

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, December 11, 1984

Present: Commissioner George R. Aud, President
Commissioner Richard D. Arnold
Commissioner Ford L. Dean
Commissioner David F. Sayre
Edward V. Cox, County Administrator
Judith A. Spalding, Recording Secretary

(Commissioner Larry Millison was not present.)

CALL TO ORDER

The meeting was called to order at 9:15 a.m.

APPROVAL OF MINUTES

Commissioner Arnold moved, seconded by Commissioner Dean, to approve the minutes of the Commissioners' meeting of Tuesday, December 4, 1984. Motion carried.

SEDIMENT CONTROL PROGRAM

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

Mr. Gerred appeared before the Commissioners to request approval from the Board regarding the State's responsibility for inspection and enforcement for compliance with the erosion and sediment control plans. He stated that the Natural Resources Article had been amended to transfer from local jurisdictions to DNR this responsibility unless the County had a proper program in force. In order for the County to assume this responsibility, two inspectors would have to be hired. The State will be hiring inspectors to go around the Counties to enforce the Program and, therefore, Mr. Gerred recommended that correspondence be prepared to DNR advising that St. Mary's County did not want the inspection authority and that the State should enforce the program. Mr. Gerred pointed out that the County would continue to advise contractors on the job in terms of sedimentation control with the storm water management inspections.

After discussion, Commissioner Dean moved, seconded by Commissioner Arnold, to approve Mr. Gerred preparing a letter to DNR regarding the State's responsibility for sediment control inspections, that it be on a trial basis to be evaluated at a later date, and further to authorize Commissioner President Aud to sign said letter. Motion carried.

DRAFT MEMORANDUM OF UNDERSTANDING
ST. MARY'S COUNTY NURSING HOME, INC.

Commissioner Dean reported that he has been working with the St. Mary's Nursing Home, Inc. to draft a Memorandum of Understanding between the County Commissioners and St. Mary's Nursing Home, Inc. Commissioner Dean requested the Board to review the draft document and that it be placed on the Agenda for next week's meeting. The Board gave its concurrence.

OFFICE OF COUNTY ENGINEER ITEMS

Present: John B. Norris, County Engineer

1) PUBLIC WORKS AGREEMENT
FORREST RUN SUBDIVISION

The County Engineer requested authority from the Board for Commissioner President Aud to sign the Public Works Agreement and to accept an Irrevocable Letter of Credit with Maryland Bank and Trust in the amount of \$38,500 for Forrest Run Subdivision, Section Two. He stated that he is anticipating receipt of the documents shortly.

After discussion, Commissioner Dean moved, seconded by Commissioner Arnold, to accept the Public Works Agreement and Irrevocable Letter of Credit when submitted and authorize Commissioner President Aud to sign same. Motion carried.

2) STATE HIGHWAY ADMINISTRATION PROJECT PRIORITIES

The County Engineer presented a listing of the referenced project priorities; those to be considered for the special projects program and that to be considered in the primary and secondary construction program. Mr. Norris reviewed the list and advised that the Commissioners can change priorities and make any amendments they wish. He stated that Items 1 and 2 are being done and that Item 3 (Fourth Lane Construction for Md. Rt 246) should be stressed to SHA.

In conclusion Mr. Norris stated that he would prepare correspondence for the Commissioners' signatures to SHA siting those projects that the County understands the State has indicated they will be doing in the current program and expressing support for the completion of those projects, and then continue with the County's priority list. The Commissioners gave their concurrence.

3) HOLLYWOOD SHORES CIVIC ASSOCIATION
DRUMCLIFFS CIVIC ASSOCIATION

Mr. Norris presented correspondence from the secretary of the two referenced civic associations requesting that the responsibility for the energy cost for the security light at the intersection of Md. Rt. 235 and Jones Wharf Road be assumed by the County. Mr. Norris recommended that based on the street light policy of the County that the Commissioners approve this request.

Commissioner Dean moved, seconded by Commissioner Arnold, to accept the County Engineer's recommendation. Motion carried.

4) EASEMENT AGREEMENTS
LEONARDTOWN RC&D PROJECT

The County Engineer presented three Easement Agreements for the referenced project with each of the following individuals: Priscilla Wentworth, Suzanne Henderson, and Catherine D. Madel and requested authorization for Commissioner President Aud to same.

Commissioner Arnold moved, seconded by Commissioner Sayre, to approve and authorize Commissioner President Aud to sign the referenced Easement Agreements. Motion carried.

5) HEWITT ROAD RECONSTRUCTION

The County Engineer advised that there will be a public hearing this evening regarding the Hewitt Road realignment. Mr. Norris displayed and reviewed the plans and the alternatives for realignment which will be discussed at tonight's meeting.

PUBLIC HEARING
ECONOMIC DEVELOPMENT REVENUE BOND
MAYJACK, INC.

Present: Joseph Mitchell, Director, Economic & Community Development
David W. Morgan, Economic Development Coordinator
Joseph Densford, Assistant County Attorney

The Commissioners conducted a public hearing on the adoption of an enabling Resolution regarding the issuance of economic development revenue bonds in the maximum amount of \$775,000 to be used for the construction of buildings at the intersection of Chancellors Run Road and Md. Rt. 235 in the Hickory Hill Shopping Center, California, Md. Said buildings will be owned and operated by Mayjack, Inc.

Mr. Morgan stated he has received no comments regarding this project and requested the Board's approval of the enabling Resolution so that this project can be closed by December 31, 1984.

Commissioner Arnold stated that he is in favor of approving the Resolution and pointed out that these types of projects bring more jobs to the County. Mr. Morgan stated that this particular project will mean 19 additional jobs.

After discussion, Commissioner Arnold moved, seconded by Commissioner Sayre, to sign the Resolution and further to authorize Commissioner President Aud to sign any additional related documents. Motion carried.

EXPLORATION PARTNERS
ENABLING RESOLUTION
RESOLUTON NO. 84-39

Present: Joseph Mitchell, Director, Economic & Community Development
David W. Morgan, Economic Development Coordinator
Joseph Densford, Assistant County Attorney
David Funk, Piper & Marbury, Bond Counsel for Applicant

(Commissioner Dean stated for the record that he has been working with Exploration Partners in putting together some of the details associated with this project and therefore would remove himself from participating in this item.)

Mr. Funk described the project and the purpose of the enabling Resolution which is to authorize and provide for the issuance, sale and delivery by the County of economic development revenue bonds in the aggregate principal amount of \$2,700,000 for Exploration Partners for the financing of a facility located north of the Patuxent River Naval Air Station to be used for research and development, engineering, contractor support and additional offices.

Mr. Funk further presented a Certificate of Consideration required by the Internal Revenue Service for the Board's approval which would disclaim any interest by the Board.

Mr. Morgan pointed out that this project would add 138 new jobs within three years and have a payroll of approximately \$3,238,000.

After discussion Commissioner Arnold moved, seconded by Commissioner Sayre, to approve and sign Resolution No. 84-39 and the Certificate of Consideration as presented by Mr. Funk.

During discussion of the motion, Mr. Densford read a letter from the St. Mary's County Ethics Commission dated December 10, 1984 to Commissioner George Aud stating in reference to the sale of certain

property to Wildewood Builders, Inc. that it is the Commission's unanimous opinion that it would not be a conflict for Mr. Aud to participate in the vote on the referenced Resolution.

Mr. Funk stated that the bond Resolution must be adopted by the Board in which a quorum is present and voting, which is three members and inasmuch as there are only three Commissioners present. It was essential for this project to go forward and for Piper & Marbury to give an opinion as bond counsel for the applicant that three people who were competent and qualified were present, and it was for this reason that an opinion was requested by the local Ethics Commission.

Commissioner Aud stated that he would be derelict in his duty if he did not sit on this case and vote because it is very important for the tax base of the county, and therefore voted in favor.

Motion carried with all three present voting in favor.

(Commissioner Aud left the meeting - 10:25 a.m.)

PARK SHOPPING CENTER
ECONOMIC DEVELOPMENT REVENUE BOND

Present: Joseph Mitchell, Director, Economic & Community Development
David W. Morgan, Economic Development Coordinator
Joseph Densford, Assistant County Attorney
Phillip Dorsey, Attorney for Applicant

Due to lack of a quorum, Mr. Dorsey requested that the referenced matter be deferred until next week's meeting.

(Commissioners Aud and Dean returned - 10:55 p.m.)

350TH ANNIVERSARY COMMITTEE FROM CHAPTICO

Present: Wilma Reeves
Mary Loretta Mattingly

The referenced representatives of the 350th Committee from Chaptico appeared before the Commissioners to present a check representing the return of the loan from the County for "seed money" for Chaptico's 350th Anniversary Celebration.

FY 1986 BUDGET REVIEW

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

Mr. O'Dell presented a memorandum dated December 7, 1984 to the Commissioners outlining particulars relevant to the FY '86 Budget preparation. In the memorandum Mr. O'Dell projected estimated general fund revenues (\$30,056,118); tax rate (\$1.99); and outlays (\$27,896,481). He stated that certain planning decisions concerning the ensuing budget need to be addressed by the Board and outlined certain guidelines for the Board to use in preparation of the FY '86 budget policies.

During discussion Commissioner Arnold raised the question of county government retirees being included in a group for health insurance. The County Administrator stated he would look into this and report back to the Commissioners.

In conclusion, Mr. O'Dell recommended that the Board meet with the County Engineer and the Director of Recreation and Parks to discuss Capital Projects for FY '86. The Commissioners agreed to have such a meeting next week at 10:30 a.m.

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) SECURITY LIGHTS
ST. MARY'S COUNTY AIRPORT

In response to a request from the Airport Commission for two security lights at the St. Mary's County Airport, the County Administrator presented a Security Yard Lighting Agreement with SMECO in the amount \$195.79 for the two lights.

Commissioner Dean moved, seconded by Commissioner Aud, to approve and sign said Agreement. Motion carried.

2) ZONING AMENDMENT RESOLUTION NO. Z84-23
TEXT AMENDMENTS TO ZONING ORDINANCE

Having conducted a public hearing and subsequently held discussion, the Commissioners reviewed the referenced Zoning Amendment Resolution relative to the following text amendments:

ZONE #84-0998 - One Acre Minimum Lot Size in AR District
ZONE #84-1236 - Penalties
ZONE #84-1312 - Day Care/Child Care Centers

Commissioner Aud moved, seconded by Commissioner Sayre, to approve and sign Zoning Amendment Resolution No. Z84-23 as presented. Motion carried.

(Commissioner Arnold left meeting - 11:45 a.m.)

3) NOTIFICATIONS OF GRANT AWARD
COMMISSION ON AGING

The County Administrator presented Notifications of Grant Award for the following Commission on Aging programs for the period October 1, 1984 - September 30, 1985 the amounts as indicated:

Title IIIB - \$26,448
Title IIIC1 - \$35,184
Title IIIC2 - \$ 6,412

Commissioner Dean moved, seconded by Commissioner Sayre, to authorize Commissioner President Aud to sign the Interim Grant Award as referenced above. Motion carried.

4) PERSONNEL
EXCEPTION TO PERSONNEL POLICIES AND PROCEDURES
OFFICE OF PURCHASING AND LOGISTICS

The County Administrator presented a memorandum dated December 10, 1984 from the Personnel Officer requesting approval of an exception to the Manual of Personnel Policies and Procedures. On October 2, 1984 the Commissioners authorized the filling of the Fiscal Clerk position in the Office of Purchasing and Logistics vacated by Barbara Dotson. The individual who is filling the position on a temporary basis, Alice Surrency, did not apply in that her military husband had received orders for a transfer from the area within a short time. However, after the announcement was closed, he was informed that the transfer would not take place for at least seven months. Therefore, authority is requested to accept Alice Surrency's application after the date of the announcement so that she may be considered for the position.

The Commissioners gave their concurrence.

5) BUDGET AMENDMENT NO. 85-38
OFFICE ON AGING

The County Administrator presented the referenced Budget Amendment recommended for approval by the Budget Director with the following justification for adjustment: To provide detailed budget authority for RSVP Grant from allocation area to accounts. Actual expenditures versus budget for first quarter provides balance to expend for certain accounts.

Commissioner Dean moved, seconded by Commissioner Sayre, to approve and authorize Commissioner President Aud to sign said Budget Amendment. Motion carried.

6) STREET LIGHT CHANGE ORDER
COMMUNITY COLLEGE AT GREAT MILLS

The County Administrator presented Street Light Change Order No. 3 for an overhead light at the Charles County Community College at Great Mills in the amount of \$90.

Commissioner Dean moved, seconded by Commissioner Sayre, to authorize Commissioner President Aud to sign said Street Light Change Order. Motion carried.

7) LEASE/PURCHASE AGREEMENT #2

The County Administrator presented a memorandum dated December 3, 1984 from the Budget Director recommending the selection of Union-Tidewater Financial Company, Inc. at the effective interest rate of 8.6% for a Lease/Purchase Agreement for the acquisition of certain equipment.

Commissioner Aud moved, seconded by Commissioner Sayre, to accept the Budget Director's recommendation. Motion carried.

(Commissioner Arnold returned 12:00 Noon)

8) RESOURCE CONSERVATION AND DEVELOPMENT BOARD
TRI-COUNTY COUNCIL NOMINATION

The County Administrator recommended that the Board submit the nomination of Ralph Brown to Tri-County Council to serve on the Southern Maryland RC&D Board.

Commissioner Aud moved, seconded by Commissioner Sayre, to nominate Ralph Brown as recommended. Motion carried.

9) 1985 LEGISLATIVE PACKAGE
ITEM NO. 30
ALCOHOLIC BEVERAGE BOARD
TRANSFER OF LICENSE - TWO YEAR RESIDENCY REQUIREMENT

The County Administrator presented the referenced item submitted by the Alcoholic Beverage Board which is an amendment to Article 2B, Section 57(d-1) to give St. Mary's County board of license commissioners permissive authority to waive the two-year residency requirement for a transfer of a license. He stated that there a number of new residents in the County who want to start a business but are unable because of this restriction.

The Commissioners gave their concurrence to support Legislative Item No.30.

10) JAIL ADVISORY COMMITTEE

Commissioner Aud moved, seconded by Commissioner Arnold, and motion carried to make the following appointments to the Jail Advisory Committee:

Joseph A. Mattingly, Circuit Court Judge
Clark E. Raley, District Court Judge
Walter B. Dorsey, State's Attorney
Wayne L. Pettit, Sheriff
Theodore Weiner, County Attorney
John Bailey, Public Defender
Richard Portee, Chairman, Human Relations Commission
Rev. Charles R. C. Daugherty, President, Ministerial Assoc.
Gene Weimer, Citizen
Fred Wallace, Citizen.

11) DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT
FURNITURE AND EQUIPMENT

The County Administrator presented a request from the Department of Economic & Community Development for additional budgetary funding for furniture and equipment for their new space on the second floor in the amount of \$9,385.10. The Budget Director recommends approval of this request with the understanding that budgetary adjustments for source of funds will be coming back before the Board.

Commissioner Aud moved, seconded by Commissioner Sayre, to approve this request. Motion carried.

12) NAVY RELOCATION PROGRAM

The County Administrator presented correspondence for the Commissioners' signatures addressed to the Navy regarding the indirect cost rate associated with the Navy Relocation Program. Commissioner Dean moved, seconded by Commissioner Sayre, to authorize Commissioner President Aud to sign said letter. Motion carried.

OFFICE OF PLANNING AND ZONING
PUBLIC HEARING

1:30 P.M.

ALPD # 84-1490: DONALD P. MAGNANI

Requesting to establish an agricultural land preservation district off Willows Road in Lexington Park. The property contains 123 acres and is in the Eighth Election District, shown on Tax Map 51, Block as Parcel 41, zoned R-2, Low Density Urban Residential.

Commissioners present: George Aud, Ford Dean, David Sayre, and Richard Arnold. Commissioner Larry Millison was absent. Staff present included: Robin Guyther, Planner, and Anita M. Meridith, Recording Secretary.

The Board of County Commissioners having held a public hearing on this request on Tuesday, November 13, 1984, held discussion this date, relative to the pending matter.

Mr. Guyther advised that both the local Agricultural Land Preservation Board and the Planning Commission had recommended approval.

Commissioner Dean moved, seconded by Commissioner Sayre, and unanimously passed, that the appropriate resolution be prepared, recommending approval for the application of Donald P. Magnani to establish an agricultural land preservation district for his property of 123 acres located on Tax Map 51, Block as Parcel 41, in the Eighth Election District of St. Mary's County, Maryland. JAIL ANNEX PARCEL

December 11, 1984

JAIL ANNEX FACILITY

Present: Sheriff Wayne Pettit
William Miedzinski
Al Smith
Representatives of the Leonardtown Library

Relative to the situation of overcrowding at the County Jail, the above individuals appeared before the Board to discuss an interim solution. The County Administrator explained that after meetings with the Sheriff, Library Board of Trustees and the Leonardtown Commissioners it appears that the second floor of the former Armory building is the best location of the jail annex facility. He stated that the Library Board has agreed to the facility being located over the library; however, the Board has given seven conditions, four of which have already been met. Mr. Cox presented a paper setting forth the elements of the proposal to house certain inmates in a separate facility, the second floor of the former armory building.

Mr. Cox stated that the County Engineer has begun the process of costing out the renovations and the Sheriff has costed out personnel requirements. Sheriff Pettit presented two options for the staffing of the jail annex facility--Option 1 with three correctional officers and overtime costs and Option 2 with five correctional officers with no overtime.

After discussion of the various elements of the proposal, the Commissioners advised that they would render a decision on the above matters as soon as possible.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator

Commissioner Aud moved, seconded by Commissioner Arnold, to meet in Executive Session in order to discuss matters of personnel. The Session was held from 2:30 p.m. to 3:30 p.m.

ADJOURNMENT

The meeting adjourned at 3:30 p.m.

Approved,



George R. Aud
President