

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, May 1, 1984

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

(Commissioners George Aud and Richard Arnold were not present.)

CALL TO ORDER

The meeting was called to order at 9:25 a.m.

APPROVAL OF MINUTES

Commissioner Dean moved, seconded by Commissioner Sayre, to approve the minutes of the Commissioners' meeting of Tuesday, April 24, 1984. Motion carried.

APPROVAL OF BILLS

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

ST. MARY'S HOSPITAL
EQUIPMENT PURCHASE

Present: Michael V. Davis, Attorney for St. Mary's Hospital

Mr. Davis presented correspondence from the Assistant Administrator of the hospital in which was explained the necessity for certain equipment and a funding proposal by which the equipment can be purchased. It was further explained that the new lien and encumbrance will not impair the use or value of the mortgaged property as defined in the mortgage from St. Mary's Hospital to the County Commissioners dated June 29, 1982 and amended by the first supplemental mortgage dated June 17, 1983.

After some discussion, Commissioner Dean moved, seconded by Commissioner Sayre, to authorize the Board Vice-President, Commissioner Millison, to sign correspondence to St. Mary's Hospital approving the new lien and encumbrance for the purchase of the needed equipment as explained in the above referenced document. Motion carried.

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) BOARDS, COMMITTEES AND COMMISSIONS
APPOINTMENTS

Agricultural Task Force

Commissioner Dean moved, seconded by Commissioner Sayre, to appoint Bradford Reeves as the Chamber of Commerce's representative on the Agricultural Task Force to replace Dr. J. Patrick Jarboe. Motion carried.

St. Mary's Council on Children and Youth

Commissioner Dean moved, seconded by Commissioner Millison, to appoint Suzanne Mitten as a student representative to the St. Mary's Council on Children and Youth for a term to expire June 30, 1985. Motion carried.

2) PROPERTY TAX ASSESSMENT APPEAL BOARD

Commissioner Dean moved, seconded by Commissioner Sayre, to submit the following nominations for consideration for appointment to the Property Tax Assessment Appeal Board: J. Walter Norris, William Gardiner, and Charles Louis Clements. Motion carried.

3) PERSONNEL
HIGHWAY MAINTENANCE SUPERVISOR - COUNTY ENGINEER'S OFFICE

The County Administrator presented a memorandum dated May 1, 1984 from the Personnel Officer recommending the appointment of John Thompson to the position of Highway Maintenance Supervisor, effective May 7, 1984. Commissioner Sayre moved, seconded by Commissioner Dean, to accept the Personnel Officer's recommendation. Motion carried.

4) CLEARINGHOUSE PROJECTS

The County Administrator presented the following clearinghouse projects for the Commissioners' review:

Project No. MD 84-4-530
State Capital Grant Application

Project No. MD 84-4-536
Department of Health and Mental Hygiene
Capital Funding for Community Health Facilities

Project No. MD 84-4-531
Patuxent Limited Partnership
FmHA Rental Housing - Lexington Park Apartments

Mr. Cox recommended that these projects be forwarded to the State with the comment that they are not inconsistent with this agency's plans, programs, or objectives. The Commissioners gave their concurrence in this recommendation.

5) REQUISITION NO. 36
ST. MARY'S HOSPITAL

The County Administrator presented Requisition No. 36 in the amount of \$166,229.41 representing costs incurred for the St. Mary's Hospital Project. Commissioner Dean moved, seconded by Commissioner Sayre, to approve and sign said Requisition. Motion carried.

OFFICE OF COUNTY ENGINEER ITEMS

Present: John B. Norris, County Engineer

1) PUBLIC WORKS AGREEMENT
LONDONTOWNE SUBDIVISION

The County Engineer advised that he is anticipating receipt of an amended Public Works Agreement reducing the bond for the referenced project from \$19,600 to \$13,000 and requested authorization for Commissioner President Aud to sign same. He stated that if it is not received, the County will have to make claim on the Irrevocable Letter of Credit.

Commissioner Dean moved, seconded by Commissioner Sayre, to accept the County Engineer's recommendation as set forth above. Motion carried.

2) MODIFICATION TO AIRPORT GRANT PREAPPLICATION

Mr. Norris recommended that the Board authorize Commissioner President Aud to sign correspondence to FAA for a modification to the previously approved Grant Preapplication for the Airport. The modification is for the transport of material from the Rt. 235 dualization to the County Airport for the runway extension project. He stated that the modification would not affect the dollar commitment for the project; however, the scope of safety items would have to be reduced by the value of this added project.

The Commissioners discussed this request at some length and recommended that a decision be postponed until next week when all Commissioners will be present.

3) PROJECT NO. SM 83-4-3
EXTRA WORK AUTHORIZATION
CURRENT AIRPORT PROJECT

Mr. Norris presented an Extra Work Authorization for Arundel Asphalt in the amount of \$2,000 for the following reason: FAA did not concur in approval of the Job Mix Formula for Bituminous Surface Course Band BF. FAA suggested that Bituminous Surface Course Band SN be used for BF quantity.

After discussion, the Commissioners gave their concurrence.

4) ROSECROFT ROAD - PAVING PROJECT

Mr. Norris stated that the contractor for the referenced project has advised that there would be an increase in price. He stated that the County has asked the contractor to honor his current prices and he is awaiting a response. Mr. Norris indicated that the County has a commitment to pave Rosecroft Road for the various 350th Celebration activities scheduled in May and June and anticipated the paving to start next week. Mr. Norris advised that he will return to the Commissioners with recommendations if the contractor does not agree to maintaining the current price.

5) ST. MARY'S COUNTY AIRPORT
TIE-DOWN FACILITY

Mr. Norris stated that correspondence was received from the Airport Manager's attorney dated April 19 requesting the Commissioners' compliance with the provision in the lease agreement for the installation of tie-down facilities. Mr. Norris indicated that he and the Airport Commission recommend approval by the Commissioners for this work and stated that funds could come from his Building Maintenance Account (approximately \$1,000 for materials and \$500-\$600 labor).

After discussion, the Commissioners granted the County Engineer approval to proceed with this project.

6) REQUEST FOR MAINTENANCE TO CHERRY COVE CHANNEL

The County Engineer presented correspondence dated April 21 from Mr. Murray Jackson, Chairman, Committee for the Maintenance of Cherry Cove Channel, requesting the County to provide rip-rap material and equipment for the protection of the jetty.

After discussion, the Commissioners directed the County Engineer to respond to Mr. Jackson that the County would not be able to comply with this request in that it would be setting a precedent and further to provide information on the establishment of a Special Taxing District.

7) EMPLOYMENT AGREEMENT
INSPECTION SERVICES - HIGHWAY CONSTRUCTION PROJECTS

The County Engineer presented an Employment Agreement by and between George X. Payne and the Board of County Commissioners of St. Mary's County for inspection projects inspection services for the County Engineer's Office.

Commissioner Dean moved, seconded by Commissioner Sayre, to authorize Commissioner President Aud to sign said Agreement. Motion carried.

8) REQUEST FOR TEMPORARY HELP
UTILITY RELOCATION BILLINGS

Mr. Norris advised that billings have been received from SMECO and from the telephone company in a total approximate amount of \$25,000 for the relocation of utilities for McIntosh Road and Millstone Landing Road. He stated that because of the workload in his office and because there may be some savings to the County by having someone analyze the billings, he recommended that an individual that worked with the telephone company be hired for a few days on a temporary basis to review the bills and try to locate savings to the County.

The Commissioners expressed support for this request; however, Mr. Norris was requested to go through appropriate personnel procedures, work with the County Administrator and return to the Board for action.

9) ACCESS PERMIT
ENTRANCES TO HIGHWAY MAINTENANCE FACILITY/OFFICE

The County Engineer presented correspondence dated March 2, 1984 from SHA forwarding the Access Permit for the two entrances into the new County Engineer's Maintenance Facility/Office on St. Andrews Church Road. Mr. Norris advised that the demands of the permit have been increased considerably by SHA to put in additional footage of lanes at an approximate additional cost of \$12,000. He stated that funding is an issue that he will have to discuss later with the Commissioners, but requested the Board's concurrence for Vice-President Millison to sign the Access Permit. The Commissioners gave their concurrence.

10) PROJECT NO. SM 85-1-2
RENTAL CONTRACT LANDSCAPING SERVICES ALONG COUNTY ROADS

Mr. Norris presented the bid tally sheet for the referenced project and stated that only one proposal was received and recommended no action at this time.

11) PROJECT NO. SM 85-1-5
LIGHTED BARRICADES

Mr. Norris presented the bid tally sheet for the referenced project and recommended no action at this time.

12) PROJECT NO. SM 84-4-10
HIGHWAY MAINTENANCE FACILITY
CURBS AND GUTTERS

Mr. Norris presented the bid tally sheet for the referenced project and advised that one bid has been received; namely, Aubrey Gatton, in the amount of \$10,284.80, and recommended approval of the bid. Mr. Norris indicated that the funding of this project would be a subject of later discussion. The Commissioners gave their concurrence in accepting Mr. Norris' recommendation.

13) OFFICE MAINTENANCE MANAGEMENT SYSTEM

As a follow up to last week's discussion regarding the acquisition of certain computer equipment for the efficient scheduling of highway maintenance requests, Mr. Norris indicated the necessity in having the equipment and that it would also be an advantage to other counties in the State who would be able to utilize this system. As noted last week, SHA may be agreeable to funding the \$14,000; however, this amount should be earmarked by the County in case they do not.

Later in the day during discussion of this item with the Director of Budget & Data Services, the Commissioners concurred in granting this request with funding to come from the County Engineer's FY '84 Highway Maintenance Account.

14) FY '85 BUDGET REVIEW

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

By way of a chart presentation and handouts, Mr. Norris reviewed items for further consideration by the Board for the FY '85 Budget.

The handouts distributed Mr. Norris are as follows:

a) FY '85 Capital Project Considerations (priority items are noted with astericks).

b) FY '84 Highway Maintenance Analysis which indicates a balance of \$166,000 as of 3/31/84. Mr. Norris requested favorable consideration for approval of Items 8 - Slurry Preparation and Contract, and 9 Highway Maintenance Scheduling. (The Commissioners granted approval of No. 9 as noted in County Engineer Item No. 13 above.) (The Commissioners indicated that only emergency items should be considered for funding in order to try to save as much as possible.

c) Highway Maintenance Division - SHA Maintenance Costs; Proposed County Highway Maintenance Costs.

(A copy of each of the documents is on file in the Commissioners' Office.)

The Commissioners will further review these requests during the finalization of the budget process.

15) FY '85 BUDGET REVIEW
PERSONNEL

During the referenced budget discussions, Mr. Norris requested the Board's consideration for two additional personnel in the County Engineer's Office:

a) Draftsman - This position is needed in order to allow the Engineers in his office to better utilize their time in designing projects;

b) Building Maintenance Mechanic - This position is needed because of the addition of buildings for maintenance responsibility under the County Engineer's Office.

Mr. Norris indicated that he would formalize in writing the personnel requests.

S.M.I.L.E., INC.

Present: J. Patrick Jarboe, President
Jim Mahoney,
Vivian Ripple
Jim Lanham
Ellen Hewitt
Gerald Julian

The referenced individuals appeared before the Commissioners to present an update on the S.M.I.L.E., Inc. Adult Day Care Program and gave an overview of the history, incorporation process and funding mechanisms. The purpose of the Program is to keep elderly out of nursing homes and to assist family members who work during the day by providing a day care center with varied activities and services.

Dr. Jarboe pointed out that funding has been provided through a Title 20 Grant and Medicaid. The Program has recently been relocated to a site in Hollywood and there is an increase in costs for rent and utilities. He stated that the Program is currently managing to make ends meet and there are plans for future fundraisers as well as letters to organizations in the County soliciting donations.

In closing the Commissioners expressed their appreciation to those present for their work and dedication in this effort.

CEDAR COVE DEVELOPMENT AGREEMENT (AMENDED)

Present: Frank Gerred, Director, Office of Planning & Zoning
Robin Guyther, Planner, Office of P&Z

(Commissioner Millison did not participate in this discussion because of possible conflict of interest and Commissioner Dean presided over the meeting.)

Commissioner Dean opened the discussion by reviewing what has occurred to date with regard to the referenced Agreement. He stated that on March 13 Mr. Blumberg of The Land Planning & Design Group, Inc. presented and reviewed the referenced proposed amended Agreement, which was then submitted to the Navy for review and comment. Correspondence dated April 26 was received from Capt. Heisner advising that it has been reviewed and that he has no objection to the proposed Agreement.

Commissioner Dean pointed out that since Commissioner Millison excused himself from participating and Commissioners Aud and Arnold were not present that the decision on the Agreement should be postponed until next week.

Mr. Guyther indicated that he has two recommended changes to the Agreement; (1) Item No. 8 regarding marinas should be removed and (2) the item pertaining to the recordation of the 14 conditions. Mr. Guyther advised that he would revise the document to incorporate these changes and return with the amended document for discussion next week.

For the Commissioners information, Mr. Gerred pointed out that once the Amended Agreement is signed, this document will supersede all past agreements.

PROCLAMATION NO. 84-24
SMALL BUSINESS WEEK

Present: George Havens, Director, Chamber of Commerce
J. Patrick Jarboe, President, Chamber of Commerce

The Commissioners presented the referenced Proclamation designating the week of May 6-12, 1984 as Small Business Week in St. Mary's County.

(Commissioner Millison left the meeting - 12:00 Noon)

PROCLAMATION NO. 84-25
NATIONAL VOLUNTEER WEEK

Present: Sally Johnson
Dotty Barclift
Roberta Kieliger

The Commissioners presented the referenced Proclamation designating the week of May 6-12 as National Volunteer Week in St. Mary's County.

SOUTHERN MARYLAND RESOURCE CONSERVATION AND DEVELOPMENT BOARD
FY '85 BUDGET

Present: James Woodburn
John Sivak
Dennis Flynn

The referenced representatives of the Southern Maryland RC&D Board appeared before the Commissioners to request consideration of an allocation of \$3200 for their FY '85 Budget. The RC&D program is grant funded; however, this does not pay for clerical assistance and certain RC&D Program expenditures. Equal amounts are being requested from each of the tri-counties. A copy of the proposed expenditures was presented and is on file in the Commissioners' Office.

The Commissioners advised that this request will be considered during their finalization budgetary process.

(Commissioner Millison returned to the meeting - 1:35 p.m.)

FY '85 BUDGET REVIEW ST. MARY'S COUNTY HEALTH DEPARTMENT

Present: Dr. William Marek, Deputy Health Officer
Anita Rohr

The referenced representatives of the St. Mary's County Health Department appeared before the Commissioners to request reconsideration of their FY '85 budgetary request. Dr. Marek indicated that the County's allocation is \$51,835 short of the requested \$66,240 and without this additional funding, there would be significant cutbacks to public services. He stated that collections, based on FY '84 revenues, have been overestimated in the proposed FY '85 budget. Further, because of the increase in telephone costs, this item in the FY '85 budget has been underestimated.

Dr. Marek presented correspondence dated May 1, 1984 setting forth the particulars of the budget reconsideration. A copy of the letter is on file in the Commissioners' Office.

The Commissioners advised that this request would be taken into consideration during the finalization of the budgetary process.

ST. MARY'S COUNTY TAXPAYERS ASSOCIATION

Present: MaryLynn Wetstine, President
Claude Jarboe
Betty Robrecht

The referenced representatives of the St. Mary's County Taxpayers appeared before the Commissioners to present and read a letter setting forth the Association's comments regarding the County's FY '85 budget. The letter

commended the majority of the Commissioners for their support in obtaining a more equitable taxing formula for trailer parks. Appreciation was also expressed to the Commissioners for developing a budget without a tax increase. Opposition was expressed to the proposed 5% increase to the Board of Education, the request for 12 additional teachers. In closing their letter, the Association requested the Commissioners' consideration in lowering the tax rate from \$1.99 in that assessments are increased under the tri-annual assessment formula.

The Commissioners thanked the Taxpayers' Association representatives for their interest and concern and would take their requests under advisement.

REQUEST FOR RECONSIDERATION OF ZONING RESTRICTION
ZONE #83-1210 - J. WALTER NORRIS

Present: Charles Norris, Attorney

Mr. Norris appeared before the Commissioners to discuss the referenced zoning case which was heard March 20, with decision discussion on April 10, and in particular the restrictions placed on the rezoning; i.e., that there be no bar or tavern (which was not of concern to the individual who may be utilizing this property), and that there be no access to the new Rt. 235. Mr. Norris indicated that there is another piece of property in that area that had been rezoned to C-1; however, no such restrictions were placed on it. Mr. Norris stated it was his opinion that the Board of County Commissioners could not legally place restrictions on the rezoning.

Discussion ensued as to the difference between conditional and contract zoning, and the legal and technical authority of the Board to effect certain conditions upon the rezoning of certain properties.

Commissioner Dean pointed out that his concern has always been to try to minimize "strip commercial development" along the County's highways and that the referenced property could be serviced by the existing Rt. 235, which is slated to be a service road..

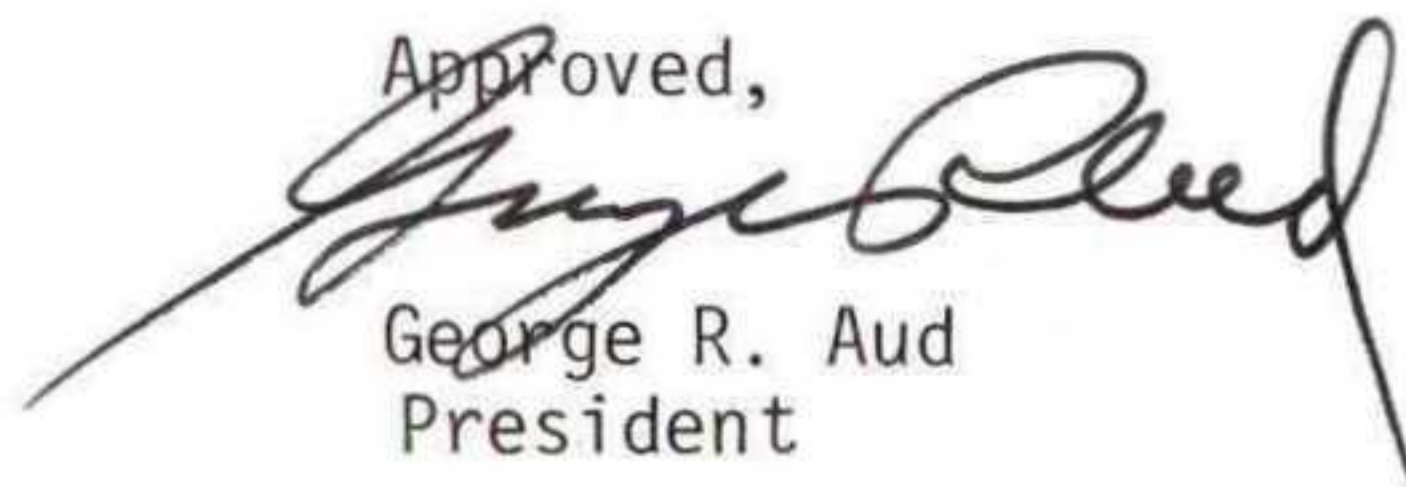
In concluding his remarks, Mr. Norris stated that this matter should be addressed now before the Commissioners sign the Resolution so that it would not preclude Mr. Poon (the individual who may be utilizing the property) from doing certain things at a later date.

After discussion, the Commissioners agreed to forward a memorandum to Joseph Densford, Assistant County Attorney, and to Frank Gerred, Director of Planning and Zoning, requesting their comments as to the legality of contract/conditional zoning, and in particular, if the Board could make the rezoning of the Norris property subject to the condition that there be no access to the new Route 235; and further that an analysis be made of the Gelrud, Goldsborough, and Norris rezoning cases as to the similarity or dissimilarity and whether or not precedents have been set in these cases for strip commercial development along Rt. 235. The Commissioners agreed to make a decision on Mr. Norris' request after a response is received.

ADJOURNMENT

Having no further business, the meeting adjourned at 4:00 p.m.

Approved,



George R. Aud
President