

BOARD OF COUNTY COMMISSIONERS' MEETINGTuesday, July 28, 1987

Present: Commissioner W. Edward Bailey, Acting President
 Commissioner Robert Jarboe, Acting Vice-President
 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 Thompson moved, seconded by Commissioner Jarboe, to approve the minutes of the Commissioners' meeting of July 21, 1987. Motion carried. (The Office of Planning Zoning portion of the minutes on the public hearing for the Critical Areas had not been submitted by OPZ and were, therefore, not approved at this time.

APPROVAL OF BILLS

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

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) CLERK-TYPIST
ECONOMIC & COMMUNITY DEVELOPMENT

The County Administrator presented a memorandum dated July 27, 1987 from Personnel office recommending the appointment of Linda M. Clarke to the full time (grant) Clerk Typist position (Grade 4) in the Office of Economic & Community Development, effective on or about August 10, 1987. Motion carried.

2) PUBLIC HEARINGS

The County Administrator clarified with the Commissioners the 10-day waiting period after a public hearing. He stated that there has been some misunderstanding in that some individuals believed that additional information could be submitted during that ten-day period. He stated that once a public hearing is held and is closed, no further evidence is received. The ten-day period is required to allow sufficient time to consider all evidence and to make a decision.

3) CORRESPONDENCE TO STATE HIGHWAY ADMINISTRATION
PATUXENT RIVER FARMS

As a follow up to last week's meeting, the County Administrator presented correspondence addressed to SHA formally requesting SHA to allow an access to Route 4 as indicated on attached plans. The road is to be constructed by the developer of Patuxent River Farms to county standards. The Commissioners agreed to sign and forward the letter.

4) PENDING ITEMS LIST

County Administrator Cox distributed the current Pending Items list and advised that the list will be updated each week and placed in the Commissioners' boxes on Friday. The Commissioners can then bring up items at the following Tuesday's meeting.

5) HOME MAINTENANCE AND REPAIR PROGRAM

The County Administrator presented correspondence addressed to Maryland Department of Economic & Community Development designating Dennis L. Nicholson as the County's coordinator of the referenced HOMAR Program. The Commissioners agreed to sign and forward the letter.

6) MARYLAND HOUSING REHABILITATION PROGRAM

The County Administrator presented a Letter of Intent for the annual renewal of the Maryland Housing Rehabilitation Program for FY '88. The application has been increased from \$41,895 to \$98,745 in state funds for this rehabilitation program.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve and sign the Letter of Intent. Motion carried.

7) PROJECT SELF-SUFFICIENCY

The County Administrator presented letters for the Commissioners' signatures addressed to the volunteers who assisted with the Project Self-Sufficiency through the Office of Economic & Community Development. The Commissioners agreed to sign and forward the letters.

8) BOARDS, COMMITTEES AND COMMISSIONS
TERMS TO EXPIRE JUNE 30, 1987

County Administrator Cox informed the Commissioners that terms expire for certain individuals on various Boards, Committees and Commissions. Because of the study underway by the University of Maryland, Mr. Cox recommended that the Board sign correspondence to these individuals requesting their cooperation by continuing to serve. The study will be completed around August 1. The Commissioners agreed to sign and forward the letters.

9) ST. MARY'S COUNTY AIRPORT
AIRPARK SALES AND SERVICE LEASE

The County Administrator advised that the County Attorney has indicated he has some legal amendments to the Airport Lease that had been presented at last week's meeting and is in the process of making these changes. He further pointed out that last week the Board had requested that the Health Department be contacted regarding sanitary facilities. Contact has been made and the Health Department has scheduled a percolation test for August 4.

EXPORT DEVELOPMENT PROGRAM

Present: Gary Hodge, Director, Tri-County Council
Peter Wilby, International Trade, Dept. of Agriculture

Mr. Hodge reviewed the background of the Export Development Program stating that the matching grant program was funded cooperative by the State Office of International Trade and Calvert, Charles and St. Mary's Counties for FY '87. Efforts were directed in an advertisement campaign for Maryland Type 32 tobacco in order to increase the visibility of this tobacco in the world market.

Mr. Hodge reported that notification has been received that grant funds will probably be made available again for FY '88, and therefore presented a new proposal for this fiscal year. He stated that the proposal has a potential of \$10,000 per participating county in state funds which would be equally matched by each county for a total of \$60,000. \$14,000 will be carried over from FY '87 for research and education; therefore \$23,000 will be requested in new state grant funds, requiring a local match of \$7,667 per county. (A copy of the proposal is on file in the Commissioners' Office.)

Mr. Wilby described the international trade aspects of Type 32 tobacco indicating which countries interest has declined and increased.

During discussion Commissioner Lancaster indicated that he felt it was a poor public policy to promote a product that is detrimental to one's health, and that efforts should be made to explore better uses of tobacco.

Commissioners Bailey and Jarboe agreed that St. Mary's County should promote its number one farm product and help the local farmers in the promotion of tobacco.

In conclusion Mr. Hodge requested the Board's consideration of the proposal and for a decision by next week's meeting.

The Commissioners agreed to take action next Tuesday.

DEPARTMENT OF PUBLIC WORKS

Present: John Norris, Director

1) PUBLIC WORKS AGREEMENT
LAUREL RIDGE SUBDIVISION

Mr. Norris requested authorization from the Board for Commissioner Bailey to sign the Public Works Agreement for Laurel ridge in the amount of \$95,000 guaranteeing completion of the roads by June 1, 1988. The Agreement is backed by a Letter of Credit in the amount of \$95,000.

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to authorize Acting President Bailey to sign the Agreement as requested. Motion carried.

2) LETTERS OF CREDIT

Mr. Norris advised that there are several Letters of Credit due August 1 and requested the Board's authorization for Commissioner Bailey to sign letters making claims on those Letters of Credit if necessary:

Public Works Agreement for Country Lakes Subdivision, Section Two, Fourth Election District in the amount of \$110,000.

Construction Permit #18 for Willows Road, Julius J. Finnacom (Flower of the Forest) in the amount of \$16,500.

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to authorize Acting President Bailey to sign the correspondence as presented and authorize that they be forwarded, if necessary, making claims on the Letters of Credit. Motion carried.

3) ALCOHOL HALFWAY HOUSE
ADVANCED LIFE SUPPORT FACILITY

Mr. Norris presented the site plan and floor plan for referenced facility to be located on property owned by St. Mary's Hospital and indicated that one of the issues raised by the Executive Committee of the hospital is the timing of the county's obligation for the construction of Eldon Lane extended. The Committee has indicated that the building cannot be occupied until the road is complete. The County's Capital Budget does not provide funding for the road construction until FY '89, the building construction is scheduled to go out for bids in August with construction to begin in September. Unless the State should delay the construction because of revision of documents, the building will be ready for occupancy, but the road would not be completed.

After discussion Commissioner Jarboe moved, seconded by Commissioner Lancaster that Mr. Norris prepare correspondence to the Executive Committee of St. Mary's Hospital requesting that there not be a simultaneous occupancy of the building with the completion of the road and that road construction be bid July 1, 1988 with completion by December 31, 1988. Motion carried.

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to approve the floor plan and elevations as presented and to authorize Commissioner Bailey to sign the appropriate construction documents. Motion carried.

4) MOTOR VEHICLE ADMINISTRATION FACILITY

Mr. Norris reported that Commissioner Jarboe, the County Administrator and he have been working on locating a permanent facility in St. Mary's County and presented plans for the location of the MVA on the Governmental Center property adjacent to the Maryland State Police. He indicated that it will be a Building Authority project in conjunction with the State Office building and requested the Board's concurrence to move forward in that direction.

After discussion Commissioner Jarboe moved, seconded by Commissioner Lancaster, to authorize the Building Authority to work on this project with the Motor Vehicle Administration along with the State Office Building project. Motion carried.

The County Administrator noted that in the interim the Valley Lee Fire Department officials have agreed to allow the firehouse facility to be used until such time as the new facility is constructed.

In conclusion Mr. Cox advised that he will prepare correspondence to MVA outlining the proposal, which he stated would amend the current Memorandum of Understanding among Building Authority Commission, County Commissioners and the State regarding the state office building to include this facility; will set forth the site which will be a combination of state-owned and county-owned property; will require commitment by the State for the loop access road; and that funding for the project will be by a Lease between State of Maryland and Building Authority by a revenue bond sale so that will not be a county government indebtedness.

5) GOVERNMENTAL CENTER SEWER LINE EXTENSION

In connection with ongoing projects at the Governmental Center property, Mr. Norris presented a proposal from J. R. McCrone for the design, plan preparation, and bid documents related to the Governmental Center sewer line extension. The proposal is in the amount of \$2,400 to tie the sewage system on this property into the gravity sewer line that is being built.

Commissioner Jarboe moved, seconded by Commissioner Lancaster to accept the proposal from J. R. McCrone as presented. Motion carried.

6) CONTRACT AGREEMENT FOR CONSULTING SERVICES

Mr. Norris presented a Contract Agreement with Glenn G. Gass for the provision of support services to the Department of Public Works for various capital projects, which will be charged to each particular project.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to authorize Commissioner Bailey to sign the Agreement as presented. Motion carried.

7) OFFICE SPACE - CONSTRUCTION TRAILER

Mr. Norris advised that with the addition of the Stormwater Management Inspector and technical staff, additional office space is needed. Therefore, Mr. Norris requested authorization to acquire a construction office trailer in an amount not to exceed \$5,000.

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to approve the purchase as requested. Motion carried.

EXECUTIVE SESSION

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to meet in Executive Session to discuss matters of litigation and personnel. Motion carried. The Session was held from 11:20 a.m. to 11:40 a.m.

TOUR OF CALVERT CLIFFS FACILITY

At this time the Commissioners departed for a tour of the Calvert Cliffs facility in Calvert County.

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

PUBLIC FORUM

At this time the Commissioners opened the meeting for questions and comments from the audience:

Patuxent Beach Community Association

In attendance: Robert E. Herndon Jr., Frances Anderson, Helen Feldman, Jim Smith, Louis Eberle, Ernie Modlin and other residents.

Members of the Patuxent Beach Association appeared before the Commissioners to present concerns relative to road and trash problems in the area of the Town Creek Marina and Seven Gables Hotel.

Among the concerns raised were:

Ownership of strip of land between road and river;
Sewage disposal from boats in marina;
Sewage connection for Town Creek Marina;
Use of pier;
Number of slips proposed for new hotel marina;
Size of proposed hotel and marina;
Increase of parking problems with proposed hotel
Traffic problems with only one road access;
Sanitary facilities;
Present hotel as an eyesore;

Mr. Herndon closed the presentation by requesting the Board's support in the community's contention that the Patuxent Beach area is primarily a residential area and that the planning and zoning actions should be directed toward preservation of the residential community.

In conclusion the County Administrator indicated that the issues raised at this meeting have been raised previously and suggested bringing before the Board and the citizens appropriate agencies to report on the research and efforts relative to the concerns raised. The Commissioners concurred in this recommendation.

OFFICE OF PLANNING & ZONING
PUBLIC HEARINGS - JOHN W. COPSEY
1:00 P.M.

The full complement of the board was present: Commissioner W. Edward Bailey, Robert Jarboe, John G. Lancaster and Rodney Thompson. Staff present included: Frank J. Gerred, Director, Robin Guyther, Deputy Director, and Betsy Anthony, Recording Secretary.

Members of the audience included: Viki Volk, Frances Eagan, Louis Eberle, and Carolyn Billups.

Mr. Guyther read the Notice of Public Hearing aloud, as advertised in "The Enterprise" Newspaper on July 8 and July 15, 1987, a publication of county-wide circulation, providing legal notice for the following public hearing(s):

ZONE # 87-0610: JOHN W. COPSEY PROPERTY

The applicant is requesting the rezoning of 1.2 acres of land from AR, Agricultural Residential, to C-2, Commercial. The property is located on the east side of Md. Rt. 5 in the New Market south of D & G Tire, and is shown on Tax Map 4, Block 23, Parcels 252 & 254 in the Fifth Election District.

The applicant, Mr. John W. Copsey, entered into evidence, marked as Applicant's Exhibit No. 1, postal receipts from the certified letters of notification sent to all contiguous property owners, providing legal advisement of the public hearing.

Mr. Guyther entered into the record, marked as Office Exhibit No. 1, relevant documents from the Planning Commission review of the case. Mr. Guyther explained that the property was located next to D & G Tire with industrial property behind it. Mr. Copsey had argued that there was a change in the neighborhood because of the commercialization around his property.

Mr. Copsey explained that the area had changed dramatically in the last ten to twelve years.

Commissioner Bailey indicated that he was familiar with the area and that it was definitely a commercial area.

Mr. Guyther informed the Commissioners that staff and the Planning Commission was recommending that the property be rezoned to C-2, Commercial.

The Chair inquired whether anyone present wished to speak either in favor or opposed to the request. Hearing no comments, the hearing was closed.

Commissioner Lancaster moved, seconded by Commissioner Thompson, and unanimously passed, to close the public hearing for the John W. Copsey Property.

YE COOLE SPRINGS

Mr. Gerred indicated to the Commissioners that he thought it would be a good idea to brief them on Ye Coole Springs.

Ms. Carolyn Billups, spokesperson for the Maryland Society of the Daughters of the American Revolution, informed the Commissioners that in 1924 DAR had restored Ye Coole Springs by installing a cement "wall" around the site and a sectional fence. The site was refurbished in 1874, but had fallen into quite a state of disrepair. Ms. Billups felt that restoring Ye Coole Springs to its original beauty would be a good project for the Major William Thomas Chapter of which she is a member. Ms. Billups distributed a package to each Commissioner containing an explanation of the restoration project including photographs of the site. Ms. Billups explained her proposal for beautification and restoration going over the following detailed items:

1. Repair gateway by removing old paint and repainting;
- * 2. Remove grass and weeds from walkway;
- * 3. Trim back existing trees and shrubs;
- * 4. Clean out unwanted vegetation around fence and in the streams;

- * 5. Repair fence;
- * 6. Carefully dismantle brick pumphouse after consultation with Carolyn Billups;
- 7. Plant trees/shrubs;
- 8. Install ten parkbenches and five trash cans so they are anchored;
- 9. Repair spring housing;
- 10. Replace missing bronze plaques;
- 11. Install historic sign on Route 5 to emphasize existence of Ye Coole Springs; and
- 12. Prepare historic brochure.

(* Denotes work done by Charlotte Hall Veterans Home)

Ms. Billups also included a cost estimate sheet of the following items:

1. Landscaping - Wentworth's Nursery	\$3870.00
2. 10 Park Benches	400.00
3. 4 Gallons Water Seal for Benches	48.00
4. Bronze plaques	800.00

Mr. Dillow encouraged Ms. Billups to get in contact with Professor Reynolds, head of the Historic District Commission. Mr. Gerred informed Ms. Billups that she should get in touch with Governor Schaefer. She indicated to the Commissioners that she had received much more support than she had anticipated. Ms. Billups referred to a 1974 landscaping map pointing out the types of trees and shrubs that would be planted and where. She explained her reasoning for wanting the pumphouse dismantled was so the bricks and pillars could be salvaged. The pillars were put on the pumphouse in honor of Headmasters of the Charlotte Hall School. She explained that what she wanted from the Commissioners was their approval on the project and a letter stating so.

Commissioner Bailey asked if the pumphouse was of historic value, and Ms. Billups indicated that it was not and that everyone had come to the conclusion that the house should be dismantled. Commissioner Bailey informed her that the lighthouse was taken down on St. Clements Island, and everyone felt badly after the fact. Ms. Billups reassured Commissioner Bailey that the project of dismantling the pumphouse had been reviewed several times.

Commissioner Lancaster asked what was on the site before the pump house, and Ms. Billups stated that nothing existed on the site.

Commissioner Bailey asked what was the reason for the pumphouse. Ms. Billups explained that it was pumping water up to the school.

Mr. Gerred informed the Commissioners that a new well and storage system had been installed, and the pumphouse had been abandoned for three or four years.

Ms. Billups asked that it be reflected in the minutes that she was not asking for money from the county and that she did not want taxes raised because of the project.

Commissioner Thompson inquired about the structure, and Ms. Billups informed him that down in the pit of the house there was four inches of water just laying in the bottom. She explained that her intent was to clean up the area and restore it to its natural state. Ms. Billups indicated that she had spoken to Ms. Elinor Canter who lives across the street from the Home, and she agreed that it was a fairly new acquisition and that it wasn't of any historic value.

The Commissioners concurred that they had no problems with what Ms. Billups was doing and wished her good luck with the project.

Commissioner Lancaster indicated that they could ask Mr. Cox to prepare a letter for Ms. Billups.

PROPOSED FEE SCHEDULE

Mr. Gerred indicated that the fee schedule had been discussed with the Commissioners a number of times in the past six months. The Planning Commission appointed a subcommittee to review the schedule. The subcommittee recommended to the Planning Commission that the proposed fee schedule should be adopted. The Planning Commission made a recommendation to the County Commissioners to the adopt the schedule. Mr. Gerred explained the proposed fees using a handout distributed to each of the Commissioners. He indicated that the proposed schedule had been sent out to Mr. Jeff Errington of the Southern Maryland Builders Association, and they had not received a reply from him.

Mr. Ed Cox, County Administrator, asked if the rates for St. Mary's County were relatively low compared to the rates throughout the rest of the state. Mr. Gerred indicated that St. Mary's, Charles and Calvert County were approximately in the middle of the rate scale.

Commissioner Thompson asked if the proposed fee schedule would generate enough funds for the Office of Planning & Zoning to operate in a timely manner, and Mr. Gerred stated that he hoped it would.

Commissioner Bailey inquired as to whether anyone in the public wished to speak either in favor or opposed to the request.

Ms. Frances Eagan asked what the cost was (before the proposed fee schedule) to build a house complete, and how much it would increase it. Mr. Gerred directed her to the page in the package with the information.

Commissioner Jarboe asked Mr. Gerred to give them some additional information pertaining to the proposed fee schedule.

Commissioner Jarboe moved, seconded by Commissioner Lancaster, and unanimously passed, to close the public hearing.

COUNTY ADMINISTRATOR ITEMS (EVENING SESSION)

Present: Edward V. Cox, County Administrator

10) REVENUE TASK FORCE APPOINTMENT APPOINTMENTS

Commissioner Jarboe moved, seconded by Commissioner Lancaster, and unanimously carried, to make the following appointments to the Revenue Task Force:

Richard V. Wilson	Contractor Representative
Ken Kelly	"
B. Kennedy Abell, Jr.	Banking Representative
Joseph Slater	Chamber of Commerce
Mary Whetstine	Taxpayers Association
Jeffrey Errington	Developers/Builders Rep
Dennis Younkin	Board of Education
Janice Hockersmith	So. Md. Bd. of Realtors
Don Weigel	NAS Rep.
Louis B. Eberle	Community Rep.
Dr. K. Bernard Chase	"
James C. Raley	Legislative Rep.

11) ORDINANCE NO. 87-11
SOUTHAMPTON STREET LIGHTING SPECIAL TAXING DISTRICT

The Commissioners conducted a public hearing on July 14, 1987 on the establishment of a special taxing district for street lighting in Southampton Subdivision: Along Windsor Drive, Bristol Avenue, Brighton Avenue, and along portions of Southampton Drive and Lincoln Avenue.

Therefore, Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve and sign Ordinance No. 87-11 establishing the district as proposed. Motion carried.

12) TRI-COUNTY ANIMAL SHELTER

The County Administrator advised that the Commissioners of Calvert and Charles Counties have requested St. Mary's to join in the formation of a three-county advisory committee regarding the operations at the Tri-County Animal Shelter. Therefore, Mr. Cox presented correspondence addressed to Calvert and Charles County concurring in the suggestion and agreeing to participate. The Commissioners agreed to sign and forward the correspondence.

13) FISCAL CLERK II
OFFICE ON AGING

The County Administrator presented a memorandum dated July 28, 1987 from the Personnel Office recommending the appointment of Susan Justice to the Fiscal Clerk II position, Grade 6, in the Office on Aging.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve this recommendation. Motion carried.

14) MARYLAND ROCK - ABELL'S WHARF PROPERTY

Also Present: Frank Gerred, Director, OPZ

The County Administrator advised that a response was received from the attorney for Maryland Rock to the Commissioners' correspondence of June 30 indicating that instead of responding in writing to the Board's comments, he wished to appear before the Board.

After discussion the Commissioners directed the County Administrator to set up a meeting with Warren Rich, Attorney for Maryland Rock.

COUNTY COMMISSIONER ITEMS

1) Lexington Park Transportation Plan - Commissioner Jarboe inquired as to the status of the Lexington Park Transportation Plan and requested that the Department of Public Works bring the Board up to date. Mr. Gerred indicated that the Comprehensive Plan Advisory Committee will be making recommendations on that plan in connection with the Comprehensive Plan.

2) Procurement Manual - Commissioner Lancaster requested that the County Administrator make arrangements for a public hearing on the County's Procurement Policy Manual. The Commissioners concurred.

3) Chaptico Recreation Corporation - As a follow up to the presentation by American Institute for Leisure Resources at last week's meeting, Commissioner Jarboe moved, seconded by Commissioner Lancaster, that the Chaptico Recreation Corporation be made an operational division of the Department of Recreation and Parks; that the Chaptico Recreation Corporation be dissolved; that this be a self-supporting function; and that the above be effective September 30, 1987. Motion carried.

ADJOURNMENT

The meeting adjourned at 8:35 p.m.

Approved,


W. Edward Bailey
Acting President