with the Program and further that the Commissioners would be following through on the process by requesting the State for construction funds. Therefore, Commissioner Dean moved, seconded by Commissioner Sayre, to approve and sign Resolution No. 86- relative to the Board of Education Capital Improvement Program for FY 1988. Motion carried.

DEPARTMENT OF PUBLIC WORKS

Present: John Norris, Director

1) SNOW REMOVAL AGREEMENTS

Mr. Norris presented the various snow removal Agreements for the provision of personnel, equipment for emergency operations on county highways and requested authorization for Commissioner President Jarboe to sign the Agreements.

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

2) PROJECT NO. SM 87-4-1
ENVIRONMENTAL ASSESSMENT REPORT
ST. MARY'S COUNTY AIRPORT

Mr. Norris requested authorization for Commissioner President Jarboe to sign the Agreement between St. Mary's County and Hayes, Seay, Mattern & Mattern for an Environmental Assessment for the runway extension at the St. Mary's County Airport.

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

3) LEONARDTOWN GRAVITY SEWER FOR TOWN RUN
FUNDING AGREEMENT

Mr. Norris advised that the Commissioners had concurred in and executed a funding agreement for the referenced project. However, the Town has made certain word changes that require the President of the Board to initial.

Commissioner Dean moved, seconded by Commissioner Sayre, to authorize Commissioner President Jarboe to initial the changes in the Agreement. Motion carried.

4) SPECIAL TAXING DISTRICT
DUKE DRIVE - PROSPECT HILL SUBDIVISION

Mr. Norris advised that the a petition was received for a special taxing district for the construction of Duke Drive in Prospect Hill Subdivision. He stated that an informational meeting has been held and a follow up petition of eight of the ten property owners received.

Therefore, Mr. Norris requested authorization for the Commissioners to acknowledge receipt of the Petition, authorize the construction of the road, identification of source of funds, the setting of a public hearing and the setting of rates.

Commissioner Sayre moved, seconded by Commissioner Dean, to grant the requests as set forth above. Motion carried.

5) CORNFIELD HARBOR BRIDGE

Mr. Norris indicated that he had evaluated other means for the reconstruction of the referenced bridge prior to the close of this season: (1) Rental Contractor of the County; (2) Force Account Contractor of SHA

The price proposal received by Force Account Contract of SHA exceeded budget authority. The rental contractor of the County does not have welders to do the work that would be required.

The County has requested the engineering firm to evaluate the alternate design using wood and the response has been negative. Therefore the contract will have to be bid in the spring.

6) STORM DRAINAGE SYSTEM IMPROVEMENTS

Mr. Norris advised that the State of Maryland has indicated that it will no longer be reviewing and improving construction improvements for storm drainage systems, and that the local jurisdictions will handle that responsibility.

After discussion the Commissioners gave their concurrence that Mr. Norris prepare correspondence to the the State of Maryland indicating agreement regarding the State's discontinuance of reviewing and approving the storm drainage systems.

7) PEGGS ROAD EXTENDED
PROJECT NO. SM 86-1-6

Mr. Norris advised that the design for Peggs Road to Jarboesville Run has been scheduled and recommended that the continuation of Peggs from from Jarboesville Run to Route 235 be included in the design. Mr. Norris presented a proposal dated November 11, 1986 from The Wilson T. Ballard Company in the amount of \$92,423 for the final design engineering services.

Commissioner Dean moved, seconded by Commissioner Sayre, to authorize Commissioner President Jarboe to sign the Agreement with The Wilson T. Ballard Company as presented. Motion carried.

8) ST. ANDREWS CHURCH ROAD

Mr. Norris advised Commissioners that they had discussed previously a problem with the County's acquisition of the Ridgell property for the purpose of building the Leonardtown section of St. Andrews Church Road. St. Mary's County performed work on the Ridgell property without authorization and prior approval. The County Attorney advises that the statute of limitations has most likely expired, but had hastened to add that Mr. Ridgell has been discussing the problem with various Boards of Commissioners over the years. The County had previously requested SHA to raise the center line elevation of the road when its resurfacing project was underway in order to solve the access problem. SHA did not perform the work. The County had authorized an expenditure of \$5,000 from the Asphalt Overlay Project. Leonardtown Sand and Gravel will grant an easement and a parcel of land to St. Mary's County for the sum of \$5,000 which the County could convey to the Ridgell property which is an acceptable release of all liens. After discussion Commissioner Bailey moved, seconded by Commissioner Dean to authorize Commissioner President Jarboe to sign appropriate documents relative to the referenced matter. Motion carried.

EXECUTIVE SESSION

Present: Frank Gerred, Director, Office of Planning and Zoning
Edward V. Cox, County Administrator

Commissioner Dean moved, seconded by Commissioner Bailey to meet in Executive Session in order to discuss a matter of personnel. Motion carried. The Session was held from 10:30 a.m. to 11:05 a.m.

OFFICE OF PLANNING AND ZONING
NORTH INDIAN CREEK ESTATES
REZONING

Present: Frank Gerred, Director

Mr. Gerred advised that he received a letter from the citizens of North Indian Creek requesting that the rezoning public hearing scheduled for December 9, 1986 at 1:00 be rescheduled to a night meeting. The Commissioners suggested that the hearing be rescheduled for after Christmas in the evening.

ST. MARY'S COUNTY PUBLIC ETHICS ORDINANCE

Present: Charles Mander, Chairman, Ethics Commission
Lou Clements, Member, "
Joseph Densford, Assistant County Attorney

Having conducted a public hearing on the adoption of amendments to the St. Mary's County Public Ethics Ordinance, the Commissioners discussed the amendments with the Ethics Commission members.

After discussion, Commissioner Dean moved, seconded by Commissioner Bailey, to approve and sign Resolution No. 86- adopting the 1986 Revised St. Mary's County Public Ethics Ordinance. Motion carried.

After adoption of the Ordinance, the Commissioners reviewed the Grand Jury Report and discussed a comparison between the State Ethics Law and the County's Ordinance and agreed that a thorough review would be initiated by the County's Ethics Commission with the goal of incorporating today's suggestions and and others revealed by the review.

S.M.I.L.E.

Present: Jim Mahoney, Director,
Ellen Hewitt
Dr. Norman Breslauer
Judge Clarence Dodge
Gary Anderson

The referenced representatives of S.M.I.L.E. appeared before the Commissioners to request assistance from the County relative to the development of a day care center in Lexington Park. This center is needed in that the lease for the location of the Center at Hollywood will be expire June 30, 1987. S.M.I.L.E. Inc. requests the following of the County:

- 1) Donation of County Land for the development of a center at the Old Carver Annex site on Lincoln Avenue;
- 2) Assistance of the Department of Public Works to develop specific plans for development of the long range plan;
- 3) Authorization to participate in the St. Mary's County Government Capital Budget process with a request for 25% of the total funds needed for this project.

During discussion of these request Mr. Mahoney pointed out that legislation is currently under review to provide 50% matching funding for adult day care center construction.

After discussion Commissioner Dean moved, seconded by Commissioner Sayre, to prepare a letter of commitment to S.M.I.L.E. concerning the .742 acre of land on Lincoln Avenue and that we also request the County Administrator to direct the Department of Public Works to assist in the development of plans; that the Commissioners concur that S.M.I.L.E. submit a request for the Capital Budget to be considered during the regular budgetary process; and further that a timeframe for goals be established by S.M.I.L.E. Motion carried.

ZONING AMENDMENT RESOLUTION NO. Z86-18
SPEC #86-1543 - TEXT AMENDMENT TO ZONING ORDINANCE
RESOURCE CONSERVATION AREA DISTRICT REGULATIONS
(CRITICAL AREA CRITERIA)

Present: Frank Gerred, Director, OPZ

Having conducted a Public Hearing on October 21, 1986 regarding Resource Conservation Area zoning regulations for new development within that portion of St. Mary's County located within 1,00 feet of the heads of tides, Mr. Gerred presented the referenced Zoning Amendment Resolution regarding the Critical Area Criteria for the Commissioners' review and signatures.

Commissioner Dean moved, seconded by Commissioner Bailey, to approve and sign Zoning Amendment Resolution No. Z86-18. Motion carried.

BUSHWOOD WHARF

Relative to the Public Hearing held on November 18, 1986 relative to the Bushwood Wharf issue, Commissioner Dean distributed a proposal for discussion. In the proposal Commissioner Dean recommended that the Commissioners adopt a Resolution with the following elements:

- 1) There be the acknowledgement that:
 - a. Robert E. Pogue and Lucy L. Pogue did by deed dated December 31, 1949 (and recorded at CBG 24, folio 303) convey to the County Commissioners of St. Mary's County the property described therein and which is commonly referred to as the Bushwood Wharf property.

b. The Bushwood Wharf facility serves several public needs:

- (1) A boat launching ramp - for pleasure and emergencies;
- (2) Use by watermen;
- (3) Recreation - fishing, crabbing, swimming, etc.

c. While the precise boundaries of the Bushwood Wharf property, in relation to the properties of Robert E. and Lucy L. Pogue and those of James Carroll Boyd, may not be clearly and precisely determined by survey - the County (i.e., the public) has continuously used the Bushwood Wharf property for over 35 years.

d. The Bushwood Wharf site is grossly inadequate in size for its present day usage and that it attracts more people than the site can accommodate.

2. The County Commissioners shall not enter into the proposed Agreement, nor execute the quit claim deed to Boyd, but rather commence the search to obtain a suitable replacement site of adequate size to more fully serve the public needs.

3. Until such time as a replacement facility is developed, the present Bushwood Wharf shall continue at its present usage, with the County enforcing the public's orderly use of the facility.

4. Upon the establishment of a replacement facility, the Bushwood Wharf property shall be returned by quit claim deed to Robert E. Pogue and Lucy L. Pogue, or their heirs, successors and assigns. The property to be so returned to be determined by survey and mutual agreement of James Carroll Boyd (or his heirs, successors, and assigns), Robert E. Pogue, et al, and the County Commissioners of St. Mary's County. In the event mutual agreement as to the boundaries of said property cannot be reached, then the matter of the boundaries shall be referred to a court of competent jurisdiction for resolution.

Upon the return of the subject property, its uses thereafter shall be as permitted by the St. Mary's County Zoning Ordinance.

After discussion, Commissioner Dean moved, seconded by Commissioner Bailey that the Commissioners adopt a Resolution concerning the proposed agreement relative to Bushwood Wharf as set forth above. Motion carried.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator
B. Harris Sterling, Director of Finance

Commissioner Sayre moved, seconded by Commissioner Bailey, to meet in Executive Session in order to discuss matters of litigation (settlement of insurance claims). Motion carried. The Session was held from 12:10 p.m. to 12:50 p.m.

ADJOURNMENT

The meeting adjourned at 12:50 p.m.

Approved,

J. Patrick Jarboe, M.D.
President