

BOARD OF COUNTY COMMISSIONERS' MEETINGTuesday, October 20, 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 9:10 a.m.

APPROVAL OF MINUTES

Commissioner Thompson moved, seconded by Commissioner Bailey, to approve the minutes of the Commissioners' meeting of Tuesday, October 13, 1987, as amended. Motion carried.

Commissioner Lancaster moved, seconded by Commissioner Bailey, to approve the Planning and Zoning portion of the Board of County's Commissioners' meeting of Tuesday, September 29, 1987. Motion carried.

APPROVAL OF BILLS

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

PURCHASE OF SHERIFF'S DEPARTMENT VEHICLES

Present: Paul Raley, Deputy Director, Purchasing & Logistics

Mr. Raley presented the bid tally sheet for the purchase of eleven Sheriff's Department vehicles (nine marked cars and two unmarked) and recommended awarding the bids as follows:

Bell Motor Company for the purchase of nine Chevrolet Caprices at \$12,600 each.

- McKay Implement/Trucks for the purchase of two Pontiacs at \$11,462 each.

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to accept Mr. Raley's recommendation. Motion carried.

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 indicated:

a) No. 88-19

Justification: Capital Project carryforward from FY '87 to FY'88 as part of the reservation against fund balance.

Commissioner Bailey moved, seconded by Commissioner Lancaster to approve Budget Amendment No. 87-19 as presented. Motion carried.

b) No. 88-20  
Public Works

Justification: To move money to allow for purchase of two vehicles per request of Purchasing/Budget. Budget authority for vehicles cost \$18,000; purchase request - \$22,696.

Commissioner Thompson moved, seconded by Commissioner Bailey, to approve Budget Amendment No. 87-19 as presented. Motion carried.

c) No. 88-21  
Sheriff's Department

Justification: Approved as excess funds by Sheriff Pettit on Thursday, October 16, 1987.

Commissioner Lancaster moved, seconded by Commissioner Jarboe to approve Budget Amendment No. 87-21 as presented. Motion carried.

d) No. 88-22  
Community Services

Justification: To adjust Alcohol/Drug Abuse Prevention Grant to actual grant award.

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to approve Budget Amendment No. 87-22 as presented. Motion carried.

2) PERSONNEL

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

a) Typist Clerk Position  
Department of Public Works

Memorandum dated October 16, 1987 from Personnel Office recommending the selection of Tracey Rickerson to fill the Typist Clerk position, Grade 4, in the Department of Public Works.

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

b) Highway Maintenance Worker Position  
Department of Public Works

Memorandum dated October 16, 1987 from Personnel Office recommending the selection of John F. Holley to fill the Highway Maintenance Worker position, Grade 4, in the Department of Public Works.

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

c) In-Home Aide  
Office on Aging

Memorandum dated October 16, 1987 recommending the appointment of Evelyn P. Payne to the permanent part-time In-Home Aide, Grade 1, in the Office on Aging.

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

3) GOVERNOR'S HIGHWAY SAFETY COMPETITION

The County Administrator presented correspondence dated August 22, 1987 from the President of Maryland Association of Counties inviting St. Mary's to participate in the Governor's Highway Safety Competition which was initiated by Maryland Association of Women Highway Safety Leaders, Inc. The County is requested to submit the name of the a contact person in this effort, and Mr. Cox recommended that the Leonardtown Barracks Commander of the Maryland State Police be that contact person.

The Commissioners gave their concurrence.

4) MARYLAND TRANSPORTATION BONDS  
FIRST ISSUE, TENTH SERIES

The Commissioners having conducted a public hearing on October 6, 1987 on the adoption of an Ordinance authorizing St. Mary's County to enter into a Participation Agreement with the Department of Transportation for purpose of securing payment of the principal and interest on bonds to be issued by the Department of Transportation, Commissioner Bailey moved, seconded by Commissioner Lancaster, to sign Ordinance No. 87-19 and further to authorize Commissioner President Loffler to sign the Participation Agreement. Motion carried.

5) HOMELESS SERVICE GRANT

The County Administrator advised that the grant for the Homeless Service Program in the amount of \$10,000 for space costs for the women's shelter was previously approved by the Board. However, because the location of the shelter had to be changed from Holy Face Convent to a rental property, the State is requiring the submission of an amended description in the Grant.

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to approve the modification to the grant as referenced above. Motion carried.

OFFICE OF PLANNING AND ZONING

Present: Frank Gerred, Director  
Betsy Anthony, Recording Secretary

1) BUILDING CODE TASK FORCE

Mr. Gerred informed the Commissioners that Mr. Jim Kenney had requested that the issue of the Building Code Task Force be rescheduled for the following County Commissioners meeting.

2) ECONOMIC IMPACT FEE AGREEMENT - LAUREL RIDGE

Mr. Gerred explained that the developer for Laurel Ridge Subdivision had agreed to provide and develop a public park for the subdivision on approximately 6.24 acres. The developer had also agreed to install an entrance road and gravel parking lot, construct a ball diamond, including backstops and players' benches, and a picnic area.

Mr. Cox noticed in the agreement that there was no mention of the Office of Planning & Zoning being in agreement with the plan. Mr. Gerred indicated that OPZ did recommend the plan for the Commissioner's signature on the agreement (a line would be added to the agreement).

Commissioner Bailey moved, seconded by Commissioner Lancaster, to accept the Economic Impact Fee Agreement for Laurel Ridge.

Commissioner Jarboe inquired as to the total acreage of the Lettie Dent Park, and Mr. Gerred replied that he would have to find out and let him know.

After discussion, Commissioner Loffler called for the vote with all Commissioners voting in favor of accepting the resolution for Laurel Ridge Subdivision.

3) ECONOMIC IMPACT FEE AGREEMENTS

Mr. Gerred explained that with the procedure the Office of Planning & Zoning was currently following with Economic Impact Fees, the process could take up to approximately two weeks. He felt that by making the necessary changes, the lengthy time-table could be eliminated. The proposal was to eliminate the signatures of the County Attorney and the President of the Board if the applicant merely fills in the blanks of the standard form. It was felt that it would be appropriate because the agreements were recorded in the Courthouse as a lien on the property, regardless of which County officials had signed the agreement. Naturally, if the applicant proposed something other than the standard agreement form, it would have to be approved by the County attorney and the Board.

Commissioner Lancaster moved, seconded by Commissioner Bailey, and unanimously passed, to accept the proposal from the Office of Planning & Zoning to allow said office to sign routine agreements. Any exceptions would come before the Commissioners for final signature.

4) COMPREHENSIVE PLAN CONTRACT

Mr. Gerred presented the contract for Redmond/Johnston Associates for the Commissioners signature.

Commissioner Jarboe referred to page seven of the contract and asked what would happen if the work was not satisfactory, and Mr. Gerred indicated that the work would have to be done again at the expense of the consultant, not the county. Commissioner Bailey moved, seconded by Commissioner Jarboe, and unanimously passed, to accept the contract with Redmond/Johnston Associates for \$133,700.

5) CLARIFICATION OF DEFINITION

Mr. Gerred explained that in the past, OPZ had relied heavily on the existence of a second kitchen to determine whether a structure was a single family dwelling now because of several requests for some way to care for relatives and trying to distinguish between a wet bar and a kitchen, OPZ had decided to refine the definition by expanding on the term "separate". It was decided that a physical barrier or a securable door or detached unit were the key elements of "separation".

6) NORTH INDIAN CREEK - ZONE #85-1579  
(Resolution and Development Agreement)

Mr. Gerred gave a brief history of the North Indian Creek resolution and development agreement made between Mr. Oliver Guyther and the County Commissioners. Mr. Gerred explained that there were three items before the Commissioners. The first being a Termination of Agreement between Mr. Guyther and the Commissioners prohibiting Mr. Guyther from utilizing an eight (8) acre tract for commercial purposes. The signing of the agreement would remove the restriction for the subject property and shall be of no further force and effect. Secondly, a resolution denying the rezoning of approximately 3.62 acres of land from AR, Agricultural-Residential, to C2, Commercial. Lastly, the Commissioners needed to accept/reject a design of a buffer area which was required in the Termination of Agreement.

Commissioner Bailey moved, seconded by Commissioner Thompson, and unanimously passed, to accept the Termination of Agreement with the following condition:

1. A maintenance agreement needs to be added to the Agreement stating the tree screening would be properly maintained for up to one year.

Commissioner Bailey moved, seconded by Commissioner Jarboe, and unanimously passed, to accept the screening design as presented.

Commissioner Thompson moved, seconded by Commissioner Lancaster, and unanimously passed, to approve the Resolution for Mr. Oliver Guyther denying rezoning.

#### EXECUTIVE SECTION

Present: Edward V. Cox, County Administrator

Commissioner Bailey moved, seconded by Commissioner Thompson, to meet in Executive Session in order to discuss matters of Litigation (from 10:15 a.m. to 10:25 a.m.) and Personnel (from 10:25 a.m. to 10:35 a.m.). Motion carried. Mr. Cox left the meeting during discussion of the Personnel item.

#### DEPARTMENT OF PUBLIC WORKS

Present: John Norris, Director

- 1) STSP 87-1126  
SHIP POINT MACHINE INC.

As a follow up to last week's approval, Mr. Norris advised that the referenced site plan approval should be contingent upon the continuation of the construction of Commerce Avenue through Ship Point Machine, Inc. property through the property line of the adjacent property for a distance of approximately 250 feet. Relative to the question raised at last week's meeting concerning concurrence by adjacent property owners, the County Administrator presented correspondence dated October 14, 1987 from Oak Farm Properties, Inc. expressing no objection to Commerce Avenue being deeded to the County 250 to 300 feet, with the understanding that utilization of that right-of-way by Oak Farm Properties would require the construction of that portion of Commerce Avenue.

After discussion the Commissioners agreed that road construction would terminate at the current terminus of Commerce Avenue. Therefore, Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve Site Plan #87-1126 for Ship Point Machine, Inc. subject to the deeded right-of-way, submission of construction drawings; and the construction of the "T" turnaround. Motion carried.

- 2) LEONARDTOWN LIBRARY ROOFING PROJECT  
PROJECT NO SM 87-6-6

Mr. Norris advised that the bid for the referenced project was awarded in May 1987 to Veterans Waterproofing Inc.; however, because of the death of the president of that company, the business will not be able to continue. Therefore, by correspondence dated October 7, 1987, Joseph Fitzgerald, brother of the President of the firm, requested a release from the contract. Mr. Norris recommended that the Board authorize the President of the Board to sign the Release, and further to award the contract to the next lowest bidder, Lincoln Roofing, in the amount of \$24,880.

Commissioner Thompson moved, seconded by Commissioner Jarboe, to authorize Commissioner Loffler to sign the Release for Veterans Waterproofing Inc., and further to award the bid to Lincoln Roofing as recommended. Motion carried.

3) ST. ANDREWS LANDFILL  
PROJECT NO SM 88-2-2

Mr. Norris reported that in anticipation of the State's regulations the County approved the transportation of earth from adjoining lands to St. Andrews Landfill. He stated that additional material at St. Andrews by the Wildewood development would allow the County to extend the life of the landfill from a minimum of one year to a maximum of two years depending on the volume of material supplied. Because of the change in the State's regulations for the construction of the floor area of the landfill cell, the ability for the County to utilize the existing construction by increasing the height of the cell due to the availability of additional cover material will result in a savings in excess of \$1 Million to St. Mary's County.

Mr. Norris recommended that the Commissioners accept the offer of the material from Wildewood and upon execution of the donation agreement, award the bid for the transportation of the materials to the lowest bidder, Trading Post, at \$1.29 per cubic yard.

Commissioner Bailey moved, seconded by Commissioner Lancaster to award the bid as recommended contingent upon execution of the donation agreement. Motion carried.

4) PROJECT NO. SM 88-5-2  
DIESEL ENGINE POWERED CRAWLER DOZER

Mr. Norris presented the bid tally sheet for the referenced project and recommended awarding the bid to the lowest bidder, Alban Tractor Company, in the amount of \$46,216, with a buy-back of \$30,000.

Commissioner Thompson moved, seconded by Commissioner Bailey, to approve the award as recommended. Motion carried.

5) PROJECT NO. SM 88-5-3  
TRACTOR W/ ATTACHMENTS

Mr. Norris presented the bid tally sheet for the referenced project and recommended awarding the bid to Hugh C. Gardiner in the total bid amount of \$16,616.

Commissioner Jarboe moved, seconded by Commissioner Bailey, to accept Mr. Norris' recommendation. Motion carried.

6) SIGNALIZATION

Mr. Norris reported to the Board on the accident involving two of his sign crew at the intersection of Rt. 5 and Golden Beach Road where a traffic signal had recently been installed. He stated that although there were many benefits to the new signals, there were some negative aspects, particularly the lack of attention paid to the signal by the unsuspecting motorist. Therefore, Mr. Norris presented correspondence addressed to State Highway Administration for the Commissioners' approval requesting that the concern of making motorists aware be addressed. Some suggested solutions include roadside signing in anticipation of the signal, roadway striping, and roughened areas on the roadway to alert the driver.

The Commissioners gave their concurrence for Commissioner Loffler to sign the letter.

7) MARYLAND DEPARTMENT OF TRANSPORTATION ANNUAL PROGRAM

Mr. Norris presented a memorandum to the Board dated October 20, 1987 setting forth items in preparation of SHA's annual tour on Friday, October 23. Mr. Norris reviewed the items with the Board including the need for discussion of accesses onto Md. Rt. 235.

8) STATE OFFICE BUILDING

Mr. Norris presented the plans and deed description for the State Office Building to be located at the Governmental Center and requested concurrence by the Board in the property that would be transferred from the Board of County Commissioners to the County Building Authority for the construction of the State Office Building.

After discussion, Commissioner Thompson moved, seconded by Commissioner Lancaster, to accept the deed description for the location of the State Office Building (6.64 acres). Motion carried.

9) DREDGING PROJECTS  
ST. CATHERINE SOUND AND ST. JEROME'S CREEK

Mr. Norris advised that a spoil site has been designated for the St. Catherine Sound; however, a site has not been identified for St. Jeromes Creek. It is hoped that both projects could be dredged at the same time. Therefore, Mr. Norris requested the Board's assistance in identifying a site.

10) LOAN AGREEMENT  
TACTICAL SUPPORT MATTING FOR AIRPORT

Mr. Norris presented a Loan Agreement between the Naval Air Station and the Department of Public Works for the loan of 18,000 square feet of support matting to be used by the Fixed Base Operator for taxiway access to the new "T" Hangars.

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

11) TANNER CREEK SHORE EROSION DISTRICT

Mr. Norris presented correspondence addressed to the Tanner Creek Citizens' Association setting forth two alternative methods of payback for the repairs to the seawall at Tanner Creek.

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

12) ROAD RESOLUTIONS

Mr. Norris presented the following Road Resolutions for the Commissioners' review and consideration:

- a) No. R 87-35  
Lady Baltimore Avenue

Posting Lady Baltimore Avenue, Third Election District at 30 miles per hour from its intersection with Bayside Road to its intersection with Breton Street, and at 25 miles per hour for the remainder of Lady Baltimore Avenue.

- b) No. R87-37  
Parson's Mill Road

Posting Parson's Mill road, Third and Sixth Election District, at 35 miles per hour.

- c) No. R 87-38  
Friendship School Road

Posting Friendship School Road, Sixth Election District, at 35 miles per hour.

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Loffler to sign the Road Resolutions as presented. Motion carried.

13) ADDENDUM TO PUBLIC WORKS AGREEMENT  
BEAUVUE EAST

Mr. Norris presented an Addendum to the Public Works Agreement by and between Oliver R. Guyther and St. Mary's County extending the deadline for completion of the roads in Beauvue East to June 1, 1988. The Addendum is backed by a Letter of Credit with First National Bank of St. Mary's in the amount of \$26,000.

Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve and authorize Commissioner Loffler to sign the Addendum. Motion carried.

14) PUBLIC WORKS AGREEMENT  
STALLMAN SUBDIVISION, SECTION II

Mr. Norris presented a Public Works Agreement dated October 1, 1987 by and between Henry T. Waring and St. Mary's County guaranteeing the construction of roads in Stallman Subdivision, Section II, Eighth Election District, to September 1, 1988.

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

15) PROJECT STATUS REPORT

Mr. Norris presented the Project Status Report for the Department of Public Works as of September 30, 1987.

16) TUDOR HALL LOAN ACT

Commissioner Loffler referred to correspondence dated October 10, 1987 from the St. Mary's Historical Society requesting that the Department of Public Works be allowed to administer the grant for the Tudor Hall Loan Act of 1986.

Mr. Norris agreed to undertake this task.

"TRICK OR TREAT NIGHT"

The Board of County Commissioners agreed to set Saturday, October 31, 1987 as the official "Treat or Treat" Night in St. Mary's County.

PROCLAMATION  
YOUTH APPRECIATION WEEK

The Commissioners presented the referenced Proclamation designating the week of November 8 - 14, 1987 as Youth Appreciation Week in St. Mary's County.

COUNTY COMMISSIONERS' TIME

1) S.M.I.L.E.

The Commissioners discussed the proposal made by S.M.I.L.E. for \$36,000 for a temporary adult day care facility. After discussion Commissioner Lancaster moved, seconded by Commissioner Thompson, to grant \$18,000 to S.M.I.L.E. and to loan \$18,000 to be repaid over a 24-month period, subject to concurrence by the Board of Directors of S.M.I.L.E. Motion carried.



2) ST. MARY'S NURSING CENTER ADULT DAY CARE

By correspondence dated October 7, 1987 Mr. Smith, Director of the St. Mary's Nursing Center advised that the Nursing Center is in need of space for the adult day care center. Mr. Smith indicated that the 15 participants of the program will have to vacate the fourth floor premises once additional beds are added and staff is on board. If the St. Mary's Academy property is obtained by the County, Mr. Smith indicated that the Nursing Center was interested in space at that location for adult day care.

The Commissioners directed Mr. Cox to meet with representatives of the Nursing Center and return with a specific recommendation.

3) MARCEY HOUSE BY-LAWS

In response to the request by the Marcey House Board of Directors, Commissioner Loffler presented proposed changes to the By-Laws. It was agreed that the Commissioners and the Marcey House Board review the by-laws and proposed amendments by Commissioner Loffler and make comments at a later date.

4) ST. MARY'S CITY CONFERENCE CENTER

Commissioner Lancaster noted that during her visit at last week's meeting, Secretary Rogers of the Department of Housing and Community Development requested a contribution from St. Mary's County in the amount of \$5,000 for the feasibility study for a conference center at St. Mary's City.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to locate a source of funds for this request. Motion carried.

PUBLIC FORUM

At this time the Commissioners opened the meeting for comments from the audience:

Dick Myers - Re accesses on Md. Rt. 235

ADJOURNMENT

The meeting adjourned at 3:40 p.m.

Approved,

  
Carl M. Loffler, Jr.  
President