

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, November 18, 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

(Larry 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 Sayre, to approve the minutes of the Commissioners meeting of Wednesday, November 12, 1986 as submitted. Motion carried.

APPROVAL OF BILLS

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

METROPOLITAN COMMISSION

CONSENT AGREEMENT - PINEY POINT WASTEWATER TREATMENT PLANT

Present: Larry Petty, Director, Metropolitan Commission

Mr. Petty appeared before the Commissioner to request the Board's signature on the revised Consent Agreement for the Piney Point Wastewater Treatment Plant. He stated that the Commissioners had previously signed the document; however, the State Health Department has made certain revisions and has now signed the Agreement.

After some discussion, Commissioner Dean moved, seconded by Commissioner Sayre, to approve and authorize Commissioner President Jarboe to sign the revised Consent Agreement as presented. Motion carried.

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

- 1) 350TH ANNIVERSARY COMMITTEE APPOINTMENTS

Commissioner Dean moved, seconded by Commissioner Bailey, and unanimously carried, to make the following additional appointments to the 350th Anniversary Committee: Kennedy Abell, Polly Barber, Louanne Bailey, William Frierson, William Lawyer, Burt K. Kummerow, Frederick Meatyard.

- 2) ROAD RESOLUTION NO. R87-12

The County Administrator indicated that the Board had conducted a public hearing on the renaming of Elm Lane to Gunston Drive in Town Creek Drive on October 21, 1986 and the Resolution is now in order for approval. Therefore, Commissioner Sayre moved, seconded by Commissioner Dean, to approve and sign Road Resolution No. R87-12 as presented. Motion carried.



3) REORGANIZATION OF FISCAL SERVICES

The County Administrator reviewed with the Commissioners the proposal to coordinate and combine the fiscal services (Purchasing & Logistics, Personnel and Finance) of the county into one department. This reorganization is made possible at this time because of certain career decisions within those departments. He stated that the reorganization will provide an opportunity for cross training, better utilization of manpower and improved administrative control which will increase efficiency.

Mr. Cox indicated that such a reorganization will require the filling of the following three positions: Director of Finance (Grade 20); Deputy Director of Accounting (Grade 14); and Accountant (Grade 12). Mr. Cox stated that the Accountant position has been recommended by our auditors in the last three fiscal years.

After discussion, Commissioner Bailey moved, seconded by Commissioner Dean, to approve the reorganization as presented and further to grant authority to begin the procedures for the filling of the three referenced positions. Motion carried.

4) MECHANICSVILLE RESCUE SQUAD LOAN AGREEMENT

The County Administrator pointed out that the Commissioners had previously approved a loan with the Mechanicsville Rescue Squad for the purchase of a new vehicle, and therefore presented an Agreement for the Board's approval and signature.

Commissioner Dean moved, seconded by Commissioner Sayre, to approve the Loan Agreement between the Board of County Commissioners and the Mechanicsville Rescue Squad and authorize Commissioner President Jarboe to sign the Agreement. Motion carried.

5) ST. MARY'S COUNTY COMMUNITY DEVELOPMENT CORPORATION  
HOUSING DEVELOPMENT ASSISTANCE PROGRAM

The County Administrator presented correspondence for the Commissioners' approval addressed to the Md. Department of Economic & Community Development expressing endorsement of the application by the St. Mary's County Community Development Corporation for \$18,500 for the Housing Development Assistance Program.

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

6) PERSONNEL  
HEALTH AND LIFE INSURANCE FOR RETIRED COUNTY EMPLOYEES

The County Administrator presented a memorandum dated November 18, 1986 requesting a waiver of the policy regarding eligibility requirements for retirement for Commissioner David Sayre. This would allow Mr. Sayre to continue his enrollment in the County's health and life insurance programs. Mr. Sayre did not enroll in the Maryland State Retirement System until recently and would not be eligible for retirement.

Commissioner Dean moved, seconded by Commissioner Bailey, to approve granting a waiver of the eligibility requirement so that Mr. Sayre could continue enrollment of health and life insurance programs. Commissioner Sayre abstained. Motion carried.



OFFICE OF PLANNING AND ZONING  
DISCUSSION - INTERIM CRITICAL AREAS CRITERIA  
EMERGENCY MORATORIUM

9:45 A.M.

Commissioners present: Dr. J. Patrick Jarboe, Ford Dean, David Sayre, and W. Edward Bailey. Commissioner Millison was absent. Staff present included: Frank J. Gerred, Director, and Anita M. Meridith, Recording Secretary, Office of Planning and Zoning.

Commissioner Dean referenced correspondence from Ms. Karen Abrams, representing the developers of a project known as September Point. Said letter stressed that this proposal was rather unique as a result of the lengthy steps that the developers had already taken, i.e. the reliance placed upon their communication with staff and expenditures made as a result of that reliance. Asked to respond to said communique, Mr. Gerred stated that the applicant did discuss the regulations quite thoroughly with the staff and was advised of the possible impending moratorium. Staff emphasized that this applicant was informed approximately one month prior to receipt of this application that the staff had taken this issue before the Planning Commission (possibility of a moratorium) and that said body had instructed staff to proceed with this issue via the public hearing process. Mr. Gerred urged that the applicant had made application, having been forewarned of that probability.

The issue of the emergency moratorium having been brought before the Board of County Commissioners, public hearing held on October 21, 1986, continued to November 5, 1986, and the matter having been deliberated, the Planning Commission's recommendation considered, Commissioner Dean urged that the Board was now at the point of rendering decision. He emphasized that the purpose of a moratorium was to preserve the 5% reserve that the counties had with respect to the Resource Conservation Areas and future intense development of that 5%.

Commissioner Dean offered for the Board's consideration, and subsequently offered as motion, that staff draft a resolution imposing the limited moratorium, adopting the October 1, 1986 date as being the cutoff date, for exemption projects from the moratorium: 1) Minor subdivision plans filed with the County by October; 2) Major subdivision and other types of development plans approved by the County (at least concept) by October 1. All other classes of development projects, except existing commercial marine district properties would be subject to the moratorium.

This action taken to preserve the 5% reserve to the maximum extent.

Commissioner Jarboe concurred and urged that said action was consistent with what the Planning Commission had recommended and that said action/moratorium was "as liberal as possible with the exemptions to help the small developers and not to allow major proposals to seriously impact the 5%."

Commissioner Sayre seconded the motion, which passed unanimously.

ZONING AMENDMENT RESOLUTION NO. Z-86 -17  
ZONE #86-0183  
TEXT CHANGE TO ZONING ORDINANCE AND SUBDIVISION REGULATIONS  
(CLUSTER, NCUs AND PENALTIES)

Present: Frank Gerred, Director, OPZ

Commissioner Dean moved, seconded by Commissioner Sayre, to approve and sign Zoning Amendment Resolution No. Z-86-17 amending the Zoning Ordinance and Subdivision Regulations regarding Cluster Development. Motion carried.



DEPARTMENT OF RECREATION AND PARKS  
DAY CARE MOBILE UNITS

Present: John V. Baggett, Director

Mr. Baggett presented the bid tally sheet for the Day Care Mobile Unit to be located at Mechanicsville and recommended awarding the bid to the lowest bidder, Gelco Space in the amount of \$40,195. Mr. Baggett advised that these funds will be paid back by the users of the Center which should be accomplished in 4-5 years. Mr. Baggett indicated that the day care center will be able to continue to be operated at the Mechanicsville School until the mobile unit is available.

Commissioner Dean moved, seconded by Commissioner Bailey, to award the contract as recommended by Mr. Baggett. Motion carried.

DEPARTMENT OF PUBLIC WORKS

Present: John Norris, Director

1) PUBLIC WORKS AGREEMENTS  
HICKORY NUT OF WILDEWOOD

Mr. Norris presented the following Public Works Agreements for the Commissioners' review and approval:

a) Dated November 17, 1986 by and between Paragon Builders, Inc. and St. Mary's County Maryland guaranteeing the completion of White Elm Court in Hickory Nut Subdivision by November 1, 1988. The Agreement is backed by a Letter of Credit in the amount of \$61,000.

b) Dated November 17, 1986 by and between Paragon Builders, Inc. and St. Mary's County Maryland guaranteeing the completion of Poplar Wood Drive in Hickory Nut Subdivision by November 1, 1988. The Agreement is backed by a Letter of Credit in the amount of \$52,000.

Commissioner Sayre moved, seconded by Commissioner Bailey, to approve and authorize Commissioner President Jarboe to sign the referenced Public Works Agreements. Commissioner Dean abstained. Motion carried.

2) ST. MARY'S COUNTY ADULT DETENTION CENTER

Mr. Norris advised that the bid opening for the Adult Detention Center has been postponed from November 21 to the first of December.

MARYLAND GEOLOGICAL SURVEY

Present: Dr. Harold Hanson, MGS  
Frederick Mack, MGS  
Tom Russell, Director, Environmental Hygiene

In response to the Commissioners' invitation, Dr. Hansen presented the latest statistics and data relative to the aquifers and the County's water supply. Dr. Hansen assured the Commissioners that given the present usage rate the County had an adequate supply of water for approximately 100 years into the future. The officials from MGS explained the use of monitoring wells, hydrographs and comparison maps and presented various documents portraying the levels of available drawdown, copies of which are on file in the Commissioners' Office.

The various aquifers were discussed along with the rate of decline and known availability of drawdown potentials. The Commissioners questioned whether the monitoring system in place was adequate and whether the County should initiate additional efforts to be assured of a continuous water supply.

After some discussion the Commissioners agreed to contact the State Water Resources Administration to decide whether additional monitoring efforts were in order.



PUBLIC MEETING  
BUSHWOOD WHARF

Present: Joseph Densford, Assistant County Attorney  
Dr. James Boyd, Ocean Hall  
Oliver Guyther, Attorney for Bushwood Residents  
John Baggett, Director, Recreation and Parks  
Robert Pogue, Resident  
Alice M. Quade, "  
George Quade  
Ernest Woodall, "  
Robert Hodges, "  
Buck Lawrence, "  
Raymond Morgan, "  
George Johnson, "  
Ingrid Hebb  
Other Interested Citizens

The Commissioners conducted a Public Meeting in order to consider a proposal to execute a quitclaim deed conveying to James Carroll Boyd, M.D., all rights of St. Mary's County Board of Commissioners in the property known as Bushwood Wharf and to lease from Dr. Boyd for a period of five years the property known as Bushwood Wharf to provide continued public access to and use of the Bushwood Wharf property.

Commissioner Jarboe opened the meeting by explaining that it had been brought to the Board's attention that the County may not have clear title to the Bushwood Wharf property. In addition it has been determined that there is not sufficient acreage for a public landing because of the requirement in the County's Zoning Ordinance for five acres.

Mr. Densford reviewed the history of the County's acquisition of the property which had been donated to the County by Mr. Robert Pogue.

Mr. Redmond, who had been hired by the County to survey the property explained the details of his survey which included using Deeds, other surveys, and plats of record. Mr. Redmond advised that he reached the conclusion that there was not a clear title to the property.

Mr. Guyther advised that he was counsel for 40-50 people in the community of the Bushwood who wished that their views be presented. By way of documentation consisting of 13 exhibits and through presentations by various individuals from the community, Mr. Guyther indicated that the wharf should remain property of the County for use by its citizens.

Dr. Boyd pointed out what he believed to be the confusion over the property lines that the approach to the property is on a 60° angle rather than a 90° angle. He stated that he felt that there was no question that the title that the County had is not clear and that it had not been owned by the donator to the County.

After lengthy discussion, the meeting was closed at 12:25 p.m. A tape of the hearing is on file in the Commissioners' Office.

EXECUTIVE SESSION

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

Commissioner Sayre moved, seconded by Commissioner Dean, to meet in Executive Session to discuss a matter of Personnel. Motion carried. The Session was held from 12:40 p.m. to 1:05 p.m.



EMERGENCY BROADCAST SYSTEM

Present: Maurice Blum, Chairman, State Emergency Broadcast System  
Alfred Mattingly, C & P Telephone Company  
Tom Oliver, Director, EOC  
Raymond Seddon, FCC  
Frank Lucia, FCC  
Ted DeLozier, FEMA Hq.  
Roman J. Helo, FEMA, Region II  
Edward Gill, Maryland Emergency Management (Civil Defense)  
Ed Tremper, Maryland Emergency Management  
Al Daley, WPTX, WMDM  
Judy Landau, The Tide

Representatives of the referenced agencies appeared before the Commissioners to explain the networking and coordination of the various radio stations and cooperative assistance of FEMA, State and local Civil Defense and EBS throughout the area. Mr. Blum explained that St. Mary's County is part of the Southern Maryland Operational Area.

Commissioner Dean and Mr Cox indicated that because of an emergency weather situation the question arose concerning broadcasting this information throughout the County. It had been suggested that information be provided in the local telephone directory advising citizens to listen to their local radio station and giving the call letters and station on the dial. Commissioner Dean stated that Mr. Mattingly of C & P had discussed this possibility with his supervisors and they were concerned that putting call letters of a radio station may not be appropriate. However, the EBS has indicated that this could possibly be done state-wide not just for Southern Maryland. It was agreed that Mr. Mattingly would work with MEM-CDA on having this information placed in the directory.

SOUTHERN INDUSTRIAL DEVELOPMENT COUNCIL  
PRESENTATION OF AWARDS TO ST. MARY'S COUNTY

Present: John Sundergill, SIDC  
Joseph Mitchell, Director, Economic & Community Development  
David W. Morgan, Economic Development Coordinator  
Paul Ludwig  
Charles Palmer  
Robert Elwood  
David West

Mr. Sundergill of the SIDC presented an award to St. Mary's County for first prize for its business recruitment audio visual show. The County's new business recruitment video, developed and produced with the help of an advisory committee, the Printing and Publishing Industry Task Force won two awards--Best of Class for Video Presentations and the Major Award for Best of the SIDC Conference for a small economic development organization.

After the presentation the Task Force played the marketing video for the Commissioners. The video is for the promotion of the county and for the recruitment of a new company from the printing and publishing industry to St. Mary's County.

DEPARTMENT OF ECONOMIC & COMMUNITY DEVELOPMENT

Present: Joseph Mitchell, Director

Mr. Mitchell distributed a Press Release announcing that funds will be made available in early December for low interest mortgages for eligible first-time homebuyers through the County's Mortgage Purchase Program.



350TH ANNIVERSARY COMMITTEE

Present: Louanne Bailey, Polly Barber, "Buck" Briscoe, Jack Candella, David Hammett, George Havens, Michael Humphries, Burt Kummerow, Frederick Meatyard, Michael Whitson

Commissioner Jarboe, 350th Anniversary Chairman, advised that the Committee has been established to develop a program for the celebration of the 350th Anniversary of the Founding of St. Mary's County. He indicated that plans should be made as soon as possible so that the County can make funds available. Each of the members present discussed and raised questions concerning what the Committee should accomplish--whether a one-day celebration or throughout the year, where the event(s) should be held, etc. Commissioner Jarboe suggested that the Committee meet across the hall in Room 16 to select a vice-chairman, discuss some of their ideas, and set a date for the next meeting.

ST. MARY'S COUNTY FARM BUREAU  
APPLICATIONS FOR DISPOSAL OF SLUDGE

Present: Jack Colleary, Farm Bureau  
Ed Swecker, Co-operative Extension  
Dr. Bandell, University of Maryland  
Frank Gerred, Director, OPZ  
John K. Chlada, State Health Department

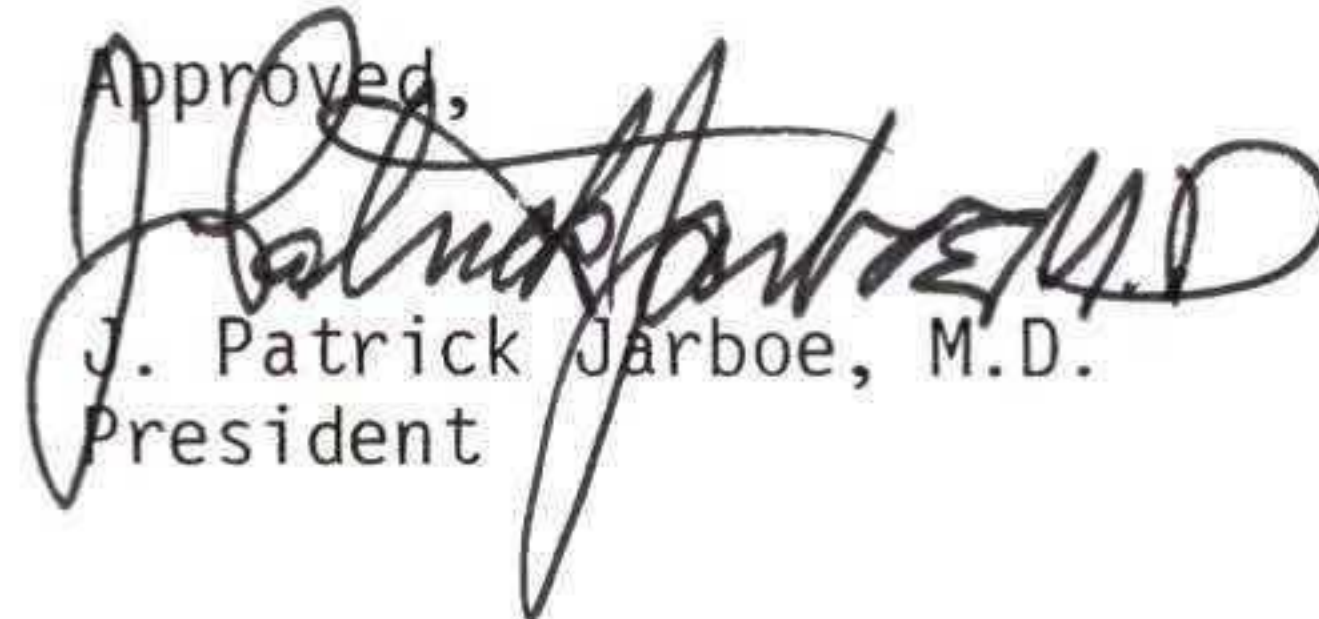
On behalf of the Farm Bureau, Mr. Colleary presented copies of Article in which is required unless waived a public hearing for the disposal of sludge on agricultural land. In the recent past the Commissioners have waived two public hearings for the disposal of sludge on agricultural land. The Farm Bureau requested that whether or not the public hearing is waived, adjacent property owners should be notified and the disposal of sludge on agricultural land should be noted in the land records as permanent notice for all potential purchasers.

During discussion Dr. Bandell of the University of Maryland explained the scientific concerns relative to the use of sludge and supported the permanent notice in the land records to alert future land owners.

The Commissioners agreed to pursue the recommendations of the Farm Bureau and requested that the County Attorney review the legal requirements of placing such a notice in the land records.

ADJOURNMENT

The meeting adjourned at 4:00 p.m.

Approved,  
  
J. Patrick Jarboe, M.D.  
President