

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, August 20, 1985

Present: Commissioner Richard D. Arnold  
Commissioner Ford L. Dean  
Commissioner David F. Sayre  
Joseph P. O'Dell, Director, Budget & Data Services  
(on behalf of County Administrator  
Judith A. Spalding, Recording Secretary  
(Commissioner President Aud was not present due to illness.)

CALL TO ORDER

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

APPROVAL OF MINUTES

Commissioner Arnold moved, seconded by Commissioner Sayre, to approve the minutes of the Commissioners' meeting of Tuesday, August 13, 1985. Motion carried.

APPROVAL OF BILLS

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

COUNTY ADMINISTRATOR ITEMS

Present: Joseph P. O'Dell, Budget Director

1) PERSONNEL

Mr. O'Dell presented the following personnel items for the Commissioners' review and approval:

a) Office on Aging  
In-Home Services Coordinator

Memorandum dated August 7, 1985 from Personnel Officer requesting authority to fill the position of In-Home Services Coordinator under Title III B in the Office on Aging which has been vacated by Virginia Vance.

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

b) County Commissioners' Office  
Typist Clerk II

Memorandum dated August 20, 1985 from Personnel Officer requesting authority to fill the Typist Clerk II, in the County Commissioners' Office which will be vacated by Paula Russel, effective August 29, 1985.

Commissioner Sayre moved, seconded by Commissioner Arnold, to grant this authority. Motion carried.

c) Department of Public Works  
Janitor I Position

Memorandum dated August 20, 1985 recommending that the Commissioners appoint Sharon Barnes from a previously established register to fill the position vacated by Robert Moore and Francis Greenwell, effective on or about September 3, 1985.

Commissioner Arnold moved, seconded by Commissioner Sayre, to accepting this recommendation. Motion carried.

d) Department of Public Works  
Building Maintenance Mechanic II

Memorandum dated August 20, 1985 from Personnel Officer recommending the appointment of William P. Russell to the Building Maintenance Mechanic II position vacated by Robert Mattingly.

Commissioner Sayre moved, seconded by Commissioner Arnold, to accept this recommendation, effective on or about September 3, 1985. Motion carried.

e) Department of Recreation and Parks  
Typist Clerk I Position

Memorandum dated August 20, 1985 from Personnel Officer recommending the appointment of Kathleen Tennison to the Typist Clerk position, Grade 5, vacated by Elizabeth Cusic, effective August 21, 1985.

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

2) LETTER OF INTENT  
STATE HOMELESS SERVICES PROGRAM

Mr. O'Dell presented a Letter of Intent to be forwarded to the Department of Human Resources expressing the County's interest in participating in the State Homeless Services Program for 1985-86. The Program provides shelter, food, and transportation to homeless persons.

Commissioner Arnold moved, seconded by Commissioner Sayre, to sign the Letter of Intent. Motion carried.

3) ST. MARY'S COUNTY BUS SERVICE CONTRACT

Mr. O'Dell presented a contract between Kessler Body and Equipment Company and St. Mary's County for the provision of bus transportation, operations, and maintenance service. Mr. O'Dell stated that Kessler had submitted the only bid; however, the State and Federal Governments have approved acceptance of the contract. The services will begin in September.

Commissioner Arnold moved, seconded by Commissioner Sayre, to approve and authorize Commissioner President Aud to sign said Contract. Motion carried.

4) OFFICE ON AGING  
FOOD SERVICES AGREEMENT

Mr. O'Dell presented an Agreement by and between the St. Mary's Public Schools and St. Mary's County's Office on Aging for the lunch program for the elderly.

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

5) BUDGET AMENDMENT NO. 86-10  
STATE'S ATTORNEY'S OFFICE

Mr. O'Dell presented and recommended for approval the referenced Budget Amendment with the following justification:

Justification: Purchase of three filing cabinets for office storage from existing overall budget authority, but presently not budgeted to proper account.

Commissioner Arnold moved, seconded by Commissioner Sayre, to approve and sign said Budget Amendment. Motion carried.

APPOINTMENTS  
BOARDS, COMMITTEES AND COMMISSIONS

Commissioner Sayre moved, seconded by Commissioner Arnold, and motion carried to make the following appointments:

St. Mary's Council on Children and Youth

Dorothy Smith (to complete an unexpired term ending December 31, 1985 and a full term expiring December 31, 1988.)

Housing Authority

John L. Madel Jr. (reappointment - term to expire June 30, 1990)

PUBLIC HEARING  
SUPPLEMENTAL APPROPRIATION ORDINANCE

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

The Commissioners conducted a public hearing in accordance with Chapter 27, Section 6 of the St. Mary's County Code of Public Local Laws in order to amend the current budget for Fiscal Year 85-86 relevant to interest expense on the County's General Obligation Bonds and funds for the design of a new roadway between Chancellors Run Road and the vicinity of Jarboesville Run.

The secretary read the notice of public hearing.

Mr. O'Dell explained the supplemental appropriation stating that approximately \$175,000 will be needed for interest and approximately \$200,000 for the design of the roadway for a total of \$375,000. The funds will come from the County's Undesignated Fund Balance as of June 30, 1985 and will be so reflected in the adopting Ordinance.

After inquiring whether anyone in the audience wished to comment on the proposed Ordinance, the Commissioners closed the hearing and advised that they would render a decision after 10 days.

A tape of the hearing is on file in the Commissioners' Office.

RESOLUTION NO. 85-19  
MORTGAGE REVENUE BONDS  
ST. MARY'S NURSING HOME, INC.

Present: George Smith, President  
Dan Capper  
Karen Abrams, Attorney  
Lou Huber  
David W. Morgan, Economic Development Coordinator  
David Funk, Bond Counsel

The referenced individuals appeared before the Commissioners to review and request approval for the Resolution for the issuance of Mortgage Revenue Bonds for the construction of the new nursing home facility.

Mr. Morgan explained that this particular financing is secured in three ways: (1) revenue from Nursing Home; (2) FHA secured mortgage insurance and (3) a mortgage on the property itself. The County is in no way obligated.

Mr. Funk went on to review the documents for the Mortgage Revenue Bonds--the Resolution authorizing the issuance of bonds in an amount not to exceed \$6,000,000 and the Letter of Intent, which has been executed by the Nursing Home corporation.

After discussion, Commissioner Sayre moved, seconded by Commissioner Arnold, to approve and sign the Resolution and authorize Commissioner President Aud to sign the Letter of Intent. Motion carried.

PUBLIC HEARING  
ECONOMIC DEVELOPMENT REVENUE BONDS

Present: David W. Morgan, Economic Development Coordinator  
Members of the Audience: Wayne Caples, George Havens, Matt Kaye,  
Judy Landau, Rick Buck, Mr. & Mrs. Hebb

1) ACCURATE BUILDING COMPONENTS CORPORATION  
RESOLUTION NO. 85-18

Also Present: Marvin Pearlmutter  
John Bowling

The Commissioners conducted a Public Hearing on the issuance of economic development revenue bonds in an amount not to exceed \$1,800,000 for the purpose of financing the acquisition and construction of a manufacturing plant located outside Leonardtown for the production of housing components.

Mr. Bowling reviewed the project and explained the expansion of the business that has been in existence for seven years and the environmental considerations being taken. Within two years there will be approximately 100 employees.

Mr. Morgan pointed out that the county's IRB Committee has reviewed and recommended approval of Resolution No. 85-18 regarding the issuance of said bonds.

In addition, Mr. Morgan requested approval from the Board to authorize the County Department of Economic & Community Development to request from the State an increase in the allocation for St. Mary's County for this project and for future projects which the Commissioners may approve.

Commissioner Arnold moved, seconded by Commissioner Sayre, to approve and sign Resolution No. 85-18 and further to authorize the Office of Economic & Community Development to request an increase in the County's allocation. Motion carried.

2) ST. MARY'S HILL COMPANY  
RESOLUTION NO. 85-20

Also Present: Henry Bonner  
David Funk

The Commissioners conducted a Public Hearing on a proposed Resolution indicating the intent and commitment of St. Mary's County to issue economic development revenue bonds in an amount not to exceed \$10,000,000 for the purpose of financing the acquisition, construction and equipping of a 120-room inn, conference center, and hostel in the St. Mary's City historic area.

Mr. Bonner reviewed the project, which will be created approximately 95 new jobs and pointed out that construction should begin by next spring.

Mr. Morgan advised that the County's IRB committee reviewed and recommended approval of the Resolution relative to the issuance of the bonds.

During discussion, Mr. Caples questioned the economic feasibility of such a project and requested an update on the study by RPR entitled "St. Mary's Overnight Facility Marketing Analysis" to include two factors: potential competition from the Patuxent River Farms Conference Center and the \$26,000,000 motel at Harry Lundeburg School.

Mr. Havens expressed the Chamber of Commerce's support for the concept of the project at St. Mary's City at the hill site.

After discussion, Commissioner Dean stated that the development of the conference center and Inn at St. Mary's City was an essential element to the success and further development of the historic park and that it could only benefit the County.

Commissioner Arnold moved, seconded by Commissioner Sayre, to approve and sign Resolution No. 85-20. Motion carried.

TRI-COUNTY COMMUNITY ACTION COMMITTEE  
SOUTHERN MARYLAND AREA SELF HELP, INC.  
SEWAGE DISPOSAL SYSTEMS

Present: Dana Jones, Director, TCCAC  
Mike McCauley, SATAV  
Eleanor Whalen  
Joseph Forbes  
Leo Young  
Joan Rosenhauer, SMASH

The referenced individuals appeared before the Commissioners to express concerns regarding availability of sewage disposal systems for families without any type of sanitary facilities and to request the Board's support for legislative or other means in dealing with the problem.

After Mrs. Whalen and Mr. Forbes described some of the problems encountered by some families; i.e., inability to afford systems, percolation tests, etc., Mr. McCauley enumerated suggested areas for assistance:

- 1) That mound systems be designated a standard system;
- 2) That legislators be requested to mandate that the Health Department complete testing of three other systems they are exploring;
- 3) That continued funding be made available for the installation of alternative systems and that funding be made available for the installation of mound systems.
- 4) That I & A be allowed to be used as a "shared facility;"
- 5) That all alternative system programs make housing that lacks indoor plumbing a top priority;
- 6) That the I & A system grant program give administrative funds to local governments who are responsible for administering the program.

In closing the presentation, Mr. Jones requested the Commissioners to forward correspondence to the State Health Department asking for consideration of the above issues.

Commissioner Dean recommended that in order to focus priority and commitment on the part of the Health Department to find a solution, a seminar be held with the State Health Department, local health department, legislators, Governor's staff, Tri-County Community Action, and other like groups. The Commissioners and those present gave their concurrence.

RECREATION AND PARKS  
LEXINGTON PARK ELEMENTARY SCHOOL ANNEX

Present: John Baggett, Director

Mr. Baggett appeared before the Commissioners to request their concurrence in allowing him to use \$5,000 from his budget for the design of an annex to the Lexington Park Elementary School for use by Recreation and Parks for various activities, and further once it is designed that it be bid as an alternate to the school. After that time, Mr. Baggett would return to the Commissioners for a determination whether to proceed. Mr. Baggett explained that plans for the renovation of the school are currently underway by the Board of Education, and it would be practical to include the annex design in at this time. The Superintendent of Schools has agreed to this project.

The Commissioners agreed to the concept and requested Mr. Baggett to have the Budget Director prepare and submit a Budget Amendment.

FOREST SERVICE TREE FARM CERTIFICATION

Present: Daniel Norris, Forestry Service  
Frank Gerred, Director, Office of Planning & Zoning  
Marianne Chapman, Elms Property Committee

The referenced individuals appeared before the Commissioners to present a Forest Service Tree Farm Certification plaque announcing that St. Mary's County has been selected as a tree farm at the Elms Property.

CHESAPEAKE BAY CRITICAL AREAS

Present: Frank Gerred, Director, OPZ

Mr. Gerred reviewed with the Commissioners the substantial changes made by the Chesapeake Bay Critical Area Commission to the draft Critical Areas regulations document. Mr. Gerred discussed the three areas of development--intensive, limited and resource conservation area--and the proposed criteria for each area.

During discussion of the draft regulations, Mr. Gerred pointed out the "grandfathering" provision relative to recorded lots not built on and deplatting criteria.

Mr. Gerred advised that an area that needs addressing with our Delegates is the funding of planning and developing of the regulations in the County to meet the criteria and that it should be paid by the State.

In conclusion of his presentation, Mr. Gerred noted that the redraft of the regulations addressed 11 of the 12 issues raised by the Commissioners.

After discussion the Commissioners requested Mr. Gerred to obtain copies of the draft revised regulations and directed him to chart out how the proposed regulations, particularly the "grandfather" provision will affect St. Mary's County if they are accepted by the General Assembly.

SPARE SCHOOL BUS

Present: Paul Raley, Director, Purchasing & Logistics

Commissioner Arnold advised Mr. Raley that he received an inquiry from an individual concerning insurance coverage for a spare school bus. Mr. Raley replied that bus owners are allowed one spare bus for every ten busses they own; however, the County does not permit a bus to be over 12 years old. He stated that the bus in question is over 12 years old and therefore cannot be contracted or insured by the County.

EXECUTIVE SESSION

Present: John Norris, Director, Public Works  
Joseph Densford, Assistant County Attorney  
Ken Evans, The Wilson T. Ballard Co.  
Joseph P. O'Dell, Director, Budget & Data Services

Commissioner Arnold moved, seconded by Commissioner Sayre, to meet in Executive Session to discuss a matter of litigation followed by a matter of personnel. Motion carried. The litigation session was held from 2:05 p.m. to 2:50 p.m., after which Mr. Densford and Mr. Evans left the meeting. The personnel session was held until 3:20 p.m.

DEPARTMENT OF PUBLIC WORKS ITEMS

Present: John B. Norris, Director

1) UPDATE ON WEEKEND'S STORM DAMAGE

Also Present: Walter Wise, DPW

Mr. Norris apprised the Commissioners of the flooding and road damage problems caused by the storm in the County on Sunday. He stated that various roads were flooded and some new road construction projects washed out.

Mr. Wise reviewed with the Commissioners the specific road problems, the number of work requests received, and the manhours it will take to make the necessary repairs. The cost to date is approximately \$30,000.

Mr. Norris further mentioned problems created by logging operations that left leaves and debris in ditches which caused temporary dams. He recommended preparing correspondence to DNR asking that they request foresters to pay particular attention to blockage of streams and ravines.

With regard to the damage to the Beachville Road construction project, Mr. Norris requested authorization of a transfer of \$25,000 from an existing capital project for the replacement of bankrun gravel, top soil, clearing, reseeding, rework of sediment control.

With regard to the loss of asphalt shoulders on the Wynne Road construction project, Mr. Norris recommended that \$10,000 be used from the Asphalt Overlay Account to make the necessary repairs.

The Commissioners directed Mr. Norris to meet with the Budget Director to develop the appropriate Budget Amendments.

2) ST. CLEMENTS LANDFILL

Mr. Norris advised that the State Department of Health and Mental Hygiene as agreed to extend the permit for the Clements Landfill.

Mr. Norris reported stated that he and Commissioner Dean went to the Board of Public Works meeting in Annapolis and the request for grant

monies in the amount of \$41,000 for the expansion of the Clements Landfill outside the existing area. The grant will be used for the geological work and soil suitability investigations.

3) RUBBLE LANDFILL REGULATIONS

Mr. Norris reviewed with the Commissioners the rules and regulations for a Rubble Landfill. He stated that \$156,000 would need to be generated to pay the cost of operating and maintaining the landfill and recommended that a fee of \$12 per ton be charged in accordance with the schedule listed in the regulations.

The Commissioners made various recommended changes and clarifications to the regulations and requested Mr. Norris to return with the final document for approval.

4) BID TALLY SHEET  
DRIVEWAY ENTRANCES AND RELATED CONSTRUCTION ITEMS  
PROJECT NO. SM 85-1-6

Mr. Norris presented the bid tally sheet for the referenced project and recommended awarding the bid to Copenhaver Asphalt Service in the amount of \$19,975.

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

5) PURCHASE OF GRADEALL

Mr. Norris requested the Commissioners' concurrence in the use of the bid that used by Cecil County for the purchase of a gradeall in the amount of \$102,883 from John C. Louis Company, Inc.

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

6) PUBLIC WORKS AGREEMENT  
COUNTRY LAKES SUBDIVISION, SECTION IV

Mr. Norris presented a Public Works Agreement dated April 1, 1985 by and between Benjamin H. Burroughs, Jr and St. Mary's County guaranteeing the completion of Yowaiski Mill Road, Rita Court, Joan Drive, Bosse Drive in Country Lakes Subdivision, Section IV by March 1, 1986. The Agreement is covered by a Irrevocable Letter of Credit in the amount of \$77,000 with Mercantile Safe Deposit and Trust Company.

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

7) TALL TIMBERS SECOND SHORE EROSION CONTROL DISTRICT

Mr. Norris advised that there will be a public hearing on September 17 on the Tall Timbers Second Shore Erosion Control District. He stated that the Zirpel property has requested to be made a part of that district and the Department of Natural Resources has agreed. There will be an additional fee to the contract of Andrews, Miller and Associates, Inc. to add this property which will be 100% reimbursed by the Commissioners.

Commissioner Sayre moved, seconded by Commissioner Arnold, to include this property. Motion carried.

In addition, Mr. Norris presented an Agreement by and between Andrews, Miller and Associates, Inc. for the engineering proposals, specifications, feasibility report, etc. for the Tall Timbers Second Shore Erosion Control District.



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

8) PUBLIC HARBOR OF REFUGE  
TANNER CREEK

Mr. Norris advised that correspondence dated August 7, 1985 was received from the Department of Natural Resources requesting the county's assistance in processing plans, specifications and construction bid documents for the referenced project which will be 100% reimbursed by DNR.

Commissioner Sayre moved, seconded by Commissioner Arnold, to grant this request as set forth by Director of Public Works. Motion carried.

ADJOURNMENT

The meeting adjourned at 4:25 p.m.

Approved,

  
George R. Aud  
President