

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, June 16, 1987

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

CALL TO ORDER

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

APPROVAL OF MINUTES

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to approve the minutes as amended. Motion carried.

APPROVAL OF BILLS

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

Later in the meeting Commissioner Bailey moved, seconded by Commissioner Thompson, to approve payment in the amount of \$153,485 payable to Charles County Community College relative to a grant. Motion carried.

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) BUDGET AMENDMENTS

The County Administrator presented the following Budget Amendments recommended for approval by the Director of Finance:

No. 87-43 - Personnel

To fund advertising expenses - \$263.89

No. 87-44 - Department of Public Works

To increase Asphalt Overlay for FY '86 - \$5,906.07

No. 87-45 - Department of Public Works

To cover day labor salaries - \$14,000

No. 87-46 - County Administrator

To provide funds for copy machine - \$2,598

No. 87-47 - County Commissioners/Director of Finance

To transfer funds to balance accounts

No. 87-48 - County Commissioners/Director of Finance

To purchase disks and calculators for accounting department

No. 87-49 - County Commissioners/Director of Finance

To provide software for automation of personnel records

No. 87-50 - Office of Planning & Zoning

To provide funds for the purchase of various items of new equipment.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner President O'Dell to sign the referenced Budget Amendments. Motion carried.

2) ALTERNATIVE SEWAGE DISPOSAL SYSTEM
AGREEMENT AND EASEMENT

The County Administrator explained the Innovative and Alternative Sewage Disposal System Program and advised that applications can be made for four different alternative systems. Therefore, Mr. Cox presented an Agreement dated May 27, 1987 by and between Doris Jameson, the Board of County Commissioners, and the Department of Health and Mental Hygiene for a system in the Seventh District.

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

3) MOSQUITO CONTROL AGREEMENT

The County Administrator presented correspondence dated March 23, 1987 from the Department of Agriculture enclosing a Mosquito Control Agreement with St. Mary's County for the provision of a program for the management and control of mosquitos in the County.

Commissioner Thompson moved, seconded by Commissioner Bailey, to approve and authorize Commissioner President O'Dell to sign the Agreement for FY '88 as presented. Motion carried.

4) CORRESPONDENCE TO PUBLIC SCHOOLS

The County Administrator presented correspondence addressed to the Superintendent of School setting forth the County's appropriation to the Board of Education and the categorical distributions.

Commissioner Thompson moved, seconded by Commissioner Lancaster to sign and forward the letter. Motion carried.

5) LEAVE WITHOUT PAY REQUEST

The County Administrator advised that according to the Personnel Manual, the Commissioners must approve all leave without pay in excess of 30 days. Mr. Cox presented a memorandum from the Personnel Officer dated June 15 stating that Jacqueline Wallmark in the Department of Public Works is requesting 11 weeks of Leave without Pay and the Director of Public Works is requesting the Board's approval.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve the request. Motion carried.

6) PERFORMANCE AUDITOR POSITION
COUNTY ADMINISTRATOR' OFFICE

The County Administrator presented a memorandum dated June 15, 1987 from the Personnel Officer requesting approval for the establishment of the Performance Auditor position, Grade 16, in the County Administrator's Office.

Commissioner Bailey moved, seconded by Commissioner Jarboe, to approve the establishment of the position as requested. Motion carried.

7) APPOINTMENTS

Commissioner Lancaster moved, seconded by Commissioner Jarboe to appoint Capt. Donald Wright for a term to expire on June 30, 1990 and Sara Ernestine Lynch for a term to expire on June 30, 1992 to the Community College Advisory Board. Motion carried.

8) JUDE HOUSE

The County Administrator presented correspondence addressed to the Director of the Jude House thanking them for presentation on June 9 and offering support for efforts to provide better care for citizens. The Commissioners sign and forward the letter.

9) COOPERATIVE REIMBURSEMENT AGREEMENT

The County Administrator presented the Cooperative Reimbursement Agreement with the Department of Human Resources and St. Mary's County through the State's Attorney's Office for the period July 1, 1987 through June 30, 1988. Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner O'Dell to sign the Agreement. Motion carried.

10) AMENDMENT TO PERSONNEL POLICIES AND PROCEDURES
HEALTH INSURANCE FOR RETIREES

The County Administrator presented an amendment for the current Appendix A of the Manual of Personnel Policies and Procedures relative to the provision of health insurance for retirees. The revision changes the dependency on employment status with the Maryland State Retirement System to account for all county services whether or not recorded by the State Retirement System.

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to approve the Amendment as presented. Motion carried.

PUBLIC HEARINGS

The full complement of the Board was in attendance. Commissioners present: Joseph P. O'Dell, W. Edward Bailey, Robert Jarboe, John G. Lancaster and Rodney Thompson. Staff present included: Frank J. Gerred, Director, and Betsy Anthony, Recording Secretary.

STSP # 86-1381: WOODWARD MACHINE CORPORATION

Requesting site plan approval for a commercial building (manufacturing & office space) on Lot 10, Section 1, St. Mary's Industrial Park. The property contains 1.8 acres and is in the Sixth Election District; shown on Tax Map 34, Block 1 as part of Parcel 550; zoned I-1, Industrial.

Mr. Gerred informed the Commissioners that all TEC agencies had recommended approval. The Planning Commission and staff also recommended approval.

Commissioner Thompson asked Mr. Woodward where the store was to be located and he replied that it would be across from Minitex.

Commissioner Bailey moved, seconded by Commissioner Thompson, and unanimously passed, to approved the site plan for Woodward Machine Corporation.

EASEMENT PRIORITY FORMULA (Agricultural Land
Preservation Program

Local Easement Priority Formula.

Mr. Gerred began by explaining the process to the Commissioners since it was the first time it had been before the new Board.

The establishment of an Agricultural Land Preservation District is a two part voluntary process requiring 100 acres of land. The process begins with the Agricultural Preservation Board, to the Planning Commission, then to the County Commissioners for a recommendation to the State Agricultural Preservation Board. The second part of the program is the offer to sell a "Development Easement". The state will purchase the land for the difference of the Development value and the Agricultural value. There are first round offers, which use money available, dedicated to St. Mary's County and second round offers which are state wide competitions.

This is the first time St. Mary's County has had a farm enter the second round of the program. Mr. Gerred emphasized that it was most important that the Commissioners approve the local evaluation rating system. The formula that was suggested by the St. Mary's County Agricultural Preservation Board was incorporated in the minutes presented in the package prepared and presented this date. If a farm meet requirements, it would be eligible to a portion or all of the 25 points.

Commissioner O'Dell asked staff to explain the process by which it would be determined that a farm would be accepted under this program. Mr. Gerred explained that the points would be assigned based on the criteria, and the results would be sent to the state.

Commissioner Lancaster reflected that if they didn't add points, it would reduce the competitiveness of a St. Mary's County farm in the second round offers.

Mr. Gerred recommended that the Commissioners accept the St. Mary's County Agricultural Preservation Board point system as presented.

Commissioner Jarboe moved, seconded by Commissioners Lancaster, and unanimously passed, to recommend to the State Agricultural Preservation Board to accept the local point rating system.

ALPD # 86-0874: J. H. AND M. A. HALL and
W. H. AND H. T. HALL

Requesting a recommendation supporting sale of development rights for these adjoining farms. The farms are located in Bushwood on the northeast side of Hurry-Dynard Road near its intersection with Bushwood Road. The parcels are zoned AR, Agricultural Residential and are shown on Tax Map 30, Block 6, as Parcels 87 and 117.

Mr. Gerred explained that this was an offer of easement sale to the State, and the Board of County Commissioners needed to make a recommendation on whether to accept the offer. The Planning Commission and the St. Mary's Agricultural Preservation Board have made a recommendation that the County Commissioners recommend to the State to accept the offer.

Commissioner O'Dell asked what the basis was for an individual to say they were willing to sell and was it evaluated to see if they received it. Mr. Gerred informed the Commissioners that the amount made was the farmers estimate of the agricultural value and the development value of the property. The State would then do an appraisal to see if the offer was reasonable.

Commissioner Bailey explained that they would still have use of the land.

Mr. Gerred indicated that it was competitive, and the State Board was required to accept the lowest bid first. He explained that the rating system had nothing to do with the application for St. Mary's County funds, but rather with the State pool

Commissioner Jarboe asked if the applicant applied and did not get his asking price, would he receive notice from the State. Mr. Gerred replied that all the State could do was offer what money was left after all other farms had been considered.

Commissioner Thompson commented that it had appeared to be a good project because it, in fact, made the difference between whether a person stayed in farming or had to get out.

Commissioner Jarboe moved, seconded by Commissioner Bailey, and unanimously passed, to recommend to the State Agricultural Land Preservation Program to accept the offer from J. H. and M. A. Hall and W. H. and H. T. Hall.

OFFICE OF PLANNING AND ZONING

Present: Frank Gerred, Director
Betsy Anthony, Recording Secretary

BRETON BAY PARK
(MARYLAND ROCK)

Present: John Baggett, Director, Recreation & Parks
Frank Gerred, Director, Office of Planning and Zoning
John Norris, Director, Department of Public Works

The referenced individuals appeared before the Commissioners to get direction as to whether the County should proceed with the exchange of property with Maryland Rock at Medley's Neck. An area map was displayed and Mr. Gerred explained that the County's public landing is in the middle of the Maryland Rock operation and therefore Maryland Rock had suggested to give the county five acres in exchange for the County's property which is less than an acre. Mr. Baggett explained that the County would develop a park on the five acres consisting of a pavilion, boat launching ramp, picnic area and beach.

After some discussion, the County Administrator presented correspondence for the Commissioners' review and signature addressed to the attorney for Maryland Rock reconfirming previous commitments by the County relative to the transfer of property as initiated by Maryland Rock in 1983. After review and revisions, the Commissioners agreed to sign and forward the letter.

DEPARTMENT OF PUBLIC WORKS

Present: John Norris, Director

1) UPDATE ON PROJECTS

Mr. Norris brought the Commissioners update on the status of the following:

Storm damage repairs and labor costs
Road Improvements
Clearing of Baptist Church Road and Old Rt. 5 intersection
Airport Apron completion.

2) STORMWATER MANAGEMENT INSPECTOR II POSITION

Mr. Norris referred to correspondence received June 1, 1987 from the Department of Natural Resources regarding the County's Stormwater Management Program and the need for better records during the inspection process. He stated that the County has requested the State to fund an inspector position, and the State has advised that it will expand the program July 1 by authorizing this position. Therefore, Mr. Norris requested authorization to hire an Inspector II, Grade 9, pending receipt of the grant from the State.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to authorize the hiring of an Inspector II as requested contingent upon confirmation by the State that funds have been approved for the position. Motion carried.

3) S.M.I.L.E. ADULT DAY CARE CENTER
GRANT REQUEST

Mr. Norris advised the Board of the prior Commissioners' decision relative to S.M.I.L.E. Adult Day Care Center. He stated that the prior Board authorized Department of Public Works to prepare a budget request for the construction of the Center utilizing existing county-owned property off of Lincoln Avenue. Mr. Norris requested the Board's consideration of a grant request in the amount of \$400,000 to provide 75% (state)-25% (county) for the construction of the project. He further advised that this was a modification of the capital budget request which indicated a 50% participation by the State and the County in the project with a value of \$198,000. Mr. Norris explained that a decision would have to be made by the State as to criteria for the 75% participation. S.M.I.L.E. had requested the expansion of the scope of the project and the request for the 75% grant.

After discussion, Commissioner Lancaster moved, seconded by Commissioner Bailey, to authorize Commissioner President O'Dell to sign the 75-25 grant application for S.M.I.L.E. Motion carried.

4) STATEMENT OF POLICY
SHORE EROSION DISTRICTS - MAINTENANCE AND REPAIR COSTS

Also Present: Joseph Densford, Assistant County Attorney

Mr. Norris presented and reviewed the referenced Statement of Policy with the Commissioners. After review and revisions, Commissioner O'Dell suggested that Mr. Norris distribute the draft policy to the various erosion districts and request input and comments.

5) EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator
John Norris, Director, Department of Public Works
Joseph Densford, Assistant County Attorney
Rick Meatyard, property owner, Tall Timbers
Marvin Kaminetz, Attorney

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to meet in Executive Session in order to discuss a matter of possible litigation. Motion carried. The Session was held from 11:20 a.m. to 11:55 a.m.

PROCLAMATION
PHYSICAL THERAPY WEEK

Present: Mr. Yatchum

The Commissioners presented the referenced Proclamation designating the week of June 21 - 27, 1987 as Physical Therapy Week in St. Mary's County.

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

PUBLIC FORUM

At this time the Commissioners conducted a public forum receiving questions and comments from the audience.

WICOMICO SHORES

Present: L.K. Farrell, Wicomico, Inc.
Al Lacer, Attorney, "
Herb Redmond, D.H. Steffens

Mr. Farrell explained that the purpose of this meeting was to bring the Commissioners up to date relative to the Wicomico Shores development. He reviewed the history of the property including bankruptcy procedures and the fact that two groups (consisting of 17 individuals) purchased the property at the liquidation sale. Mr. Redmond reported that title searches were performed by Briscoe, Kenney and Lacer in order to develop a map which he displayed and went on to explain the legends.

Mr. Farrell went on to explain the previous Board's appointment of a Committee and the subsequent hiring of a consultant, Kidde Company, to conduct a study of the improvements needed and estimated costs.

Mr. Mitchell advised that the committee is finalizing the preliminary report, which will provide information on water/sewer, road improvements and the feasibility of a special taxing district. He stated that the report should be completed in 30 days and will be presented to the Commissioners in approximately 45 days. Mr. Mitchell indicated that after the preliminary report is presented, an informational meeting with the property owners will be held, and they will have an opportunity to petition the Commissioners for a Special Taxing District.

COUNTY COMMISSIONERS' TIME

1. Fees and Tax Review - Commissioner Jarboe suggested that a committee be formed to look at alternative sources of revenues such as marina tax, gravel severance tax, trailer pad fees, user impact fees, solid waste, etc. He will put a proposal in writing for review and consideration by the Board.

2. Agricultural Students Commissioner Lancaster reported that he has learned that the enrollment for agricultural students is steadily decreasing and that by 1992 there may be no students. He stated that he is getting additional information on this and will report back to the Commissioners.

3. Comprehensive Plan Review Committee Commissioner O'Dell stated that the referenced Committee has made a recommendation regarding a moratorium on rezonings and subdivision approvals. He directed that the matter be presented to the Planning Commission for recommendation prior to the County Commissioners making a decision.

4. Minority Alliance Commissioner Thompson stated that inasmuch as there are several activities in the County on June 20 that the Commissioners forward a letter to the Minority Alliance explaining that some of the Commissioners will not be able to attend that function because of previous commitments.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator

Commissioner Bailey moved, seconded by Commissioner Thompson, to meet in Executive Session to discuss a matter of Personnel. Motion carried. The Session was held from 7:50 p.m. to 8:15 p.m.

Approved,



Joseph P. O'Dell
President