

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, August 4, 1987

Present: Commissioner W. Edward Bailey, Acting 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 Lancaster moved, seconded by Commissioner Thompson, to approve the joint meeting portion of the Tuesday, July 21 meeting with the Board of County Commissioners and Planning Commission. Motion carried.

Commissioner Thompson moved, seconded by Commissioner Lancaster to approve the minutes of the Commissioners' meeting of Tuesday, July 28. Motion carried.

APPROVAL OF BILLS

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

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) PERSONNEL

The County Administrator presented the following items of Personnel for the Commissioners' review and consideration:

(a) Drafter (Trainee)
Department of Public Works

Memorandum dated August 4, 1987 from Personnel Office recommending the selection of Donna Hudson to the referenced position, Grade 6, effective August 10, 1987.

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

(b) Clerk Typist
Department of Public Works

Memorandum dated August 4, 1987 from Personnel Office recommending the selection of Susan M. Sahr to the Fiscal Clerk II position, Grade 6, to fill the vacancy created by Donna Hudson's appointment to Drafter (Trainee).

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

(c) Patrolman Positions
Sheriff's Department

Memorandum dated July 31, 1987 from Personnel Office recommending the selection of the following to fill four of the five Patrolman positions, Grade 12, in the Sheriff's Department: Andrew J. Cusick, Michael H. Gardiner, Thomas R. Popielarcheck (effective August 10) and Gregory L. Laxton (effective August 24).

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

2) ALPD #86-0250 - WALTER AND ROMAYNE RAUM
CORRECTION OF JULY 7, 1987 MINUTES
LETTER TO STATE AGRICULTURE LAND PRESERVATION FOUNDATION

The County Administrator presented a memorandum from the Director of the Office of Planning and Zoning indicating that the minutes of July 7, 1987 do not reflect approval of the sale of the development rights easement to the State. In addition, Mr. Cox presented correspondence addressed to the State Agricultural Preservation Foundation advising that the Commissioners approved the sale of the development rights easement for the referenced ALPD.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to correct the July 7 minutes to reflect the Commissioners' approval of the sale of the development rights and further to sign and forward correspondence to the State indicating this approval. Motion carried.

3) ZONING AMENDMENT RESOLUTION NO. Z87-07
JOHN COPSEY - ZONE #87-0610

(Application to rezone 1.2 acres located on th ease side of Md. Rt. 5, south of and adjacent to the D&G Tire Store property, in Charlotte Hall, from AR, Agricultural-Residential, to C-2, Commercial. The property is shown on Tax Map 4, Block 23, as parcels 252 and 254)

The Commissioners having conducted a public hearing on July 28, 1987, Commissioner Jarboe moved, seconded by Commissioner Lancaster, to approve Zoning Amendment Resolution No. Z87-07, APPROVING the rezoning to C-2, Commercial. Motion carried.

4) LETTERS OF GRATITUDE
BOARDS, COMMITTEES AND COMMISSIONS

The Commissioners agreed to sign and forward letters to those individuals who can no longer serve on various Boards, Committees and Commissions.

5) BY-LAWS - ST. MARY'S COUNTY SELF-INSURANCE FUND

The County Administrator presented a memorandum dated July 31, 1987 from the Risk Management Committee enclosing two proposed Resolutions regarding the amendments to the County Self-Insurance By-Laws as follows:

No. 87-12 - Amending Article VIII, Section 1 of the By-Laws of St. Mary's County Self-Insurance fund to incorporate government liability limitations as provided in Senate Bill 237.

No. 87-13 - Adding Section 9 to Article VIII of the St. Mary's County Self-Insurance By-Laws in order to qualify the Self-Insurance Fund as a non-primary source for payment of losses covered by the Fund.

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to approve the revision of the By-Laws as indicated and to approve and sign Resolution Nos. 87-12 and 87-13 as presented. Motion carried.

6) MOTOR VEHICLE ADMINISTRATION FACILITY

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to authorize Acting President Bailey to sign correspondence addressed to the Motor Vehicle Administration setting forth the County's proposal for an MVA facility to be located in St. Mary's County on the Governmental Center property. Motion carried.

7) LIVIBILITY CODE IMPLEMENTATION PROGRAM GRANT
NOTIFICATION OF GRANT AWARD

The County Administrator advised that correspondence dated July 30, 1987 as received from the Maryland Department of Economic & Community Development announcing the award of the County's Livability Code Improvement Program Grant Application in the amount of \$13,067. Mr. Cox noted that the grant will allow the County to prepare the required Code and necessary forms and regulations. Authorization is needed for the President of the Board to sign the Grant Application. Motion carried.

8) REQUEST FOR SHERIFF'S DEPARTMENT TRADE-IN VEHICLE
METROPOLITAN COMMISSION

The County Administrator presented a memorandum dated July 22, 1987 from the Metropolitan Commission requesting transfer of a Sheriff's Department vehicle when one should become available at the next turn-over.

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to grant one of the Sheriff's Department vehicles to the Metropolitan Commission when one becomes available. Motion carried.

9) 350TH CELEBRATION COMMITTEE
REQUEST FOR SITE WORK

The County Administrator presented a request by the 350th Celebration Committee for site work by county staff at Tudor Hall in preparation for the August 15 celebration.

Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve the request for site work by county staff at Tudor Hall. Motion carried.

10) BUDGET AMENDMENT NO. 88-3
FINANCE/PURCHASING

The County Administrator presented the referenced Budget Amendment recommended for approval by the Director of Finance with the following justification: To allocate funds for MACo Local Government Insurance Trust effective July 1, 1987.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve the Budget Amendment as presented. Motion carried.

11) STATE'S ATTORNEY'S OFFICE
PURCHASE OF COPY MACHINE

The County Administrator presented the price list for the purchase of a copy machine for the State's Attorney's Office and advised that the Deputy Director of Purchasing recommends the purchase of the Sharp SF-8600 in the amount of \$6,395 including trade-in.

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

DEPARTMENT OF PUBLIC WORKS

Present: John Norris, Director

- 1) SM 88-1-6
CORNFIELD HARBOR BRIDGE
GUARDRAILS AND ATTACHMENTS

Mr. Norris presented the bid tally sheet for the referenced project and recommended that awarding the contract to Norwood of Maryland in the amount of \$9,495.

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to award the bid as recommended. Motion carried.

- 2) FEDERAL AVIATION ADMINISTRATION
ST. MARY'S COUNTY AIRPORT FIVE-YEAR PROGRAM

Mr. Norris presented correspondence from FAA requesting the County's review and concurrence with the Five-Year Program for the County's Airport and recommended acceptance of the Plan as indicated.

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to endorse the Five-Year Program for the Airport and authorize correspondence to be forwarded to FAA indicating this endorsement. Motion carried.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator
John Norris, Director, DPW

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to meet in Executive Sessions in order to discuss matters of Property Acquisition, Personnel and Litigation. Motion carried. The began the session with the County Administrator on matters of Personnel and continued with the Director of Public Works on matters of Personnel and Litigation (with Robert and Wanda Mathews in attendance) and then on a matter of Property Acquisition. The Session was held from 9:35 a.m. to 10:25 a.m.

COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION

Present: Joseph Mitchell, Director, Economic & Community Development
Dennis Nicholson, Housing and Community Coordinator

The referenced individuals appeared before the Commissioners to explain the Fy'87 Small Cities Community Development Block Grant and to request approval of the application to be submitted to the Maryland Department of Economic & Community Development. The application is in the total amount of \$498,349 for the following programs.

Adult Day Care	-	\$196,000
Child Day Care	-	\$ 98,000
Housing Mortgage Write Down	-	\$ 80,000
Housing/Repair Loans	-	\$ 60,000

Mr. Mitchell explained that one application will be submitted to include each of the above projects, which will be considered on a separate basis by the State.

After discussion, Commissioner Lancaster moved, seconded by Commissioner Jarboe, to authorize Commissioner Bailey to sign the Grant Application (No. 53-6001015) as presented. Motion carried.

AREA AGENCY ON AGING
NOTIFICATION OF GRANT AWARDS

Present: Billye McGaharn, Director, Area Agency on Aging

Statewide Special Transportation Assistance Program (SSTAP)

Mrs. McGaharn presented the NGA for the Operating Assistance Grant for the referenced project as follows:

State	-	\$43,807
Local	-	14,602
Total		<u>\$58,409</u>

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to authorize Commissioner Bailey to sign the NGA as presented. Motion carried.

St. Mary's Transportation System (Section 18)

Mrs. McGaharn presented the NGA for the Operation of Public Transportation as follows:

Federal/State	-	\$37,188
Inkind	-	12,325
Total		<u>\$50,503</u>

Mrs. McGaharn explained that Mr. Kessler, contractor for this program, will discontinue his service as of August 24, and it will then be operated by the County.

Discussion ensued regarding the bus transportation system, and Commissioners Jarboe and Lancaster questioned the amount of ridership and whether it was a feasible program.

Prior to taking action on this NGA, the Board requested Mrs. McGaharn to get a letter from Mr. Kessler stating that he will no longer operate the bus system and further indicating amount of ridership on his routes.

Revised (SSTAP) Capital Program

Mrs. McGaharn presented the NGA for the referenced Program as follows:

State	-	\$27,343
Local	-	1,439
Total		<u>28,782</u>

Commissioner Thompson moved, seconded by Commissioner Jarboe, to authorize Commissioner Bailey, to sign the NGA as presented. Motion carried.

Gateway II and Longterm Care Contract

Mrs. McGaharn presented the NGA for the referenced program in the amount of \$49,250 (state funds) and requested the Board's approval.

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to authorize Acting President Bailey to sign the NGA as presented. Motion carried.

MARYLAND VIETNAM VETERANS MEMORIAL

Present: Abell Longmore, Vietnam Veteran
Grace O'Brien, "

The referenced individuals appeared before the Commissioners to explain the walk by Vietnam veterans in order to raise funds and interest in the Vietnam Memorial. Beginning August 10 five veterans will walk through St. Mary's County as a part of a 200 mile trek through Southern Maryland. Pledges will be solicited from officials, businesses, and civic organizations which will go toward the construction of the Memorial to be located at Federal Hill in Fort McHenry.

Mr. Longmore requested that the County recognize the importance and significance of the walk for the Memorial.

The Commissioners expressed their appreciation and cooperation in this effort.

"MARYLAND YOU ARE BEAUTIFUL" PROGRAM

Present: Floraine Applefeld, Director
Susan Kaskie

Ms. Applefeld appeared before the Commissioners to explain the Governor's "Maryland You are Beautiful" Program and to request St. Mary's County's participation by selecting an individual or group to represent the County. She suggested that a steering committee be appointed by the Commissioners to select St. Mary's County's "most beautiful." This individual or group would be honored locally, at a Governor's reception in December, and at an award's ceremony.

Ms. Applefeld presented a packet of promotional information regarding the Program and played a tape with the "Maryland You are Beautiful" song.

In conclusion, the Commissioners thanked Ms. Applefeld and Ms. Kaskie for their presentation and indicated their concurrence to participation in the Program.

OFFICE OF PLANNING & ZONING
SUBDIVISION AND REZONING MORATORIUM
DISCUSSION

The full complement of the board was present: Commissioner W. Edward Bailey, Robert Jarboe, John G. Lancaster and Rodney Thompson. Staff present included: Frank J. Gerred, Director, Betsy Anthony, Recording Secretary, and Herbert Redmond, Chairman of the Citizens Advisory Committee for the update of the Comprehensive Plan.

Mr. Gerred indicated that in July, the Commissioners had directed the Office of Planning & Zoning not to accept any more major subdivision or zoning requests because the Comprehensive Plan process was going through the phase of making final decisions. The Advisory Committee met, and it was discovered that during that period of time, 340 perc tests had been applied for. The Advisory Committee felt that it was contrary to what they had been asked to do. The Committee indicated that it would be necessary to clarify what they meant in their motion for the moratorium. They clarified the motion to read as follows: Projects for which perc test applications were accepted between June 9 and June 17, 1987 are not exempt from the moratorium on rezoning applications and subdivisions in excess of 3 lots.

Mr. Herbert Redmond, Chairman of the Advisory Committee, stated that what he thought had happened was that the Commissioners had put forth a motion and there was a misinterpretation of what the motion should have been. The reason they asked for the July 18, 1987 deadline was so no one would be cut off. The committee did not know they would be leaving a "window" open to other projects. The committee asked that the motion be sent back to the Planning Commission and to the Commissioners to see whether or not the perc tests should have been rescinded.

Commissioner Thompson felt it would go against the spirit of the moratorium and that it should either be a moratorium or not.

After much discussion, Commissioner Jarboe moved, seconded by Commissioner Lancaster, and unanimously passed, that the Commissioners hereby adopt the recommendation of the Citizens Advisory Committee that the recently adopted moratorium is clarified to mean that projects for which perc test applications were accepted between June 9 and June 17, 1987 are not exempt from the moratorium on rezoning applications and subdivisions in excess of 3 lots.

Mr. Gerred commented that those who do come to the office can request a refund from the perc test applications.

ST. MARY'S ACADEMY PROPERTY

Present: Joseph Densford, Assistant County Attorney

Mr. Densford appeared before the Commissioners to present correspondence addressed to the Southern Maryland Board of Realtors and the Maryland Real Estate Commission submitting a complaint regarding actions by Long & Foster and its agent, Patricia Woodburn.

Mr. Densford stated that Ms. Woodburn appeared before the Commissioners on July 14, one week after the Commissioners voted to forward a Letter of Intent relative to the purchase of St. Mary's Academy property, and made misrepresentations and accusations. He pointed out that two contacts were made with the manager of Long and Foster requesting a public retraction, but to no avail.

After lengthy discussion of the matter, Commissioner Jarboe moved, seconded by Commissioner Lancaster, that a Registered Letter be forwarded to Long & Foster requesting a retraction, and if no response is received by Friday, August 14, that Commissioner Bailey be authorized to sign the two letters presented by Attorney Densford. Motion carried.

COUNTY COMMISSIONERS

Access Controls (Rts. 5 and 235) - Commissioner Jarboe requested the County Administrator to forward correspondence to SHA advising that the County is awaiting the Comprehensive Plan Committee's recommendations.

Patuxent River Commission - Commissioner Thompson indicated that he had been selected to be the Commissioner-representative on the Patuxent River Commission. In that he has been unable to attend the meetings, Commissioner Thompson requested the Board to consider making another Commissioner-appointment. A decision was deferred until a later date.

Export Development Grant - As a follow up to previous discussion on July 28, 1987, Commissioner Jarboe moved, seconded by Commissioner Thompson, that the County fund its share (\$7,667) of the Export Development Grant. Three Commissioners voted in favor with Commissioner Lancaster voting against. During discussion the following points were raised:

1. That the Tri-County Council advise the County of this type of program prior to budget consideration so that appropriate funds can be included;
2. That the Tri-County Council work with the Agriculture Commission and DECD to obtain assurances as to how funds are being spent.

PUBLIC FORUM

At this time the Commissioners conducted a public forum accepting questions and comments from the audience. Comments were received from the following individuals:

Meredith Morgan Abell and David Wheeler (Morgan Manor, Carroll's Common, and Abell's Landing) re subdivision/rezoning moratorium. Comments from OPZ staff will be requested.

Jack Witten - Critical Areas public hearing of July 21 (joint hearings; minutes; use of old maps; display of maps; closing record of hearing; need for administrative, editorial and graphic arts support)

Oliver Guyther - State Office Building; MVA facility; St. Mary's Academy property (Five businessmen have submitted a proposal to the Sister of Charity for the property. He requested that should this proposal be accepted that he be allowed to meet with county staff and Commissioners to discuss the matter.)

ADJOURNMENT

The meeting adjourned at 3:55 p.m.

Approved,



W. Edward Bailey
Acting President