

BOARD OF COUNTY COMMISSIONERS' MEETINGTuesday, August 18, 1987

Present: Commissioner W. Edward Bailey, Acting President  
 Commissioner Robert Jarboe  
 Commissioner John Lancaster  
 Edward V. Cox, County Administrator  
 Margaret Nelson, Recording Secretary

Not Present: Commissioner Rodney Thompson

CALL TO ORDER

The meeting was called to order at 10:20 a.m.

APPROVAL OF MINUTES

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to approve the minutes of the Commissioners' meeting of August 11, 1987. Motion carried.

COUNTY ADMINISTRATOR

Present: Edward V. Cox, County Administrator

1) SOUTHERN MARYLAND REGIONAL LIBRARY AND  
 RESOURCE CENTER CONSTRUCTION CONTRACT AWARD

Present: Charlotte Young, President  
 Mary Ann Chasen, Member

The County Administrator presented correspondence addressed to Mr. Earl Seboda, Secretary, Maryland Department of General Services, dated August 17, 1987 regarding the bid award for construction of Southern Maryland Regional Library and Resource Center in Charlotte Hall. Commissioner Jarboe moved, seconded by Commissioner Lancaster authorizing President Bailey to sign the correspondence giving approval of the construction contract to Murray, Weaver, Ragan, Inc. in the amount of \$2,828,500. Motion carried.

2) YE COOLE SPRINGS RESTORATION

The Board of County Commissioners approved correspondence to Carolyn Billups dated August 18, 1987 formally endorsing her proposal to restore Ye Coole Springs on behalf of the Major William Thomas Chapter of the Maryland Society of Daughters of the American Revolution.

3) LIVABILITY CODE FOR ST. MARY'S COUNTY  
 COOPERATIVE AGREEMENT

The County Administrator presented the Cooperative Agreement between the Board of St. Mary's County Commissioners and the Commissioners of Leonardtown to jointly develop and adopt a livability code. Commissioner Jarboe moved, seconded by Commissioner Lancaster authorizing President Bailey to sign the agreement as presented. Motion carried.

4) ESTABLISHMENT OF PROGRAM DEVELOPER POSITION  
 AGRICULTURE AND SEAFOOD DEVELOPMENT SPECIALIST

The County Administrator presented a memorandum from the Personnel Officer at the request of the Director of Recreation and Parks requesting the establishment of the Program Developer Position at St. Clement's Museum to replace the current part-time budgeted position of Museum Assistant. The contract would be a term of forty-three weeks - from September 7, 1987 to July 1, 1988, and will be funded from monies being used for the part-time position and a grant from the Institute of Museum Services. Commissioner Lancaster moved, seconded by Commissioner Jarboe to approve the request as presented. Motion carried.

5) REQUEST FOR NEW POSITION  
AGRICULTURE AND SEAFOOD DEVELOPMENT SPECIALIST

The County Administrator presented a memorandum from the Personnel Officer requesting the establishment of the position of Agriculture and Seafood Development Specialist by the Department of Economic and Community Development at the Grade 12 level. Commissioner Jarboe moved, seconded by Commissioner Lancaster to approve the request as presented. Motion carried.

6) BUDGET AMENDMENT NO. 88-05  
VARIOUS SPENDING UNITS

Justification: To provide budget authority to departments based on encumbrances unliquidated at year-end FY 1986.

Commissioner Lancaster moved, seconded by Commissioner Jarboe to approve Budget Amendment 88-05 as presented. Motion Carried.

7) SUPERFUND HAZARDOUS MATERIALS PLANNING  
EMERGENCY PLANNING TEAM

The County Administrator presented correspondence from the Director of Civil Defense and Disaster Preparedness Agency dated July 20, 1987 in which he requested the Board to provide nominations to the Emergency Planning Team who will be charged with identifying and evaluating the hazardous materials located in St. Mary's County. Commissioner Lancaster moved, seconded by Commissioner Jarboe to approve the Emergency Planning Team list of nominees as presented to the Board and to include Commissioner W. Edward Bailey as the Board's representative, and Mr. Murray Jackson as a community representative. Motion carried.

8) PROPOSED FEE SCHEDULE  
ZONE #87-0195

The County Administrator presented Resolution No. Z-87-8 requesting the adoption of the Proposed Fee Schedule, Zone #87-0195. Commissioner Lancaster moved, seconded by Commissioner Jarboe, to approve the adoption of Resolution Z-87-8 for the new fee schedule for St. Mary's County effective September 1, 1987.

OFFICE OF PLANNING AND ZONING

Present: Frank Gerred, Director, OPZ  
Betsy Anthony, Recording Secretary

Commissioners present: W. Edward Bailey, Robert Jarboe, John G. Lancaster. Commissioner Thompson was absent. Staff present included: Frank J. Gerred, Director, and Betsy Anthony, Recording Secretary, Office of Planning & Zoning.

ALDP #87-0976: RICHARD NUESLEIN

Requesting establishment of an agricultural preservation district containing 100.3 acres off Horse Landing Road. The property is zoned R-1, Rural Residential and is shown on Tax Map 14 as part of Parcels 1 and 283.

Mr. Gerred informed the Commissioners that Mr. Nueslein was requesting permission to establish an Agricultural Land Preservation District comprised of 100+ acres. The State Agricultural Land Preservation Board had requested that Mr. Nueslein add a larger portion of land to make the two parcels join, and Mr. Nueslein agreed to do so. Mr. Gerred referred to the site plan indicating what the change would be.

Commissioner Jarboe moved, seconded by Commissioner Lancaster, and unanimously passed, to recommend to the State Foundation to accept the request of Mr. Nueslein to establish an Agricultural Land Preservation District for this property adjacent to Horse Landing Road.

OTHER BUSINESS

87-1306: ST. PETER CLAVER CHURCH

Mr. Gerred explained that the request from St. Peter Claver Catholic Church was for an abatement of the Building Permit Fee in the amount of \$25.00. Mr. Gerred indicated that the Commissioners were authorized to grant such waiver, per Resolution 75-53, dated July 1, 1975. Staff also recommended approval of the request.

Commissioner Lancaster moved, seconded by Commissioner Jarboe, and unanimously passed, to approve the request for abatement of the Building Permit Fee in the amount of \$25.00 for St. Peter Claver Catholic Church.

DEPARTMENT OF RECREATION AND PARKS

Present: John Baggett, Director

Wicomico Shores Grant Application

The Director of Recreation and Parks presented two grants for a total amount of \$30,000 to develop the waterfront at Wicomico Shores. One grant in the amount of \$25,000 is for constructing a boat ramp, parking area, and catwalk. One grant in the amount of \$5,000 is to remove old pilings.

Commissioner Jarboe moved, seconded by Commissioner Lancaster to authorize the President of the Board to sign the two grants as presented. Motion carried.

COUNTY COMMISSIONER ITEMS

1) Commissioner Jarboe asked the County Administrator to schedule a meeting with the Corps of Engineers, Department of Natural Resources, Federal Legislators, Tall Timbers citizens, and the Board of County Commissioners to discuss the cost overruns and incompleteness of the Tall Timbers seawall. If correspondence and previous meetings have conveyed sufficient information, the meeting will not be scheduled.

2) Commissioner Lancaster asked if correspondence had been forwarded to the appropriate parties concerning Long & Foster and Patricia Woodburn regarding the St. Mary's Academy property. Mr. Cox assured him that letters were forwarded on August 14, 1987 to the Maryland Real Estate Commission and the Southern Maryland Board of Realtors.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to meet in Executive Session in order to discuss Personnel matters. Motion carried. The session began at 11:12 a.m. and ended at 11:48 a.m.

JOHN BATES, DIRECTOR OF NAS SECURITY  
INTRODUCTION

Mr. Bates was introduced to the Board as the new Security Director at the Naval Air Station, Patuxent River, Maryland. The Board welcomed him to St. Mary's County and offered their assistance whenever he should require it.

APPROVAL OF BILLS

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

PUBLIC HEARING

MANUAL OF PROCUREMENT POLICIES AND PROCEDURES

Present: Colonel Sanford  
Charles H. Wade, Director Finance  
Edward V. Cox, County Administrator

The Secretary read the Notice of Public Hearing that was published in the St. Mary's Tide newspaper on August 5 and 12, 1987.

Mr. Cox noted the revisions to be proposed manual. Colonel Sanford outlined the contents of the manual and emphasized the section concerning "Ethics and Standard of Conduct", saying that area was most important.

The County Administrator distributed copies of the Resolution to adopt the Manual of Procurement Policies and Procedures. Upon approval, it will be effective as of January 1, 1988.

Mr. George Smith, St. Mary's Nursing Center Administrator, supported the section indicating that the Nursing Center not be obligated under this manual. Mr. Cox noted that various agencies would not be obligated, but would be encouraged to comply with its guidelines.

Mr. Elmer Brown and Mr. Jerome Fenwick of Minority Alliance, stated that the proposed manual did not address provisions to ensure contracts for minority and small business. Mr. Brown asked the Commissioners to develop a bidding list of minority and small business business firms that would be notified of pending contracts. Mr. Fenwick added that there are no provisions for small contractors to do business with the county. Mr. Louis Eberle asked that serious consideration be given to their requests.

The Board agreed to consider all requests and return with a decision in ten days.

BRETON BAY PARK - ABELL'S WHARF

Present: Warren Rich, Attorney for Maryland Rock  
Don Bloebaum, Executive Vice-President, Maryland Rock  
George Brewer, Vice-President of Operations  
Richard Mattingly, Plant Manager  
Frank Gerred, Director of Planning and Zoning  
John V. Baggett, Director of Recreation and Parks  
Joseph Densford, Assistant County Attorney  
Walter Dorsey

Mr. Cox brought the Board up to date on the process of land exchange between the County and Maryland Rock. Mr. Gerred explained the description of Maryland Rock's activity area in conjunction with the area proposed by the county for a recreation area. Mr. Baggett presented a proposal and gave a history of the proposed waterfront park project. Noting that there is a proposal underway for an eventual marina.

Mr. Baggett requested that the marina and county park properties be joined by a walkway over the marshy area, for easy access to facilities in each area. Mr. Rich felt access to both properties could be worked out.

Mr. Rich referred to correspondence to him dated June 30, 1987 forwarded by the Board of County Commissioners addressing certain items requested by the county in the property exchange. Mr. Rich stated that his client will not agree to constructing the pavillion/shelter, playground equipment, and utilities. Upon the request of Mr. Baggett, Mr. Boebaum agreed to donate an additional \$20,000, together with an initial \$16,000 for a total amount of \$36,000. Maryland Rock agreed to honor the \$36,000, reconstruction of the Abell's Wharf road, the parking area, the beach, land swap, and walkway. At the request of Mr. Bloebaum, the County agreed to support Maryland Rock concerning the road construction and asphaltting.

Weather permitting, the timeframe for completion of the project is June 1, 1988.

Mr. Rich stated that there had been an agreement concerning Abell's Wharf with the former Board of County Commissioners. Mr. Densford corrected his statement saying that an agreement had been drawn up but was never adopted by the former Board.

Mr. Dorsey addressed the Board and explained that through research he now questions the ownership of the land where Maryland Rock is located today and the Abell's Wharf area. He asked the Board to have the County Attorney investigate the ownership, and to also give consideration to the environmental impact the Maryland Rock operation has on that area. In his opinion, the operation is creating a public nuisance and interfering with the public usage of the waterfront area.

The Board was in full agreement to table a decision until the Assistant County Attorney has researched the legalities of issues raised. Another meeting will be scheduled in two weeks with Mr. Rich, Mr. Densford, and the Board of County Commissioners. Mr. Rich agreed to return with a proposed agreement for adoption at that time.

#### PUBLIC FORUM

At this time the Commissioners conducted a public forum accepting questions and comments from the audience. Comments were received from the following individual.

Phillip Dorsey - regarding Maryland Rock and Abell's Wharf area. He raised environmental points regarding Maryland Rock's operation. He presented photographs of the area in question, and asked if the operation is a conditional or non-conditional use. He stated that their operation has ruined the use of the public landing and oyster bed areas. He also stated that if Maryland Rock is going to be allowed to continue their operations in that area, safeguards should be taken.

Mr. Dorsey commended Mr. Baggett for his efforts to have good recreational areas in St. Mary's County.

#### ADJOURNMENT

The meeting adjourned at 4:38 p.m.

APPROVED,

  
W. Edward Bailey  
Acting President