

BOARD OF COUNTY COMMISSIONERS' MEETING

Wednesday, November 12, 1986

Present: Commissioner J. Patrick Jarboe, M.D., President
Commissioner W. Edward Bailey
Commissioner Ford L. Dean
Commissioner David F. Sayre
Edward V. Cox, County Administrator
Judith A. Spalding, Recording Secretary

(Commissioner Millison was not present).

CALL TO ORDER

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

APPROVAL OF MINUTES

Commissioner Dean moved, seconded by Commissioner Bailey, to approve the minutes of the Commissioners meeting of Wednesday, November 5, 1986 as submitted. Motion carried.

APPROVAL OF BILLS

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

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) APPOINTMENTS

Metropolitan Commission

Commissioner Dean moved, seconded by Commissioner Sayre, to reappoint J. J. Finnacom to the Metropolitan Commission for a term to expire December 31, 1988. Motion carried.

Comprehensive Plan Advisory Committee

Commissioner Dean moved, seconded by Commissioner Bailey, to appoint the following additional individuals to the Comprehensive Plan Advisory Committee: Motion carried.

Francis J. Russell
Walter Raum
Richard Meatyard III
Jimmie A. Mora
William Fitzgerald, Jr.
Dr. Larry Lorton
Jack Daugherty
David Butler
Robert E. Waxman
Capt. Steuart Fitrell

350TH ANNIVERSARY COMMITTEE

Commissioner Dean moved, seconded by Commissioner Bailey with motion carried to appoint the following individuals to the 350th Anniversary Committee:

John Baggett, Mary Bell, Arthur "Buck" Briscoe, Jack Candella, Joseph A. Dillow, David Hammett, Carolyn Billups, George Havens, Michael Humphries, George Sullivan, Joseph Norris, Jean Ridgell, Michael Whitson.

2) PERSONNEL
OFFICE ON AGING
NEIGHBORHOOD ACTIVITY CENTER DIRECTOR

The County Administrator presented a memorandum dated November 10, 1986 from the Personnel Officer recommending the appointment of Elizabeth Quade to the Neighborhood Activity Center Director (grant funded position, Grade 7.

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

3) MARYLAND ASSOCIATION OF COUNTIES
LIABILITY INSURANCE POOL

The County Administrator reviewed correspondence dated October 24 from MACo advising of a meeting on November 12 regarding the insurance pool and inquiring whether St. Mary's County wished to participate in proceeding with Phase II of the Liability Insurance Study.

After discussion the Commissioners gave their concurrence.

4) BOARD OF EDUCATION
CAPITAL IMPROVEMENT PROGRAM - FY 1988

The County Administrator advised that the Superintendent of Schools submitted the St. Mary's County's Board of Education's Capital Improvement Program for FY 1988-1993 and has requested the Commissioners' approval prior to December 7, 1986. Mr. Cox stated that Dr. Lorton will meet with the Commissioners prior to that date to discuss the program.

5) TRI-COUNTY COUNCIL

a) Maryland Export Development Matching Grant

The County Administrator presented correspondence dated November 7, 1986 from Tri-County Council advising that a revised proposal for the referenced grant has been prepared and submitted to the State for approval. Because of the State's deletions of certain program activities, TCC has proposed to carry out the activities at a reduced level. The Southern Maryland counties' contributions has been reduced to \$6500 which will be cost-shared among the counties.

The Commissioners gave their concurrence to continue their support of the program.

b) Two-Day Seminar

The County Administrator presented correspondence dated November 7, 1986 from Tri-County Council advising that there will be a two-day seminar for the newly elected officials of Calvert, Charles and St. Mary's counties. The seminar will be held on December 11 and 12 at Loyola Retreat House in Faulkner, Charles County. The anticipated expenses for the seminar is estimated at \$3,000 and request the three counties to share equally at an amount not to exceed \$1,000 per county.

Commissioner Dean moved, seconded by Commissioner Sayre, to appropriate \$1,000 for the TCC Seminar. Motion carried.

6) COMMUNITY SERVICES COORDINATION COMMITTEE

The County Administrator presented the by-laws for the Community Services Coordination Committee which have been submitted by the Committee for the Board's concurrence.

After discussion, Commissioner Dean moved, seconded by Commissioner Sayre, to approve the by-laws for the Community Services Coordination Committee. Motion carried.

7) CLEARINGHOUSE PROJECT NO. MD860812-0562
POSTAL FACILITY - RIDGE, MARYLAND

The County Administrator presented the referenced clearinghouse project and advised that the Office of Planning and Zoning has recommended that it be forwarded to the State with the comment that the project is consistent with this agency's plans, programs and objectives.

The Commissioners gave their concurrence.

1986 FINANCIAL STATEMENTS

Present: Joseph P. O'Dell, Director, Budget & Data Services
Harris Sterling, Director of Finance
John Cox, Auditor (Cox, Long, & Colvin)

Mr. Cox presented and reviewed the financial statements of the County Commissioners of St. Mary's County for the fiscal year ending June 30, 1986.

Mr. O'Dell indicated that the County has ended FY '86 close to the same financial position as it ended in FY '85. He stated that this was important because the County had raised the property tax rate from \$1.99 to \$2.14 in FY '87 which in effect would allow the increase in expenditures to be funded by new revenue because the County's fiscal position remained consistent from FY '85 to FY '86.

In closing Mr. O'Dell pointed out that the current Board of Commissioners should be commended for maintaining the County's fiscal position in excellent condition for the incoming Board.

(A copy of the Financial Statement is on file in the Commissioner's Office.)

DEPARTMENT OF PUBLIC WORKS

Present: John Norris, Director

1) RIVERSIDE FARMS, INC.

Mr. Norris advised that the developer of Riverside Farms, Inc. has requested a deviance from the County's Road Standards. he is requesting that an additional 110 feet of Richardson Road be surface treated instead of 3-inch asphalt. Mr. Norris stated that the developer should pay funds that would be equivalent to the asphalt which would be in this case approximately \$1,000.

After discussion, Commissioner Dean moved, seconded by Commissioner Sayre, to approve the request to accept the sum of \$1,000 from the developer of Richardson Road to fund the 110 foot extension of Richardson Road. the \$1,000 represents the amount of money that would be needed to asphalt the extension; however, when the County does improve the road it will surface treat in conformance with the rest of Richardson Road. Motion carried.

2) ST. MARY'S ADULT DETENTION CENTER

Mr. Norris presented an Amendment to the Owner-Architect Contract dated July 18, 1986 for the Adult Detention Center. The Amendment modifies the Agreement to allow St. Mary's County to assume control over the instructions given to the contractor. Change Orders would be recommended by the Architect but approved by the County.

Commissioner Dean moved, seconded by Commissioner Bailey to approve Amendment No. 1 to the Owner-Architect Contract between St. Mary's County and Moseley-Hening Associates, Inc. Motion carried.

3) HIGHWAY SAFETY PROJECT

Mr. Norris advised that the County received a grant from State Highway Administration for engineering service for a Highway Safety Project. DPW recommends the selection of Kidde Consultants, Inc. to do the work contained in the grant which is to prepare an Update Design Manual for County Road Construction. Kidde Consultants, Inc. will prepare a road ordinance design manuals and prepare digitized standard detail sheets and digitized SHA county road maps on floppy disks. The amount of the contract is \$23,330.

After discussion, Commissioner Sayre moved, seconded by Commissioner Dean to accept the proposal from Kidde Consultants dated November 7, 1986 pending concurrence by SHA and identification of a capital or operating account. Motion carried.

4) CORRESPONDENCE TO STATE INSURANCE COMMISSION
REPUBLIC INSURANCE COMPANY

Mr. Norris presented correspondence for the Commissioners' review and the President's signature addressed to the State Insurance Commission requesting an investigation of the matter concerning Republic Insurance Company's failure to comply with a judgment due St. Mary's County in the amount of \$65,800.

Commissioner Dean moved, seconded by Commissioner Sayre, to approve and authorize Commissioner Jarboe to sign the letter. Motion carried.

5) ADDENDUM TO PUBLIC WORKS AGREEMENT
SAN SOUCI ESTATES

Mr. Norris presented an Addendum to the Public works Agreement between Jay Laurence Millison and St. Mary's County extending the deadline for completion of the roads in San Souci Estates to July 1, 1987 and reducing the Letter of Credit to \$70,000.

Commissioner Bailey moved, seconded by Commissioner Dean, to approve and authorize Commissioner President Jarboe to sign the Addendum. Motion carried.

6) PUBLIC WORKS AGREEMENT
COUNTRY LAKES - SECTION 3

Mr. Norris presented a Public Works Agreement with Benjamin H. Burroughs and St. Mary's County Commissioners guaranteeing the completion of roads in County Lakes, Section 3 by November 10, 1987. The Agreement is backed by a Letter of Credit by First National Bank in the amount of \$100,000.

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

7) BIG OAK SUBDIVISION

Mr. Norris advised that the \$5,000 Letter of Credit for Big Oak Subdivision is due November 14, 1986. He stated that the work is basically completed except for a few punch list items. The value of the amount of work to be done is approximately \$1,000-\$2,000. Mr. Norris requested authorization from the Commissioners to either accept an extend lesser amount if presented or to call the Letter of Credit.

Commissioner Dean moved, seconded by Commissioner Bailey to grant authorization as requested. Motion carried.

8) TRANSPORTATION PLAN TASK FORCE FINDINGS

Mr. Norris distributed the "Transportation Plan Task Force Findings" Report outlining the various issues to be discussed at the Public Hearing on November 18, 1986.

OFFICE OF PLANNING AND ZONING

Present: Frank Gerred, Director
Jeff Jackman, Planner

1) ZONE #86-0183
TEXT CHANGES TO ZONING ORDINANCE AND
SUBDIVISION REGULATIONS (CLUSTER DEVELOPMENT

Commissioner Dean moved, seconded by Commissioner Sayre, to request the Assistant County Attorney to prepare the appropriate Resolution approving the Text Amendment to the Zoning Ordinance and Subdivision Regulations regarding cluster development. Motion carried.

2) CHESAPEAKE CRITICAL AREAS CONTRACT

Mr. Jackman presented a Contract between St. Mary's County and the Critical Areas Commission in the amount of \$100,000 to implement the the Critical Areas program.

Commissioner Dean moved, seconded by Commissioner Sayre, to approve and authorize Commissioner President Jarboe to sign the contract as presented. Motion carried.

3) ISSP #86-1713
HOWLAND CONCRETE SITE PLAN

(Requesting simplified site plan approval to enclose water tanks adjacent to concrete plant. Property is located on Tax Map 4, Bk 23, P 286, on Md. Rt. 5 at New Market.)

Mr. Gerred presented the referenced site plan and advised that the staff has recommended approval.

Commissioner Bailey moved, seconded by Commissioner Dean, to approve Site Plan No. ISSP #86-1713 as presented. Motion carried.

4) ZONING AMENDMENT RESOLUTION NO. Z86-16
ZPUD NO. 86-1058
FIRST TIDEWATER DEVELOPMENT CORPORATION

(Requesting rezoning of 79.9 acres from R-2, Low Density Urban Residential, to PD-CP, Planned Development Commercial Park (27.6 acres) and PDR 5.0, Planned Development Residential (52.3 acres). The property is located on the southeast corner of the intersection of Md. Rt. 235 and Rolling Road, California, Eighth Election District, shown on Tax Map 34, Block 23, as Parcel 99.)

Commissioner Dean moved, seconded by Commissioner Sayre, to approve and sign the referenced Resolution approving the zoning application. Commissioner Bailey abstained in that he did not participate in the hearing process. Motion carried.

5) PROPOSED CRITICAL AREAS MORATORIUM

Mr. Gerred presented a memorandum dated November 12 which sets forth the Planning Commission's and Office of Planning and Zoning's recommendation to support the Commissioners' plan to adopt an emergency interim critical areas moratorium. The moratorium would be on developments with 1,000 feet of tidewater in the County, limiting that development to one dwelling unit per 20 acres.

Discussion ensued concerning using October 1, 1986 as the exemption date and whether the exemption should be based on approved plans or submitted plans.

The Commissioners agreed to defer a decision until next week's meeting.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator
Joseph P. O'Dell, Director, Budget & Data Services
Harris Sterling, Director of Finance

Commissioner Sayre moved, seconded by Commissioner Dean, to meet in Executive Session in order to discuss matters of litigation and personnel. Motion carried. The Session was held from 11:15 a.m. to 11:45 a.m.

PUBLIC HEARING

Present: Joseph Densford, Assistant County Attorney
George Barnes, Ethics Commission
Lou Clements, "
Ruth Sterling, "

The Commissioners conducted a public hearing to presented proposed revisions to the Public Ethics Ordinance which have been developed by the County's Public Ethics Commission. The proposed amendments are as follows:

1. Conflict of Interest - To allow county officials to act in order to comprise a quorum after disclosing conflict of interest and an explanation of the necessity to act to the St. Mary's County Ethics Commission in writing.
2. Administration - To provide for complaints to be in writing and under oath to the Ethics Commission and allowing the Ethics Commission to issue complaints alleging violations of the Ordinance.
3. To permit the Ethics Commission to adopt rules and regulations in order to carry out the provisions of the Ordinance.

It was noted that the Commissioners had proposed a further amendment relative to conflict of interest requiring an official to go to the Ethics Commission ahead of time and get approval prior to voting on the matter.

After receiving comments from the audience, the Commissioners advised that a decision will be made after ten days.

The hearing was closed.

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

RESPONSE TO GREEN HOLLY PARENTS

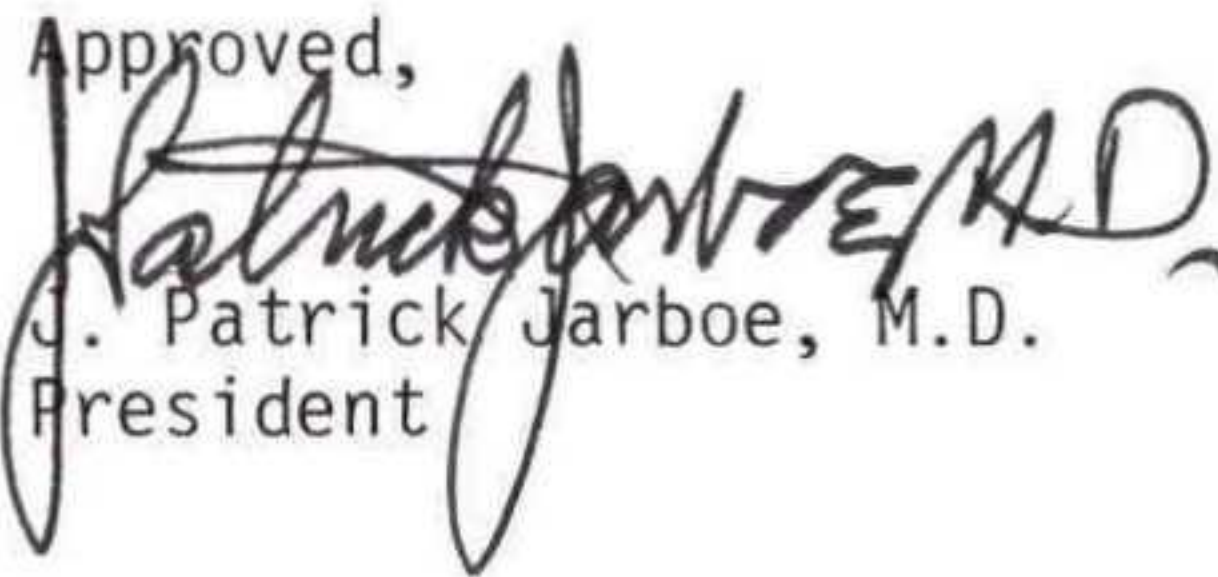
Commissioner Jarboe presented correspondence addressed to the Green Holly Parents responding to their concerns expressed at the Commissioners' meeting of October 28, 1986. The Commissioners agreed to sign and forward the letter.

IMPLEMENTATION OF FIRE TAX

Commissioner Jarboe advised that concerns have been expressed regarding setting up procedures for the payment and collection of the fire tax and that the fire departments would like to have input in the procedure. Therefore, Commissioner Jarboe recommended that the County Administrator and Budget Director meet with members of the Fire Board to develop procedures and return to the Board with recommendations for implementation. The Commissioners gave their concurrence.

ADJOURNMENT

The meeting adjourned at 12:30 p.m.

Approved,

J. Patrick Jarboe, M.D.
President