

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, September 29, 1987

Present: Commissioner Carl M. Loffler, President  
Commissioner W. Edward Bailey  
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 Bailey moved, seconded by Commissioner Lancaster, to approve the minutes of the Commissioners' meeting of Tuesday, September 22, 1987. Motion carried.

APPROVAL OF BILLS

Commissioner Bailey 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) 1988 LEGISLATIVE PACKAGE

The County Administrator advised that the FY '88 Legislative package is being assembled, and the suggested date for the public meeting is October 19, 1987 at the Circuit Court Room. The Commissioners indicated their concurrence to proceed with that date.

2) CORRESPONDENCE

The County Administrator presented the following items of correspondence for the Board's review and approval:

a) Critical Area Program - To Chesapeake Bay Critical Area Commission and to Queen Anne's County endorsing modification to the criteria to give flexibility to the Critical Area Program.

The Commissioners agreed to sign and forward the referenced letters.

b) Hidden Meadows - To Mr. Cecil Kidd advising that the Board has concluded that there is no action that the Commissioners may take.

The Commissioners agreed to sign and forward the letter.

3) COASTAL ZONE MANAGEMENT CONTRACT

The County Administrator presented a Contract between the Department of Natural Resources (Coastal Resources Division) and St. Mary's County in the amount of \$16,000 for the period November 1, 1987 through December 31, 1988.

Commissioner Bailey moved, seconded by Commissioner Thompson, to authorize Commissioner President Loffler to sign the Contract as presented. Motion carried.



4) PERSONNEL MANUAL - CHAPTER XVII

The County Administrator presented a memorandum dated September 25, 1987 from the Personnel Office advising that correspondence dated September 15 had been received from the attorney to the Elections Board regarding reimbursement of meals. Ms. Johns, Deputy Director of Personnel, recommended that the Personnel Manual be amended to give flexibility in the area of meal reimbursement--that as long as the current work hour requirements are met that employees be allowed meal reimbursement for breakfast and/or dinner, or lunch and/or dinner (two meals) at the allowable schedule of reimbursable rates provided receipts of expenditures are turned in with claims.

Commissioner Jarboe moved, seconded by Commissioner Lancaster to accept the recommended to amend Chapter XVII, Paragraph 17-07 of the Personnel Manual. Motion carried.

5) DOMESTIC VIOLENCE/SEXUAL ASSAULT PROGRAM CONTRACT

The County Administrator presented a contract with Walden/Sierra, Inc. for the administration of the County's Domestic Violence and Sexual Assault/Abuse Services. The contract is for the period July 1, 1987 to June 30, 1988.

Commissioner Thompson moved, seconded by Commissioner Bailey, to authorize Commissioner President Loffler to sign the Contract as presented. Motion carried.

6) DOMESTIC VIOLENCE/SEXUAL ASSAULT PROGRAM AGREEMENT  
CRIME VICTIMS' PROGRAM SERVICES

The County Administrator presented an Agreement between the Maryland Department of Human Resources and St. Mary's County Domestic Violence/Sexual Assault Program for the provision of services to victims of crime. The contract is in the amount of \$34,099.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner President Loffler to sign the Agreement as presented. Motion carried.

7) CHARLOTTE HALL VETERANS HOME/SHERIFF'S DEPARTMENT LEASE

The County Administrator presented a Lease Agreement dated September 10, 1987 between Maryland Veterans Home Commission and St. Mary's County Sheriff's Department for the use of a room and adjacent bath in the guest house (former rectory) for use by the Sheriff's Department.

Commissioner Bailey moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President Loffler to sign the Lease as presented. Motion carried.

S.M.I.L.E.

Present: James Mahoney, Administrator  
Grace Loffler, President  
Dr. Norman Breslauer, Vice-President  
Gary Anderson, Treasurer  
Dr. J. Patrick Jarboe  
Clarence Dodge  
Elizabeth Lockwood  
Dr. William Marek  
Rev. Paul Gozaloff

The referenced representatives of S.M.I.L.E. appeared before the Commissioners to update the Board on the proposed expansion of adult day care in the County and to request consideration for supplemental funding.



Mr. Mahoney reviewed the background and the plan that was e and is in the process of being implemented and presented a handout outlining the proposal. Mr. Mahoney indicated that St. Cecilia's Parish has offered the use of St. James Hall for adult day care until the planned Lexington Park facility is completed. There is a need for county support in the amount of \$36,000. In order to review the financial picture of S.M.I.L.E., a cash flow projection was provided to the Board as part of the handout.

Discussion ensued as to the availability of county funds and whether the funding could possibly be a loan to S.M.I.L.E.

After some discussion the Commissioners thanked the S.M.I.L.E. representatives for their presentation and indicated that the request would be taken under advisement.

#### AREA AGENCY ON AGING

Present: Billye McGaharn, Director

##### 1) GATEWAY II PROPOSAL (REVISED)

Mrs. McGaharn presented the Gateway II Proposal which has been revised to include two positions (Part-time Case Manager and Gateway II Assistant) to meet the manpower requirements of the Gateway II Program.

Commissioner Lancaster moved, seconded by Commissioner Bailey, to approve the Gateway II Revision as presented. Motion carried.

##### 2) NOTIFICATION OF GRANT AWARD 1988 GUARDIANSHIP

Mrs. McGaharn presented the Notification of Grant Award for the 1988 Guardianship Grant in the amount of \$3,400 for the period of July 1, 1987 through June 30, 1988. Mrs. McGaharn explained that the responsibilities of this position will be included in another position at a later time.

After discussion, Commissioner Lancaster moved, seconded by Commissioner Bailey, to accept the NGA as presented. Motion carried.

#### DEPARTMENT OF PUBLIC WORKS

Present: John Norris, Director

##### 1) PUBLIC WORKS AGREEMENT COUNTRY LAKES - SECTION III

##### ADDENDUM TO PUBLIC WORKS AGREEMENT COUNTRY LAKES SUBDIVISION - SECTION III

Mr. Norris presented the Public Works Agreement dated September 24, 1987 by and between Benjamin H. Burroughs, Jr./Country Lakes Partnership and the Board of County Commissioners of St. Mary's County guaranteeing the completion of roads by September 1, 1988. The Agreement is backed by an Irrevocable Letter of Credit in the amount of \$110,000.

In addition, Mr. Norris presented an Addendum to the Public Works Agreement entered into by and between Benjamin H. Burroughs, Jr./Country Lakes Partnership and the Board of County Commissioners extending the deadline for completion of the following roads in Country Lakes, Section III to September 1, 1988, which is backed by a Letter of Credit in the amount of \$75,000: Tintop Road, Louise Court, Kimberly Court, and Elizabeth Court.

Commissioner Lancaster moved, seconded by Commissioner Bailey, to authorize Commissioner President Loffler to sign the Public Works Agreement and Addendum to Public Works Agreement as presented. Motion carried.



2) PUBLIC WORKS AGREEMENT  
WILDERNESS CLUSTER SUBDIVISION, SECTION 1

Mr. Norris presented a Public Works Agreement dated August 24, 1987 by and between Redgate Ventures Partnership and St. Mary's County, Maryland requiring completion the following roads in Wilderness Cluster Subdivision Section 1, by August 1, 1988: Wilderness Road, Woodmere Drive, White Pine Court, Evergreen Court.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to authorize Commissioner President Loffler to sign the Agreement as presented. Motion carried.

3) GRADING PERMIT AGREEMENT  
GREAT MILLS CENTER - PATUXENT DEVELOPMENT CENTER

Mr. Norris advised that the completion of work under the Grading Permit for the referenced project is due by close of day September 30. Should the work not be completed, Mr. Norris requested authorization for the President of the Board to sign correspondence to Maryland Bank and Trust making claim on the Irrevocable Letter of Credit in the amount of \$40,500.

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to authorize Commissioner President Loffler, to sign the letter, and that it be forwarded, if necessary. Motion carried.

4) PROJECT NO. SM 88-5-1  
BID TALLY SHEET  
INTERMEDIATE AUTOMOBILES (2)  
FOUR-WHEEL DRIVE PICKUP (1)

Mr. Norris presented the bid tally sheet for the referenced project and recommended awarding the bids to the lowest bidder as follows:

Two Intermediate Automobiles

McKay Implement Co. in the amount of \$22,606  
(including trade-in)

Four-Wheel Drive Pickup

McKay Implement Co., in the amount of \$11,294  
(including trade-in)

Commissioner Loffler questioned the trade-in differences and requested that bidders be informed of county bid procedures.

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

FINANCE OFFICE

Present: Charles H. Wade, Jr., Director

1) BUDGET AMENDMENT NO. 87-14  
VARIOUS DEPARTMENTS

Mr. Wade presented Budget Amendment No. 87-14 in the amount of with the following justification: To provide project authority to Capital Projects carry forward from FY '87 to FY '88 as part of the reservation against fund balance.

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



## 2) GENERAL OBLIGATION BOND ISSUE

Mr. Wade reviewed with the Board the proposed list of projects to be included in the 1988 General Obligation Bond Issue along with FY '88 required funding and suggested bond funding levels.

In that the total amount is contingent upon whether or not the County will be purchasing the St. Mary's Academy property, Mr. Wade requested to meet in Executive Session in order to discuss a matter of Property Acquisition.

Commissioner Bailey moved, seconded by Commissioner Thompson, and unanimously carried, to meet in Executive Session as follows: (The Session was held from 12:35 p.m. to 1:10 p.m.)

### Personnel

Present: Edward V. Cox, County Administrator

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John B. Norris, Director, Public Works

### Property Acquisition

Present: Edward V. Cox, County Administrator  
Joseph Densford, Assistant County Attorney  
John Norris, Director, Public Works  
Charles H. Wade, Jr., Director of Finance

Later in the meeting, Commissioner Bailey moved, seconded by Commissioner Lancaster, to authorize the Director of Finance to proceed with the General Obligation Bond process in the amount of \$5 Million, plus the price for the acquisition of the Academy property, should the County purchase it. Motion carried.

## OFFICE OF PLANNING AND ZONING

Commissioner Robert Jarboe was absent.

Staff present included: Frank J. Gerred, Director, and Betsy Anthony, Recording Secretary, Thomas M. Russell, Director, Environmental Health, St. Mary's County Health Department.

Members of the audience included: Patrick Wm. O'Donnell, Madeline Gateau, George Gateau, Sr., Oran R. Wilkerson, Louis Eberle, Williams, Jack F. Witten, Barbara Thompson, Jim Kenney, Robert Graham, Dick Meyers, Joe Densford, Bruce Haskell, Ann Haskell, and Viki Volk.

## SEPTIC SYSTEM REVIEW FOR ADDITIONS

Mr. Russell indicated to the Commissioners that it had become obvious that games were being played with the role of additions in the building permit process. He explained that, irregardless of the category something was placed in, living space would always be considered living space. Whether something would be called a sewing room, clubroom, etc., it made no difference, it would be considered living space. He advised that the local Health Department would need to see all building permits that would be on septic systems.

Mr. Gerred indicated that he had no problems with changing the procedure to better assist and protect the public welfare. He did not want to change it to something that would allow someone the opportunity to play more games.

Mr. Russell pointed out that another important consideration was the position of the septic and well placement.



Mr. Russell presented the Commissioners with a chart showing the formula for bedroom computations used by Anne Arundel County. The computations are as follows:

0 - 750 ft.	= 2 bedrooms
751 - 1500 ft.	= 3 bedrooms
1501 - 2500 ft.	= 4 bedrooms
2501 - 3500 ft.	= 5 bedrooms

In his opinion, he felt that every addition should be subjected to the square footage test. He was further of the opinion that there was a fairly wide range for each category which allows for smaller additions without impacting the homeowner.

Mr. Gerred stated that he felt it was necessary to bring the matter before the Commissioners to let them be aware of the changes.

Commissioner Bailey inquired as to whether the new process would hold up a person obtaining a building permit for any length of time, and Mr. Russell replied that he was not sure at that time.

Commissioner Loffler informed the other members that, as a builder, he had taken the liberty of contacting Dr. Marek of the Health Department. He felt it was important that they know what kind of funding was to be used, where the funding would come from, and if the process would bog down the building permit process for the customer. Mr. Russell stated that he hoped that the process would run smoothly. He indicated that as of Thursday, October 1, 1987, his office would be open from 8:00 a.m. to 5:00 p.m. to allow customers more time to process their paperwork.

Commissioner Loffler stated that he would like to see a simple document of what would be asked of the customer. He explained that he felt the process should be a continuous flowing process.

Commissioner Bailey indicated that a contractor did not have a problem because he already knew the system and what information was needed, but a homeowner would not necessarily know what information to bring which, in turn, would slow the process down. He felt it necessary to have a system where the customer could leave the paperwork and pick it up when it was completed. He knew how frustrating it could be to go, for example, to Planning & Zoning and then be told that he had to make a trip to the Health Department and then go back to Planning & Zoning.

#### CALVERT BEAN REZONING RESOLUTION

##### CALVERT BEAN PROPERTY, BEAN ASSOCIATES: ZPUD # 87-0434

The applicant is requesting that 54.98 acres now zoned Planned Development Residential (PDR) 5.74 and Planned Development Shopping Center (PDSC) be rezoned such that 33.8 acres is zoned PDR7.93 and 17.92 acres is zoned PDSC. The remaining 3.3 acres will be dedicated to streets. The property is shown on Tax Map 51, Block 1, as Parcel 2 & 160.

Having held the public hearing by the Planning Commission on April 27, 1987, and by the County Commissioners on June 9, 1987, and after subsequent discussion, Commissioner Bailey moved, seconded by Commissioner Jarboe, and unanimously passed, to approve the rezoning resolution for signature.



CONTINUATION OF CRITICAL AREAS PLAN PUBLIC HEARING FROM  
SEPTEMBER 27, 1987

2:00 p.m.

Mr. Edward V. Cox, County Administrator, explained to the public that the meeting was a continuation from the joint public hearing between the County Commissioners and members of the Planning Commission held September 22, 1987 at 7:30 p.m., in the Circuit Court Room of the Courthouse in Leonardtown.

Mr. Pat O'Donnell referenced the appendix to the ordinance (page 4 of the chart) regarding permitted uses in the buffer zone of the setbacks. He expressed concern over not allowing heavy industries to be used in the Intensive Development Area. Mr. Gerred explained that his point was covered in the existing ordinance. Non-maritime heavy industry was permitted in the IDA; it was otherwise restricted by the Zoning Ordinance or by state law. Another concern of Mr. O'Donnell was regarding No. 4 of Industrial uses on page 4 of Draft #5 pertaining to permanent sludge handling, storage and disposal facilities other than those associated with wastewater treatment. Mr. O'Donnell stated that he had spoken with Mr. Steve King, of Met Comm, and he had been told that Mr. King could not envision any facility handling sludge not connected with a treatment plant. Mr. O'Donnell felt that there was plenty of land inland that could be used for that type of use instead of using shoreline. He asked if that use could be struck from the plan, and Mr. Gerred replied that it could be.

Mr. Oran Wilkerson felt that it was important to indicate in the Critical Areas Program (draft #5, page 1) that the Critical Areas Program would take precedence over road development, parks being set aside, sewer lines, etc. He felt that it should be perfectly clear that the Critical Areas Plan took precedence over all others. Another concern regarded (page 43, No. 4) the cutting or clearing of trees within the 100-foot buffer. He felt that the comment was for a zone that should remain in its natural state, but there was an exception that stated that commercial timber could be cut in that area. Mr. Wilkerson thought that the statement should be inserted to read as follows, "no commercial cutting or clearing of trees in the 100-foot buffer zone", and should be clarified throughout the Plan. Mr. Gerred explained that the cutting of trees in the buffer area was severely limited. It was limited to selective cutting and the mechanical apparatus will be severely limited and the area would have to be immediately reforested. Mr. Gerred felt that Mr. Wilkerson had a good point in terms of maintaining the natural features of the forest, but the property owner still has the right to remove his resources off the land.

Mr. Jack Witten stated that if the land was going to be protected, it started with good land management. He felt that the function of the committee was to make the plan workable for the county. Mr. Witten felt that, in order for things to work, they had to be simple, straightforward, understanding, nonambiguous and with clearly defined standards. He indicated that the committee felt it was time for the County Commissioners to take action regarding the Critical Areas Program. He explained that, in the committee members viewpoint, the use of the former consultants failed. Mr. Witten stated that the most recent document (Draft #6) displayed every characteristic that had been objected to in previous revisions. He informed the Commissioners that the committees only hope was to see if anything could be salvaged from the Plan. He felt that it would not be achieved until the requirements of Article 66B were followed explicitly.

Mr. Floyd E. Williams indicated to the County Commissioners that he felt it was necessary for him to speak on the behalf of the landowners that were not at the public hearing. His first comment pertained to not allowing a person to timber within the 100' buffer, and secondly, with regards to moving gravel for a site. He informed the Commissioners that if they were to start telling a person what he can/cannot do with his property, the Commissioners would be in for a nasty time.

Mr. Bruce Haskell spoke at length voicing his opinion and concern with regards to the 100' setback requirement for waterfront property.



Ms. Ann Haskell voiced her concern about the requirements of public hearings with respect to the Critical Areas Program. She felt it was necessary to send each individual property owner a certified letter giving notification of the public hearing.

Hearing no further comments or questions from the public, Commissioner Loffler closed the public hearing.

Mr. Gerred informed the Commissioners that the Planning Commission had scheduled a special meeting on October 5, 1987 at 3:30 p.m., to discuss the issue and make their recommendation of the Commissioners. Mr. Gerred explained the process that would take place upon submission of the Plan.

Commissioner Loffler urged the Commissioners to seriously think about submitting the plan, because if they did not the state would do it for them.

Following lengthy discussion among the members, Commissioner Lancaster moved, seconded by Commissioner Thompson, and unanimously passed, to close the hearing.

PROCLAMATION  
MENTAL ILLNESS AWARENESS WEEK

Present: Mary Clements

The Commissioners presented the referenced Proclamation designating the week of October 4 - 10, 1987 as Mental Illness Awareness Week.

PUBLIC HEARING  
REVISED PUBLIC ETHICS ORDINANCE

Present: Charles Mander, Chairman, Ethics Commission  
George Barnes, "  
Louis Clements "  
Louis Eberle "  
Joseph Densford, Assistant County Attorney

The Commissioners conducted a Public Hearing on a proposed revision to the Public Ethics Ordinance in accordance with Article 40A of the Annotated code of Maryland, the Maryland Public Ethics Law.

Mr. Mander reviewed the proposed amendments to the Ordinance, a copy of which is on file in the County Commissioners' Office.

Commissioner Loffler opened the hearing for comments from the audience after which Commissioner Jarboe moved, seconded by Commissioner Lancaster, to close the public hearing. Motion carried. A decision will be made after ten days.

COUNTY COMMISSIONERS' TIME

Employee of the Month

Commissioner Loffler suggested the establishment of an "Employee of the Month" Program whereby department heads would submit names to be reviewed by a selection committee. The Commissioners agreed with the proposal, and Commissioner Loffler indicated that he would proceed to put the details together.

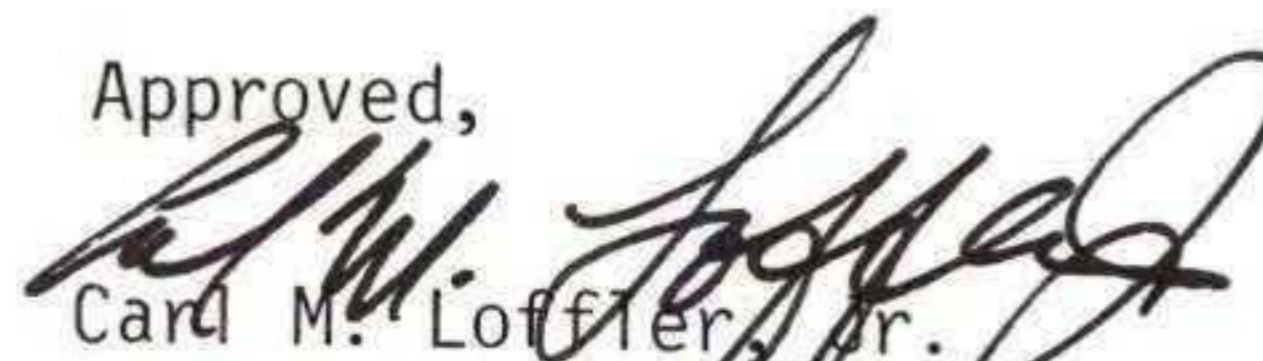
PUBLIC FORUM

At this time the Commissioners opened the meeting for comments and questions from the audience. Comments were received as follows:

Jim Keiper - Public School Issues  
Dick Myers - General Obligation Bond

ADJOURNMENT

The meeting adjourned at 3:45 p.m.

Approved,  
  
Carl M. Loffler, Jr.  
President