

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, December 22, 1987

Present: Commissioner Carl M. Loffler, Jr., President
Commissioner Robert Jarboe
Commissioner John G. Lancaster
Commissioner Rodney Thompson
Edward V. Cox, County Administrator
Judith A. Spalding, Recording Secretary

(Commissioner Bailey was not present at beginning of meeting.)

The meeting was called to order at 9:05 a.m.

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Thompson, to approve the minutes of the Commissioners' meeting of Tuesday, December 8, 1987. Motion carried.

APPROVAL OF BILLS

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

COUNTY ADMINISTRATOR ITEMS

1) CORRESPONDENCE TO CONGRESSMAN DYSON
TALL TIMBERS PROJECT

The County Administrator reported that a telegram was received from Congressman Dyson advising that it was the Army Corps of Engineer's responsibility and not the County's for the cost overruns at the Tall Timbers project. Therefore, Mr. Cox presented correspondence to Congressman Dyson expressing appreciation for his efforts.

2) BUDGET AMENDMENT NO. 88-30
DEPARTMENT OF PUBLIC WORKS

The County Administrator presented Budget Amendment No. 88-30 recommended for approval by the Director of Finance for the purpose of transferring \$62,320 to St. Andrews Landfill from Clements Landfill in order to consolidate accounts.

3) PERSONNEL
DEPARTMENT OF PUBLIC WORKS

The County Administrator presented a memorandum dated December 22, 1987 recommending the selection of Mary V. Mattingly to the Typist Clerk position in the Department of Public Works, effective December 28.

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

4) POLICY STATEMENT
EXPRESSIONS OF SYMPATHY, CONGRATULATIONS, GET WELL WISHES

The County Administrator recommended that the Board adopt a Policy Statement that the Commissioners would provide funds for expressions of sympathy, congratulations, get well wishes and recognition; however, that these expressions would only come from the Office of County Commissioners. The Commissioners gave their concurrence.

5) COMMUNITY DEVELOPMENT BLOCK GRANT - FY '85

The County Administrator advised the CDBG was divided into two programs: "Affordable Home Site Purchase" and "Essential Home Repair". However, in that there have been no applicants for the first and many applicants for the latter program, the County's Department of Economic & Community Development recommends that funds for the "Affordable Home Site Purchase" Program be transferred to the "Essential Home Repair" Program.

Commissioner Thompson moved, seconded by Commissioner Jarboe, to authorize Commissioner Loffler to sign the amendment to the CDBG as recommended above. Motion carried.

6) SSTAP GRANT - REVISED BUDGET
AREA AGENCY ON AGING

Relative to previous discussion on the referenced grant revision, the County Administrator advised that there are two issues: (a) Location of the additional \$5,000 county matching funds, and (b) leasing of the bus and whether there were alternatives. Mr. Cox noted that the \$5,000 would have to come from the Reserve Account.

Discussion ensued as to the leasing of the vehicle and whether it should be on a lease purchase arrangement. It was agreed that a determination would be made on this issue at the time of award.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to authorize Commissioner Loffler to sign the revised grant for the SSTAP Transportation program for the elderly and handicapped. Motion carried.

PROCUREMENT MANUAL IMPLEMENTATION

Present: Charles Wade, Jr., Director of Finance
James Haley, Procurement Officer
Pam Faxon, Assistant Procurement Officer

(Commissioner Bailey entered the meeting during discussion - 9:45 a.m.)

The referenced individuals appeared before the Commissioners to discuss the schedule for implementation of the Procurement Regulations and Procedures including: Bidders List Actions, Preparation of Procurement User's Guide, Training Sessions, and Implementation. The County Commissioners agreed to change the effective date of January 1, 1988 to March 1, 1988.

DEPARTMENT OF PUBLIC WORKS

Present: John Norris, Director

1) CORRESPONDENCE TO MARYLAND ENVIRONMENTAL SERVICE

Mr. Norris presented correspondence addressed to MES submitting the Final Application for Solid Facilities Loan Act of 1986 in the amount of \$55,000 for second phase engineering feasibility analysis of a waste-to-energy facility to serve the counties of Calvert, Charles and St. Mary's.

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

2) PUBLIC WORKS AGREEMENT
AIRPARK SALES AND SERVICE, INC.

Mr. Norris presented a Public Works Agreement by and between Airpark Sales and Service, Inc. and St. Mary's County guaranteeing completion of work relative to hangar construction at the County Airport. The Agreement is backed by an Irrevocable Letter of Credit in the amount of \$30,000 with Calvert Bank & Trust Company. Mr. Norris advised that there were still some questions that need to be resolved regarding the surety and recommended that the Board authorize the President sign the PWA pending legal review by the Assistant County Attorney.

Commissioner Lancaster moved, seconded by Commissioner Thompson, to authorize Commissioner Loffler to sign the PWA pending legal review of the surety by Attorney Densford. Motion carried.

3) PUBLIC WORKS AGREEMENT
COMMERCE AVENUE - ST. MARY'S INDUSTRIAL PARK

Mr. Norris presented a Public Works Agreement dated December 9, 1987 by and between Avion International, Inc. and St. Mary's County guaranteeing construction of Commerce Avenue in St. Mary's Industrial Park. The Agreement is backed by an Irrevocable Letter of Credit in the amount of \$40,000.

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

4) ADDENDUM TO PUBLIC WORKS AGREEMENT
FLOWER OF THE FOREST

Mr. Norris presented an Addendum to the Public Works Agreement by and between Julius J. Finnacom and St. Mary's County extending the completion of improvements in Flower of the Forest Subdivision, Section II, Eighth Election District to September 1, 1988. The Letter of Credit with Maryland Bank & Trust Company is in the amount of \$386,500.

Commissioner Lancaster moved, seconded by Commissioner Bailey, to approve the Addendum as submitted and to authorize Commissioner Loffler to sign same. Motion carried.

5) PUBLIC WORKS AGREEMENT
GREENVIEW PARKWAY

Mr. Norris requested authorization for the President of the Board to sign the Public Works Agreement by and between James Dobry and St. Mary's County guaranteeing completion of Greenview Parkway in Greenview West Subdivision by October 1, 1988. He stated that certain planned work needs to be completed and other documents need to be submitted, and therefore recommended that authorization be given to the President to sign the PWA upon Public Work's review.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to authorize Commissioner Loffler to sign the PWA upon approval by the Department of Public Works. Motion carried.

6) OLD NURSING HOME FACILITY

Mr. Norris advised that he received a request from the Nursing Center for authorization to use the old Nursing Home facility for continuation of the day care program until construction begins for conversion for the Health Department's use. Mr. Norris indicated that bids for renovation will be opened January 22 and the temporary use could only be for a maximum of two months.

Because of concerns with safety and insurance, the Commissioners agreed to not allow temporary use as a day care center.

7) PEGGS ROAD DESIGN

Mr. Norris advised the Commissioners that because of the shut-down and delays on the referenced project, the costs to The Wilson T. Ballard Company have increased with regard to salary rates as follows: 20% for Phase I (from Chancellors Run to stream crossing) and 14% for Phase II (from stream crossing to Md. Rt. 235). Increases in the contracts are \$15,936 and \$11,000 respectively. Mr. Norris stated that the contract has not increased in other costs. The project will begin in January with plans to be reviewed by June and the project possibly bid in July. In addition Mr. Norris stated that the contract will also need to be increased to include certain state requirements by DNR and the Corps of Engineers (upland wetlands) at a cost of approximately \$5,000. Therefore, Mr. Norris requested authorization to increase the contracts as outlined.

After discussion the Commissioners requested Mr. Norris to put the particulars regarding this request in writing for the Board's consideration.

ST. MARY'S COUNTY PUBLIC SCHOOLS
COMPENSATION STUDY FOR CLASSIFIED EMPLOYEES

Commissioner Loffler distributed and reviewed the scheduled submitted by the Board of Education regarding the Compensation Study for classified employees.

OFFICE OF PLANNING AND ZONING
DEVELOPMENT MORATORIUM

Commissioners present: Carl M. Loffler, Jr., 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.

The Advisory Committee for the Comprehensive Plan has recommended that the moratorium on rezoning cases and subdivisions in excess of 3 lots be extended until the Comprehensive Plan is adopted.

Mr. Guyther distributed copies of the schedule for adoption of the Comprehensive Plan and Development Ordinances to the Commissioners for their review.

Mr. Michael Whitson indicated that there was two ways to step up the process of adopting the plan: 1) getting the Commissioners involved in the public information segment; 2) have the Planning Commission hold a special meeting to review the plan; and 3) a public information meeting.

Commissioner Loffler felt they had a serious problem and needed to begin an aggressive campaign to get the plan going. He indicated that it would be a good idea to involve the Commissioners in the process as quickly as possible. Commissioner Loffler asked that the committee figure out when they plan to be finished with the project and approximately where they are presently.

Commissioner Bailey expressed concern regarding the committee's knowledge of the expiration date for the moratorium and yet they come back before the Commissioners with a schedule. The Commissioners were told, when the new consultants were hired, that they would remain on schedule, and it seemed that it was not the case since the committee was asking for an extension.

Commissioner Thompson stated that he was still against the extension of the moratorium but felt it was for the best interest of the county.

Mr. Guyther and Mr. Whitson took the time to discuss the schedule with the Commissioners. Discussion ensued.

Commissioner Loffler inquired if anyone wished to speak in favor or opposed of the request.

Mr. John Quade began by explaining that for the Advisory Committee, a 60 member committee was designed and selected and less than 50% or 30 of the appointed members attended the meetings and twenty-eight of the sixty members voted on the moratorium. He then distributed a package to the Commissioners that contained the following:

- 1) Presentation;
- 2) Buildable Lots;
- 3) Memorandum dated October 25, 1985, regarding Pine Hill Treatment Plant Status Report from Robin Guyther, OPZ;
- 4) St. Mary's County Population and Building Permit Report;
- 5) Unidentified sheet; and
- 6) List of subdivisions for the eight districts.

Mr. Peter Breck of Paragon Properties, explained that for the last 10 years he had made his living in the construction of homes. He felt that the moratorium would have a very bad economical effect on the county.

Mr. Ray Runco of Ray Runco Realty, indicated that the development process was going to stop if there was no moratorium. He felt that the plan could be completed a lot quicker without the pressure of a schedule.

Mr. Bob Coombs stated that he agreed with everyone regarding the moratorium. He felt that with everything going on, the moratorium was not necessary at the present time.

Mr. Tom Howard indicated that he was strongly against the moratorium being extended.

Commissioner Jarboe stated that in order for the Planning Commission to make a recommendation to the Commissioners after reviewing the plan, they needed to be sure they would be able to review each incoming case as an individual case. Commissioners Jarboe indicated that if he was not satisfied with the recommendation of the Planning Commission, then he would not vote to extend the moratorium beyond January.

Commissioner Bailey felt strongly that the moratorium should be lifted by December 31, 1987.

Discussion ensued among the Commissioners.

Commissioner Loffler urged the Commissioners to continue discussion on the issue in January. Commissioner Jarboe moved, seconded by Commissioner Lancaster, to approve the extension of the moratorium until Tuesday, January 26, 1987, so as to allow the Planning Commission ample time to review the proposed plan and to advise the Commissioners on a limited moratorium in which the Planning Commission would make a recommendation on a case by case basis. With no discussion following, Commissioner Loffler called for the vote. Commissioners Lancaster, Thompson, and Jarboe voted for the extension, and Commissioner Bailey voted opposed. Motion passed three (3) to one (1).

STSP # 87-1536: SUBURBAN PROPANE

Requesting site plan approval for an LP Gas distribution facility to be located on lots 15 and 18, Sec. 1, in the Industrial Park. The property is zoned I-1 and is shown on Tax Map 34, Parcel 548.

NOTE: Commissioner Loffler temporarily left the meeting due to a possible conflict of interest.

Mr. Guyther informed the Commissioners that the Planning Commission had recommended approval of the request subject to receiving final approval from DPW. Staff recommended approval.

Commissioner Thompson moved, seconded by Commissioner Lancaster, and unanimously passed, to approve the site plan for Suburbane Propane, subject to the approval of DPW.

NOTE: Commissioner Loffler returned to the meeting.

ZPUD # 87-0201: HUNTING CREEK PUD

Requesting rezoning of 247 acres near the western corner of the intersection of Willows Road and Maryland Route 5 from R-2, Low Density Urban Residential, to PDR5.0. The effect of the change would be to allow an increase in the number of dwellings permitted from 247 to 1,235 and the amount of commercial land from no acres to 4.4 acres.

Mr. Guyther distributed copies of the concept plan for the Commissioners review. The Planning Commission indicated that they did not like the location of the project. He explained that the applicant had indicated that it would take approximately 7-10 years to construction.

Commissioner Loffler stated that he liked the idea of the applicant offering to construct a school and with the concept of the plan, he had trouble not liking it.

Commissioner Thompson inquired as to other developments in the area, and Mr. Guyther stated that there was Wildewood, Cedar Cove, TOSCA, and Calvert Bean Property. Mr. Guyther explained that the project contained four times the amount of homes as in Leonardtown.

Mr. Guyther explained that the transportation and sewer were among the problems discussed by the Planning Commission members. The sewer was designated S-5 which means availability in 6-10 years.

It was agreed by all Commissioners that the project needed to be presented to the Planning Commission once again for further consideration.

Discussion ensued regarding the upgrading of Willows Road to standards necessary to maintain the amount of homes being constructed by the project.

Commissioner Loffler instructed the staff to meet with the developer and the Department of Public Works and, together, come up with a solution regarding the negative recommendation given by the Planning Commission.

PERSONNEL

Mr. Gerred stated that the Office of Planning & Zoning was in need of extra help. An additional Permits Clerk and Inspector were needed to ease the load of the other workers.

Commissioner Loffler indicated that a budget was coming up and he was leaning towards waiting for that.

Mr. Gerred explained that he understood the predicament of the Commissioners, but the increase of the permit fees was out of cycle. He indicated that the Commissioners voted for the increase of the fees and that the fees were for the purpose of obtaining additional help.

Commissioner Loffler indicated that he saw the problem, but he felt it was necessary to wait until the appropriate time.

DECEMBER 29, 1987 COMMISSIONERS' MEETING

Commissioner Lancaster moved, seconded by Commissioner Bailey, that there will be no Board of County Commissioners' meeting on Tuesday, December 29, 1987.

PUBLIC FACILITIES BOND DOCUMENTS OF 1987

Present: Charles H. Wade., Jr., Director of Finance
Theodore Weiner, County Attorney

Commissioner Lancaster moved, seconded by Commissioner Thompson, to authorize Commissioner Loffler to sign the appropriate documents relative to the Public Facilities Bond Sale of 1987. Motion carried.

EXECUTIVE SESSIONS

Present: Edward V. Cox, County Administrator

Commissioner Lancaster moved, seconded by Commissioner Bailey and unanimously carried, to meet in Executive Session as follows:

Property Acquisition and Litigation

Also Present: John Norris, Director, DPW
Joseph Densford, Assistant County Attorney

(The session was held from 12:15 p.m. to 1:00 p.m.)

Personnel

Also Present: John Norris, Director, DPW

(The session was held from 1:00 p.m. to 1:30 p.m.)

(The Commissioners recessed for lunch.)

Personnel

(The Session was held from 3:00 p.m. to 5:00 p.m.)

PERSONNEL - DEPARTMENT OF PUBLIC WORKS
FISCAL CLERK II POSITION

Commissioner Jarboe moved, seconded by Commissioner Thompson, to approve the employment of Julie E. Graves to the Fiscal Clerk II position, Grade 6, in the Department of Public Works. Motion carried.

ST. MARY'S COUNTY AIRPORT
CONDEMNATION OF PROPERTY

Commissioner Jarboe moved, seconded by Commissioner Thompson, to authorize the employment of the firm of Shapiro and Orlander to process condemnation of property in the area of the St. Mary's County Airport. Motion carried.

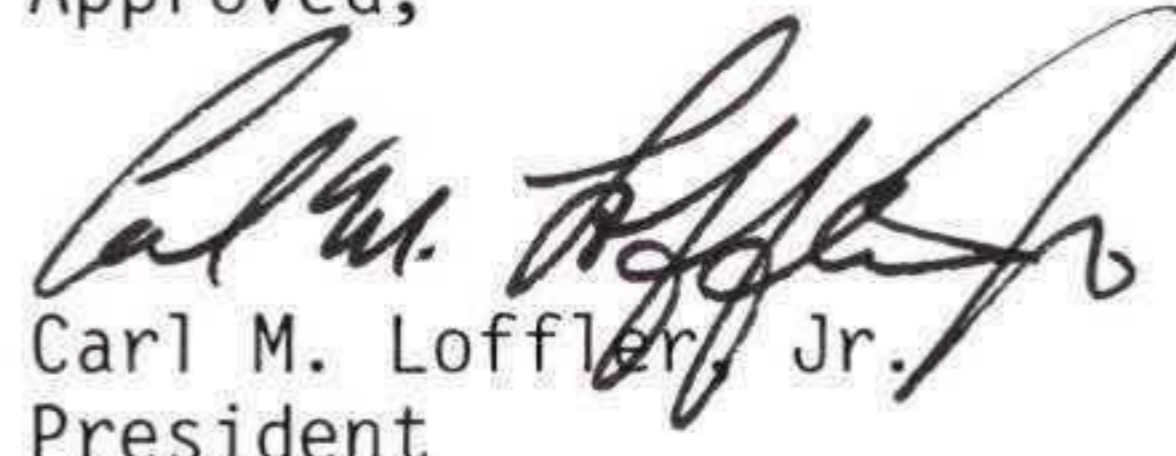
PROPERTY ACQUISITION - PRB ASSOCIATES

Commissioner Jarboe moved, seconded by Commissioner Thompson to authorize Vice-President Bailey to sign correspondence to PRB Associates submitting details of land acquisition. Commissioner Loffler abstained. Motion carried.

ADJOURNMENT

The meeting adjourned at 5:15 p.m.

Approved,


Carl M. Loffler, Jr.
President