

BOARD OF COUNTY COMMISSIONERSTuesday, April 7, 1987

Present: 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

(COMMISSIONER PRESIDENT JOSEPH P. O'DELL WAS NOT PRESENT.)

CALL TO ORDER

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

LEXINGTON PARK STORM DRAINAGE TAXING DISTRICT

Commissioner Jarboe moved, seconded by Commissioner Thompson, to rescind the motion of March 31, 1987 relative to the referenced project and instead moved to reinstitute the motion of March 3 and add to direct the County Attorney to begin the process of setting up the Special Taxing District. Motion carried.

APPROVAL OF MINUTES

Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve the minutes of the Commissioners' meeting of March 31, 1987. Motion carried.

Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve the following minutes of the County Commissioners' meetings from the Office of Planning and Zoning: March 10, March 17, March 24 and the Special Joint meeting of March 23, 1987.

APPROVAL OF BILLS

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

HENDERSON PARK - GREAT MILLS

Present: John V. Baggett, Director, Recreation and Parks

Mr. Baggett advised that bids were solicited for the resurfacing of the hard surface court and for refurbishing the tennis courts at Henderson Park recommended awarding the bids as follows:

Hard Surface Court to Copenhaver Asphalt in the amount of \$16,137;

Tennis Court Refurbishing to Insley Construction in the amount of \$17,500.

He stated that \$50,000 had been appropriated for this project and that the above two items total \$33,637. Mr. Baggett indicated that he will be back before the Board for bids on putting a protective surface on the courts and lining them.

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to accept the recommendations of the Director of Recreation and Parks as referenced above. Motion carried.

WICOMICO SHORES GOLF AND COUNTRY CLUB  
FEASIBILITY STUDY  
INTRODUCTION OF CONSULTANT

Present: John Baggett, President, Chaptico Recreation Corp.  
Randy Whorls, American Institute for Leisure Services

Mr. Baggett introduced Mr. Whorls to the Board and reported that his firm will be conducting the feasibility study of Wicomico Shores. By way of a slide presentation, Mr. Whorls informed the Board of the operations at Oglebay a resort complex in West Virginia which includes golf courses, pools, parks, lakes, etc. and demonstrated what a municipal park complex could look like. During discussion Mr. Whorls pointed out that he will be sending three of his technical people down to the County to look at Wicomico Shores and develop recommendations.

In closing the Commissioners thanked Mr. Whorls for his presentation and, Mr. Baggett advised that he would be accompanying him to look at the Wicomico Shores property.

CHAPTICO RECREATION BOARD OF DIRECTORS/ADVISORY COMMITTEE

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to appoint Charles Young to the Chaptico Recreation Advisory Committee and further to remove John Norris from the Chaptico Recreation Board of Directors as he had requested. Motion carried.

MENTAL HEALTH ALCOHOLISM DRUG ABUSE ADVISORY COUNCIL  
MENTAL HEALTH CLINIC EVALUATION

Present: Phebe Barth, Director, Office of Community Services  
William Arrick, Chairman, MHADAAC  
Elizabeth Sally Raley, "  
Suzanne Lawrence, "  
Mary Clements, "  
Ann Kavolchik, Office of Community Services

The referenced individuals appeared before the Commissioners to present MHADAAC's evaluation of the County's Mental Health Clinic as required by state law. The report includes: Evaluation Data Collection, Overview, Program Description, Staffing and Recommendations. A copy of the Report is on file in the Commissioners' Office.

During discussion, Commissioner Lancaster suggested that there be a needs assessment that could be forwarded to the legislators and request their assistance. Ms. Barth replied that the planning subcommittee of the Community Services Coordination Committee is doing this in terms of the elderly which can cover all areas. She stated that the Committee would like this factored into the Comprehensive Plan update.

In conclusion Ms. Barth requested the Board's consideration to have a Commissioner liaison between the Board of County Commissioners and MHADAAC. The Commissioners suggested that the request be put in writing for their consideration.

DEPARTMENT OF PUBLIC WORKS

Present: John Norris, Director

1) PUBLIC HEARING  
ROAD NAME CHANGE  
LONG NECK ROAD TO FRESH POND NECK ROAD

Also Present: Mr. and Mrs. Woodburn, resident  
Mr. and Mrs. Bradburn, "

The Commissioners conducted a public hearing for the purpose of renaming Long Neck Road to Fresh Pond Neck Road in the First Election District.

The secretary read the Notice of Public Hearing.

Mr. Norris explained that in December of 1986 correspondence was received from property owners requesting the renaming of Long Neck Road (County Route 3404) to Fresh Pond Neck Road. Mr. Norris suggested that because of the 90° angle of the intersection of the road, that the road be named West Fresh Pond Neck Road. He also indicated that naming the road West Fresh Pond Neck Road would make it easier for visitors to residents of that road.

Those property owners present indicated that they were not in favor of naming the road West Fresh Pond Neck, but wanted it named Fresh Pond Neck Road as that is the name the road has gone by for many years.

After Commissioner Bailey inquired if there were any further comments, the public hearing was closed.

After discussion, Commissioner Jarboe moved, seconded by Commissioner Thompson, to authorize the President of the Board to sign the appropriate Road Resolution renaming Long Neck Road (County Route 3404) to Fresh Pond Neck Road. Motion carried.

2) PUBLIC WORKS AGREEMENT  
HARROW HILLS, SECTION D

Mr. Norris presented a Public Works Agreement dated March 30, 1987 by and between Alfred Gardiner and St. Mary's County guaranteeing the completion of Harrow Hills Court in Harrow Hills Subdivision, Section D, by March 30, 1988. The Agreement is backed by an Irrevocable Letter of Credit with The First National Bank of St. Mary's in the amount of \$25,300.

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

3) TRAFFIC SIGNALIZATION  
MD. RT. 235 AND TOWN CREEK DRIVE

Mr. Norris presented correspondence dated March 23, 1987 from Maryland Department of Transportation forwarding Assurance of Compliance form indicating the County's commitment to participate in one-half funding of the referenced project. Total project cost is \$47,731.40. Mr. Norris reported that the County's share is included in the FY '88 Recommended Budget.

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to authorize Commissioner Vice-President Bailey to sign the Compliance Form as presented. Motion carried.

4) ACCEPTANCE OF DEED  
DELMARVA PROPERTIES, INC.

Mr. Norris presented a Deed dated February 1987 by and between Delmarva Properties, Inc. and the Board of County Commissioners of St. Mary's County for transfer of a strip of land along Chingville Road which was used during the reconstruction project.

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to accept the property as identified on the Deed into the County Highway Maintenance System. Motion carried.

5) ADDENDUM TO PUBLIC WORKS AGREEMENT  
SOTTERLY MANOR SUBDIVISION

Mr. Norris presented an Addendum to the Public Works Agreement entered into by and between Kenneth W. Sumner and The Board of County Commissioners of St. Mary's County. The Addendum extends the deadline for completion of roads in Sotterly Manor (Eagle Crest) to April 1, 1980 and amends the First National Bank of St. Mary's Letter of Credit to \$15,000.

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Vice-President Bailey to sign the Addendum as presented. Motion carried.

6) ASPHALT OVERLAY PROGRAM

Mr. Norris requested authority to advertise for bids not only the remaining tonnage of asphalt in the current fiscal year, but to bid approximately one-half of the tonnage that would be funded in the next fiscal year in order to get the best price.

Commissioner Jarboe moved, seconded by Commissioner Lancaster to grant the authority as requested. Motion carried.

7) SLURRY SEAL PROGRAM

Mr. Norris indicated that getting bids out early on the referenced project would be advantageous to the County by getting a more economical bid. he stated that funds are in the Recommended FY '88 Budget for this program. Commissioner Jarboe moved, seconded by Commissioner Thompson, to authorize the Department of Public Works to advertise for bids for the Slurry Seal Program as requested. Motion carried.

8) SURFACE TREATMENT PROGRAM

Mr. Norris indicated that his department needed to get the bids out for the referenced project for next fiscal year. He indicated that the price of oil is about as low as it will get for this calendar year, and therefore requested authorization to bid next fiscal year's Surface Treatment Program at the level identified in the Recommended Budget.

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to authorize Mr. Norris to begin the bid process for the referenced Program. Motion carried.

9) HIGHWAY MAINTENANCE

Mr. Norris explained that for the past several years he has been utilizing a section in the County Personnel Manual to change work days for Highway Maintenance employees. He indicated that he has been scheduling four ten hour days which keeps equipment and manpower out longer. He stated that he uses another crew on the fifth day to solve smaller problems without having to call an employee back in. Mr. Norris indicated to the Board that he will be instituting that practice again this year some time in the middle of May.

10) CIVIL PENALTIES  
SEDIMENTATION CONTROL ORDINANCE

Mr. Norris indicated that civil penalty requirements have been included in various ordinances of the County and stated that according to Article 25 of the Annotated Code of Maryland authority is given to provide civil penalties in the Sedimentation Control Ordinance. Therefore, Mr. Norris requested authorization to advertise for a public hearing to amend the Sedimentation Control Ordinance to include civil penalties. The Commissioners agreed to defer a decision on this until next <sup>week</sup> after they have an opportunity to review the proposed amendment.

11) STREET LIGHT SPECIAL TAXING DISTRICT  
SOUTHAMPTON SUBDIVISION

Mr. Norris advised that a petition had been received by the County from residents of Southampton for the establishment of a Special Taxing District for street lights. Mr. Norris distributed the handout from the July 30, 1985 public meeting held at Carver Elementary School and indicated that because of inflation the costs may be slightly higher. Mr. Norris further explained that the County is awaiting the outcome of proposed legislation changing the payback period for special taxing districts from 15 years to 20 years. Therefore, Mr. Norris requested authority to advertise for bids for the project pending adoption of the legislation, after which he will proceed with the project and prepare the draft ordinance creating the district.

Commissioner Lancaster moved, seconded by Commissioner Thompson, to accept Norris' recommendations as set forth above. Motion carried.

12) LANDFILL OPERATIONS

Mr. Norris advised that St. Andrews Landfill operates seven days a week from 8:00 a.m. to 5:00 p.m. with the exception of the four major holidays. He stated that the landfill is in full operation on Saturday with attendant and equipment operator; however, on Sunday there is just an attendant. He explained that because of the volume of trash being brought in on Sundays, it is necessary to have a Sunday operator. He suggested that this can be done by transferring funds from project work and either delaying some of it or contracting it. Mr. Norris stated that he needs concurrence by the Board to expand the operation to include a Sunday equipment operator. The Sunday equipment operator has been included in the FY '88 Recommended Budget.

13) WASTE-TO-ENERGY FACILITY

Mr. Norris explained that he was working on an alternate solution to solid waste and requested authorization to sign a grant application to be submitted to the Maryland Environment Service for \$55,000 to do next level of analysis of a waste-to-energy facility.

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to authorize Commissioner President O'Dell to sign the appropriate documents. Motion carried.

PUBLIC SCHOOLS BUILDING TRADES FOUNDATION

Present: Michael Guy, President  
Dr. Larry Lorton, Superintendent of Schools  
Dennis Younkin, Director, Fiscal & Adm. Services

Also Present: Alan Brown, William T. Durkin, Carl Franzen  
Tana P. Glockner, Paul J. Manchak, Michael J. Rubala,  
William Winters.

The referenced individuals appeared before the Commissioners to provide an update on the Building Trades Foundation. Dr. Lorton indicated that the Foundation is a result of a need to get expertise from the community involved in the school's home building program.

Mr. Guy explained the Foundation and its goal--better education, and requested the Board's support in the following:

1) To assist in facilitating the transfer of the current house to the Foundation. The Board of Education has concluded that the best time for the transfer is at the completion of the house. After the transfer, the Foundation will assume full responsibility for marketing of that house. Funds received for sale of the house will be used to retire the debt for the materials for construction. Any residual funds will be used for the construction of the next house.

2) The Foundation needs to purchase another lot and needs the collateral from the transfer to purchase the lot. Mr. Guy suggested that perhaps the County may have land available for this purpose.

In conclusion the Commissioners thanked those in attendance for their presentation and requested to be kept apprised of the progress of the program.

COUNTY-OWNED PROPERTY  
DUKEHART'S CREEK - POINT BLACKISTONE

Present: Paul Raley, Deputy Director, Purchasing & Logistics

Mr. Raley informed the Commissioners that two adjacent property owners would like to purchase the .45 acre county-owned property. In order to do so, the property must be declared surplus and offered at public sale by the County Commissioners. The question of road right-of-way and easements need to be resolved, and the County Commissioners requested additional information as to the location of the property and whether or not there is a county government need.

The Commissioners requested Mr. Raley to provide them with a larger map and a decision would be made at next week's meeting.

TALL TIMBERS SHORE EROSION PROJECT

Present: John Norris, Director, Department of Public Works  
Joseph Densford, Assistant County Attorney

The County Administrator referenced a telegram dated April 2, 1987 from the Corps of Engineers addressing issues discussed at last week's meeting regarding the Tall Timbers project. Mr. Cox inquired whether the County wished to proceed to do at County expense the corrective work that the contractor has not performed. The Corps is still requesting payment in the amount of \$233,727.40 for county's costs in excess of the \$1,000,000 cap.

The Contract for the corrective work runs until June and discussion ensued as to whether the County should proceed to do the work. It was noted that the telegram indicated that the property owner (Meatyards) were not allowing the contractor onto the property.

Mr. Densford pointed out that Congressman Dyson's office is seeking to get funds to cover the remaining funds due the Corps. Mr. Densford suggested that the County could hold back the cost to do the corrective work (\$35,000 to \$40,000) pending the contractor going onto the property to fulfill his obligation.

After lengthy discussion, Commissioner Jarboe moved, seconded by Commissioner Lancaster, to authorize an expenditure of up to \$5,000 to do the amount of work necessary on the road and parking area in order to make the Meatyard's marina operational; to make contact with the general contractor of the Corps to see if the County can effect a rapid time frame to get the problem solved; and to ask the Corps to provide an estimate of the value of the work to be done by the contractor. Motion carried.

In conclusion Mr. Norris advised that he would also look into why the contractor was refused entry onto the Meatyard's property.

PROCLAMATION  
FAIR HOUSING MONTH

Present: Joseph Mitchell, Director, Economic & Community Development  
Nancy Hutson, DECD, Loan Analyst

The Commissioners presented the referenced Proclamation designating the Month of April as Fair Housing Month in St. Mary's County.

HOUSING VOUCHER PROGRAM

Present: Joseph Mitchell, Director DECD

Mr. Mitchell appeared before the Commissioners to present correspondence to Housing and Urban Development indicating the County's approval of the application for the Housing Voucher Program in St. Mary's County. Mr. Mitchell explained that this Program will provide \$195,450 annually to the County for rental assistant for the next five years.

The Commissioners agreed to sign and forward the letter as presented. Motion carried.

TOUR OF LIBRARY FACILITIES AND PUBLIC WORKS FACILITIES

(The meeting continued at 5:00 p.m.)

OFFICE OF PLANNING AND ZONING

1) DECISION DISCUSSION  
ZONE #86-0298 - JOSEPH H. GODDARD

Commissioners present: W. Edward Bailey, Robert Jarboe, John G. Lancaster and Rodney Thompson. Staff present included: Frank J. Gerred, Director, Robin Guyther, Planner, and Betsy Anthony, Recording Secretary.

Members of the audience included: Joseph H. Goddard, Margaret Goddard, Allan Bussler of the Sentinel, and Richard M. Berger of the Enterprise.

Requesting rezoning of 5.4 acres from R-1, Rural-Residential, to C-2, Commercial. The property is located on the northwest corner of the intersection of Maryland Route 5 and 244, Medley's Neck, Third Election District shown on Tax Map 41, Block 13, as Parcel 52.

Mr. Gerred oriented the Board as to case being discussed. Mr. Gerred advised that all information presented at the March 17, 1987 hearing had to be excluded from that hearing. Commissioner Jarboe made the motion to exclude all information from the previous hearing, seconded by Commissioner Thompson, with all members in favor.

Following discussion of the Board, Commissioner Jarboe motioned, seconded by Commissioner Thompson to authorize the County Attorney to prepare the appropriate Resolution approving the rezoning based on their determination that there had been a significant change in the neighborhood. Commissioners Bailey, Jarboe, and Thompson voted in favor. Commissioner Lancaster opposed. Motion passed three (3) to one (1).

2. DISCUSSION: CEDAR COVE MARINA

Mr. Guyther brought before the Board a letter and diagram he received from Cedar Cove Marina requesting removal of a railway to install two travel lift runways. Mr. Guyther stated that all permits and information were in order.

A motion was made by Commissioner Jarboe to approve the change, seconded by Commissioner Lancaster, and was unanimously passed.

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) BUDGET AMENDMENTS

The County Administrator presented the following Budget Amendments recommended for approval by the Director of Finance with justifications as noted:

a) Budget Amendment No. 87-33  
Department of Public Works

To transfer \$2,000 to fund costs of telephone service.

Commissioner Thompson moved, seconded by Commissioner Lancaster to approve and authorize Commissioner Bailey to sign the referenced Budget Amendment. Motion carried.

b) Budget Amendment No. 87-34  
County Administrator

To transfer \$19,500 to cover 350th Celebration.

Commissioner Thompson moved, seconded by Commissioner Lancaster to approve and authorize Commissioner Bailey to sign the referenced Budget Amendment. Motion carried.

c) Budget Amendment No. 87-35  
Tri-County Council

To transfer \$7,000 for St. Mary's County's contribution to TCC's export development grant.

Commissioner Jarboe moved, seconded by Commissioner Thompson, to approve and authorize Commissioner Bailey to sign the referenced Budget Amendment. Motion carried.

2) CORRESPONDENCE TO LEGISLATORS  
SENATE BILL 818

The County Administrator presented correspondence addressed to the Legislative delegation requesting support of Senate Bill 818 (Local Health Planning).

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to sign and forward the letter as presented. Motion carried.

3) ZONING AMENDMENT RESOLUTION NO. Z87-03  
(AMENDMENT TO Z84-19)  
WILLIAM E. WINTERS (ZONE #84-0115)

The County Administrator presented the referenced Zoning Amendment Resolution which amends Resolution No. Z84-19 by correcting the property description.

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to approve and sign the amending Resolution. Motion carried.

4) CORRESPONDENCE TO CONGRESSMAN DYSON  
SUBMARINE-COMMUNICATING AIRCRAFT

The County Administrator presented correspondence addressed to Congressman Dyson supporting his efforts to counteract the reported decision of Navy Secretary Lehman to phase out the submarine-communicating aircraft based at the Patuxent River Naval Air Station.

The Commissioners agreed to sign and forward the letter.



5) PERSONNEL

The County Administrator presented the following items of personnel for the Board's consideration:

a) Appointment of Patrolman  
Sheriff's Department

Memorandum dated April 1, 1987 recommending the selection of Lloyd Diernisse to Patrolman, Grade 11, to fill the vacancy created by the promotion of David Zylak, effective April 20, 1987.

Commissioner Thompson moved, seconded by Commissioner Jarboe, to accept this recommendation. Motion carried.

b) Authority to Hire Communications Center Supervisor  
Emergency Operations Center

Memorandum dated April 6, 1987 from Personnel Officer requesting authority to advertise the Communications Supervisor position vacated by the retirement of Walter Downs.

Commissioner Lancaster moved, seconded by Commissioner Thompson, to grant this authority. Motion carried.

c) Secretary II (Recording Secretary)  
Office of Planning and Zoning

Memorandum dated April 7, 1987 from Personnel Officer recommending the selection of Mary Anthony to the Secretary II (Recording Secretary) position in the Office of Planning and Zoning, Grade 7, to fill the vacancy created by the promotion of Anita Meridith to Office Supervisor, effective April 13., 1987.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to accept this recommendation. Motion carried.

d) Hiring Approval Process

Memorandum dated March 31, 1987 from the Personnel Officer recommending reducing the recruiting process by the Commissioners delegating the approval to fill a vacant, previously authorized position, to the County Administrator. The Commissioners would continue to appoint all new employees.

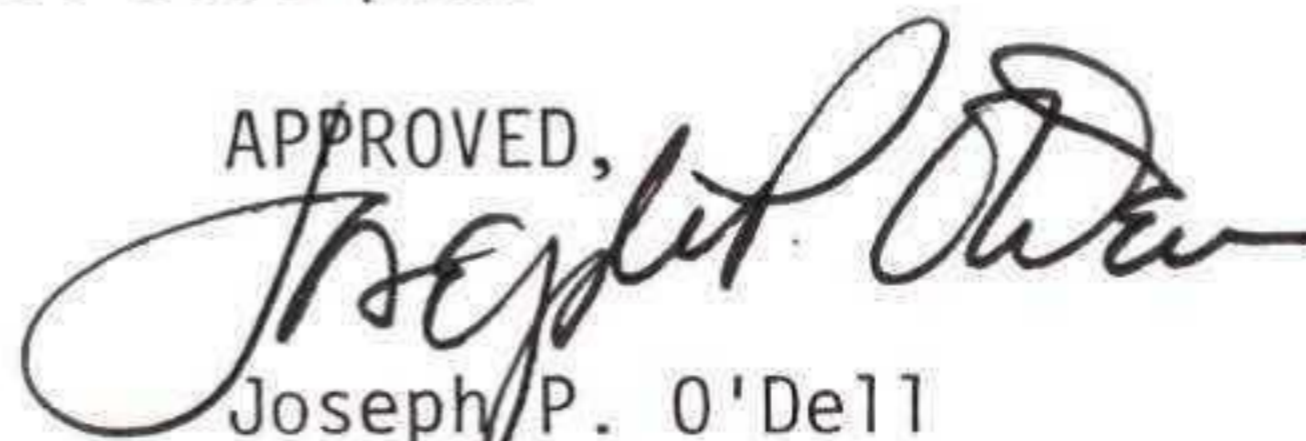
Commissioner Jarboe moved, seconded by Commissioner Lancaster to delegate the authority to approve the hiring process to the County Administrator. Motion carried.

PUBLIC FORUM

At this time the Commissioners conducted a public forum accepting comments and questions from the audience.

ADJOURNMENT

The meeting adjourned at 5:50 p.m.

APPROVED,  
  
Joseph P. O'Dell  
President