

BOARD OF COUNTY COMMISSIONERS' MEETINGTuesday, March 3, 1987

Present: Commissioner Joseph P. O'Dell, President
 Commissioner W. Edward Bailey, Vice-President
 Commissioner Robert Jarboe
 Commissioner John G. Lancaster
 Commissioner Rodney Thompson
 Edward V. Cox, County Administrator
 Judith A. Spalding, Recording Secretary

CALL TO ORDER

The meeting was called to order at 9:00 a.m.

APPROVAL OF MINUTES

Commissioner Thompson moved, seconded by Commissioner Bailey, to approve the minutes of the Commissioners' meeting of Tuesday, February 24, 1987. Motion carried.

APPROVAL OF BILLS

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

REQUEST FOR AMENDMENT TO ST. MARY'S COUNTY CODE
RETIREMENT PROGRAM FOR VOLUNTEER FIREMEN AND RESCUE SQUADSMEN

Present: Andrew McWilliams, President, Fire Board

Mr. McWilliams appeared before the Commissioners to submit a request by the FireBoard and Rescue Squad Association for an amendment to Chapter 181 of the St. Mary's County Code. Chapter 181 is currently entitled "Retirement Program for Volunteer Firemen and Rescue Squadsmen, and it is requested that it be changed to "Length of Service Award Program for Volunteer Firemen and Rescue Squadsmen." Mr. McWilliams advised that the word "retirement" is not correct in that they did not want the volunteers to retire.

Commissioner Bailey moved, seconded by Commissioner Thompson, to approve the change as requested above, and further if a letter is required to be submitted to the legislators that Commissioner O'Dell be authorized to sign the letter. Motion carried.

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) METROPOLITAN COMMISSION
STAFF POSITION CREATION/ABOLISHMENT

As a follow up to last week's discussion, the County Administrator re-presented correspondence dated February 23, 1987 from the Metropolitan Commission requesting approval for the creation of an Assistant Superintendent and Wastewater Mechanic for the staff of the Pine Hill Run Wastewater Treatment Plant. Further requested was the elimination of Wastewater Maintenance Specialist and Wastewater Operator. Mr. Cox indicated that the revenue for the salaries would come from the users' fees.

After discussion, Commissioner Thompson moved, seconded by Commissioner Bailey, to approve the above requests. Motion carried.

2) TEXT AMENDMENT TO ZONING ORDINANCE
ZONE #87-0108
FLOOD INSURANCE RATE MAPS

The Commissioners having conducted a public hearing on February 17, 1987, Commissioner Thompson moved, seconded by Commissioner Jarboe, to approve and sign Resolution No. Z87-01, adopting the Flood Insurance Rate Maps. Motion carried.

3) BOARDS, COMMITTEES AND COMMISSIONS STUDY

The County Administrator advised that the University of Maryland Institute for Governmental Services has agreed to conduct the study of the County's Boards, Committees and Commissions. The study will begin the first of April with a draft report for review by mid-July.

FY '88 BUDGET UPDATE

Present: Charles H. Wade, Jr., Director of Finance

Mr. Wade appeared before the Commissioners to present preliminary figures relative to revenues and expenditures. He stated that total revenues are projected to be increase by approximately \$1.9 Million and expenditure increase approximately \$6 Million. Mr. Wade indicated that the budget review sessions are going well and invited the Commissioners continued participation in the process.

EXECUTIVE SESSION

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

Commissioner Bailey moved, seconded by Commissioner Thompson, to meet in Executive Session in order to discuss matters of Personnel, Property Acquisition and Litigation. Motion carried. The Session was held from 9:35 a.m. to 10:35 a.m.

PUBLIC HEARING
SPECIAL TAXING DISTRICT
PROSPECT HILL SUBDIVISION - DUKE DRIVE

Present: John Norris, Director, Department of Public Works
Roy and Evelyn VanHousen
Mr. and Mrs. Peter Curry
Other interested citizens

The Commissioners conducted a public hearing on the establishment of a Special Taxing District in the Prospect Hill Subdivision for the reconstruction of Duke Drive. The properties to be included are shown on Tax Map 40, Parcels 48, 50 (Lots 1-6), 117, 162 and 165.

The secretary read the notice of Public Hearing.

Mr. Norris displayed the plat of the area depicting Duke Drive and noted that the property owners have requested a special taxing district.

During the discussion Mr. Norris indicated that the draft Ordinance is prepared based on current law of a 15-year payback period; however, if the General Assembly revises it to 20 years, the document can be revised. Cost to be borne by the property owners is a total of \$19,400.

Commissioner O'Dell inquired whether there were any comments from the audience. Evelyn VanHousen queried as to how long before the road would actually be paved. In response, Mr. Norris stated that funds are included in the FY '88 budget. Once the petition is approved by the Board, the County may provide interim maintenance. The construction will be started and completed during the summer.

Hearing no other comments, the public hearing was closed.

DEPARTMENT OF PUBLIC WORKS ITEMS

Present: John Norris, Director

1) LONGVIEW BEACH SPECIAL TAXING DISTRICT

Mr. Norris distributed material that was presented at the public meeting held June 14, 1986 relative to the establishment of a special taxing district for road improvements in Longview Beach.

Mr. Norris displayed a plat of the property indicating the roads to be included in the district. Reviewing the plat, Mr. Norris advised that there were some properties that will not be served by the special taxing district at this time, but there may be additional taxing districts in the future. The cost for improvements is estimated to be \$870,000 - \$50 per year assessment for unimproved lots and \$145 per year for improved lots. This is based on a 20-year payback assumption.

In conclusion Mr. Norris requested the Board's acceptance of the Petition from the property owners for the establishment of a special taxing district.

Commissioner Lancaster moved, seconded by Commissioner Bailey, to approve the Petition as presented. Motion carried.

2) PROJECT NO. SM 87-1-14
SURVEYING CONTRACTS

Mr. Norris presented the bid tally sheet for the referenced project and recommended awarding the bid to J. R. McCrone, Inc. at the following rates: \$57 per hour for surveying; \$22 per hour for drafting.

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to award the contract to J. R. McCrone as recommended. Motion carried.

3) PROJECT NO SM 87-4-3
TOWN PARK RETROFIT PROJECT

Mr. Norris presented the bid tally sheet for the referenced project and recommended awarding the bid to RLO Construction in the amount of \$14,722.

Commissioner Bailey moved, seconded by Commissioner Jarboe, to award the contract to RLO Construction as recommended. Motion carried.

4) TRAFFIC SIGNALIZATION
INTERSECTION OF GOLDEN BEACH ROAD AND MD. RT. 5

Mr. Norris advised that correspondence dated February 17, 1987 was received from Maryland Department of Transportation requesting the county's commitment of one-third participation of costs for the installation of the referenced traffic signal. Advertisement is scheduled for April and the commitment is required prior to that date. Total estimated cost is \$155,796.

After discussion, Commissioner Jarboe moved, seconded by Commissioner Bailey, to authorize the Director of Public Works to certify to the State of Maryland that the County will provide one-third share of the cost for installation of the traffic signal at Golden Beach Road and Md. Rt. 5 to be remitted in FY '88. Motion carried.

5) ACCEPTANCE OF DEED
WATERVIEW COURT EXTENDED - ST. INIGOES

Mr. Norris presented a Deed dated December 12, 1986 by and between Toby A. Bramble and the County Commissioners of St. Mary's County accepting Waterview Court extended at St. Inigoes Landing, Section One and Two.

Commissioner Bailey moved, seconded by Commissioner Thompson, to accept the Deed as presented. Motion carried.

6) ROAD RESOLUTIONS

Mr. Norris presented the following road resolutions for approval by the Board:

- a) No. 87-14
Blackistone Road

Designating Blackistone Road, County Route 3199, as a "Yield Street" at its intersection with Blackistone Road, County Route 3197.

Commissioner Bailey moved, seconded by Commissioner Thompson, to approve and authorize Commissioner President O'Dell to sign the Resolution as presented. Motion carried.

- b) No. 87-16
Barefoot Road - Amber Meadows Subdivision

Posting Barefoot Road, in Amber Meadows Subdivision at 25 miles per hour.

Commissioner Thompson moved, seconded by Commissioner Jarboe, to approve and sign the referenced Resolution. Motion carried.

- c) No. 87-17
Barefoot Road

Designating Barefoot Road as a Stop Street at its intersection with Chancellors Run Road.

Commissioner Thompson moved, seconded by Commissioner Jarboe, to approve and sign the referenced Resolution as presented. Motion carried.

- d) No. 87-18
Waterview Court

Posting Waterview Court, First Election District at 25 miles per hour.

Commissioner Thompson moved, seconded by Commissioner Jarboe, to approve and sign the referenced Resolution as presented. Motion carried.

- e) No. 87-19
Quatman Road

Posting Quatman Road as a "No Parking Zone from 6:00 p.m. to 6:00 a.m." from its intersection with Md. Rt. 246, for 500 feet on either side of the road.

Commissioner Thompson moved, seconded by Commissioner Jarboe, to approve and sign the referenced Resolution. Motion carried.

7) PUBLIC WORKS AGREEMENT
SAN SOUCI ESTATES

Mr. Norris presented a Public Works Agreement dated December 30, 1986 by and between J. Laurence Millison and St. Mary's County, Maryland guaranteeing the completion of the following roads in San Souci Estates, Section IV by January 7, 1988: MacArther Boulevard, Cornwall Drive, Shields Court, Novosel Court. The Agreement is backed by a Letter of Credit in the amount of \$220,000.

Commissioner Thompson moved, seconded by Commissioner Bailey, to approve and authorize Commissioner President O'Dell to sign the Agreement. Motion carried.

8) PUBLIC WORKS AGREEMENT
COUNTRY LAKES, SECTIONS II & III

Mr. Norris presented a Public Works Agreement dated February 18, 1987 by and between Benjamin H. Burroughs, Jr. and St. Mary's County, Maryland guaranteeing completion of the following roads in Country Lakes, Sections II & III by February 17, 1988: Anne Court, West Spicer Drive, and Yowaiski Mill Road. The Agreement is backed by a Letter of Credit in the amount of \$1215,000.

Commissioner Thompson moved, seconded by Commissioner Bailey, to approve and authorize Commissioner President O'Dell to sign the Agreement as presented. Motion carried.

9) ADDENDUM TO PUBLIC WORKS AGREEMENT
SAN SOUCI ESTATES SUBDIVISION
SECTION II

Mr. Norris presented an Addendum to the Public Works Agreement by and between Heritage Manor Homes of Lexington Park, Inc. extending the deadline for completion of roads in San Souci Estates, Section II, Eighth Election District to October 1, 1987. The Letter of Credit has been reduced to \$60,000.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner President O'Dell to sign the Addendum as presented. Motion carried.

OFFICE ON AGING

Present: Billye McGaharn, Director

1) INTERGENERATIONAL PROGRAM (BRIDGE)

Also Present: Nancy Hayden, Counselor at Margaret Brent M.S.

Mrs. McGaharn and Mrs. Hayden appeared before the Commissioners to review and obtain conceptual approval of a program designed to bring middle school children and the elderly together. The program is designed to give youths who go to empty homes after school an afternoon activity that would benefit both; hence the name 'BRIDGE'. Surveys were sent home to parents at Margaret Brent soliciting interest in the program and there have been 10 firm responses with others expressing an interest.

Mrs. McGaharn advised that she was looking into the A.C.T.I.O.N. Program for a potential funding source for the Program. She stated that if the Commissioners approve the Program, the R.S.V.P. grant could be amended to incorporate the Intergeneration Program. The Program would require a Project Director on a part-time, no fringe benefits basis.

Mrs. McGaharn indicated that the next step after this presentation would be setting up of a Budget and bring it before the Board to look at line item changes.

In conclusion, the Commissioners gave conceptual approval to the Program pending receipt of program description and objectives.

2) USDA FOOD REIMBURSEMENT

Mrs. McGaharn referred to previous correspondence received from the State Office on Aging in which St. Mary's County was informed that we would not receive approximately \$16,000 in USDA Food Reimbursement because of the delivery of bulk rather than individually wrapped meals.

Mrs. McGaharn explained the problem in our rural setting with complying with the requirement for individually wrapped meals because of great distance, transportation costs, and manpower. Mrs. McGaharn stated that she has responded to the State Office on Aging correspondence with a request for reconsideration due to our special needs.

The Commissioners stated that they would entertain further discussion on this issue upon receipt of the State Office on Aging responses.

MCARTHUR BOULEVARD
SAN SOUCI SHOPPING CENTER

Present: Larry Millison, Developer
Herb Redmond,
John Norris, Director, Department of Public Works

Mr. Millison appeared before the Commissioners to express his concerns regarding requirements being placed on him, specifically, traffic lights, sidewalks and roads that are not being required by other developers. He stated that he has had difficult times meeting deadlines and getting work accomplished. Mr. Millison cite specific examples where other developers did not have to follow the same requirements as he was:

Traffic Lights: he was required to pay for traffic light at Millstone Landing Road and Md. Rt. 235. Developers of a bank and car wash proposed in the area of Millstone Landing were not requested to contribute towards the cost of the light;

Sidewalks: He was required to have sidewalks at San Souci Shopping Center and the Golden Corral. No sidewalks were required at Hickory Hills Shopping Center nor Exploration Partners.

80-foot right-of-way - Mr. Millison reported that the Department of Public Works is requiring a five-lane highway with an 80-foot right-of-way through the San Souci shopping center. Mr. Redmond displayed plats of the property and questioned the necessity for this requirement and, therefore, requested a waiver of that requirement.

Mr. Norris responded by stating that he was following the County Road Ordinance for minimum public standard for the road construction. He states that only the road entrance portion was five lanes and it tapered down to a four lane highway. County standards require an 80-100 foot right-of-way and the 80-foot requirement for MacArther Boulevard is a minimum standard.

With regard to the sidewalk, Mr. Norris stated that this is a major issue in the County today, and he anticipated the County developing a standard uniform sidewalk policy.

In conclusion the Commissioners directed that Mr. Millison put in writing his precise concerns and the Commissioners would have the appropriate departments address these concerns and submit comments to the Board for a decision.

TOUR OF COURTHOUSE COMPLEX

At this time the Commissioners left for a a tour of the Courthouse complex.

6:00 P.M.

EXECUTIVE SESSION

Present: John Norris, Director, Department of Public Works

The Commissioners continued the Executive Session from earlier in the day with Mr. Norris relative to property acquisition, personnel and litigation. The Session was conducted from 6:00 p.m. to 6:35 p.m.

ALCOHOLIC BEVERAGE BOARD
QUOTA SYSTEM PROPOSAL

Present: Jack Fletcher, Chairman
Stanley Buckler
Joseph Taylor
Paul Ludwig, Inspector

At the request of the Board of County Commissioners the referenced representatives of the Alcoholic Beverage Board appeared to discuss the proposed quota system for liquor licenses. Mr. Fletcher reported that a public meeting was conducted by the ABB in order to get citizen input on the proposal. He stated that in certain areas of the County there appeared to be a large number of license holders within a small area, and the Board had not made a decision whether a quota system would help that type of situation. Mr. Fletcher indicated that the ABB was concerned about public safety and traffic accidents.

In response to an inquiry from Commissioner O'Dell, Mr. Fletcher explained procedures and outlined requirements used in applicants receiving licenses. He indicated that the Health Department and Fire Marshall must inspect the suitability of the facilities.

Commissioner O'Dell suggested that the Alcoholic Beverage Board develop guidelines pertaining to the approval or denial of applications and advised that the County could allocate resources to provide capability in evaluating the system not just a quota system.

Mr. Fletcher indicated that the Board would submit a plan to the Commissioners, and would request assistance if necessary in its development.

COUNTY COMMISSIONERS' ITEMS

1) Board of Education Categorical Transfer Commissioner O'Dell presented correspondence in response to Dr. Lorton's request stating that any requests for transfers must be presented to the Commissioners in advance and approval would be given with justification.

Commissioner Bailey moved, seconded by Commissioner Thompson, to approve and sign the letter as presented. Motion carried.

2) Department of Social Services - Micro-Computer Request Commissioner O'Dell indicated that he was in favor of the purchase of the micro-computer by the DSS. The funds can come from an expected savings in their program.

Commissioner Bailey moved, seconded by Commissioner Thompson, to approve DSS's purchase of the micro-computer as requested. Motion carried.

3) McKay's Beach Road Project Commissioner Jarboe advised that the Department of Public Works is looking into the project and will provide information to the Board next week.

4) Metropolitan Commission Legislation Commissioner O'Dell advised that correspondence had been received from the Metropolitan Commission setting forth information pertaining to two requested legislative items (#7 (H.B. 185 - Development Impact Charge and #3 H.B. 391 - Benefit Charges). Commissioner O'Dell stating that he would be in favor of submitting the items to the legislative delegation. After discussion, Commissioner Thompson moved to support the two referenced items. The motion died for lack of a second.

5) Lexington Park Storm Drainage Special Taxing District Commissioner Jarboe inquired as to the source of funds for the project to which the County Administrator replied that there are funds in the Department of Public Works Engineering Design Account. However, approval of this project would necessitate the Commissioners delaying another project until next fiscal year.

After discussion, Commissioner Jarboe moved, seconded by Commissioner Lancaster that the County proceed with the design of the Lexington Park Storm Drainage Special Taxing District (Project No. SM 86-4-3) and further that the State be so notified so that it can proceed with the plans for Great Mills Road. Commissioner O'Dell voted against the motion stating he would like to talk to the Public Works Director and County Attorney relative to certain issues prior to proceeding. Motion carried four-to-one.

6) Tri-County Council Executive Committee Report Commissioner Jarboe reported to the Board relative to the TCC Executive Committee. Issues needing action were:

a) \$7,000 Export Development Funds for promotion of Maryland Tobacco - The County Administrator will determine whether Charles and Calvert County have submitted their contribution to TCC.

b) Regional Tri-County Area Plan - A decision will be needed as to whether the TCC should study and evaluate the Comprehensive Plans of the three counties and meet with the Planners of each of the counties relative to the development of a Regional Tri-County Plan.

c) SB 404 - Workmen's Compensation - Prisoners - Senator Simpson has inquired whether St. Mary's would be supportive of this bills. The County Administrator was directed to contact Senator Simpson to indicate that the County would support it if we gave a stipend to prisoners; however, St. Mary's does not.

EXECUTIVE SESSION


Present: Edward V. Cox, Administrator

Commissioner Bailey moved, seconded by Commissioner Thompson, to meet in Executive Session to discuss a matter of Personnel and Litigation. Motion carried. The Session was held from 9:15 p.m. to 9:45 p.m.

ADJOURNMENT

The meeting adjourned at 9:51 p.m.

Approved,


Joseph P. O'Dell
President