

BOARD OF COUNTY COMMISSIONERS MEETING

Tuesday, May 24, 1983

Present: Commissioner Larry Millison, Vice-President
 Commissioner Richard D. Arnold
 Commissioner Ford L. Dean
 David F. Sayre, Commissioner
 Edward V. Cox, County Administrator
 Judith A. Spalding, Recording Secretary

(Commissioner Aud was not present as he was attending a Flood Plain Managers Conference).

APPROVAL OF VOUCHERS

Commissioner Millison moved, seconded by Commissioner Sayre, to approve payment of the bills as submitted. Motion unanimously carried.

APPROVAL OF MINUTES

Commissioner Dean moved, seconded by Commissioner Arnold, to approve the minutes of the Commissioners' meeting of Tuesday, May 17, 1983. Motion unanimously carried.

PROJECT NO. SM 83-1-7
SURFACE TREATMENT SEAL COAT

Commissioner Arnold inquired of the Commissioners the possibility of changing his vote of last week on the referenced subject. He stated he had voted against the motion to award the bid to Montgomery Construction of Baltimore, and after reconsideration, would like to vote along with the other Board members in favor.

The County Administrator stated that he did not believe that a vote could be changed once made and voted upon; however, this would be verified by checking Robert's Rules of Order.

In order to resolve the situation, Commissioner Dean moved, seconded by Commissioner Sayre, to rescind the action by the Board relative to the awarding of the referenced project. The Commissioners voted three to one with Commissioner Millison voting against the motion. Motion carried.

Commissioner Dean then moved, seconded by Commissioner Arnold, that after reconsidering the above motion, that the Commissioners reaward the contract to Montgomery Construction Company of Baltimore. Motion unanimously carried.

PERSONNEL ITEMS

The County Administrator presented the following items of Personnel for the Commissioners' review and approval:

- 1) Part-Time Fiscal Clerk
Housing Office

A memorandum from the Personnel Officer dated May 24, 1983 recommending the section of Gail W. Telster to the referenced position, Grade 6, effective May 26, 1983.

- 2) Maintenance Mechanic
Tubman Douglass Estates

A memorandum from the Personnel Officer dated May 24, 1983 recommending the selection of Joseph Holly to the referenced position, Grade 7, effective May 30, 1983 to be funded by Section 23 HUD funds. Mr. Holly has been performing the work as an employee under the Modernization Grant Program.

3) Clerk Typist
Tubman Douglass Estates

A memorandum from the Personnel Officer dated May 24, 1983 recommending the selection of Patricia Somerville to the referenced position, Grade 4, effective May 30, 1983, with authority to promote her to Grade 5, when she becomes eligible.

4) Director
Economic and Community Development

A memorandum dated May 24, 1983 from the Personnel Officer recommending the selection of Joseph Mitchell to the referenced position, Grade 18, effective June 6, 1983.

Having reviewed the four (4) referenced Personnel items, Commissioner Arnold moved, seconded by Commissioner Dean, to approve filling of the referenced positions as set forth above. Motion unanimously carried.

ST. MARY'S COUNTY MANUAL OF PERSONNEL POLICIES AND PROCEDURES
PROPOSED CHANGES

The County Administrator presented a memorandum dated May 23, 1983 from the Personnel Officer setting forth recommendations received from county departments regarding proposed changes to St. Mary's County Manual of Personnel Policies and Procedures. Mr. Cox requested that the Commissioners review the proposals in preparation for discussion at next week's meeting.

RECLASSIFICATION AND NEW POSITION REQUESTS

The County Administrator presented a memorandum dated May 23, 1983 from the Personnel Officer attaching a listing of the Reclassification Requests and Requests for Establishment of New Positions received from county departments, results of the review process, and staff's recommendations for personnel action.

Commissioner Dean moved, seconded by Commissioner Sayre, to approve the reclassifications and new position requests as recommended by staff and as set forth in the May 23, 1983 memorandum. It was further moved and seconded that the new pay scale reflecting the 2% cost-of-living adjustment to be effective July 1, 1983, be approved. Motion unanimously carried.

CORRESPONDENCE

The County Administrator presented the following items of correspondence for the Commissioners' review and signatures:

1. To Sgt. Ronald Clarke, PFC Phillip Cooper, PFC John Capado, and PFC Oliver Stewart commending them for their efficiency in maintaining certain Sheriff's Department vehicles.
2. To County Employees setting forth the explanation for the 2% cost-of-living adjustment to be effective July 1, 1983.

BLUE CROSS/BLUE SHIELD HEALTH INSURANCE
RENEWAL PROVISION

The County Administrator advised the Commissioners that Blue Cross/Blue Shield Insurance Company is proposing to increase their rates to the County by 6.6% which is one of the lowest increases in the State of Maryland. Mr. Cox presented the Renewal Provision of the Agreement by and between St. Mary's County and Blue Cross/Blue Shield indicating this increase.

Commissioner Dean moved, seconded by Commissioner Arnold, to approve and sign said Renewal Provision. Motion unanimously carried.

ROAD RESOLUTION NO. 83-13

On behalf of the County Engineer, the County Administrator presented the referenced Road Resolution renaming a portion of the circle on Evergreen Park Drive as Oak Court. The Commissioners unanimously concurred to authorize Commissioner President Aud to sign said Road Resolution.

FINANCIAL ADVISOR
HOSPITAL REFUNDING ISSUE

The County Administrator presented a memorandum dated May 9, 1983 from the Director of Budget & Data Services advising that it was his and Mr. Edward Clarke's (bonding counsel from Piper & Marbury) recommendation that the firm of Buckley and Eller be selected as the County's Financial Advisor for the Hospital Bond Refunding Issue.

Commissioner Dean moved, seconded by Commissioner Sayre, to accept this recommendation. Motion unanimously carried.

REQUEST FOR COUNTY ASSISTANCE
ANNUAL BLESSING OF THE FLEET

The County Administrator presented correspondence dated May 17, 1983 from the Seventh District Optimist Club requesting assistance from the County in the way of labor and equipment for the annual Blessing of the Fleet to be held at St. Clement's Island on Sunday, September 25.

The Commissioners gave their concurrence.

ST. MARY'S COUNTY AIRPORT COMMISSION
PROPOSED CHANGES TO BY-LAWS

The County Administrator presented a memorandum dated May 18, 1983 from the Airport Commission setting forth proposed changes to their By-Laws regarding quorum and Airport Commission member liaison with tenants and users at the Airport.

Commissioner Arnold moved, seconded by Commissioner Dean, to accept the By-Law changes as proposed. Motion unanimously carried.

OFFICE OF COUNTY ENGINEER ITEMS

Present: John Norris, County Engineer

1) Architectural/Engineering Contract
Nursing Home Project

Mr. Norris presented the Architectural/Engineering Contract with Geaudreau, Inc. for the St. Mary's Nursing Home Project. The County Administrator indicated that the portion of the contract pertaining to the Certificate of Need which had been removed from the Contract has now been accepted by the Building Committee at their last meeting. Mr. Norris advised that he would revise the contract to include this \$7500 item and return it to the Commissioners for their consideration.

2) Forest Run Subdivision
Request for Release of Draw

Mr. Norris reviewed correspondence dated May 19, 1983 from Raye Vest Corporation requesting release of draw in that the second phase of the work has been completed and inspected by the County Engineer's Office. Mr. Norris advised that the amount of the draw is \$3200 and that the Public Works Agreement gives the Commissioners authority to release the draw and the Assignment of Funds gives the County Engineer authority. In that Mr. Norris had granted a release of funds on two previous occasions under the Assignment of Funds Agreement, the Commissioners gave their concurrence for him to do so in this instance.

Commissioner Dean requested Mr. Norris to develop a more consistent system for the release of funds in future cases.

3) Repair and Inspection of Elevator Systems

Mr. Norris advised the Commissioners that proposals were solicited for the repair and inspection of the elevator systems at the Governmental Center and Courthouse. Westinghouse was not the lowest bidder; however they still have a one-year contract on one of the elevators. Upon the advice of the County Attorney, Mr. Norris stated he negotiated with Westinghouse to reduce the bid from \$403 per month to \$360 per month covering the two buildings for two years.

The Commissioners gave their concurrence.

4) Proposed Storm Water Management Regulations

Mr. Norris advised the Commissioners that the Department of Natural Resources had adopted a Storm Water Management Law which requires all local jurisdictions to adopt an Ordinance by July 1, 1984. There will be regional public hearings in the State with one being held at Charles County Community College on Wednesday, June 1. He stated that he would like to go over these regulations in more detail at next week's meeting in order to prepare for the public hearing.

5) Private Common Driveways

Mr. Norris presented a draft of guidelines for the utilization of private common driveways for the Commissioners' review for discussion at a later meeting.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator

Commissioner Arnold moved, seconded by Commissioner Sayre, to meet in Executive Session in order to discuss matters of Personnel (Consideration of appointments to Boards, Committees and Commissions). The Session was held from 10:45 a.m. to 11:20 a.m.

LOCAL ECONOMIC OPTION PROGRAM

Present: Dave Morgan, Economic Development Coordinator
Pat White, Extension Agent
Joe Mitchell, Public Housing Coordinator
Frank Gerred, Director, Office of P & Z
Philip Favero, University of Md., Dept. of Economic Resource Dev.
Peter Manly, University of Md., Dept. of Agr.

The referenced individuals appeared before the Commissioners to explain the Local Economics Options program provided by the University of Maryland Cooperative Extension Service. The program is designed to bring together public and private economic leaders of the community in a planning effort to develop plans for improving the local economy. The following requests were made of the Commissioners.

1. To review and make any additions or deletions to the proposed list of local participants and appoint same to a Committee;
2. To authorize the signing of the letter inviting the participants to a series of discussion meetings relative to economic development in St. Mary's County;
3. To participate in any of the meetings if possible;
4. To review and give consideration to the economic development projects developed by the participants.

Discussion ensued as to how the University of Maryland will assist St. Mary's County in this effort by facilitating the process for meetings and supporting ongoing efforts and by providing certain economic data and trends.

In conclusion, the Commissioners expressed their support of the program and offered their assistance in any way possible.

PROCLAMATION NO. 83-39
CLEAN WATER WEEK

Present: Francis Taylor, Chairman, Metropolitan Commission
George Quade, Metropolitan Commission
Larry Petty, Director, Metropolitan Commission
Steve King, Metropolitan Commission

The Commissioners presented the referenced Proclamation designating the week of May 30 - June 5, 1983 as Clean Water Week in St. Mary's County.

PROCLAMATION NO. 83-40
NATIONAL SAFE BOATING WEEK

Present: LeRoy Rudasill

The Commissioners presented the referenced Proclamation designating the week of June 5-11, 1983 as National Safe Boating Week in St. Mary's County.

APPROVAL OF FY '83-'83 BUDGET

Present: Joseph P. O'Dell, Director, Budget & Data Services

(Commissioner President Aud was contacted via telephone to participate in the following discussion and voting)

Having incorporated the revisions to the budget as discussed as last week's meeting, Mr. O'Dell presented the FY '83-'84 Budget.

Commissioner Sayre moved, seconded by Commissioner Arnold to approve and sign the FY 83-84 Budget as submitted, to set the property tax rate at \$1.99 per \$100 of assessed valuation and to accept the Constant Tax Yield Rate at \$1.88. Motion unanimously carried.

Commissioner Dean moved, seconded by Commissioner Arnold to approve and sign Resolution No. 83- 11 "1983-84 Operating and Capital Budgets, Enterprise and Special Assessments Funds and Property Tax Rate" as follows:

Operating Budget	-	\$26,366,410
Capital Budget	-	\$ 1,675,829
Enterprise Fund	-	\$ 389,001
Special Assessment Fund	-	\$ 80,306
Property Tax Rate	-	\$1.99 per \$100 of assessed valuation

Motion unanimously carried.

REZONING HEARINGS

Zone #83-0130 - DAN RIDGELL

The hearing was opened by Commissioner Vice-President Larry Millison. Other Commissioner members present included Richard Arnold, David Sayre and Ford Dean. Commissioner Aud was absent. Staff present: Frank Gerred and Anita Meridith of the Office of Planning and Zoning.

Members of the audience included: Darlene Dove Ridgell, Daniel Ridgell, James R. Smith and Robert C. McKay, Jr.

The Recording Secretary read the advertised public hearings notice aloud, as it was published in the consecutive issues of the May 4th and May 6th, 1983 Enterprise Newspaper, a publication of County-wide circulation, providing due legal notification of the following:

ZONE #83-0332: TEXT CHANGE TO ZONING ORDINANCE

Amendment proposed by County Commissioners to allow building on substandard lots, which existed prior to the adoption of the Zoning Ordinance, if the Health Department approves such lots.

- (1) Art. 48.05.3 and 48.05.4 - Delete.
Change 48.05.5 to 48.05.3
This amendment deletes requirements to combine existing lots except to meet health requirements.
- (2) Art. 53.01.3 - Delete: "and the Planning Commission" and "joint use." Add the words: "with written permission from adjoining property owner."

- AND -

ZONE #83-0131: DANIEL RIDGELL (Oakville AMOCO)

Requesting rezoning from R-1, Rural-Residential, to I-1, Industrial. The property contains 2.10 acres and is located on Maryland Rt. 235, Oakville, Sixth Election District, Tax Map 14, Block 22; Parcel 109 and part of Parcel 25.

Mr. Gerred entered the case files from the Planning Commission records on both cases.

With respect to the Ridgell request, Mr. Gerred advised that both the staff and the Planning Commission had felt, after reviewing all of the facts, that this applicant and others would be better served by changing the Ordinance to allow for retailing of fuel out of a C-2 district and change the applicant's zoning to C-2, rather than Industrial, as originally requested. Mr. Gerred continued that staff did not feel it appropriate to rezone to industrial, but rather that it was appropriate to incorporate retailing out of a C-2 zoned district.

Addressing the two proposed text changes, the first was explained as a proposal, which would eliminate the requirement for combining lots that existed prior to the Ordinance for the purpose of making a zoning lot and allowing the minimum size lot to be determined by regulations that protect the health and safety of the public, through the Health Department.

Commissioner Millison asked whether anyone wished to speak either in favor or opposed to the proposed text changes. There was no response.

The Chair inquired whether anyone wished to speak either in favor or opposed to the Ridgell request. There was no response.

Commissioner Dean moved, seconded by Commissioner Arnold, and unanimously passed, that the two proposed text changes be granted.

Discussion of the Board ensued regarding the Ridgell application, with Commissioner Dean suggesting that the matter be deferred until the next convening of the Board which would provide opportunity for the members to proffer the appropriate findings of fact in the case.

Commissioner Sayre advised that he would not be present at the next several meetings of the Board and would like to go on record officially, as being in favor of the application.

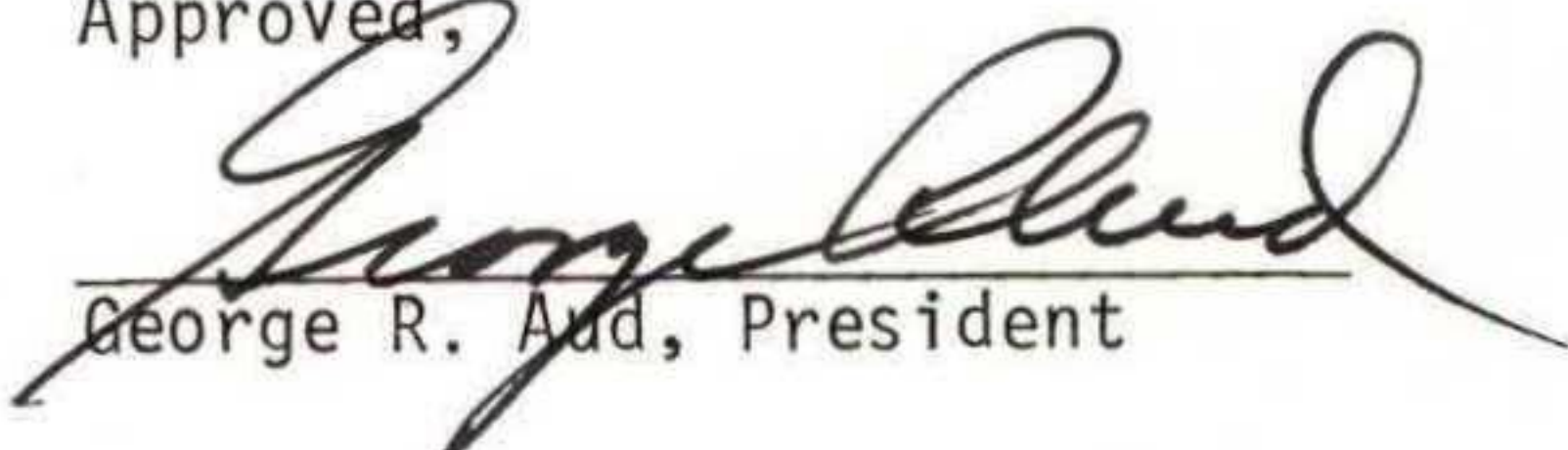
Following brief discussion of the Board, Commissioner Millison stated that he would temporarily step down as Chairman, in order to offer the following motion: To grant the change, as recommended by the Planning and Zoning Board. The motion was seconded by Commissioner Sayre. Assuming his seat as Chairman, Commissioner Millison asked for the question. Commissioners Arnold and Dean advised that they would defer casting their votes on the motion, until the next convening of the Board.

Hearing closed.

ADJOURNMENT

The Commissioners adjourned the meeting at 2:30 p.m.

Approved,



George R. Add, President