

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, August 26, 1986

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

(Commissioner Arnold was not present due to illness).

CALL TO ORDER

The meeting was called to order at 9:10 a.m.

APPROVAL OF MINUTES

Commissioner Dean moved, seconded by Commissioner Sayre, to approve the minutes of the Commissioners' meetings of August 5, 1986, August 12, 1986, and August 19, 1986. Motion carried.

APPROVAL OF BILLS

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

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) AGREEMENT WITH UNIVERSITY OF MARYLAND
WASTEWATER DISPOSAL SYSTEMS

The County Administrator presented an Agreement by and between the Board of County Commissioners of St. Mary's County and the University of Maryland in the amount of \$19,300 for the Evaluation and Conceptual Design Modifications of On-Site Enhancement of Evapotranspiration Wastewater Disposal Systems.

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

2) PERSONNEL
HIGHWAY MAINTENANCE WORKER
DEPARTMENT OF PUBLIC WORKS

Memorandum dated August 19, 1986 from Personnel Officer recommending the selection of Karen L. Lacey to the Highway Maintenance Worker position, Grade 4, effective September 8, 1986.

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

3) BUDGET AMENDMENT NO. 87-10
AIRPORT COMMISSION

The County Administrator presented the following Budget Amendment recommended for approval by the Budget Director with justification as indicated:

Justification: To provide appropriate authority to buy ticket subsidy concerning Atlantic Airways. Amount is difference between first payment of \$18,444 and County Commissioners' commitment of \$50,000.

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

4) DOMESTIC VIOLENCE/SEXUAL ASSAULT PROGRAM
GRANT APPLICATION - H.E.L.P. RESOURCE PROJECT
COMMUNITY GRANT PROGRAM: EDUCATION AS A TOOL FOR PREVENTION

The County Administrator presented the referenced Grant Application in order to formalize action by three Commissioners (Aud, Dean and Sayre) on August 21 to approve and authorize Commissioner President Aud to sign the Grant Application in the amount of \$7500.

Commissioner Dean moved, seconded by Commissioner Sayre, to confirm for the minutes the approval of the referenced Grant Application. Motion carried.

5) APPOINTMENTS
BOARDS, COMMITTEES AND COMMISSIONS

Commissioner Dean moved, seconded by Commissioner Sayre, and motion carried, to make the following appointments with terms as indicated:

Mental Health Alcoholism Drug Abuse Advisory Council

Dr. Richard Martin - Term to Expire June 30, 1989 (Reappt.)
Christy Holt Chesser - Term to Expire June 30, 1989
Lt. Daniel O'Keefe - Term to Expire June 30, 1989

Cable TV Study Committee

Mary Lillian Hewitt

6) MOVEABLE EQUIPMENT IN SCHOOL PROJECTS
CORRESPONDENCE TO SENATOR LEVITAN

The County Administrator presented correspondence addressed to Senator Levitan expressing concerns with the James Commission recommendations to the Board of Public Works relative to trade off by the systemic renovation for moveable equipment in school projects. FY '87 is the proposed effective date for implementing the shift of the equipment costs from the State to the local government and should be deferred until FY '88.

The Commissioners agreed to sign and forward the referenced letter.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator
Dr. James Boyd
Joseph Densford, Assistant County Attorney
John V. Baggett, Director, Recreation and Parks

Commissioner Sayre moved, seconded by Commissioner Dean, to meet in Executive Session in order to discuss a matter of litigation. Motion carried. The Session was held from 9:40 a.m. to 10:10 a.m.

DEPARTMENT OF PUBLIC WORKS

Present: John Norris, Director

1) DREDGING PROJECTS

Mr. Norris stated that representatives of the Department of Natural Resources will be in the County on Friday, August 29 at 10:30 a.m. to discuss two dredging projects: Dukehart's Creek and Cat Creek.

2) AMBER MEADOWS/EAGLES GLENN SUBDIVISION
PUBLIC WORKS AGREEMENT

Mr. Norris advised that his office has been working with the developer of the referenced project and requested authorization for President of the Board, upon approval of the County Attorney, to sign the Public Works Agreement in the amount of \$137,600, which will include funds for the design and construction of a portion of the road system. A four-month time frame has been allowed for the design; one year for construction, and required completion dated by September 1, 1986.

Commissioner Millison moved, seconded by Commissioner Sayre, to authorize the President to sign the PWA, upon approval of the County Attorney. Motion carried.

3) BEECHWOOD ESTATES SUBDIVISION

Relative to discussion at last week's meeting regarding the above, Mr. Norris presented a synopsis of the review of the design drawings and attached documents relative to the review. He stated that at the time of the meeting, the plans for Beechwood were approvable. (A copy of the synopsis is on file in the Commissioners' Office.)

4) LEONARDTOWN BY-PASS

Mr. Norris displayed and reviewed the recommended alignment intersection of Cedar Lane and Rt. 5 with Leonardtown By-Pass, and stated it would be appropriate at this time for any comments from the County. Commissioner Aud suggested that Mr. Norris provide a copy of the proposed alignment to the Town of Leonardtown.

5) TOWN CREEK RETROFIT PROJECT

Mr. Norris presented a proposal dated August 22, 1986 from Bob Taylor Engineering in the amount of \$500 (estimated cost) for the Town Creek Retrofit project.

Commissioner Millison moved, seconded by Commissioner Sayre, to accept the proposal. Motion carried.

6) ST. ANDREWS LANDFILL - OPTION ON PROPERTY

Mr. Norris advised that the County has an obligation to have an evaluation done on the property the County has an option on for St. Andrews Landfill by February 1. He stated that the County has to get Conditional Use approval and State Health Department approval for Phase I and II of the option property.

Therefore, Mr. Norris requested approval by the Commissioners of the following:

- a) To award the survey work to McCrone for St. Andrews Landfill in the amount of \$4,000 and for Clements Landfill in the amount of \$7,100;
- b) To award to the firm of Gannett Fleming the contract to do Phase I and Phase II work at the option property at St. Andrews Landfill in the amount of \$34,760;
- c) To approve Budget Amendment No. 87-08 with the justification to consolidate accounts and transfer of design funds, subject to approval by the Budget Director.

After discussion Commissioner Dean moved, seconded by Commissioner Millison, to accept the recommendations of the Public Works Director and approve the above. Motion carried.

EMERGENCY BROADCASTING

Present: John Norris, Director, Department of Public Works
Tom Oliver, Director, EOC
Bob Johnson, WKIK
Tom Cooper, WKIK

The referenced individuals appeared before the Commissioners to discuss the need to have the ability to broadcast warnings to the community as the normal radio broadcast hours.

Bob Johnson stated that WKIK has an emergency generator to keep broadcast on air when electrical power goes out and a two-way radio in case telephone lines are down, which allows them to be an official emergency broadcasting channel. The regulations under which WKIK operates allows them to remain in a daytime pattern in situations where Civil Defense authorities have requested them to do so.

Discussion ensued as to the coverage throughout the County by WKIK and WPTX during night time hours. Both stations related the limited coverage during the evening hours because of restrictions and atmospheric conditions, but that there is county-wide coverage on the FM stations.

In conclusion, the Commissioners requested that information be printed relative to emergency broadcasting be widely distributed throughout the County, including the possibility of placing the information in the next Leonardtown - LaPlata telephone directory.

REQUEST TO REROUTE SCHOOL BUS

Commissioner Dean advised that he received a call from parents who live on old Rt. 245 and have elementary school children that attend St. Johns School. The children have to walk approximately 3/4 of a mile to Rt. 245, out of sight of the parents, to catch the bus. A request was made to have the bus re-routed from Holly Gaff to Old Rt. 245 to pick up these children and then back out to Rt. 245.

The Board gave their concurrence to this request and directed the County Administrator to effect the necessary arrangements.

FIRE TAX REFERENDUM ISSUE

Present: Andy McWilliams, President, Fire Board

The County Administrator advised that the Commissioners had approved submitting the issue of a fire tax in the 1st, 2nd, 3rd, 4th, 5th, 6th, 7th, 9th Election District to be placed on referendum. Therefore, correspondence addressed to the St. Mary's County Supervisors of Elections has been prepared for the Commissioners' approval and signature setting forth the appropriate language to be placed on the ballot in the general election in November.

Commissioner Sayre moved, seconded by Commissioner Aud, to authorize Commissioner Aud to sign the letter. Motion carried.

(COMMISSIONER MILLISON LEFT MEETING - 11:15 A.M.)

CONSENT AGREEMENT
PINEY POINT SEWERAGE PROJECT

Present: Larry Petty, Director, Metropolitan Commission

Mr. Petty appeared before the Commissioners to present and review the referenced Consent Agreement among the Water Management Administration, St. Mary's County Commissioners, and St. Mary's Metropolitan Commission relative to the expansion of the Piney Point Sewage Treatment Plant

After review and discussion, Commissioner Dean moved, seconded by Commissioner Sayre, to authorize Commissioner President Aud to sign the Consent Agreement. Motion carried.

McINTOSH ROAD - TIN TOP HILL SEWERAGE PROJECT

Present: Steve King, Assistant Director, MetComm
Joseph Mitchell, Director, Economic & Community Development

Mr. King advised that RFP's were submitted to five engineering firms to do the Facilities Plan for the referenced Community Development Block Grant project, and two proposals were received; i.e., Buchart-Horn in the amount of \$14,500 (lump sum cost) and from McCrone in the amount of \$16,14 (cost plus fixed fee). Mr. King stated that it is the Metropolitan Commission's recommendation to accept the proposal from Buchart-Horn.

Commissioner Dean moved, seconded by Commissioner Sayre, to accept the Metropolitan Commission's recommendation to accept the proposal from Buchart-Horn to do the Facilities Plan for the referenced project. Motion carried.

OFFICE OF PLANNING & ZONING

Present: Robin Guyther, Planner, OPZ
Anita Meridith, Recording Secretary

DISCUSSION/DECISIONS

Commissioners present: George Aud, Ford Dean, and David Sayre. Commissioners Larry Millison and Richard Arnold were absent. Staff present included: Robin Guyther, Planner, and Anita M. Meridith, Recording Secretary, Office of Planning and Zoning.

ZONE # 86-0031: BURCH OIL COMPANY

Requesting rezoning of .71 acres from R-1, Rural-Residential, to C-2, Commercial. The property is the site of the ORAVILLE SHELL STATION located at the intersection of Maryland Routes 6 and 235, Mechanicsville, in the Fifth Election District, shown on Tax Map 13, Block 6, as Parcel 22.

Following brief recap of the application by Mr. Guyther, Planner, OPZ, Commissioner Dean moved, seconded by Commissioner Sayre and unanimously passed, to authorize the County Attorney to prepare the appropriate resolution granting the rezoning request for the reasons as stated in the staff report and Planning Commission's recommendation.

ADOPTION OF RESOLUTION NO. Z-86-13
DESIGN STANDARDS FOR WATER QUALITY

Commissioner Dean recalled that these subject standards (Design Standards for Water Quality) had grown out of the Patuxent River Basin Plan, previously extracted from the Board's formerly adopted resolution (Design Standards For New Development), said standards now being considered under the proffered resolution this date, before the Board.

Commissioner Dean noted that the major change to this resolution was that under the proposed text, road construction would be a permitted use within this water quality protection area. Commissioner Dean explained to the audience, that essentially these standards would restrict development within 25 of a tidal stream; said designated water quality protected zone.

Commissioner Dean moved, seconded by Commissioner Sayre, and unanimously passed, to approve Resolution No. Z-86-13 pertaining to the text amendment to the Zoning Ordinance, i.e. Design Standards for Water Quality.

EXECUTIVE SESSION

Present: John Norris, Director, Department of Public Works
Joseph Densford, Assistant County Attorney
Edward V. Cox, County Administrator

Commissioner Dean moved, seconded by Commissioner Sayre, to meet in Executive Session in order to discuss a matter of litigation. Motion carried. The Session was held from 11:40 a.m. to 12:15 p.m.

PINEY POINT BEACH CITIZENS ASSOCIATION
PRESENTATION OF PETITION
POTOMAC SANDS MOBILE HOME PARK

Present: Doris and Ray Queenin
Piney Point Beach Citizens Assoc.
Joseph Densford, Assistant County Attorney

The referenced residents of Piney Point Beach appeared before the Commissioners to express their opposition to the extension of the Potomac Sands Mobile Home Park expansion and to present a petition from 256 property owners in the area. Mr. Queenin stated that none of the property owners in Piney Point Beach had notified about the original application in 1982.

Mr. Densford explained that the Board of Appeals approved the extension of the expansion and the Chairman of that Board sign the approving resolution on August 14, 1986. He stated that an appeal of that case can be made to Circuit Court within 30 days of that date.

The Commissioners suggested that if the citizens do want to note an appeal that they would probably need legal counsel to have the appeal drafted in the appropriate form. The Circuit Court would rule whether the Board of Appeals has acted appropriately in this case.

IRREVOCABLE LETTERS OF CREDIT

Present: John Norris, Director, Department of Public Works

1) St. Inigoes Subdivision

Mr. Norris stated that the developer of the referenced subdivision anticipated that the work would be completed with the exception of the seeding and grasswork and would be delivering a reduced letter of credit in the amount of \$3,000. However, the paving contractor has not done his work. The letter of credit expires this date, and Mr. Norris requested authorization to claim the letter of credit if replacement documents in the amount of \$20,000 is not received by Public Works at the close of the day.

The Commissioners gave their concurrence.

2) Dakota Manor Subdivision

Mr. Norris advised that the right-of-way permit for the referenced subdivision expires on September 1 and the letter of credit expires September 28. The developer has indicated that he would not perform the work and has not returned the documents to extend the letter of credit. Therefore, authorization is requested to make claim on the \$10,000 letter of credit for the completion of the work unless the appropriate documents are received by that time.

The Commissioners gave their concurrence.

PERSONNEL
PATROLMAN - SHERIFF'S DEPARTMENT

On August 19, 1986 the County Commissioners approved the appointment of an individual to Patrolman, Grade 11, effective August 25, 1986. Because this individual will be assigned to undercover investigations, the name was withheld from the public record. By inclusion in these minutes the official appointment is confirmed.

EXECUTIVE SESSION

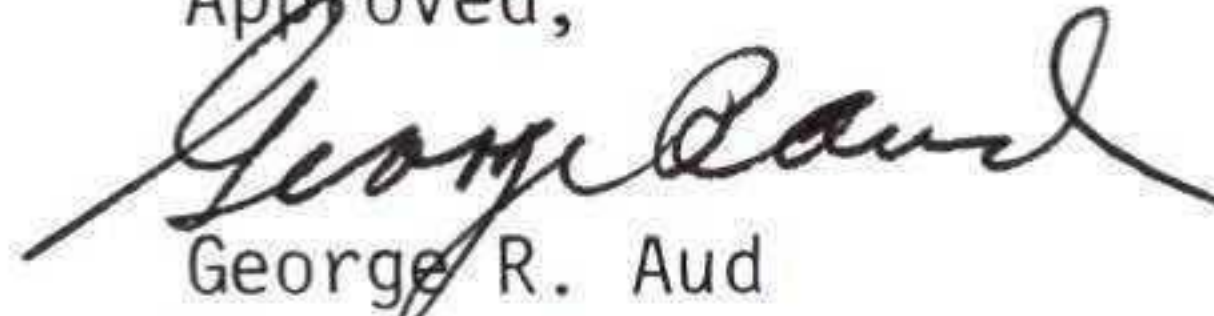
Present: Edward V. Cox, County Administrator

Commissioner Dean moved, seconded by Commissioner Sayre, to meet in Executive Session to discuss a matter of personnel. Motion carried. The Session was held from 12:35 p.m. to 1:00 p.m.

ADJOURNMENT

The meeting adjourned at 1:00 p.m.

Approved,



George R. Aud
President