

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, January 19, 1988

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

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

APPROVAL OF MINUTES

Commissioner Thompson moved, seconded by Commissioner Jarboe, to approve the minutes of the Commissioners' meeting of Tuesday, January 12, 1988. Motion carried.

Commissioner Lancaster moved, seconded by Commissioner Bailey, to approve the Planning and Zoning portion of the Commissioners' meetings of December 22, 1987 and January 5, 1988. Motion carried.

APPROVAL OF BILLS

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

COUNTY ADMINISTRATOR ITEMS

1) APPOINTMENTS
CRITICAL AREAS REVIEW TASK FORCE

Commissioner Bailey moved, seconded by Commissioner Jarboe, and unanimously carried, to make the following appointments: Ford L. Dean (Chairman), John L. Bohanan, Jr., F. Elliott Burch, Jr., Bruce Haskel, Melvin Holland, Claire Mulford, Michael Whitson, Jack Witten, Charles A. Young.

2) ASSESSMENT APPEAL BOARD

Commissioner Bailey moved, seconded by Commissioner Jarboe, to submit to the Governor the following nominations for the vacant alternate position on the Property Tax Assessment Appeal Board: Barbara Chapman, Daniel H. Raley, and John Hall IV. Motion carried.

3) CORRESPONDENCE TO 350TH CELEBRATION COMMITTEE

The County Administrator presented correspondence to the members of the 350th Celebration Committee expressing gratitude and congratulations for a job well done. The Commissioners agreed to sign and forward the letter.

4) PROPOSED PERSONNEL MANUAL REVISIONS

The County Administrator presented correspondence dated December 22, 1987 enclosing proposed revisions to the Personnel Manual with justifications for the amendments. The Personnel Officer will be before the Board next week to review the changes.

5) STATE OFFICE BUILDING

The County Administrator presented correspondence dated December 18, 1987 from the Department of Social Services urging the Board of County Commissioners to support the Department's efforts in having the new State Office Building named the "Carter Building" in memory of the late Joseph D. Carter, who was director of the Department of Social Services.

Commissioner Lancaster moved, seconded by Commissioner Thompson, that the Board continue this effort as suggested. Motion carried.

6) ANIMAL SHELTER ADVISORY COMMITTEE

The County Administrator presented correspondence for the Board's consideration and signatures addressed to Charles and Calvert Counties voicing no objections to the proposals submitted by the Animal Shelter Advisory Committee. However, the Board is concerned about the continuously increasing costs of animal control activities and will not be committing funds at this time.

Commissioner Jarboe moved, seconded by Commissioner Bailey, to sign and forward the letter as presented. Motion carried.

7) PERSONNEL
DEPARTMENT OF RECREATION AND PARKS

Following an Executive Session later in the day, the County Administrator presented a memorandum dated January 12, 1988 advising that the Director of Recreation and Parks has selected Barbara J. Norris to the Officer Supervisor II position (Grade 8, Step 3).

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

ST. MARY'S COUNTY HUMANE SOCIETY

Present: Barbara Chapman, Humane Society
Tom Oliver, Director, Emergency Operations Center

Mr. Oliver explained the purpose of the meeting was to request supplemental budgetary authorization in the amount of \$125 in order to acquire an additional animal cage. He stated that the County had purchased 12 cages in the '70's and only four are useable at this time. Mr. Oliver indicated that the Humane Society was willing to purchase an additional cage if the County would purchase one, which would then give a total of six cages.

After discussion Commissioner Bailey moved, seconded by Commissioner Jarboe, to approve the request for \$125, source of funds to be determined, for the purchase of an animal cage for the Animal Shelter truck, and to accept the offer by the Humane Society for an additional cage. Motion carried.

DEPARTMENT OF PUBLIC WORKS

Present: John Norris, Director

1) BID TALLY SHEET
PROJECT NO. SM 88-1-8
RENTAL CONTRACT SERVICES FOR ROAD, ROADSIDE
AND DRAINAGE IMPROVEMENTS

Mr. Norris presented the bid tally sheet and recommended awarding the contract to the lowest bidder, A & B Company as outlined on the bid proposal.

After discussion Commissioner Jarboe moved, seconded by Commissioner Thompson, to accept Mr. Norris' recommendation and further to authorize the President of the Board to sign the contractual documents. Motion carried.

2) BID TALLY SHEET
PROJECT NO SM 88-1-10
GUARDRAIL AND ATTACHMENTS

Mr. Norris presented the bid tally sheet for the referenced project and recommended awarding the bid to the lowest bidder, Guardrails, Etc., in the amount of \$32,175.

After discussion Commissioner Bailey moved, seconded by Commissioner Jarboe, to award the contract based on unit price as recommended by Mr. Norris, and further to authorize the President of the Board to sign the contractual documents. Motion carried.

3) FEDERAL AID URBAN NON-ATTRIBUTABLE HIGHWAY FUNDS AGREEMENT
STATE HIGHWAY ADMINISTRATION

Mr. Norris presented an Agreement by and between the State Highway Administration and St. Mary's County relative to Federal Aid Urban Non-Attributable Highway Funds in the amount of \$15,773 for fiscal year 1988.

4) PUBLIC WORKS AGREEMENT
ESSEX SOUTH SUBDIVISION - SECTION 4-A

Mr. Norris presented a Public Works Agreement dated December 18, 1987 by and between Michael P. O'Brien and St. Mary's County guaranteeing the completion of Essex Drive Extended and Scarborough Drive in Essex South, Section 4-A, Eighth Election District, by November 1, 1989. The Agreement is backed by an Irrevocable Letter of Credit with First Federal Savings & Loan Association of Annapolis in the amount of \$160,000.

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

5) ARCHITECTURAL CONTRACT

Mr. Norris indicated that due to the fact that some of the work in his department has gone from engineering to architectural, he is requesting approval of a contract with Phyllis Kaplan for architectural support services on a project-by-project basis at the rate of \$30 per hour.

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

6) PEGGS ROAD DESIGN

As a follow up to previous discussion on December 22, 1987 on the design cost for Peggs Road, the Board of County Commissioners reviewed the December 28, 1987 correspondence from the Department of Public Works. Mr. Norris requested the Board's concurrence to increase the cost for the design of Phase I (Chancellors Run Road to Jarboesville Run) in the amount of \$15,936 and to increase the cost for design of Phase II (Jarboesville Run to Md. Rt. 235) in the amount of \$11,774. In addition Mr. Norris requested authorization for additional work for wetlands assessment and design of any mitigation measures in the amount of \$8,471.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to grant the authorizations as requested by Mr. Norris. Motion carried.

7) AIRPORT LAYOUT PLAN
ENGINEERING SERVICES

Mr. Norris indicated that because of delays created by the change of design of the Terminal Area for the referenced project, the consultant is requesting an increase in the contract to perform design services for the Airport Master Plan in the amount of \$4,400. He stated that the costs were reimbursable (90%-federal; 5%-state; 5%-local).

After discussion Commissioner Lancaster moved, seconded by Commissioner Jarboe, to approve the increase as requested. Motion carried.

8) TOWN RUN SEWER PROJECT

Mr. Norris presented information on the Town Run Sewer project cost overruns. The most significant item was for the removal of undercut and provision of acceptable backfill under the sewer line (approximate quantity of 1,000 cubic yards). In accordance with the unit bid price of \$25,85 a cubic yard, the value is \$25,876. Mr. Norris further advised the Board of changes in the permit requirements by both State Highway Administration and Department of Natural Resources. The total increase in cost to complete the project is \$44,522, and Mr. Norris requested authorization for approval of the Change Order in that amount. In addition Mr. Norris advised that there was additional revenue to be received by the project and requested authorization for the President of the Board to sign a Budget Amendment increasing the project authorization by \$25,000 from Leonardtown and \$6,710 from SHA.

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to approve the Change Order in the amount of \$44,522 for the referenced project. Motion carried.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to authorize the President of the Board to sign the Budget Amendment to increase the project authority by the revenues from the Town and SHA as indicated above. Motion carried.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator
John V. Baggett, Director, Recreation and Parks

Commissioner Bailey moved, seconded by Commissioner Lancaster, to meet in Executive Session in order to discuss matters of Personnel. Motion carried. The Session was held from 11:15 to 11:45 at which time Mr. Baggett left the Session and Mr. Joseph Mitchell, Director, Economic & Community Development entered. This Session ended at 11:55 a.m.

TOUR OF NURSING CENTER

At this time the Board of County Commissioners departed for a tour and lunch at the Nursing Center.

EXCHANGE AGREEMENT - FLORIDA ROCK PROPERTIES, INC.

Present: John Baggett, Director, Recreation and Parks
Joseph Densford, Assistant County Attorney
Frank Gerred, Director, Office of Planning & Zoning
John Norris, Director, Department of Public Works
Warren Rich, Attorney, Maryland Rock
Representatives of Save St. Mary's Waterways, Inc.
Other Interested Citizens

The County Administrator advised that the purpose of this meeting was to obtain the Board's approval of certain changes in the fully executed Exchange Agreement with Florida Rock for property at Abell's Wharf. The changes are the renumbering of exhibits and a sentence cross-out on Page 9. In addition, Mr. Cox pointed out that the Commissioners need to schedule a public hearing on the abandonment of the old road and abandonment of the old public landing.

Mr. Baggett explained the history of the Agreement and indicated that Maryland Rock will convey to the County approximately six acres of land for the development of a waterfront park and the County will convey to Maryland Rock approximately one-third of an acre. He stated that the County property is not adequate for a boat launching ramp. In addition to the exchange of property, Maryland Rock proposes to put in an access road to the new park, to construct two gravel parking areas, to construct a boat ramp, and will contribute \$36,000 for matching state grant funds for the construction of a pavilion, shelter, etc. He stated that a hearing will be held in order to give the public an opportunity for input prior to making a decision on the actual exchange.

Mr. Gerred reviewed the changes and pointed out the sentence cross-out on Page 9 "After mining is completed the road will be restored as shown in Exhibit". Since the road is going to be relocated, there will not be a need to restore it.

After discussion, Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve the amended agreement.

During discussion of the motion comments from audience were received related to the land exchange and to the sand and gravel operation from Jack Witten, Tucker Brown, Walter Dorsey, and Dr. Borkowski.

Mr. Rich stated that there was no commitment by Maryland Rock to seek rezoning, that there may not be a need. He stated that the Agreement only commits the beginning of the procedure for the transfer and the decision is totally up to the Board, and does not commit the County to rezoning, which is a separate issue.

Commissioner Loffler indicated that he was not prepared to approve the Agreement at this time and suggested that a public hearing be held on the Agreement. Commissioner Jarboe stated that he would like to have additional information prior to approving the Agreement.

After further discussion Commissioner Thompson withdrew his motion and Commissioner Lancaster withdrew his second.

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to conduct a public hearing on the Exchange Agreement. Motion carried.

A tape of the proceedings is on file in the Commissioners' Office.

OFFICE OF PLANNING AND ZONING

present: Frank J. Gerred, Director, Robin Guyther, Planner, and Betsy Anthony, Recording Secretary, and John Norris, Director, Department of Public Works.

ZONING DECISION DISCUSSIONS

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.

Commissioner Loffler began by stating that he felt that both cases may need to be sent back to the Planning Commission for further review. In both cases, additional information had been received that might have changed the Planning Commission's decision. He also felt that more information was needed for the Hunting Creek case regarding the total cost of the project for new roads. He asked the department heads (OPZ & DPW) to get together and come up with approximate figures for constructing roads because it was not going to be a simple project.

Mr. John Norris, Director of Department of Public Works, presented a scenerio for the Commissioners to consider using the first in, last in concept. The first person in doesn't make enough of a significant dent in the capacity county services such as water, sewer, schools, or roads. The County has not identified, specifically, levels of service that it is willing to accept on given classes of roads in given areas. Hunting Creek is coming in at a time when their impact on the highway system is pretty much in accordance with what the traffic engineer said in his report (see Applicant's Exhibit #7) which states that the project will not substantially degrade the highway system. By itself, however, Mr. Norris noted that the proposal should be evaluated in the overall context of development in that area.

Mr. Gerred distributed copies of maps depicting traffic congestion and levels of service on county roads.

Mr. Norris referred to the Transportation Plan for the county and indicated that it does not present a solution to the traffic problem with Hunting Creek.

Commissioner Loffler asked Mr. Norris if they should look at the Hunting Creek project with a different philosophy for the approval of the project, especially when the request is for a Planned Unit Development.

Discussion ensued between the Commissioners and staff regarding the cost to construct a road for the project.

Commissioner Loffler stated that he would like the case to be sent back to the Planning Commission to allow them the opportunity to be more specific as to what problems they had with the project.

Mr. Norris indicated that the issue and problem that the staff was having varied. It becomes difficult to tie down a specific improvement with any PUD, and that county will have to address the situation as a whole in its future capital budgeting.

Mr. Guyther informed the Commissioners that, initially, it was recommended that the project not be evaluated until the Comprehensive Plan was finished. The Lexington Park Transportation Plan did evaluate what was thought to be going on in Lexington Park and recommended certain road improvements. However, the south end of Willows Road was determined to be an area that was not going to be developed and no improvements were included in the Transportation Plan for that immediate area.

Commissioner Loffler commented that the Planning Commission had reviewed the road system alone and then reviewed it with the Hunting Creek project built and made the determination that it was not acceptable in that particular location.

Mr. Guyther stated that the Planning Commission had reviewed that and determined that it was not the place or time to put a project such as Hunting Creek based on the present road system.

Commissioner Loffler explained that he would need to have all the facts to look at the PUD because he was new and had not gone through a lot of PUD's before. The project seemed to be for St. Mary's County residents and is located in growth area with existing sewer near the project. He asked if the project was something that the Commissioners wanted to get involved in or should it be sent back to the Planning Commission and Office of Planning & Zoning staff for further review.

Mr. Gerred replied that if the Commissioners directed staff to review the case again, then it would be done.

Commissioner Bailey stated that Mr. Guyther had asked that the project be held up until the Comprehensive Plan was completed, but he felt that the project should not be held up and that a decision should be made.

Commissioner Jarboe indicated that he did not feel that staff had yet supplied the Commissioners with the answers that they had asked for.

Commissioner Lancaster made the comment that he felt the project was being presented in a "piecemeal" fashion. With the Comprehensive Plan coming into effect, impact fees for the project might not work well with the plan. He felt that the project should be postponed until the Comprehensive Plan was completed.

Discussion ensued between the Commissioners regarding the cost of the project.

Commissioner Loffler instructed the staff (OPZ & DPW) to get together with the developer of Hunting Creek to try to bring his ideas in and get an idea of what the cost of the project will be. Mr. Guyther informed the Commissioners that it would at least be two months before everything could be gathered together before bringing their findings back to the Commissioners. The Commissioners concurred that they would allow the staff four weeks to begin gathering the information and to present a status report at that time.

ZONE # 86-1809: O'BRIEN/TENNYSON PROPERTY

The applicant is requesting the rezoning of 6.0 acres of land from R-1, Rural Residential to C-2, Commercial. The property is located on the northeast corner of Maple Road and Route 235 in California; shown on Tax Map 35C as Parcel 14.

Commissioner Loffler felt that the Planning Commission should have an opportunity to review the transportation study that was submitted after their meeting. He also indicated that, at the time of presentation to the Planning Commission, it was not clear where the actual developed residential property ended and where the ravine started and how it was all tied together. There was actually more of a buffer of undevelopable land than what was originally thought. Commissioner Loffler felt that it should go back to the Planning Commission and let them look at it to see if they come up with the same recommendation.

Mr. Gerred explained that if the Commissioners sent the request back to the Planning Commission, they would have to hold another hearing after receiving the Commission's recommendation.

Commissioner Bailey indicated that it seemed that every case that comes before the Commissioners there would be some additional information that the Planning Commission members did not see.

Commissioner Loffler stated that the idea of the rezoning did not sound bad to him, but he still had some problems with it. There is residential housing there that may or may not be bothered by the project. The subject of buffers and levels of buffers came up and he asked if the Commissioners wanted to get into designing levels of buffers and such or let it be done by the Planning & Zoning staff.

Discussion ensued between the Commissioners regarding the ravine and the requirement for a 35' buffer.

Ms. Susan Bennett and Mr. John Koleny informed the Commissioners that they did not feel that they were notified correctly, and Commissioner Loffler said that they would look into it.

Mr. Guyther indicated that the notification was published in two consecutive ads, a placard was posted on the site, and the notification letters were sent out.

After discussing it with the staff, the Commissioners concurred that Mr. Densford would review the issue of the notification letters for legal compliance. The Commissioners would then decide on further action.

CRITICAL AREAS TASK FORCE
(COMPREHENSIVE PLAN CONSULTANTS)

Commissioner Loffler advised that the Critical Areas Task Force has recommended that consultants for the Comprehensive Plan, Redmond and Johnston, meet with the Task Force at a hourly rate.

After discussion Commissioner Jarboe moved, seconded by Commissioner Thompson, to authorize Redmond and Johnston to meet with the Critical Areas Task Force at an hourly rate at a maximum contract cost of \$5,000. Motion carried.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator

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

Personnel

Also Present: Joseph Mitchell, Director,
Department of Economic & Community Development

(The Session was held from 5:00 p.m. to 5:40 p.m.)

Personnel

(The Session was held from 5:40 p.m. to 6:15 p.m.)

ADJOURNMENT

The meeting adjourned at 6:15 p.m.

APPROVED,


Carl M. Loffler, Jr.
President