

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, December 6, 1988

Present: Commissioner Carl M. Loffler, Jr., President
Commissioner Robert T. Jarboe
Commissioner John G. Lancaster
Commissioner Rodney Thompson
Edward V. Cox, County Administrator
Judith A. Spalding, Recording Secretary

(Commissioner W. Edward Bailey was not present at beginning of meeting.)

The meeting was called to order at 9:05 a.m.

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to approve the minutes of the Commissioners' meeting of Tuesday, November 29, 1988. Motion carried.

APPROVAL OF BILLS

Due to a computer problem, there were no bills for approval this week.

INVITATION TO GRADUATION EXERCISE

Present: Lt. Phil Cooper

Lt. Cooper appeared before the Commissioners to extend an invitation to the graduation exercise for the Correctional Entrance Level Training Program Satellite Academy to be held December 6 at 3:30 p.m. at the Leonardtown Volunteer Fire Department.

DEPARTMENT OF ECONOMIC & COMMUNITY DEVELOPMENT

Present: Joseph Mitchell, Director

(1) APPROVAL OF LEASE

Present: Joseph Mitchell, Director, Economic & Community Development

(Commissioner Loffler left the meeting and did not participate in the discussion, and Commissioner Vice-President Jarboe presided over the meeting.)

Mr. Mitchell presented a Lease dated December 6, 1988 by and between Board of County Commissioners of St. Mary's County and McGregor & Werner, Incorporated for the leasing of Lot 16 in St. Mary's Industrial, Hollywood, Maryland to McGregor & Werner (St. Mary's Press).

Mr. Mitchell explained that the Maryland Industrial Land Act (MILA) negotiations for St. Mary's Press are now complete and the Board of County Commissioners is required to enter into a lease with McGregor & Werner, Inc.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to authorize Commissioner Vice-President Jarboe to sign the lease as presented. Motion carried.

2) RELOCATION OF GOVERNMENT AGENCIES TO NATIONAL CAPITOL REGION

Mr. Mitchell presented correspondence dated November 29 from Congressman Dyson advising that legislation was introduced during the 100th Congress allowing government agencies to relocate within the counties of the National Capitol Region; however, no Southern Maryland counties are under this jurisdiction. Congressman Dyson stated that he is considering introducing legislation in the 101st Congress rectifying this but cautioned the Commissioners that becoming a member of the National Capitol Region would bring additional responsibilities to the member counties.

Commissioner Jarboe suggested that a meeting with Congressman Dyson and his staff be arranged prior to requesting introduction of the legislation. Commissioner Loffler requested a copy of an Agreement with other counties in the National Capitol Region.

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) PERSONNEL
STATE'S ATTORNEY'S OFFICE

The County Administrator presented a memorandum dated December 5, 1988 from the Personnel Officer requesting reclassification, retroactively to July 1, 1988, for Elizabeth Fritz in the State's Attorney's Office to Administrative Assistant, Grade 9, Step 6.

Mr. Cox explained that this request had been submitted in the FY 1989 budget and funds are available in the State's Attorney's budget.

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

2) CONTRACT SERVICE AGREEMENT
HIGH RISK YOUTH SPECIALIST

The County Administrator presented a Contract Service Agreement dated September 1988 by and between Board of County Commissioners and Charlotte Stewart as a High Risk Youth Specialist to provide support to the Office of Community Services for the Alcohol Drug Abuse Prevention Program.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve and sign the Contract Service Agreement as presented. Motion carried.

3) CORRESPONDENCE TO BOARD OF TRUSTEES - ST. MARY'S COLLEGE

The County Administrator presented correspondence addressed to the Chairman of the St. Mary's College Board of Trustees responding to November 23 regarding concerns over the Comprehensive Plan relative to development south of the Base.

The Commissioners agreed to sign and forward the letter as presented.

4) BOARDS, COMMITTEES AND COMMISSIONS

Commissioner Thompson moved, seconded by Commissioner Lancaster, with motion carried, to make the following appointments to Boards, Committees and Commissions:

<u>Agriculture Commission</u>	<u>Terms to Expire</u>
Daniel S. Capper (reappt.)	12/31/91
Alfred L. Hasel (reappt.)	12/31/91

Building Authority Commission

Jon Grim, Director, Planning & Zoning No Term

Council on Children and Youth

John F. Kralle (reappt.) 12/31/91

Library Board of Trustees

Everlyn Holland (reappt.) 12/31/93

Marcey House Board

Sharon K. Bradley (reappt.) 12/31/91
Ken Henson " 12/31/91

Metropolitan Commission

Ray Raley 12/31/92

St. Mary's Nursing Center Board

William Groome (reappt.) 12/31/91

Tri-County Youth Services Bureau

Jane Sypher (reappt.) 12/31/90

Zoning Board of Appeals

A. Shane Mattingly 12/31/92

Floyd E. Williams (Alternate Member) 12/31/92

5) PUBLIC WORKS AGREEMENT AND ADDENDUMS

On behalf of the Director of Public Works, the County Administrator presented the following Public Works Agreements and Addendums:

- ° Breton Bay PUD - Public Works Agreement dated October 13, 1988 by and between Breton Bay Development Associates and St. Mary's County guaranteeing the completion of the following roads in Breton Bay PUD by October 1, 1991: Breton View Drive, Birdie Court, 1st Place, 2nd Place, 3rd Place, 4th Place, 5th Place, 6th Place, 7th Place, 8th Place, 10th Place, Bunker court, First Nine Street. The Agreement is backed by a Letter of Credit with Signet Bank/Maryland in the amount of \$726,700.

Commissioner Thompson moved, seconded by Commissioner Jarboe, to authorize Commissioner Loffler to sign the Public Works Agreement as presented. Motion carried.

- ° Wildewood Subdivision - N3/C4 - Addendum to Public Works Agreement by and between Paragon Builders, Inc. and St. Mary's County extending the deadline for completion of roads (Wildewood Parkway and Aspen Lane) in Wildewood Subdivision to July 1, 1989; said Addendum backed by an Irrevocable Letter of Credit with Maryland Bank and Trust Company in the amount of \$7,000.

Commissioner Thompson moved, seconded by Commissioner Lancaster to authorize Commissioner Loffler to sign the referenced Addendum as presented. Motion carried.

- Wildewood Subdivision - N3/C4 - Addendum to Public Works Agreement by and between Paragon Builders and St. Mary's County extending the deadline for completion of roads in Wildewood Subdivision (Aspen Lane and Alder Lane) to July 1, 1989; said Addendum backed by an Irrevocable Letter of Credit with Maryland Bank and Trust Company in the amount of \$10,000.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to authorize Commissioner Loffler to sign the referenced Addendum as presented. Motion carried.

(Commissioner Bailey entered the meeting - 9:30 a.m.)

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator

Commissioner Lancaster moved, seconded by Commissioner Bailey, to meet in Executive Session in order to discuss matters of Litigation and Personnel. Motion carried. The Session was held from 9:40 a.m. to 10:00 a.m.

OFFICE OF PLANNING AND ZONING

PETER T. BRUCH - SUMMERWOOD, SECTION II

APPEAL OF ADMINISTRATIVE HANDLING OF DEVELOPMENT APPLICATION

Present: Jon Grimm, Director, OPZ
Robin Guyther, Deputy Director
Peter T. Bruch, Applicant
Jim Kenney, Attorney representing Applicant
Elizabeth Holden, Recording Secretary

Members of the audience included: Vince Del Gavio, Michelle Brosco, Dick Myers, Viki Volk.

PETER T. BRUCH - SUMMERWOOD, SECTION II

(Appeal of Administrative Handling of Development Application) The issue concerned the acceptance of plans for processing. Due to procedures established by the Planning and Zoning Office, the Acting Director of Planning and Zoning determined the plans for this development were not accepted for processing prior to the adoption of the Comprehensive Plan. This decision reduced the number of dwellings permitted on the subject property.

Mr. Kenney advised the Commissioners that he had been retained by Mr. Bruch yesterday, Monday December 5, 1988, and the only opportunity he had to speak with Mr. Bruch was in the hall prior to the meeting, at which time he had been provided with some background. For this reason, Mr. Kenney requested that this meeting be deferred until he had personally had an opportunity to review this matter.

It was further pointed out by Mr. Kenney that if some of his understandings were correct, there is potential litigation involved since there are serious aspects to this case which should be understood by all.

There being no further discussion, the Appeal was deferred until a later date.

ASSISTANT COUNTY ATTORNEY

Present: Joseph Densford, Assistant County Attorney

1) SOUTHERN MARYLAND RESOURCE CENTER AGREEMENT

Mr. Densford presented the revised Agreement among the State of Maryland, St. Mary's County and the Southern Maryland Regional Library Association for the construction, operation and maintenance of the Southern Maryland Regional Library Resource Center and the St. Mary's County Memorial Library.

Mr. Densford explained that the State will construction on county property in Charlotte Hall the resource center and Fifth District Library--St. Mary's County's contribution is \$230,000 and the State share is over \$3 Million. The building will be owned by the County. Because of State law, the County must reimburse the State if the building ceases to be used as a library.

Secondly, Mr. Densford indicated that the County requested reimbursement for operation and maintenance costs in "thirty days;" however, the State changed it to "promptly."

Further, the County requested the right of first refusal regarding the County's acquisition of the structure if it ceases to be library; however, the State denied that request.

After discussion Commissioner Bailey moved, seconded by Commissioner Jarboe, to approve and sign the Lease Agreement as presented. Motion carried.

2) WICOMICO SHORES SPECIAL TAXING DISTRICT ORDINANCE

The Commissioners having conducted a public hearing on November 22 on the establishment of a Special Taxing District for road improvements in Wicomico shores, Mr. Densford presented the referenced Ordinance.

Commissioner Loffler stated that residents have expressed concerns regarding the installation of sewer lines after the roads are constructed. he stated that if the Ordinance is signed the County would be obligated to construct the roads, and there should be a tie-in with sewer line installation and road construction. Mr. Densford replied that the Ordinance did not require the sewer line installation, which requires EPA approval.

It was agreed that Mr. Densford would re-write the Ordinance to include a contingency regarding the sewer line installation. Further before the Commissioners took any action, they would meet with appropriate parties during the tour of the Fourth District at next week's Commissioners' meeting.

INTRODUCTION OF TRI-COUNTY YOUTH SERVICES BUREAU DIRECTOR

Present: Peter Paciluyko, Director, TCYSB

Mr. Paciluyko appeared before the Commissioners to formally introduce himself as the new Director of Tri-County Youth Services Bureau, which had been vacated by Dr. C. W. Duncan. Mr. Paciluyko discussed the programs of the TCYSB and advised that the Bureau is continuing the free-of-charge services to the youth and families of the tri-county area.

The Commissioners welcomed Mr. Paciluyko and offered their assistance and cooperation.

CONTINUATION OF EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator

Commissioner Thompson moved, seconded by Commissioner Lancaster, to continue the earlier Executive Session on Litigation and Personnel. Motion carried. The Session was held from 10:40 a.m. to 11:30 a.m.

BUDGET AMENDMENTS

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

No. 89-26
Personnel

Justification: To provide additional funds for salary study.
(\$175)

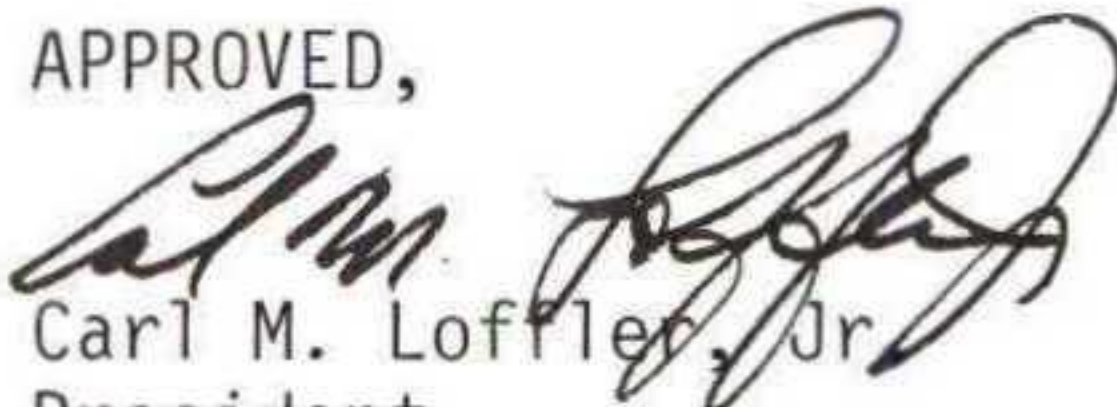
No. 89-27
Southern Maryland Resource Conservation Development Board

Justification: To provide funds for retirement benefits for part-time position funded 1/3 by the County.

ADJOURNMENT

The meeting adjourned at 11:50 a.m.

APPROVED,


Carl M. Loffler, Jr.
President