

BOARD OF COUNTY COMMISSIONERS' MEETINGTUESDAY, MARCH 31, 1987

Present: Commissioner Joseph P. O'Dell, President  
 Commissioner W. Edward Bailey, Vice-President  
 Commissioner Robert Jarboe  
 Commissioner John G. Lancaster  
 Commissioner Rodney Thompson  
 Edward V. Cox, County Administrator  
 Judith A. Spalding, Recording Secretary

The Meeting was called to order at 9:00 a.m.

APPROVAL OF MINUTES

Commissioner Thompson moved, seconded by Commissioner Jarboe, to approve the minutes of the Commissioners' meeting of Tuesday, March 24, 1987. Motion carried.

APPROVAL OF BILLS

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

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) PERSONNEL  
CONSTRUCTION INSPECTOR

The County Administrator presented a memorandum dated March 27, 1987 from the Personnel Officer recommending the selection of Stephen Quade to the position of Construction Inspector, Grade 9, Office of Planning and Zoning, to fill the vacancy created by the resignation of Fred Kless.

Commissioner Bailey moved, seconded by Commissioner Jarboe, to accept the Personnel Officer's recommendation. Motion carried.

2) ROAD RESOLUTIONS  
COUNTRY LAKES SUBDIVISION

On behalf of the Director of the Department of Public Works, the County Administrator presented the following Road Resolutions relative to Country Lakes:

R 87-20

Designating the following streets as Stop Streets:

Rita Court at its intersection with Yowaiski Mill Rd;  
 Bosse Road at its intersection with Yowaiski Mill Rd;  
 Joan Drive at its intersection with Bosse Drive.

Commissioner Thompson moved, seconded by Commissioner Bailey, to approve and authorize Commissioner President O'Dell to sign the Road Resolution. Motion carried.

R 87-21

Posting the following roads at 25 miles per hour:  
 Rita Court, Bosse Drive, and Joan Drive.

Commissioner Thompson moved, seconded by Commissioner Bailey, to approve and authorize Commissioner President O'Dell to sign the Road Resolution. Motion carried.

3) DEPARTMENT OF SOCIAL SERVICES  
PURCHASE OF COMPUTER

The County Administrator presented correspondence dated March 27, 1987 from the Department of Social Services indicating that the Commissioners had approved the purchase of a micro-computer and are now requesting that the purchase be made through the County's procurement system.

Commissioner Thompson moved, seconded by Commissioner Bailey, to approve the request as set forth. Motion carried.

4) SCOTLAND BEACH - BAY FRONT ROAD

The County Administrator reported that a property owner on Bay Front Road has placed an obstacle on the road preventing other citizens access. The County Attorney has made a decision of search the title that the State Highway owns the road. Therefore, at the request of one of the citizens, the County Administrator presented correspondence to SHA indicating that the obstacle should be removed and public access maintained by SHA. The Commissioners agreed to sign and forward the letter.

5) RESPONSES TO PETITIONS AND LETTERS

As previously directed by the Board, the County Administrator presented responses to the various petitions and letters as follows:

a) McKay's Beach Road - Advising that it has been added to the surface treatment schedule.

b) South River Road = Advising that it would be appropriate to have some of the utility poles relocated from the edge of the roadway by SMECO that the road be placed in the surface treatment schedule in this fiscal year.

c) Pin Cushion Road - Advising that the road has been placed in this fiscal year's surface treatment schedule.

6) BUDGET AMENDMENT NO. 87-32  
PUBLIC WORKS

The County Administrator presented the referenced Budget Amendment recommended for approval by the Director of Finance with the following justification: To provide funding for attendance at the Asphalt Seminar schedule for February 7 through February 12 for Supervisor of Construction and Inspections.

Commissioner Bailey moved, seconded by Commissioner Thompson, to approve and authorize Commissioner President O'Dell to sign the Amendment as presented. Motion carried.

7) ZONING AMENDMENT RESOLUTION NO. Z87-02  
SUPER 8 MOTEL - ZONE #86-1499

The Commissioners having conducted a public hearing on March 23, 1987 on the referenced application, Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve and sign Resolution No. Z87-02 APPROVING the rezoning as requested. Motion carried.

CHAPTICO RECREATION ASSOCIATION

Present: John Baggett, President, Board of Directors  
Joseph Densford, "  
James Beavan, Advisory Committee  
Hal Bishop, "  
Mel Reed "

The referenced representatives of the Chaptico Recreation Association appeared before the before the Board to discuss several issues:

Feasibility Study

Mr. Baggett reported that both the Board of Directors and the Advisory Committee have agreed that having the feasibility study done is the best way to proceed; therefore, it is recommended that American Leisure Services, Inc. be awarded the contract to perform the study.

Commissioner Bailey moved, seconded by Commissioner Thompson, to approve the Budget Amendment for the transfer of funds from Clements Landfill Account to Wicomico Shores Feasibility Study Account. Motion carried.

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to award the contract for the study to American Leisure Services Inc. as recommended. Motion carried.

Cash Management

Discussion ensued as to the most appropriate means of investing idle funds from the Chaptico Recreation Association--whether in a separate short-term interest-bearing account or with the County's Cash Management Plan. Mr. Baggett indicated that the Association would like for the funds to be accessible when needed. Commissioner O'Dell explained that the funds, if invested with the County's investments would receive a greater return than if done separately and would be accessible.

After discussion of the issue and the County's liability, Commissioner Jarboe moved, seconded by Commissioner Lancaster, to consolidate the Chaptico Recreation Association funds into the County's Cash Management System. Motion carried.

Abatement of Property and Personal Taxes

Mr. Baggett advised that the Association is requesting abatement of the Property and Personal Taxes for 1987. He indicated that the money belongs to the County and would be just taking it from one account to the other.

Commissioner Bailey moved, seconded by Commissioner Thompson, to authorize Commissioner President O'Dell to sign the letter abating the taxes for the Chaptico Recreation Corporation for the year 1987. Motion carried.

Golf Carts

Mr. Baggett advised that the 65 golf carts had been deeded by the separate venture to the County, and the Association is now requesting that they be given to the Corporation so that 15 of them can be used for trade-ins. He stated that the reason for this request was that the Corporation could not trade-in something it did not own. Commissioner O'Dell suggested that the 15 to be traded in be leased by the Corporation and the County would allow a waiver to allow that.

After discussion, Commissioner Jarboe moved, seconded by Commissioner to provide a waiver to the corporation and allow it to trade in the 15 carts.

Mr. Baggett reported that 15 of the 65 golf carts are unusable and the corporation would like to acquire 15 new ones. An advance would be necessary from the County in order to acquire the 15 carts in the that golf season is approaching. Mr. Baggett indicated that the golf course is a good revenue producer.

Commissioner O'Dell explained that until the study was completed, he did not think additional carts should be acquired and suggested lease-purchasing them.

After discussion the Commissioners requested Mr. Baggett to develop more information, look into a lease/purchase option, and get the information to the Board by next Monday. The Commissioners would then make a decision on Tuesday.

#### OFFICE ON AGING

Present: Billye McGaharn, Director, Area Agency on Aging

#### Notification of Grant Awards

Mrs. McGaharn presented the following NGA's for the Commissioners' review and approval:

Titles B, C-1, C-2 for the period October 86  
- September 30, 1987 in the amount of \$48,571.

RSVP for the period April 1, 1987  
- March 31, 1988 in the amount of \$48,571.

Commissioner Thompson moved, seconded by Commissioner Jarboe, to sign the NGA for Titles B, C-1, C-2 as presented. Motion carried.

The Commissioners agreed to defer action on the RSVP NGA until receipt of a project narrative as to the use of these particular funds as stipulated in the grant request.

#### Intergenerational Model Project

Mrs. McGaharn advised that the proposed program is in coordination with the public school which would bring together middle school students and the elderly, and would be part of the RSVP Grant. Mrs. McGaharn requested the Commissioners to agree with the line item change for the RSVP Grant in the amount of \$8,137 in order to include this program.

After discussion Commissioner Jarboe moved, seconded by Commissioner Bailey to not approve the Intergenerational Model Project. Commissioner O'Dell voted against the motion. Motion carried four to one.

#### Revised RSVP Grant

Mrs. McGaharn requested the Board's approval of the revised RSVP Grant even though the Intergenerational Project was not approved. She indicated that she would use those funds for other purposes and would re-present the amendment to the Board.

After discussion Commissioner Jarboe moved, seconded by Commissioner Lancaster to not approve the Revised RSVP Grant for the period April 1, 1986 through March 31, 1987. Motion carried.

#### EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator  
John Norris, Director, DPW  
Frank Gerred, Director, OPZ  
Joseph Densford, Asst. County Attorney

Commissioner Lancaster moved, seconded by Commissioner Thompson, to meet in Executive Session in order to discuss a matter litigation. Motion carried. The Session was held 11:15 a.m. to 11:55 a.m.

COUNTRY JAMBOREE NIGHTS

Present: John Baggett, Director, R & P  
Claude Clark, R & P  
Bob Johnson, WKIK  
Tom Cooper, WKIK  
Peter Boszik, Coors Beer

The referenced individuals appeared before the Commissioners to announce the Country Jamboree Nights that will be held at the Henderson Amphitheatre which will be sponsored by WKIK and Coors Beer.

The Commissioners offered their cooperation and support and wished them success in this venture.

SIGNING OF RECOMMENDED BUDGET

Present: Charles H. Wade, Jr., Director of Finance

Mr. Wade presented the Recommended Budget for FY 87-88 for the Commissioners' approval and signatures. Recommended General Fund Budget - \$39,701,611; Capital Budget - \$3,259,400; Property Tax Rate maintained at \$2.14 per \$100 of assessed valuation.

Commissioner Jarboe moved, seconded by Commissioner Thompson, to approve and sign the Recommended Budget for FY '88 as presented. Motion carried.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator  
Joseph Densford, Assistant County Attorney

Commissioner Jarboe 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 12:15 p.m. to 1:10 p.m.

DEPARTMENT OF PUBLIC WORKS

Present: John Norris, Director

1) BAYBERRY SUBDIVISION

Mr. Norris advised the Board that the Bayberry Subdivision located adjacent to Hewitt Road had a similar problem as Country Side Subdivision and requested the Commissioners to enact the same resolution to problem as was done on March 17. Mr. Norris further expressed that the Bayberry Subdivision anticipated improvements along Hewitt Road in the neighborhood of \$50,000. St. Mary's County had a construction project for Hewitt Road that if concurred in by the Board, would be tearing out those improvements within a year. Mr. Norris therefore recommended that St. Mary's County accept the funds from the Bayberry Subdivision and authorize the developer to utilize existing county road and that any improvements required would be at the expense of the County.

Commissioner O'Dell inquired if this would commit St. Mary's County to the construction of Hewitt Road, and Mr. Norris indicated that it would not.

After discussion, Commissioner Thompson moved, seconded by Commissioner Bailey, to accept Mr. Norris' recommendation by accepting the funds from the developer at the level of his cost for improvements to Hewitt Road in the amount of approximately \$50,000. These funds would be applied to the cost for the upgrade of the road by St. Mary's County. Motion carried.

2) NURSING CENTER PROJECT

Mr. Norris reported that he had appeared before the Board on March 10 to request the County to provide funds to perform the stormwater management on the site as both the project and the County property would benefit from the work. Mr. Norris indicated that he had thought the Commissioners on March 10 had provided funding. In clarification with the Commissioners' secretary and the Board it was decided that the minutes were correctly stated. Therefore, Mr. Norris advised that he was back before the Board to seek a solution to the funding issues that were addressed on March 10. The Commissioners directed that any additional source of funds required by the project should be through the fundraising efforts of the Nursing Center and not an additional appropriation by the County. Mr. Norris indicated that he was not aware of the funding level but would be in contact with the Nursing Center Board concerning the funding issues.

3) TALL TIMBERS PROJECT

Also Present: Joseph Densford, Asst. County Attorney

Mr. Norris advised the Board that the Corps of Engineers had undertaken the project to install the stone revetment at Tall Timbers to provide mitigation for the shore erosion damages caused by the Herring Creek jetties. He advised that the COE initially indicated the project would be below the \$1.1 Million funding limits and, therefore, no cost would be borne by St. Mary's County. The Corps revised their estimate numerous times and the final analysis that the project costs will be in excess of \$1,300,000. St. Mary's County by agreement is liable for all costs in excess of \$1.1 Million. The County's representatives have met with Corps officials on a number of occasions concerning the lack of timeliness of the completion of the construction and the problems caused to the landowners that the County secured easements from and specifically the Tall Timbers Marina.

Mr. Norris indicated that the Corps has requested in many ways, most recently by telegram, that the remaining funds owed to the COE be made by the County so that the contractors can be paid. Mr. Norris explained that the COE had not lived up to its obligation to provide a satisfactory remedy to the Tall Timbers Marina so that it could open for business by March 15.

Mr. Norris stated that in his opinion the only solution available to the County at this point in time was to advise the COE of the County's intent to perform the necessary work and deduct those funds from any costs that the County would incur. Mr. Norris recommended that correspondence be forwarded to the Corps to that effect and that the County initiate work on Monday, April 6. Mr. Norris further advised that as the County had not allocated any funds for this construction project no source of funds exist, and the process of the establishment of a source of funds would take approximately 60 days. He further recommended that the County identify a source of funds by the budget public hearings and make payment to the Corps for all money due, deducting any costs incurred by St. Mary's County. Mr. Norris advised that the condition of the payment should be the requirement that the COE execute a release of claims from all property owners that the County obtained easements on behalf of the Corps.

TOUR OF METROPOLITAN COMMISSION AND COMMUNITY COLLEGE

At this time the Commissioners departed to tour the Metropolitan Commission and the Charles County Community College at St. Mary's.

(The evening session began at 6:00 p.m.)

SAN SOUCI - PHASE III

Present: Larry Millison, developer  
Michael Harris, attorney for developer  
Chuck Ellison, D. H. Steffens Co.  
John Norris, Director, Department of Public Works

Mr. Harris, attorney for the developer of San Souci, indicated that the site plan for the referenced project has received Planning Commission approval subject to the approval of the Department of Public Works. He stated that there are two remaining issues to be resolved with Public Works in order to obtain the building permit for the project:

- 1) The requirement for the stormwater management plan;
- 2) The relocation of the proposed Sears building because of encroachment on MacArthur Boulevard;

Relative to a third issue, agreement had been reached as to the design and conditions of MacArthur Boulevard contained in the minutes of the special Planning Commission meeting of March 26. Mr. Norris did indicate, however, that there has not yet been a submission of the final design of the road.

Plans were displayed and Mr. Norris pointed out that the current location of the Sears building was 17 to 20 feet from the limits of the construction of MacArthur Boulevard, and he requested that it be located horizontal from the Jamesway building with proper setbacks. Commissioner O'Dell indicated that aligning the building horizontal with Jamesway would be in the best interest of the project and the County. The Commissioners indicated their agreement with the relocation of the building.

Relative to the stormwater management plan requirement, Mr. Harris advised that a plan had been prepared; however, because of modifications in the State Regulations, the plan would have to be amended. Mr. Harris suggested that the developer will do whatever is necessary to drain the water off the property and would submit the plan to the Department of Public Works; however, he requested that the County allow the issuance of the building permit and tie the requirement for the stormwater management plan into the issuance of a Certificate of Occupancy Permit. Mr. Millison indicated that the client for the building has given the date of April 1 to begin construction or there may be a possibility that they will pull out of the commitment. Mr. Norris explained that neither the grading permits or building permits can be issued without an approved stormwater management plan.

Mr. Densford advised that according to the Zoning Ordinance the Zoning Administrator has authority to waive the Stormwater Management requirement and therefore would, in his opinion, have the authority to change the order in which certain things are done. He stated that the county could accept a bond for the design of the Plan as well as for construction itself.

(Commissioner Thompson left meeting at 7:00 p.m.)

Mr. Ellison indicated that the plans for the road will be submitted by mid-April and the Stormwater Management Plans some time next week.

After lengthy discussion, Commissioner O'Dell offered the following for a motion:

- 1) That the relocation of the Sears building will be done to the same setback as Jamesway on a horizontal plane;
- 2) That the minutes of the Special Planning Commission meeting of March 26 and recommendations in those minutes will be required and the developer will get all those particular decisions rendered by the Planning Commission, Department of Public Works and Planning and Zoning staff; that the detailed plans and specifications required for MacArthur Boulevard will be submitted to the Department of Public Works no later than April 30, 1987.

3) That the Stormwater Management Plan that is required will be submitted to Department of Public Works no later than April 10, and that either of the two latter cases, Mr. Millison will pledge an Irrevocable Letter of Credit, (the amount to be established by the Department of Public Works no later than the close of business Thursday, April 2).

4) And that Mr. Harris and Mr. Densford will sign an Agreement indicating that if none of the above conditions are met that a "Stop Work Order" will be issued.

Commissioner Jarboe moved to accept Commissioner O'Dell's suggestions. The motion was not seconded.

Commissioner O'Dell pointed out that the developer will have to meet the requirements as stipulated by the Director of Public Works.

#### LEXINGTON PARK TRANSPORTATION PLAN

Present: Keith Fairfax  
John Bohanan  
Joseph M. Gough  
John Norris  
Frank Gerred  
Joseph Densford  
Other interested citizens

Mr. Fairfax reviewed the proposed Transportation Plan and pointed out the need for the North Gate for the Naval Air Station. He stated that it is recommended that in the development of the Comprehensive Plan for the County that it include a road plan so that developers would be required to set aside land for the new roads. During discussion of the Transportation Plan, Mr. Fairfax indicated that it is important that the County try to stay ahead in developing and providing adequate roads.

During the discussion Commissioner O'Dell re-emphasized his position that he felt that FDR Boulevard should be a limited access road. Mrs. Whetstine a member of one of the Comprehensive Plan Advisory Committees disagreed stating that it should be a commercial developed road and that Md. Rt. 235 be a main arterial highway.

Other members in the audience who lived in San Souci indicated that they were not in favor of the new road in that they did not want a road in their backyard.

Commissioner O'Dell stated before a decision is made by the Board on the Plan, he would like to know the type of road, its purpose and what development will be allowed.

#### ST. MARY'S PUBLIC SCHOOLS/BOARD OF EDUCATION

Present: Dr. Larry Lorton, Superintendent of Schools  
Dennis Younkin, Director of Fiscal & Admin.  
Dorothy Harper, Board of Education  
John McFadden, "  
Jonathan Nelson, "  
William Wagoner, "

##### 1) Motor Vehicle Administration

Commissioner Jarboe indicated that he has been looking into the possibility of having a mobile unit located at the driving range site behind the Tech Center for use by the MVA. He stated that this would be a short-term solution until a permanent site is located.

Mrs. Harper responded that this is not acceptable to the Board because of the increased burden to the school in maintaining control and discipline.

The Commissioners indicated that the Commissioners must honor the Board's decision and would look into alternatives.



2) Classroom Space

Dr. Lorton indicated that the Board will come back on this issue after new enrollment figures are obtained.

COUNTY COMMISSIONERS' ITEMS

1) Hewitt Property/Drainage Design - To proceed with the correction of stormwater runoff relative to property across Rt. 246 from St. Mary's Square, Commissioner Jarboe moved, seconded by Commissioner Lancaster to reduce the previously approved change order from the original amount provided by the County to 50% and to indicate to Mr. Hewitt must provide the other 50% before the County would appropriate funds for the design of the project. Commissioner O'Dell abstained. Motion carried.

2) NAS - Submarine Communicating Aircraft The Commissioners discussed the reported decision by Secretary of Navy Lehman relative to the phase-out of the Submarine Communicating Squadron at Patuxent River Naval Air Station and the negative financial effect the phase-out will have on St. Mary's County. The Commissioners agreed that correspondence should be addressed to Congressman Dyson indicating their support and cooperation for his efforts to retain the Squadron and directed the County Administrator to prepare the correspondence.

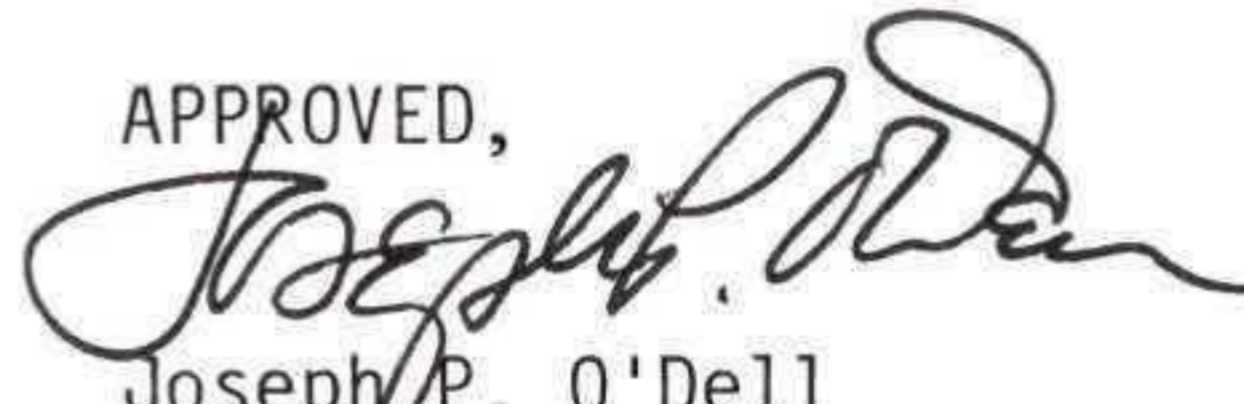
PUBLIC FORUM

At this time the Commissioners conducted a public forum whereby comments and questions were received from the audience.

ADJOURNMENT

The meeting adjourned at 9:35 p.m.

APPROVED,



Joseph P. O'Dell  
President