

BOARD OF COUNTY COMMISSIONERS

Tuesday, June 9, 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

CALL TO ORDER

The meeting was called to order at 12:30 p.m.

APPROVAL OF MINUTES

Commissioner Lancaster moved, seconded by Commissioner Bailey, to approve the minutes of the Commissioners' meeting of Tuesday, June 2, 1987 as submitted. Motion carried.

APPROVAL OF BILLS

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

COMMENDATIONS

The Commissioners presented the following Commendations:

Leonardtwn High School - Maryland Public Secondary School
Athletic Association Baseball Team Champions - Class A

Great Mills High School - Maryland Public Secondary School
Athletic Association Baseball Team - Second Place - Class B

Chopticon High School - Maryland Public Secondary School
Athletic Association Boys' Track - Second Place.

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) PENDING LIST

The County Administrator presented the current pending list which will be updated weekly. He suggested that the Board could discuss items on the list during Commissioner time.

2) ESTABLISHMENT OF SECRETARY II POSITION
DIRECTOR OF FINANCE

The County Administrator presented a memorandum dated June 5, 1987 from the Personnel Officer requesting authority to establish the Secretary II, Grade 7, position, for the Director of Finance.

Commissioner Bailey moved, seconded by Commissioner Jarboe, to grant the authority as requested. Motion carried.

3) USE OF COUNTY-OWNED VEHICLE POLICY

The County Administrator referred to the the County's policy whereby unauthorized individuals are not allowed in county-owned vehicles. The Sheriff has indicated that there should be some clarification of that statement. Therefore, Mr. Cox recommended the following language: "In the case of the Sheriff's Department an authorized person is that individual permitted travel in an agency motor vehicle by general order of the Sheriff."

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to amend Policy Memorandum No. 81-1 with the referenced clarification. Motion carried.

4) USE OF FAIRGROUNDS PROPERTY

As a follow up to last week's discussion regarding a rock concert scheduled at the Fairgrounds, the County Administrator provided each Commissioner with a packet of information relative to the fairgrounds, i.e., list of Fairboard members, lease, plat of property. He stated that the lease had been renewed for five years by default in January in that there was no action taken by the Lessor to terminate the lease. Therefore, Mr. Cox presented correspondence requesting the Fairboard's cooperation relative to use of the fairgrounds property by discussing certain uses with the Commissioners prior to actual subleasing.

The Commissioners agreed to sign and forward the letter.

5) LOAN AGREEMENT
LEONARDTOWN VOLUNTEER FIRE DEPARTMENT

The County Administrator presented a Loan Agreement by and between the Board of County Commissioners and Leonardtown Volunteer Fire Department whereby the County will loan to LVFD the sum of \$80,000 for the purchase of a fire fighting vehicle from Seagrove Fire Apparatus, Inc.

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

6) CHESAPEAKE BAY CRITICAL AREAS COMMISSION
GRANT AGREEMENT AMENDMENT

The County Administrator advised that the County had been awarded \$100,000 in conjunction with the Chesapeake Bay Critical Areas legislation. The original Agreement is from November 25, 1986 through June 30, 1987 and the amended Grant Agreement allocates an additional \$28,000 to St. Mary's County.

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to authorize Commissioner President O'Dell to sign the Amendment to the Grant Agreement in the amount of \$28,000. Motion carried.

7) CHESAPEAKE BAY CRITICAL AREAS COMMISSION
"NO-COST EXTENSION"

The County Administrator presented correspondence dated May 22, 1987 from the Chesapeake Bay Critical Areas with a "no-cost extension" request for the County's FY '87 grant monies. The extension is mandatory if the County does not plan to expend and bill all of the FY '87 monies by June 30, 1987. The form extends the funds to December 31, 1987.

Commissioner Bailey moved, seconded by Commissioner Lancaster to authorize Commissioner President O'Dell to sign the "No-Cost Extension" from June 30, 1987 to December 31, 1987. Motion carried.

8) HOMELESS WOMEN SERVICES GRANT

The County Administrator presented correspondence dated May 27, 1987 from the Department of Human Resources indicating that the application for \$56,078 to provide shelter for homeless women services has been approved.

Commissioner Thompson moved, seconded by Commissioner Lancaster to authorize Commissioner President O'Dell to sign the Service Contract in the amount of \$56,078 as presented. Motion carried.

9) EMERGENCY SHELTER GRANT (ESG) PROGRAM

The County Administrator presented correspondence dated May 7, 1987 from Maryland Economic & Community Development announcing approve the the Emergency Shelter Grant in the amount of \$10,000 and requesting approval and execution of the Agreement with DECD.

Commissioner Lancaster moved, seconded by Commissioner Bailey, to authorize Commissioner President O'Dell to sign the Agreement as presented. Motion carried.

OFFICE OF PLANNING AND ZONING

PUBLIC HEARING

ZPUD #87-0434 - CALVERT BEAN PROPERTY, BEAN ASSOCIATES

Commissioners present: Joseph P. O'Dell, W. Edward Bailey, Robert Jarboe, John G. Lancaster and Rodney Thompson. Staff present included: Frank J. Gerred, Director, Robin Guyther, Planner, and Betsy Anthony, Recording Secretary.

Members of the audience included: Michael Harris, Dave Jenkins of D. H. Steffens Company, and Mr. Jim Brown of Bean Associates.

ZPUD # 87-0434: CALVERT BEAN PROPERTY, BEAN ASSOCIATES

The applicant is requesting that 54.98 acres now zoned Planned Development Residential (PDR) 5.74 and Planned Development Shopping Center (PDSC) be rezoned such that 33.8 acres is zoned PDR7.93 and 17.92 acres is zoned PDSC. The remaining 3.3 acres will be dedicated to streets. The property is shown on Tax Map51, Block 1 as Parcels 2 and 160.

Mr. Guyther informed the Commissioners that the property was located at the corner of Chancellors Run Road and Great Mills Road on the northeast corner. It was rezoned in 1984 for a Planned Unit Development for about 268 units and 7 acres of light commercial. Since that time, the county had adopted the Lexington Park plan which contemplates a major road to bisect on the property. The applicant had submitted a revised application to rearrange things. The applicant was allowing 212 units as opposed to 268 but are increasing their commercial property from seven acres to 18 acres.

Mr. Harris entered into evidence, marked as Applicant's Exhibit #1, postal receipts from the certified letters of notification sent to all contiguous property owners, providing legal advisement of this public hearing. Mr. Harris stated that he personally posted the placard on May 30, 1987.

Mr. Harris gave the Commissioners an overview of the project. He explained that DPW was requesting a 100 foot strip to the property in order to accommodate what they are calling Pegg's Lane Extended. His clients reevaluated the property and felt it would be much better for the county if they went ahead and separated the commercial from the residential property. He stated that the residential section would be apartments and townhouses combined. Mr. Harris felt that the plan being submitted at this date was a much better plan than the one shown before.

Mr. Harris asked that the Planning Commission Public Hearing minutes be accepted for the record by the Commissioners. Staff then entered into the record the complete Planning Commission record and files.

The type of homes that would be built would be a typical apartment type structure to be constructed by Bean Associates. The financing for the 42 units would be done through Farmers Home Administration.

Mr. Jenkins of D. H. Steffens Company explained that the Planning Commission had asked that some changes be made by adding a 50 foot buffer along the highway. He stated that the project would only contain one entrance with the roadway being approximately 1200 feet.

Mr. Guyther explained a few things the Planning Commission had recommended as conditions. They asked that there be a fire station location remaining on the property but said that if the location was required that the acreage could be deducted from the required open space. They also gave the applicant the option of constructing Pegg's Lane Extended or participating in the road fund established for Pegg's Lane.

Commissioner O'Dell asked Mr. Guyther about the relationship of the fire station location. He asked if the Bay District Fire Station had a site close to the Skate Station and Mr. Guyther answered affirmatively.

Commissioner Bailey indicated that the plan presented seemed to be a more workable plan.

Commissioner O'Dell asked if the plan was reflecting the proposed 100 foot r.o.w. for Chancellors Run Road, and Mr. Guyther said that it was not.

Commissioner Thompson asked if the 100 foot r.o.w. for Pegg's Lane was donated by Bean Associates. Mr. Harris explained that DPW requested that it should be taken into consideration on the site plan and his client had agreed to meet that requirement.

Commissioner O'Dell expressed his concern about the abundance of fast food restaurants in St. Mary's County. He felt the county needed more restaurants such as Lighthouse Inn, Solomon's Pier, etc. over in Calvert County. Mr. Brown said that they would like to have the option of construction because they may put a bank in someday.

Commissioner Jarboe expressed his only concern was that of the entrance/exit onto Great Mills Road. He felt there were too many accesses onto that road already.

Commissioner O'Dell opened the hearing to the public. Mr. Ronald Paine, of Lexington Park, complained to the Commissioners about the Lexwood Apartments which were located behind his property. He complained that people from the apartments would use his property to come out to Great Mills Road. With these complaints being irrelevant to this case, the Commissioners agreed to meet with him at a later date.

Upon hearing no further comments from the audience, the public hearing was closed. Commissioner O'Dell asked if there were any other questions or comments to be made. Hearing none, he explained that a decision and an amendment would be made in two weeks.

TELEPHONE SYSTEM FOR COUNTY GOVERNMENT

Present: Edward V. Cox, County Administrator
Charles H. Wade, Jr., Director of Finance

The referenced individuals presented and reviewed the following the proposals from AT&T and C & P Telephone Company for a telephone system for the County.

Mr. Wade stated that it was the staff's recommendation to award the contract to C & P's 265-line Centrex and reported that funds are in the budget to purchase the equipment.

Commissioner Lancaster moved, seconded by Commissioner Thompson, to award the contract to C & P and authorize the President of the Board to sign the Application for Service.

THE JUDE HOUSE

Present: Charles Walsh, Director, Jude House
Sally Holtz, Secretary, "
Phebe Barth, Director, Office of Community Services
Michelle Hanson, Safety and Highway Coordinator, Tri-County Council
Jack Maddox, Mental Health, Alcoholism Drug Abuse Adv. Com.
William Arrick, "
Frank Sullivan, "

The referenced individuals appeared before the Commissioners to explain that The Jude House had recently been closed down due to shortage of staff and needed renovations to the facility. Mr. Walsh explained the program which will resume in September and requested some time in the future written and verbal commitment from the County for the services of Jude House.

Mr. Maddox explained the need for Jude House, which is a 28-day treatment program with aftercare and follow up. Mr. Walsh stated that this program would work in conjunction with the proposed Marcey House, a halfway house for alcoholics.

In closing the Commissioners expressed their support of Jude House and offered the County's assistance in any way possible. Mr. Walsh indicated that he would forward a request for a written commitment by the County.

(COMMISSIONER LANCASTER LEFT THE MEETING - 2:00 P.M.)

DEPARTMENT OF PUBLIC WORKS

Present: John Norris, Director

1) ROAD RESOLUTIONS

Mr. Norris presented the following Road Resolutions for the Board's review and approval:

R 87-28

Posting Blackistone Road, Sixth Election District, at 30 miles per hour.

R 87-29

Posting Reeves Road, Fifth Election District, at 30 miles per hour.

R 87-30

Posting Curley's Road, First Election District, at 35 miles per hour.

R 87-31

Posting Windmill Point Road at 35 miles per hour.

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

2) NAMING OF ROAD ADJACENT TO GOLDEN CORRAL

Mr. Norris advised that the manager of the Golden Corral had requested the road adjacent to the restaurant to be named Golden Corral Drive. However, Mr. Norris stated that he responded that it was not the County's policy to name a road after a business. Therefore, Mr. Sweigar suggested that the road be named "Stark Road" as a memorial to the sailors who "lost their lives keeping an American presence in the Persian Gulf."

Mr. Norris explained that the County would not have to go through the usual public hearing process in that the road is not yet in the County's system.

The Commissioners gave their concurrence if Mr. Millison had no objections.

3) LANDFILL OPERATION HOURS

Mr. Norris requested the Board's concurrence to change the hours of operation for the landfills from 8:00 a.m. to 5:00 p.m. to 8:00 a.m. to 4:30 p.m. because the County has a commitment with the State Health Department that the refuse would be compacted and covered at the end of each working day. He explained that they would unofficially be opened at 7:30 a.m. in order to accommodate the commercial haulers that are waiting along side of the road for the gate to open.

After discussion Commissioner Bailey moved, seconded by Commissioner Jarboe, to change the hours as requested, effective July 1, 1987, with the understanding that it will be opened at 7:30 for the commercial haulers and further that the staff will be on the premises until 5:00 p.m. to compact the refuse. Motion carried.

4) EMPLOYMENT AGREEMENT
JAMES A. SOMERVILLE

Mr. Norris presented an Employment Agreement by and between Board of County Commissioners and James A. Somerville to work on various highway projects at \$15 per hour and mileage. He stated that the funds will come from the specific capital projects.

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

(COMMISSIONER LANCASTER RETURNED TO THE MEETING.)

5) COUNTY BRIDGE INSPECTION

Mr. Norris stated that every two years the County is required to inspect its seven bridges, and they must be inspected this year by December 1987. Because of the volume of paperwork and time, Mr. Norris requested that the County not participate in the 80-20 funding with the Federal Government. He stated that the total cost will be less than \$4,000 and suggested that it be a county expense.

After discussion, Commissioner Jarboe moved, seconded by Commissioner Bailey, to authorize the hiring of a consultant for the provision of bridge inspection and not utilize federal highway bridge replacement program. Four Commissioners voted in favor, with Commissioner O'Dell voting against. Motion carried four to one.

6) PUBLIC WORKS AGREEMENT
HUNTING QUARTERS SUBDIVISION

Mr. Norris presented the referenced Public Works Agreement dated June 9, 1987 by and between Watts and Watson Development Company and St. Mary's County guaranteeing the completion of Hunting Quarter Drive and Canvas Back Drive by September 10, 1987. The Agreement is accompanied by surety in the amount of \$109,000 and backed by an Irrevocable Letter of Credit by First National Bank of St. Mary's.

Commissioner Bailey moved, seconded by commissioner Lancaster to approve and authorize the President of the Board of sign the Agreement. Motion carried.

7) TOWN CREEK RETROFIT PROJECT

Mr. Norris informed the Commissioners of the deviation of the design standards for the referenced project which would modify the original drawings to replace the pond impoundment area with a crushed stone catch basin which will not exceed ten feet from the inlet. He stated that the ground would be undisturbed.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator
John Norris, Director, Department of Public Works

Commissioner Bailey moved, seconded by Commissioner Thompson, to meet in Executive Session in order to discuss matters of property acquisition and personnel. Motion carried. The Session was held from 3:15 p.m. to 3:40 p.m.

PROCLAMATION

Present: John Norris, President, Lions Club
Kennedy Abell, Lions Club

The Commissioners presented the referenced Proclamation designating Sunday, June 14, 1987 as Crab Festival Day in St. Mary's County.

COUNTY COMMISSIONERS' PENDING ITEMS

1) POON RIGHT-OF-WAY REQUEST

Also Present: Robin Guyther, Planner, OPZ
Phil Dorsey, Attorney for Applicant

As a follow up to the request on May 19, 1987 by Chi Hai Poon for an entrance to property in Hollywood off of new Md. Rt. 235, the Commissioners reviewed a map of the property. Each Commissioner spoke his view on the request.

Commissioner Jarboe raised a question concerning the old right-of-way which lines up with old Rt. 235 and goes across new Rt. 235 and inquired whether it is a legal right-of-way or whether it has been abandoned. He stated that he would be in support of the Planning Commission's recommendation to grant a right turn off of new Rt. 235 pending a determination regarding the right-of-way. If Mr. Poon can have access across the railroad right-of-way, he would have an entrance only off of new Rt. 235.

Commissioner Lancaster advised that he was in favor of accepting the Planning Commission's recommendation, but questioned whether a precedent would be set by doing so.

Commissioner Thompson abstained from the discussion.

Commissioner Bailey stated he was in favor of granting the entrance onto the property in that Mr. Guyther at the May 19 meeting indicated that the original plan for the road did not have an access, but it was not part of the Deed disallowing him. Mr. Poon bought the property with the intent of getting access. The property is commercial and the rest of the area is not and it would be doing him a disservice to not let him have an entrance.

Commissioner O'Dell stated that Rt. 235 has a history of the County not facing the reality of what development with unlimited entrances and exits would create along this corridor. He stated that the essential issue is for the County to use old Rt. 235 as a service road for all further commercial development. He further indicated that downstream he foresees all the property in that area being zoned commercial and for that reason he felt that it would be a mistake to continue to allow access from new Rt. 235 and therefore was not in favor of granting the entrance to Mr. Poon.

After discussion Commissioner Jarboe moved, seconded by Commissioner Lancaster, to allow Mr. Poon the right to have an entrance from new md. Rt. 235 contingent upon resolving the question of the legality of the old right-of-way across old Rt. 235 as shown on the tax map. Commissioner O'Dell voted against the motion; Commissioner Thompson abstained. Motion carried 3-1-1.

2) TOBACCO BARN TAX CREDIT

(Commissioner Jarboe did not participate in the discussion in that he owns tobacco barns. Commissioner Bailey stated that he also owned barns, but in that he has not and does not intend to apply for a tax credit, he would participate and act on the matter.)

Commissioner Thompson indicated that he was not in favor of the extending the tax credit in that he was not interested in encouraging an industry that was dying. Further, the health profession is encouraging people not to smoke, and governments are banning it in some places.

Commissioner Lancaster indicated he was in favor of grant the extension and giving the farmers the option to apply for the credit or not apply.

Commissioner O'Dell stated that he was not in favor of giving tax breaks to specific groups and that a taxing policy (tobacco barn credits, marina tax, severance tax, etc.) needs to be reviewed and established. He stated that a decision was made during the budget process to allocate \$50,000 for agriculture and seafood industries which was done by omitting the tobacco barn tax credit. He further pointed out that the County's DECD will be developing a program relevant to this issue and make a presentation to the Board at a later date. Because of this fact, Commissioner O'Dell stated he was in favor of extending the credit for one more year.

After discussion Commissioner Bailey moved, seconded by Commissioner Lancaster to extend the Tobacco Barn Tax Credit for one additional year. Commissioner Thompson voted against; Commissioner Jarboe did not participate.

3) MARCH 2 , 1987 REZONING MINUTES

Commissioner Bailey read the corrected motion for the referenced minutes for North Indian Creek Estates: "Commissioner Bailey made a motion to direct the County Attorney to prepare a resolution to deny the rezoning of the 3.62 acres and to remove the "residential only" restriction from the eight acres now zoned C-2, Commercial, and that additional buffer/landscaping be provided, to be designed by the applicant prior to final approval. Commissioner Lancaster seconded the motion. Motion carried with a vote of four to one with Commissioner O'Dell voting against."

Commissioner Thompson moved, seconded by Commissioner Bailey, to approve the minutes from the Office of Planning and Zoning relative to ZONE #85-1579 North Indian Creek. Motion carried.

COUNTY COMMISSIONERS' TIME

1) CONFERENCE CENTER - ST. MARY'S CITY Commissioner Jarboe presented correspondence addressed to Governor Schaefer to compliment him on his positive support of the Inn/Conference Center at St. Mary's City and offering the County's assistance in bringing the project to reality. The Commissioners amended and signed the revised letter.

The Commissioners directed the County Administrator to contact St. Mary's City Commission to obtain its reasons for denial of the waterfront site for the Inn/Conference Center.

2) PROCUREMENT MANUAL Commissioner O'Dell inquired as to the status of the Procurement Policy Manual. The County Administrator reported that the Committee has met on several occasions, reviewed the draft and he will be drafting a report to the Commissioners on behalf of the Committee.

LAND PRESERVATION AND RECREATION PROGRAM

Present: Frank Gerred, Director, Office of Planning and Zoning

Mr. Gerred advised that the deadline for submission of the County's Land Preservation and Recreation plan is June 30 and requested the Board's concurrence to request an extension for submission. He explained that it would be a better process to do this plan along the same schedule as the Comprehensive Plan update, and therefore, presented correspondence addressed to the Department of State Planning requesting the extension to August 31, 1987.

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to sign and forward the letter to State Planning. Motion carried.

FLAG DAY

Present: Jim Weber, Flag Day Coordinator

Mr. Weber brought the Commissioners up date with regard to the Flag Day activities scheduled for June 14 at the Governmental Center. He stated there will be color guards and other groups present and at 7:00 p.m. the County will join with the President of the United States in the Pledge of Allegiance.

(THE EVENING SESSION BEGAN AT 6:00 P.M.)

PUBLIC FORUM

At this time the Commissioners conducted their public forum receiving questions and comments from the audience. Questions and comments were received from:

Donna Myer and Mary Ann Chasen - Town Creek Retrofit Project
Dick Myers - Availability of President of the Board
Cecil Kidd - Hidden Meadows Subdivision
Richard Berger - Policy regarding accountability of public officials

PUBLIC HEARING

AMENDMENT TO SEDIMENTATION CONTROL ORDINANCE

Present: John Norris, Director, Dept. of Public Works

Present in Audience: Charlie Hall, Israel Swarey, Robert Erickson, Stuart Stone Cecil Kidd, and other interested citizens.

The Commissioners conducted a public hearing on proposed revisions to the St. Mary's County Sedimentation Control Ordinance which would add language providing for civil penalties.

The secretary read the Notice of Public Hearing.

Mr. Norris reviewed the purpose of the suggested amendments advising that the Ordinance currently provides for criminal penalties only, and the courts are reluctant to invoke a criminal penalty. He stated that the Zoning Ordinance and Road Ordinance have provisions for civil penalties and it is his recommendation that the Sedimentation Control Ordinance also include civil penalties.

The Commissioners opened the hearing for public comment.

At the conclusion of the hearing, the Commissioners announced that the record will remain open for at least ten days after which the Board will be a decision on the adoption of the amendment to the Sedimentation Control Ordinance.

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

EXECUTIVE SESSION

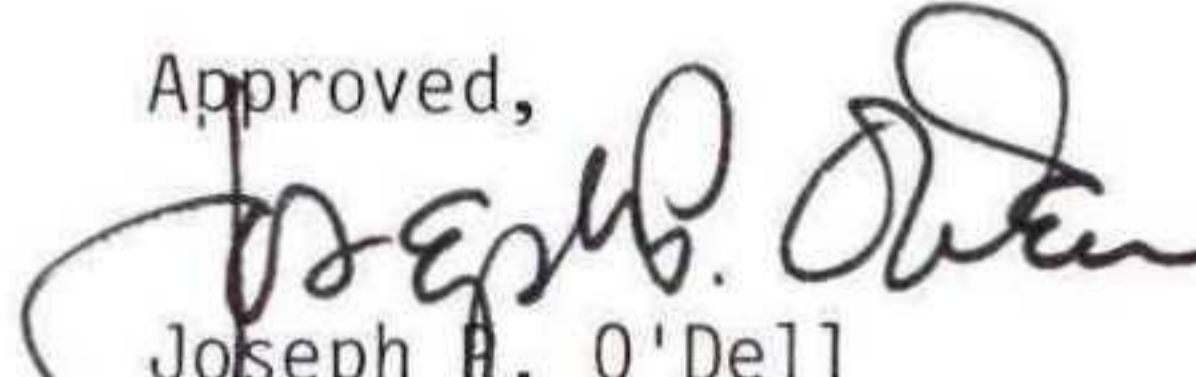
Present: Edward V. Cox, County Administrator
John Norris, Director, Department of Public Works

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to meet in Execution Session to discuss a matter of property acquisition. Motion carried. The Session was held from 7:25 p.m. to 7:50 p.m.

ADJOURNMENT

The meeting adjourned at 7:50 p.m.

Approved,



Joseph P. O'Dell
President