

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, August 11, 1981

Present: Commissioner George R. Aud, President
Commissioner Larry Millison, Vice-President
Commissioner Richard D. Arnold
Commissioner Ford L. Dean
Commissioner David F. Sayre
Joseph P. O'Dell, Budget Officer (On behalf of
County Administrator)
Judith A. Mullins, Recording Secretary

APPROVAL OF VOUCHERS

Commissioner Millison moved, seconded by Commissioner Arnold, to approve payment of the bills as submitted by the Director of Finance. All Commissioners voted in favor.

APPROVAL OF MINUTES

Commissioner Dean moved, seconded by Commissioner Arnold, to approve the minutes of the Commissioners' meeting of August 4, 1981 as corrected. All Commissioners voted in favor.

SOLOMONS ISLAND SEWAGE PROJECT

Commissioner Millison referred to correspondence from the Calvert County Department of Public Facilities and Services to the Army Corps of Engineers regarding the Solomons Island Sewage Treatment Facility project and expressed concern relative to the proposed discharge into the mouth of the Patuxent River. He stated that the St. Mary's County Commissioners should take a position in opposition to the application for discharge and further should request the assistance of the Tri-County Council in this endeavor. Commissioner Dean agreed to draft a letter for review at next week's meeting.

TYPE 32 MARYLAND TOBACCO

Commissioner Aud reported on the concerns of Maryland Farmers regarding the growing of Type 32 tobacco in North Carolina. Commissioner Arnold stated that this type has been grown in Maryland and now that it is being grown in North Carolina, the Maryland farmers are concerned about the effects this will have on the marketability of the Maryland tobacco. The Commissioners agreed that correspondence should be forwarded to Congressman Dyson relating these concerns.

REZONING RESOLUTION NO. Z-81-02
JACK AND SUSAN GELRUD

Commissioner Sayre moved, seconded by Commissioner Arnold, to approve Zoning Resolution No. Z-81-02 on the application by Jack and Susan Gelrud to rezone a tract of land located at the intersection of Md. Rt. 235 and 245, known as Parcel 89, Block 11, Tax Map 26, from Residential, R-1, to Commercial, C-2. The tract of land contains 25.5 acres more or less and is located in the Sixth Election District of St. Mary's County, Maryland. Commissioners Sayre, Arnold and Aud voted in favor of the motion, with Commissioner Dean voting against and Commissioner Millison abstaining. Motion carried. During discussion, Commissioner Millison advised that he would abstain because of possible conflict of interest. Commissioner Dean stated that his reasons for opposition are already in the record in previous discussions. Commissioner Arnold noted for the record that the concerns that he had previously been made aware of have been alleviated.

CORRESPONDENCE TO MR. AND MRS. RUSSELL

The Commissioners reviewed correspondence prepared for their signature addressed to Mr. and Mrs. Theodore Russell regarding the investigation report of the accident in which their son was killed. The Commissioners agreed to sign and forward said letter.

BUDGET AMENDMENT NO. 82-5
OFFICE ON AGING

Mr. O'Dell presented the referenced Budget Amendment for the Commissioners' approval which revises the budget authority, takes into account the actual costs for 3/4 of the grant and provides the last quarter of the authority for Title III-B, C-1, C-2 for the period July through September 1981.

TAKING OF GROUNDWATER
AQUAFOODS INTERNATIONAL, INC.

Commissioner Sayre advised the Board that the Potomac River Association had contacted him regarding the taking of groundwater by Aquafoods International and made the following requests of the Commissioners.

1. To request a copy of the preliminary U.S. Geological Survey report on the Aquia and Piney Point Aquifers;
2. To request that a seven day pumping test be done at Aquafoods;
3. An in-house study of the preliminary U.S. Geological Survey report.

AQUAFOODS INTERNATIONAL, INC. (Cont'd.)

4. To have a conference with all involved parties including Metropolitan Commission, Naval Air Station, Lexington Park, Leonardtown, St. Mary's College, Second District Fire Department, Steuart Petroleum, Harry Lundeberg School of Seamanship, Aquafoods International, Inc., Potomac River Association, the Health Department and U.S. Geological Survey. The purpose of the conference would be to discuss opinions and concerns relative to the use of groundwater, especially from the deep aquifers.

Commissioner Dean reported that he had tried by telephone to obtain a copy of the preliminary report and was advised that it was against the U.S. Geological Survey's policy to distribute draft copies; however, he would make another telephone request and if unsuccessful he would draft a letter for the Board's signature requesting the report.

SHIPPING POINT
WILL OF MRS. BRUCE COLTON

Present: Billye McGaharn, Senior Services Coordinator

Mrs. McGaharn reported to the Commissioners that she had been advised by Senator Simpson that the Will of Mrs. Bruce Colton left her land known as Shipping Point to the State of Maryland with the understanding that a home for the elderly be placed on the site. The State Office on Aging is to make a recommendation to the Governor on the appropriateness of the acceptance of the land and wish to conduct a feasibility study of the land. Mrs. McGaharn presented to the State Office on Aging for the Commissioners' review and signatures concurring with the need for the study and establishing the St. Mary's County Commission on Aging as an Advisory Board to assist in the determination of the acceptability of the property and to make recommendations for its use beyond the requirements of the will.

The Commissioners gave their concurrence with the letter's concept; however, were of the opinion that any recommendation from the Commission on Aging to the State Office on Aging should be approved by the County Commissioners in that there may be fiscal implications. Inasmuch as Mr. Chmelik, Assistant Director of the Office on Aging will be in the County next Monday and Tuesday, the Commissioners agreed to withhold this matter until next week's meeting.

APPRAISAL OF BUILDING NO. 2
OFFICE ON AGING

Present: Billye McGaharn, Senior Services Coordinator

Mrs. McGaharn stated that in order to satisfy the application for grant for Building No. 2, a formal appraisal must be done by an appraiser listed by the Department of General

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APPRAISAL OF BUILDING NO. 2 (Cont'd.)
COMMISSION ON AGING

Services. Mr. J. Spence Howard is on the list from St. Mary's County. Therefore, Mrs. McGaharn recommended that the appraisal be done by Mr. Howard; however, she stated that there are no funds for this purpose.

Commissioner Dean moved, seconded by Commissioner Arnold to advance funds for the referenced appraisal; said funds to be reimbursed to the County upon receipt of the grant funds. All Commissioners voted in favor. The Budget Officer was directed to determine the source of funds.

BID TALLY SHEET
TRACTOR AND LOADER

Present: John Baggett, Director, Recreation and Parks

Mr. Baggett presented the bid tally sheet for the purchase of a tractor and loader and recommended awarding the bid to the lowest bidder, Coppage Implement, in the amount of \$10,383.91 which includes trade-in.

Commissioner Dean moved, seconded by Commissioner Sayre, to accept Mr. Baggett's recommendation. Four Commissioners voted in favor, with Commissioner Arnold abstaining.

REZONING DECISION DISCUSSION
ZONE #81-0300 - CLEMENTS RURAL SERVICE CENTER
(LEONARD SOMERVILLE)

Present: Frank Gerred, Director, Office of Planning and Zoning
Linda Bronsdon, Assistant Planner
Peggy Childs, Recording Secretary

Requesting Comprehensive Rezoning of property located on Tax Maps 24 and 31 in the community of Clements, Maryland, in the Third and Fourth Election Districts, from R-1, Residential, to RSC, Rural Service Center.

The County Commissioners' Public Hearing on this case having been held on July 14, 1981, the Commissioners met for the purpose of making a decision.

Frank Gerred and Linda Bronsdon presented the Commissioners with a list and a map of the properties for which rezoning has been requested by the property owners, and a second map outlined in red showing the area recommended by the Office of Planning & Zoning staff for the RSC rezoning.

Following perusal of the maps, Commissioner Dean made a motion to approve the area outlined in red on the second map for RSC Rezoning. The motion was seconded by Commissioner Arnold, and unanimously carried.

ZONE #81-0619
MECHANICSVILLE RSC

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

In response to correspondence dated May 7, 1981 from Sally Millard and John Cosby requesting designation of the business district in Mechanicsville as a community commercial service center, Mr. Gerred requested authorization from the Commissioners to proceed with a comprehensive study of the Mechanicsville area as a Rural Service Center. Further, Mr. Gerred recommended that, since this would be comprehensive zoning, the zoning application fee for Sally Millard and John Cosby be waived.

Commissioner Aud moved, seconded by Commissioner Sayre, to waive the fee as recommended by Mr. Gerred. Three Commissioners voted in favor, with Commissioner Millison abstaining.

PCNU #80-3299
JOHN E. FANNING

On behalf of the Director of the Office of Planning and Zoning, Mr. O'Dell presented a memorandum recommending a refund of \$100 to Mr. John E. Fanning. Mr. Fanning paid \$150 for a Site Plan Review for his property east of Maryland Route 235 in the Laurel Grove area, when all that was required was a Simplified Site Plan in the amount of \$50.

The Commissioners gave their concurrence in the refund of the \$100 as recommended by the Director of the Office of Planning and Zoning.

BOARD OF EDUCATION
FINALIZED FY 81-82 BUDGET

Present: Dr. Larry Lorton, Superintendent of Schools

Dr. Lorton reviewed with the Commissioners the revised FY 81-82 Board of Education Budget and requested approval of the categories listed below to replace the ones originally approved by the Commissioners on May 25, 1981.

The Commissioners approved the categories as follows:

<u>CATEGORY</u>	<u>APPROVED AMOUNT</u>
Administration	\$ 2,802,762
Instructional Salaries	10,139,294
Other Instructional Costs	1,086,389
Special Education-Handicapped	1,981,447
Pupil Services	234,699
Health Services	5,760
Pupil Transportation	2,335,962
Operation of Plant and Equipment	3,173,364

BOARD OF EDUCATION (Cont'd.)

<u>CATEGORY</u>	<u>APPROVED AMOUNT</u>
Maintenance of Plant	\$ 1,031,806
Fixed Charges	1,544,874
Food Service (Local Subsidy)	200,000
Community Services	0
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TOTAL GENERAL FUND EXPENDITURES	\$24,536,357
Food Service Fund	\$ 2,114,831
Restricted Fund	2,116,960

ST. MARY'S COUNTY BOND ISSUES

Present: Kirby Smith, Alex Brown and Sons
 Sam Ketterman, Alex Brown and Sons
 Mark Hall, Health Facilities Corp.
 Mike Marlay, Director, Metropolitan Commission
 Charles Mander, Attorney
 Ed Clark, Piper and Marbury
 Peter Lambert, Administrator, St. Mary's Hospital
 Joseph P. O'Dell, Budget Officer
 Harris Sterling, Director of Finance

Mr. O'Dell explained that the purpose of this meeting was for the firms of Alex Brown and Sons and Piper and Marbury to present their recommendations with regard to the County's upcoming bond issue.

Mr. Smith, on behalf of Alex Brown and Sons, made the following recommendations:

1. That because of the condition of today's market, the County should seek bond anticipation notes in lieu of long-term bonds. The notes will mature in three years; however, if the market should improve they can be redeemed at six month intervals after one year at a declining penalty.

2. That because of the existing market conditions, that the County use a negotiated method rather than a competitive bid method to receive bids on Bond Anticipation Notes.

3. That the Commissioners give consideration for Alex Brown and Sons to resign their position as financial advisor and to become a principal in the bond issue.

4. That the evaluation of the hospital bond issue was that it would not impact the future bond rating of the County if they issued on behalf of the hospital 12.6 Million Dollars in General Bond Obligations.

ST. MARY'S COUNTY BOND ISSUES (Cont'd.)

During discussion of the referenced issues, the following points were made:

1. Commissioner Millison stated for the record that he was opposed to the negotiated method to receive bids and preferred the competitive bid method.

2. Commissioner Dean stated that he had no problem with the negotiated bond sale; however, he noted that he felt it was in the best interest of the County to have Alex Brown acting as a broker and to receive a fee for services, but be prohibited to also be an underwriter.

3. Ed Clark cited that when the hospital went to the Hospital Review Commission that the County should have inclusion to that agreement wherein the Hospital Review Commission will hold harmless the County for any potential deficits and would guarantee that the County would receive its principal and interest on that particular bond issue.

4. Mr. O'Dell advised that approval is needed by the Commissioners to recognize First National Bank and Maryland National Bank as paying agents in the bond issue.

In conclusion, the Commissioners agreed to make a final decision at next week's meeting regarding:

1. Competitive versus negotiated bids;
2. Alex Brown & Son resigning as financial advisor
3. The matter of the hospital bond issue
4. Recognition of First National and Maryland National as paying agents

With regard to the County's bond issue, Commissioner Dean moved, seconded by Commissioner Millison, that the County proceed with Bond Anticipation Notes in lieu of long term bonds. All Commissioners voted in favor.

AGREEMENT

PINE HILL RUN SEWAGE TREATMENT PLANT

Present: Mike Marlay, Director, Metropolitan Commission
Robert T. Brown, President, Waterman's Association
Tucker Brown, Waterman's Association
Harry Huseman, Waterman's Association

As a follow-up to the discussion at the County Commissioners' meeting of July 28, 1981 regarding the length of the proposed sewage outfall pipe in the Chesapeake Bay from the Pine Hill Run Wastewater Treatment Plant, the referenced individuals appeared to review and discuss the proposed Agreement.

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AGREEMENT (Cont'd.)

The Waterman's Association expressed concern relative to Item No. 2 in the Agreement concerning the length of the pipe and the buffer area.

Discussion ensued as to the best method of modifying the Agreement satisfactory to all parties. Amendments agreeable to all were offered and the Agreement was retyped to reflect these changes.

Commissioner Dean moved, seconded by Commissioner Millison, to authorize the President of the Board of County Commissioners to sign the Agreement Pertaining to the Length of a Proposed Sewage Effluent Outfall Pipe into the Chesapeake Bay from the Pine Hill Run Wastewater Treatment Plant. All Commissioners voted in favor.

EXECUTIVE SESSION

Present: C. Clarke Raley, State's Attorney
Darlene Brown, Legal Aide to State's Attorney
Joseph O'Dell, Budget Officer
Gerda Manson, Personnel Officer

The Commissioners agreed to meet in Executive Session in order to discuss a matter of Personnel. The Session was held from 2:55 p.m. to 3:15 p.m.

The meeting adjourned at 3:15 p.m.

Approved,



George R. Aud
President