

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, June 30, 1987

Present: Commissioner Joseph P. O'Dell, President  
Commissioner W. Edward Bailey, Vice-President  
Commissioner Robert Jarboe  
Commissioner John 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, June 23, 1987 as presented. Motion carried.

Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve the Office of Planning and Zoning's portion of the minutes of the Commissioners' meetings of June 9 and June 16, 1987 as presented. Motion carried.

APPROVAL OF BILLS

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

INTRODUCTION OF NEW DEPUTY DIRECTOR OF PERSONNEL

Present: Charles Wade, Director of Finance  
Belinda Johns, Deputy Director of Personnel

Mr. Wade introduced Ms. Belinda Johns to the Board of County Commissioners. Ms. Johns has been selected as the new Deputy Director of Personnel to replace Gerda Manson who is retiring.

OFFICE ON AGING

Present: Billye McGaharn, Director, Area Agency on Aging

1) STATE SPECIALIZED ASSISTANCE TRANSPORTATION  
REVISED GRANT - STATE #SS-87-21

Mrs. McGaharn appeared before the Commissioners to request the Board's consideration for the revision of the referenced SSATP Program for the period July 1, 1986 - June 30, 1987. She presented revised figures for rollover of operating funds to capital funds (\$28,782), using private donations and unexpended county match (\$9,032) for the acquisition of a large handicap bus. She explained that the State has indicated approval of this rollover.

Commissioner Bailey moved, seconded by Commissioner Jarboe, to authorize submission of the revised Grant, with approval pending formal acceptance by the State and documentation from Mrs. McGaharn giving justification for the need for the bus and operational costs. Motion carried.

2) BUS TRANSPORTATION SYSTEM

Mrs. McGaharn advised the Commissioners that the contract with Mr. Kessler for the bus transportation service will expire midnight tonight, June 30. Discussion ensued regarding whether Mr. Kessler would continue to provide the service, and the Commissioners requested the County Administrator to work with Mrs. McGaharn and Mr. Kessler on this issue.

COMMISSION FOR WOMEN

Present: Dorothy Barclift, Chairman  
Lynne Fitrell  
Joan Stine  
Elfreda Mathis  
Ann Kavolchik, Community Services Coordinator

The referenced individuals appeared before the Commissioners to presented the annual report of the Commission for Women as required in the By-Laws. Mrs. Barclift distributed a pamphlet on the Commission and noted that it began in 1976. During discussion Mrs. Barclift enumerated the Commission's accomplishments and on-going projects: Financial support to the Women's Center; Domestic Violence/Sexual Assault Program; Women's History Week; serves as a clearinghouse for other organizations; promotes information on legislative items; and other issues important to families and women.

Lynne Fitrell, the incoming Chairperson, reviewed with the Commissioners the continuing goals of the Commission for Women and the need to visit schools to talk to young women about their multiple roles in society.

At the conclusion of the presentation, the County Administrator advised the Commissioners that Mrs. Barclift is stepping down from the Commission after her 11 years of dedicated service.

The Commissioners expressed their appreciation to Mrs. Barclift and to the Commission for their many efforts on behalf of the women in the County and for their visibility in the community.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator  
Walter Dorsey, State's Attorney  
Lt. Plunkert, Md. State Police  
Evelyn Hall, State's Attorney's Office  
Florence Ballengee, "

Commissioner Bailey moved, seconded by Commissioner Lancaster, to meet in Executive Session in order to discuss matters of Personnel and Property Acquisition. Motion carried. The Session was held from 10:05 a.m. to 10:55 a.m.

(COMMISSIONER JARBOE LEFT THE MEETING - 12:55 P.M.)

DEPARTMENT OF PUBLIC WORKS

Present: John Norris, Director

1) PUBLIC WORKS AGREEMENT  
BEAUVUE EAST SUBDIVISION

Mr. Norris presented the referenced Public Works Agreement dated June 24, 1987 by and between Oliver R. Guyther and St. Mary's County guaranteeing the completion of Beauvue Court in Beauvue East Subdivision, Third Election District, on or before October 22, 1987. The Agreement, backed by a Letter of Credit from First National Bank of St. Mary's, is in the amount of \$26,000. Mr. Norris explained that the Deed presented with the Agreement does not include the footage of the right-of-way; however, he recommended that the Board accept the Public Works Agreement contingent upon receipt of a Deed showing the entire length of Beauvue Court to the end of the property line.

Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve the referenced Public Works Agreement with the contingency as outlined by Mr. Norris. Motion carried.

2) ADDENDUM TO PUBLIC WORKS AGREEMENT  
ALFRED GARDINER

Mr. Norris presented the referenced Addendum to the Public Works Agreement entered into by Alfred Gardiner and St. Mary's County extending the date for completion of the roads in Harrow Hills Subdivision to July 1, 1988. The Addendum, backed by a Letter of Credit from First National Bank of St. Mary's, is in the amount of \$60,700.

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

(COMMISSIONER JARBOE RETURNED TO THE MEETING - 1:05 P.M.)

3) ADDENDUM TO PUBLIC WORKS AGREEMENT  
CEDAR COVE SUBDIVISION

Mr. Norris advised that the referenced Addendum to the Public Works Agreement entered into by and between J. Laurence Millison and St. Mary's County was due in his office July 1. The Addendum, back by a Letter of Credit in the amount of \$427,500, extends the deadline for completion of the roads in Cedar Cove Subdivision, Section III, Eighth Election District to July 1, 1988. Mr. Norris requested the Board's authorization for Commissioner O'Dell to sign the Addendum upon receipt; however, if not received, authorization to call the Letter of Credit.

Commissioner Bailey moved, seconded by Commissioner Thompson, to authorize Commissioner O'Dell to sign the Addendum upon receipt; however, if that does not occur to authorize the Department of Public Works to call the Letter of Credit. Motion carried.

4) GRADING AGREEMENTS

Mr. Norris requested authority from the Board to call the Letters of Credit for the following projects if the action as indicated has not been completed.

a) Chrystal Car Wash  
Grading Permit 86-43

Will grant a 90-day extension upon receipt of Addendum. Easement authority will be required from SMECO and the County.

b) San Souci Plaza, Phase I  
Grading Permit 86-13

Completion of work and Certificate by surveyor required.

c) Hunting Quarter  
Grading Permit 84-05

Issuance of replacement grading permits.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to authorize the Department of Public Works to make necessary claims on Letter of Credit for the referenced projects, if necessary. Motion carried.

5) CAPITAL PROJECT REVIEW

At this time the Mr. Norris reviewed the status of the Department of Public Works' Capital Projects with the Commissioners. A copy of the Status Report in on file in the Commissioners' Office.

PRESENTATION OF FORT MCHENRY FLAG

Present: James Weber, Flag Day Coordinator  
Jason Kaiser

Mr. Weber presented the flag that was flown over Fort McHenry to the Commissioners for presentation to Jason Kaiser.

ST. MARY'S COUNTY DAY - JULY 4

Present: Burt Kummerow, St. Mary's City

Mr. Kummerow appeared before the Commissioners to present a Resolution declaring that on the occasion of the 350th anniversary of St. Mary's County that St. Mary's City and St. Mary's College declare July 4, 1987 as St. Mary's County Day in historic St. Mary's City.

SICK LEAVE CLUB AWARDS

Present: Gerda Manson, Personnel Officer

The Commissioners presented the Sick Leave Club Awards to the following individuals:

100-Day - John Hewitt, Sr., James Raley, Judith Spalding  
George Yates.

200-Day - John Norris

300-Day - Tom Oliver

GREENVIEW WEST PUD

Present: Frank Gerred, Director, Office of Planning and Zoning  
Robin Guyther, Planner, "  
John Norris, Director, Department of Public Works  
Dan Ichniowski, Engineer, "  
Larry Petty, Director, Metropolitan Commission

(Present in the audience: James Dobry, developer of  
Greenview West; Marianne Johnson, Dobry Construction,  
Gerald Ruter, Attorney for developer)

Representatives from the Office of Planning and Zoning, Department of Public Works, and the Metropolitan Commission appeared before the Commissioners to explain their roles and timing with regard to the referenced project.

During the discussion Commissioner O'Dell inquired of each of the representatives if there was a conscious effort to delay Mr. Dobry from getting rightful permits through the normal processes. Each indicated they did not delay the project and outlined the events as follows:

Mr. Guyther explained the Office of Planning and Zoning's procedures regarding PUD's and noted that he cannot present a project to the Planning Commission until all agencies have approved the site plan. He stated that when a site plan is submitted, it goes to the Office of Planning and Zoning and it is circulated to all county agencies. Comments from the agencies must be received in four weeks, which occurred in this case, and are then sent to the applicant, which was done on May 21, 1986. Mr. Guyther pointed out that these comments are received from the various agencies, and the applicant must work with each individual agency to satisfy their requirements and regulations, which does take some time. He pointed out that in this case, by March 19, 1987 three agencies (Soil Conservation Service, Department of Public Works, and Metropolitan Commission) did not have an approved set of plans. Because the plans had not been received the project was not scheduled for Planning Commission action on March 23. Mr. Guyther further noted that the State Highway Administration has required a by-pass lane, and that the State has been negotiating with Mr. Dobry for some time on this issue.

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Dan Ichniowski explained that from the beginning of this project, Department of Public Works was requesting a verification that the existing pond would be able to handle the increased runoff. This concern was first offered in 1976 when the developer presented the pre-development plans to DPW and verification was requested each time the Office looked at the plans. He stated that in reviewing the files, the Department of Public Works has been consistent with its requirements, that the stormwater management structure be safe and adequate. The farm pond was built to a different standard than a management pond in an urban area. It had to be upgraded to a farm rural pond and not impact on residential property to meet the standards for urban environment. Mr. Ichniowski further pointed out that DPW requires a public works agreement in which there is a condition for sidewalks for this project, and will be an issue discussed by the Planning Commission.

Although the Metropolitan Commission is currently in litigation with Mr. Dobry over certain issues, Mr. Petty stated that one provision of MetComm's public works agreement requires developers, after completion of installation of water and sewer facilities, that it be turned over to the Commission for \$1.00 and MetComm operates the system from that day forward. He stated that this has been challenged by Mr. Dobry's attorneys. Mr. Petty mentioned that Mr. Dobry was requesting that MetComm purchase the Greenview Knolls water system at a cost that Mr. Petty felt was prohibitive. He stated that after discussions with Mr. Kenney, attorney for Mr. Dobry, it was agreed that the document would be developed in one of two forms: (1) by including standards of the Agreement, and that he could take it to Court and if he won, it would be deleted; (2) that the standards be included and if taken to court and MetComm it would be included. This is being reviewed by MetComm's attorney and would still have to be executed.

In conclusion the Commissioners thanked each department for their presentation and stated that upon review of this information a response will be prepared and forwarded to Mr. Dobry.

#### OFFICE OF PLANNING AND ZONING

The full complement of the Board was in attendance: Commissioners Joseph P. O'Dell, 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, Office of Planning and Zoning.

#### ZPUD # 86-0893: MAYJACK, INC.

Requesting rezoning from R-2, Low Density Urban Residential, to PD-IP, Planned Development Industrial Park and PDR, Planned Development Residential. The property is located off Barefoot Drive (extended), California, Eighth Election District, shown on Tax Map 42, Block 6, as part of Parcel 51 and Parcels 71, 154, and 165.

NOTE: Commissioner Thompson was not present during the discussion, nor did he vote in this matter.

Mr. Guyther offered the background and particulars of this case.

Following brief deliberation among the members, Commissioner Lancaster moved, seconded by Commissioner Bailey, to approve the resolution as presented. Commissioner O'Dell called for the vote with Commissioners Bailey, Lancaster, and O'Dell voting in favor, and Commissioner Jarboe opposed. Motion passed three (3) to one (1).



COMPREHENSIVE PLAN PROCESS BRIEFING

Mr. Gerred distributed copies of the remaining schedule/time table for the Advisory Committee and answered questions of the Commissioners. Mr. Gerred advised that he would keep the Board informed of any new developments or changes.

ALPD # 84-0702 (GUYTHER) DISCUSSION

Mr. Gerred explained that this ALPD request was from Mr. Oliver Guyther for his property known as "Belvedere Farms." He indicated that the Board of Public Works had rejected the purchase of the easement rights and that this was the second such rejection in the programs history. Subsequently, the Office of Planning & Zoning was urging that the Board of County Commissioners write a letter requesting reconsideration, after including and outlining certain factors, i.e. St. Mary's County's local program funds would be used to reduce the State's easement cost to less than the foundation original offer.

Commissioner Jarboe asked what the additional cost would be, and Mr. Gerred indicated that it would be approximately \$300.00 more per acre.

Commissioner O'Dell asked if Mr. Guyther was the one requesting the letter, and Mr. Gerred noted that he was the one requesting it.

After all comments and questions had been heard, Commissioner Jarboe moved, seconded by Commissioner Bailey, and unanimously passed, that the Board would sign and forward a letter to the Board of Public Works requesting reconsideration of their decision.

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) MARYLAND ROCK - PROPERTY TRANSFER AT ABELL'S WHARF

The County Administrator presented correspondence for the Board's review and signatures addressed to Warren Rich, attorney for Maryland Rock, setting forth the County's expected terms for the property transfer with Maryland Rock at Abell's Wharf.

Commissioner Bailey moved, seconded by Commissioner Jarboe, to sign and forward the letter. Motion carried.

2) PERSONNEL

The County Administrator presented the following personnel items for the Commissioners' consideration:

a) Motor Equipment Operator  
Department of Public Works

Memorandum dated June 29, 1987 from Personnel Officer recommending the selection of James D. Pilkerton to Motor Equipment Operator I, Grade 5-2, effective July 13, 1987.

b) Highway Maintenance Worker  
Department of Public Works

Memorandum dated June 29, 1987 from Personnel Officer recommending the selection of Francis Wood to Highway Maintenance Worker, Grade 4, effective date to be determined at a later date.

c) Secretary II  
Director of Finance

Memorandum dated June 25, 1987 recommending the appointment of Donna Crossley to Secretary II, Grade 7, effective July 6, 1987.

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to approve the referenced Personnel items. Motion carried.

d) Temporary Promotion - Assistant Foreman  
-Department of Recreation and Parks

Memorandum from Personnel Officer dated June 30, 1987 recommending the temporary promotion of William Abell to Assistant Foreman, Grade 6, due to shortage in supervisors for grounds maintenance activities. The promotion is for a period not to exceed four months.

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

e) State's Attorney's Office

(1) Memorandum dated June 9, 1987 from Personnel Officer recommending the following personnel actions in the State's Attorney's Office:

Administrative Assistant - Temporary Part Time (Elizabeth Fritz) to Permanent Part Time.

General Clerk - Permanent Part Time (Patricia Copsey) to Full Time

Adm. Assistant (Joy Farrell) - Payment of \$500 overtime

Commissioner Bailey moved, seconded by Commissioner Thompson, to approve the referenced actions, pending source of funds. Motion carried.

(2) Memorandum dated June 9, 1987 recommending the appointment of Anne Emery to Assistant State's Attorney, Grade 17, effective June 18. Ms. Emery was a Law Clerk in the Office.

Commissioner Bailey moved, seconded by Commissioner Thompson, to approve the appointment and to waive a previously established condition that the State's Attorney terminate the Alcohol Program fund and transfer those monies to the General Fund. Commissioner O'Dell voted against the motion. Motion carried.

3) RESOLUTION NO. 87-08  
ST. MARY'S COUNTY MEMBERSHIP IN LOCAL GOVERNMENT  
INSURANCE TRUST

The County Administrator advised that staff has reviewed the by-laws and trust agreement for the county's participation in the Maryland Association of Counties' Insurance Pool, and therefore presented the referenced Resolution. He stated that a legal determination is pending whether the Nursing Home and Metropolitan Commission will participate.

After discussion Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve and sign Resolution No. 87-08 concerning the County's participation in the Insurance Pool. Motion carried.

4) CONTRACT SERVICE AGREEMENT

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve the amendment to the Contract Service Agreement between Board of County Commissioners and Joseph L. Dick dated July 1, 1986. The amendment reflects payment of the contractor by the employer for an additional 63 hours of work rendered in May 1987. Motion carried.

C & P TELEPHONE COMPANY PRESENTATION AND TOUR

At this time Alfred Mattingly of the C & P Telephone Company gave a presentation to the Commissioners followed by a visit to the new Leonardtown Electronic Switching Office.

(The evening session began at 6:00 p.m.)

PUBLIC FORUM

The Commissioners conducted a public forum accepting questions and comments from the audience. Comments were received from Richard Everett and Richard Berger.

ETHICS COMMISSION

Present: Charles Mander, Chairman  
George Barnes  
Louis Clements  
Louis Eberle  
Ruth Sterling  
Joseph Densford, Assistant County Attorney

The referenced members of the Ethics Commission appeared before the Commissioners to present and review the proposed amended Ethics Ordinance. Mr. Mander explained each of the revisions and noted that the Ordinance had been forwarded to the State for comment. Although the State Ethics Commission does not meet until July 16, the Director, Mr. O'Donnell forwarded his comments and advised that the Commission will respond after the meeting.

In conclusion the Commissioners requested the Ethics Commission to forward a letter to the Board once the comments are received from the State. At that time the Commissioners will set a date for a public hearing.

COUNTY COMMISSIONERS' TIME

1. Revenue Task Force

Commissioner Jarboe presented a memorandum dated June 29, 1987 proposing the appointment of a Revenue Task Force siting the purpose and composition. After discussion Commissioner Jarboe moved, seconded by Commissioner Thompson, to proceed with the selection of members to the Task Force with representation as follows: Legislators (1); Chamber of Commerce (1); Taxpayers' Association (1); banking industry (1); developers (1); real estate (1); contractors (1); Naval Air Station (1); education (1); community at large (2). Motion carried.

2. Hangar Association Lease (St. Mary's County Airport)

Present: John Paradis, Chairman Airport Commission

The Commissioners reviewed with Mr. Paradis the lease with the Hangar Association for the construction of ten additional "T" hangars at the County Airport. During discussion of the 3% of gross sales to the County, Commissioner O'Dell suggested that the language in the lease give the County the flexibility to adjust the percentage to the County as determined appropriate.

Commissioner O'Dell requested Mr. Paradis to work on this amendment to the Lease with the Assistant County Attorney and the Hangar Association and return to the Board with the results.

3. Bildman Company Lease at Airport

Mr. Paradis advised the Commissioners that a memorandum is being forwarded to the Commissioners recommending approval of the Bildman Company Lease (Air Park Sales and Service).

4. Easements for Sewer Lines - Compton

Commissioner Lancaster stated that the Metropolitan Commission has allowed 13 Equivalent Dwelling Units (EDU) for residents along Compton Road, and there is a problem with getting easements. He reported that he, Joseph Mitchell and Nancy Hutson from the Office of Economic & Community Development will be visiting some of the residents to discuss this.

5. Association for Retarded Citizens

Commissioner O'Dell referred to a memorandum from the Director of Finance inquiring whether the Commissioners would consider changing the method of allocations to the ARC to a monthly basis in light of recent developments. After discussion the Commissioners agreed to retain the current method of allocating on a semi-yearly basis.

ADJOURNMENT

The meeting adjourned at 8:45 p.m.

Approved,



Joseph V. O'Dell  
President