

BOARD OF COUNTY COMMISSIONERS' MEETINGTuesday, September 1, 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 9:05 a.m.

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to approve the minutes of the Commissioners' meeting of Tuesday, August 25, 1987. Motion carried.

APPROVAL OF BILLS

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

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) CHESAPEAKE BAY CRITICAL AREAS LOCAL PROGRAM
JOINT PUBLIC HEARING

The County Administrator advised that one public hearing had been held on the Critical Areas Program, and it had been decided that an additional hearing needed to be held. Therefore, a joint public hearing has been scheduled for September 22 in the Circuit Court Room. Mr. Cox indicated that the County has been given a deadline of October 6, and two separate hearings would make meeting this deadline difficult.

2) TRI-COUNTY ANIMAL SHELTER ADVISORY COMMITTEE

As a follow up to previous discussion, the County Administrator reviewed correspondence from the County Administrator of Charles County regarding the establishment of an Advisory Committee for the Tri-County animal Shelter.

Commissioner Jarboe moved, seconded by Commissioner Thompson, to submit the following three names as the County's representatives on the Committee: Barbara A. Chapman, Dr. Kirk Forrest, and Monica Watkins. Motion carried.

3) PERSONNEL
CONSTRUCTION INSPECTOR - OFFICE OF PLANNING AND ZONING

The County Administrator presented a memorandum dated August 26, 1987 from the Personnel Officer recommending the selection of Charles M. Johnson to the Construction Inspector, Grade 9, Office of Planning and Zoning.

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

4) BUDGET AMENDMENTS

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

No. 88-6
County Commissioners

The County Commissioners, throughout the fiscal year, award commendations, proclamations, county flags, county seals, etc., to a variety of citizens and visiting dignitaries. For the first time in several years no funds were allocated for this purpose. (\$3,000)

Commissioner Thompson moved, seconded by Commissioner Jarboe to approve Budget Amendment No. 88-6. Motion carried.

No. 88-7
Social Services

The County provides funds for indigent people who cannot pay for a funeral. \$150 is to be transferred to Other Contract Services from the Reserve Account.

Commissioner Thompson moved, seconded by Commissioner Jarboe, to approve Budget Amendment No. 88-7. Motion carried.

5) RESOLUTION NO. 87-17
ST. MARY'S COUNTY SELF-INSURANCE FUND
AMENDMENT NO. 3

In that the Chairmanship of the Risk Management Committee has been transferred from the Director of Finance to the Deputy Director of Accounting, the County Administrator presented the referenced Resolution amending Section IV, Section 2 of the By-Laws of the St. Mary's county Self-Insurance Fund as follows:

"The Risk Management Committee shall consist of the Deputy Director of Accounting, the Assistant Director of the St. Mary's County Metropolitan Commission, and the County Attorney."

Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve and sign Resolution No. 87-17. Motion carried.

DEPARTMENT OF PUBLIC WORKS

Present: John Norris, Director

1) LEXINGTON PARK TRANSPORTATION PLAN

Also Present: Frank Gerred, Dir., OPZ
Keith Fairfax, Planning Commission
John Bohanan, "

The referenced members of the Lexington Park Transportation Committee appeared before the Commissioners to discuss Phase I of Transportation Plan--the engineering design and construction plans for a portion of Peggs Road corridor from Chancellors Run Road to the stream crossing of Jarboesville Run (1.5 miles). Mr. Norris explained that the purpose of the Committee was to develop funding mechanisms for the transportation needs in Lexington Park. The project costs for Phase I is approximately \$1,244,440, and an impact fee of \$600 per dwelling unit will be collected and placed in a Highway fund to pay for the corridor construction costs. Three developer agreements currently exist for these impact fees. During discussion Mr. Norris presented a handout which included a chart showing the revenue generated by the \$600 impact fee and also showing how much additional revenue would be generated if the current economic impact fee of \$200 was added to the \$600 fee.

At the conclusion of the presentation, the Committee presented the following authorization recommendations for the Board's consideration:

- a) To assign both the Economic Impact fee of \$200 and development impact fee of \$600 of the development affected by the Peggs Road corridor to offset the construction costs of the project;
- b) To authorize the completion of the design of the balance of the Peggs Road corridor to St. Rt. 235;
- c) To authorize the bid of the construction for the Phase I limits of the Peggs Road corridor upon completion of the contract plans and specifications.
- d) To assign the Transportation Plan Task Force with the responsibility of resolving the FDR Boulevard corridor alignment and location by November 1, 1987.

Mr. Norris pointed out that this proposal has been reviewed by the property owners, and since it is consistent with the original agreement, it is satisfactory to them. In addition Mr. Norris displayed a drawing of the cross section of the proposed highway.

In conclusion, the Commissioners agreed to defer a decision on the recommendations until next week.

2) ADDENDUM TO PUBLIC WORKS AGREEMENT
FOREST RUN SUBDIVISION, SECTION II

Mr. Norris presented an Addendum to the Public Works Agreement entered into between Edward J. Cook (The Winston Corporation) and the Board of County Commissioners of St. Mary's County extending the deadline for completion from September 1, 1987 to August 1, 1988. The Addendum is backed by an Irrevocable Letter of Credit in the amount of \$14,300.

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

3) INDIAN BRIDGE ROAD/GOLDEN BEACH ROAD

Mr. Norris advised that the improvements to Indian Bridge Road were included in the FY '87 Budget; however, because of the difficulty in getting the rights-of-way and easements, the project has been delayed. There is also utility relocation that will be necessary. Therefore, Mr. Norris requested the Board's concurrence to allow him to adjust his project. He requested that he be allowed to pave Golden Beach Road (eight foot shoulders and eleven foot lanes) from the "T" back to Md. Rt. 5. Sufficient funds are in the budget for this project. He stated that he would go back to Indian Bridge Road in the next fiscal year.

The Commissioners gave their concurrence.

4) REQUEST FOR EASEMENT ON RAILROAD RIGHT-OF-WAY
MAYJACK, INC.

Mr. Norris stated that on August 13 the County received correspondence and an Agreement requesting an easement for Mayjack, Inc. for an easement on the railroad right-of-way behind Hickory Hills Commercial Subdivision, Eighth Election District. He recommended that the Commissioners not concur with this request for permanent use of the railroad right-of-way, but that we advise the property owner that he can request access across the right-of-way.

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to deny the request for easement on the railroad right-of-way. Motion carried.

EXECUTIVE SESSION

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to meet in Executive Session in order to discuss a matter of personnel and land acquisition. Motion carried.

Personnel

Present: Edward V. Cox, County Administrator

(The Session was from 10:20 to 10:40 a.m.)

Property Acquisition

Present: Edward V. Cox, County Administrator
John Baggett, Director, Recreation and Parks
Joseph Densford, Assistant County Attorney
Frank Gerred, Director, OPZ

(The Session was from 10:40 to 11:15 a.m.)

GROUNDWATER PROTECTION REPORT

Present: Dr. William Marek, Deputy Health Officer
Tom Russell, Director, Environmental Hygiene

(Commissioner Lancaster moved, seconded by Commissioner Thompson, that the Board of County Commissioners meet as the Board of Health.)

The referenced individuals appeared before the Commissioners to advise that the previous Board had indicated interest in having a groundwater protection report prepared and the State has inquired whether the County's intention remains. He stated that relaxed State regulations allow groundwater penetration for the release of sewage effluent, but the study must be conducted and approved by the State. The deadline for completion of the study is December 31, 1988.

Dr. Marek further pointed out that he is open-minded about the penetration of groundwater; however, he would like to have data to prove that it is safe biologically as well as hydrologically.

An indication is needed as to whether the Board wishes to have the study conducted and a source of funds.

The Commissioners directed Dr. Marek to contact the firm that will do the study to determine if they would address both the biological and hydrological issues, and to return to the Board with the revised cost of the study for final determination.

(Commissioner Lancaster moved, seconded by Commissioner Thompson, to adjourn at the Board of Health and reconvene as the Board of County Commissioners. Motion carried.)

350TH ANNIVERSARY CELEBRATION COMMITTEE

Present: Dr. J. Patrick Jarboe, Chairman
Michael Whitson

The referenced members of the 350th Committee appeared before the Commissioners to present framed documents relative to the 350th Anniversary Celebration of the Founding of St. Mary's County: Invitation to the dinner at Tudor Hall held August 15, Proclamation No. 87-58 proclaiming 1987 as the 350th Anniversary, and the Congressional Record commemoration the 350th Anniversary.

The Committee members reported on the other upcoming events in relation to the Celebration: September 17 - Chaptico Day; Recognition of Margaret Brent; Oratorical Contest at the County Fair; and Commemoration of Mathias DeSousa at St. Mary's City in November

PROCLAMATION
FORGET-ME-NOT MONTH - SEPTEMBER

The Commissioners presented the referenced Proclamation designating September as Disabled American Veterans Forget-Me-Not-Month.

PROCLAMATION
CONSTITUTION WEEK

Present: Julia Palmer
Mary Beth Wilhite
Fran Raley

The Commissioners presented the referenced Proclamation designating September 17 through September 23 as Constitution Week.

TRI-COUNTY YOUTH SERVICES BUREAU

Present: Dr. C. W. Duncan, Director

Dr. Duncan appeared before the Commissioners to explain the proposed establishment of a sister agency of the TCYSB, Family Services of Southern Maryland, a mental health agency for adults. He stated that this arose out of a need for qualified staff to deal with troubled youths. Fees cannot be charged by TCYS, but the sister agency would charge a standard fee. Any profits would be used to go towards staff of TCYSB. Dr. Duncan indicated that the State has approved the concept of the agency, and the projected date to begin is next spring or summer.

PATUXENT BEACH COMMUNITY ASSOCIATION
TOWN CREEK MARINA AREA CONCERNS

Present: Joseph Densford, Assistant County Attorney
Sheriff Wayne Pettit
John Baggett, Director, Recreation and Parks
John Norris, Director, Dept. of Public Works
Robin Guyther, Planner, OPZ
Maurice Cox, Fire Marshall
Tom Russell, Director, Environmental Hygiene

Also Present: Robert Herndon, Estelle bean, Helen Feldman, John Bauserman, Manford L. Anderson, Frances Anderson, Luis Granados, Harry Havermill, Ernie Madlin, Juanita Modlin, Frank E. Gorley, Richard e. Darnall, C. W. Clevestine, Cornelia Davis, H. Davis, Isabelle Pennington, Ignatius Greenwell, Laura Wynn, Arthur Withers, Romaine Keener, Bernice Cupp, Fred A. Cupp, Oran A. Wilkerson, Dolores Huguley, Frank Huguley, Louis Eberle, ted Sypher.

The referenced residents of the Patuxent Beach community appeared before the Commissioners to receive input from County officials regarding their concerns in the Patuxent Beach area. Mr. Herndon reiterated previous concerns, i.e., ownership of the strip of land along the bulkhead, traffic congestion, parking problems, pollution problems, size of proposed hotel and marina, hazards of the old hotel, etc.

Mr. Herndon reported that the "No Parking" signs have been removed by a representative of the owner of the Town Creek Marina, which had been placed along the strip of land in question by the County at the request of the residents.

Mr. Densford indicated that he has reviewed the Deeds of the property and it appears to him that the County is the owner of the property; however, attempts to resolve the matter to work out a solution to the parking problem have not been successful. It was Attorney Densford's opinion that the only way to resolve the question of ownership was through the Courts. He stated that should this matter come to a head as to ownership in Court, he would encourage the civic association to join the County in the action. He advised that he was "ready to suggest that the signs go back up."

Several residents of the area expressed their concerns including the fact that the old hotel is a fire hazard. The Fire Marshall indicated that he would need a letter from the Association stating that it is a hazard and open for trespassing, and he would contact the owner to take action to remove it.

In conclusion the County Commissioners expressed their appreciation to those in attendance and requested to be kept apprised of the matter.

COMPREHENSIVE MAINTENANCE PLAN FOR PUBLIC SCHOOLS

Present: Dennis Younkin, Director of Fiscal and Administrative Services
Brian Law, Supervisor of Maintenance and Operations

The referenced individuals appeared before the Commissioners to present and review the FY '88 Comprehensive Maintenance Plan for St. Mary's Public Schools. After review Mr. Younkin requested the Board's approval of the Plan. The Commissioners agreed to review the document further and take action in two week's.

DEPARTMENT OF ECONOMIC & COMMUNITY DEVELOPMENT

Present: Joseph Mitchell, Director

1) MORTGAGE PURCHASE PROGRAM

Mr. Mitchell presented correspondence addressed to the Community Development Administration transferring to the CDA \$1,236,488 in tax-exempt bond allocation for use in issuing housing bonds on behalf of St. Mary's County. Mr. Mitchell explained that funds will be made available to local lenders, and families with incomes of \$33,000 may apply to those lenders for mortgage loans.

After discussion, Lancaster moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Bailey to sign the letter as presented. Motion carried.

2) ST. MARY'S COUNTY AIRPORT
RFP FOR ECONOMIC IMPACT STUDY

Also Present: John Paradis, Chairman, Airport Commission
Thomas McGuyre, "

Mr. Mitchell advised in that in March the Board of County Commissioners requested that an economic impact study of the Airport and surrounding facilities for the development of long-range plans. The Plan would supplement the Master Plan for the surrounding area of the Airport. A similar study had been conducted for the Cumberland Airport, which was paid for by State funds.

Mr. Mitchell requested approval to work with the Airport Commission in finalizing the RFP, circulating it to solicit proposals, see what the responses are, and then return to the Board. He stated that he would contact the State to determine interest in cost-sharing. The Commissioners gave their concurrence.

3) AIRPARK DEVELOPMENTS

Also Present: John Paradis, Airport Commission
Thomas McGuyre, "
Chris Christiansen, Appalachian Aircraft
Tom Chapman, Avion Industries

Mr. Mitchell explained that two companies are interested in locating businesses at the Airport--Appalachian Aircraft for the restoration of World War II aircraft; and Avion Industries for the system engineering support and marketing of the Phalanx Dragon project. Mr. Christiansen and Mr. Chapman are seeking sites at the Airport complex that would have access to the runway.

Mr. Paradis explained that the Master Plan for the Airport is currently being amended shows on the north side of the runway adjacent to the industrial park as being reserved for aviation-oriented industries. He stated that more county land is needed that was is already designated for the Airport, making this development a joint effort.

Mr. Norris pointed out the need for a sewer line to the area and the need for extension of the runway in order to accommodate development at the Airport. Mr. Mitchell pointed out that there are plans by a developer to come within a mile of the Airport, and that he anticipates meeting with the Metropolitan Commission and Public Works on this matter.

In conclusion, the Commissioners directed Mr. Mitchell and Mr. Norris to prepare a site plan with a design for access to the runway. Mr. Mitchell indicated that the cost would be approximately \$5,000-\$10,000, and that he and Mr. Norris will work together to determine a source of funds.

4) REGIONAL TOURISM

Mr. Mitchell advised the Commissioners that the Chamber of Commerce has indicated support of the Regional Tourism Committee's proposal to apply to DECD for regional funds, to determine out those funds will be spent, and to administer the funds.

5) REGIONAL TOURIST INFORMATION CENTER

Mr. Mitchell advised that the Director of Tri-County Council has requested each of the three counties to fund \$17,000 in FY '89 towards the Regional Tourist Information Center to be located on Md. Rt. 301. \$50,000 will be raised from the private sector, and additional funds will come from the State. The Commissioners agreed to defer the matter and refer it to the Tourism Committee for a recommendation.

OFFICE OF PLANNING AND ZONING

Present: Frank Gerred, Director

1) FEE SCHEDULE
RESOLUTION NO. Z87-08

Mr. Gerred advised that the Fee Schedule adopted by the Board on August 18, 1987 contained a number of typographical errors and requested the Board's approval of the amended schedule. He further pointed out that Page 5 of the Schedule there was an increase in the Coin Operated Amusement Devices to \$200; however, this may take legislation to put that fee in place. Therefore, Mr. Gerred suggested that it remain as originally indicated at \$100.

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to approve the amended Fee Schedule as presented by Mr. Gerred. Motion carried. Motion carried.

2) DEVELOPMENT IMPACT FEES

Mr. Gerred presented correspondence from the Department of State Planning advising that the State is considering entering state-wide enabling legislation for the development of impact fees. Pursuit of the imposition of the impact fees will be at the discretion of local governments.

Therefore, Mr. Gerred presented correspondence addressed to Governor Schaefer indicating the County's endorsement of the such legislation. The Commissioners agreed to sign and forward the letter.

3) VFW POST 2632, CALIFORNIA

Mr. Gerred advised the the VFW Post of California has requested an abatement of their Building Permit fee for the construction of an addition to the building.

Commissioner Thompson moved, seconded by Commissioner Jarboe, to approve the abatement as requested. Motion carried.

COUNTY COMMISSIONER TIME

1) Hollywood Volunteer Fire Department - Commissioner Thompson advised that the Hollywood Volunteer Fire Department has requested waiver of County taxes for this year in that construction has begun for the new facility.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to abate payment of the county taxes for the Hollywood Fire Department as requested. Motion carried.

2) St. Mary's City - Commissioner Bailey brought the Board up to date regarding a meeting at St. Mary's City that he and Commissioner Lancaster attended. He described the plans for the beautification of Rt. 5 in the area that is planned in order to give it an historic and "college town" look.

PUBLIC FORUM

At this time the Commissioners opened the floor for comments from the audience. Comments were received from Viki Volk and Dick Myers.

ADJOURNMENT

The meeting adjourned at 4:35 p.m.

Approved,



W. Edward Bailey
Acting President