

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, January 26, 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 Bailey moved, seconded by Commissioner Jarboe, to approve the minutes of the Commissioners' meeting of Tuesday, January 19, 1987. Motion carried.

APPROVAL OF BILLS

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

INTRODUCTION OF OFFICERS
COUNTY EMPLOYEES' ASSOCIATION

Present: Dorothy Smith, President
Jean Copsey, 2nd Vice-President
Donna Hudson, Recording Secretary
Bert Bowling, Corresponding Secretary
Isabel Williams, Treasurer
(Shirley Wood, 1st Vice President was not present.)

The new officers of the County Employees' Association appeared before the Commissioners to introduce themselves and to inform the Board of the goals and objectives of the Association. Mrs. Smith advised that the Association will be working on by-laws, conducting quarterly meetings and developing ways to increase morale.

The Commissioners expressed their congratulations to the officers and offered cooperation and assistance.

COUNTY ADMINISTRATOR ITEMS

1) APPOINTMENTS
BOARDS, COMMITTEES AND COMMISSIONS

Commissioner Bailey moved, seconded by Commissioner Jarboe, and unanimously carried, to make the following appointments:

Critical Areas Review Task Force

R. Johns Dixon
Oliver Guyther

Historic District Commission

Frederick Fausz (reappointment)

2) HOLLYWOOD VOLUNTEER FIRE DEPARTMENT

The Commissioners having previously approved waiving the property tax for the property owned by the Hollywood Volunteer Fire Department, Inc., the County Administrator presented Resolution No. 88-01 - Taxation Credit for July 1, 1986 - June 30, 1987 and Resolution No. 88- 02- Taxation Credit for July 1, 1987 - June 30, 1988.

Commissioner Bailey moved, seconded by Commissioner Thompson, to approve and sign the Resolutions as presented. Motion carried.

3) CORRESPONDENCE TO CRITICAL AREA COMMISSION

The County Administrator presented correspondence addressed to the Critical Area Commission advising that the County has recently appointed a Critical Area Review Task Force. The Task Force will be reviewing the County's Critical Area Plan to determine if any amendments are warranted.

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

4) CORRESPONDENCE TO LEONARDTOWN COMMISSIONERS

The County Administrator presented correspondence addressed to Leonardtown Commissioners inviting them to meet with the Commissioners on February 9 to discuss the revitalization efforts of the Town.

The Commissioners agreed to sign and forward the letter.

5) UPGRADE OF MATTAWOMAN-BEANTOWN ROAD

The County Administrator presented correspondence from the Charles County Commissioners requesting St. Marys' County's endorsement of the upgrading of the intersection of U.S. Route 301 and Mattawoman-Beantown Road, which will relieve traffic problems for both Charles, St. Mary's and Calvert Counties.

Commissioner Bailey moved, seconded by Commissioner Thompson, to prepare correspondence to the Maryland Department of Transportation offering St. Mary's County's endorsement. Motion carried.

6) CEDAR COVE MARINA EXPANSION

The County Administrator advised that correspondence was received from the Potomac River Association recommending that the County request the Army Corps of Engineers to conduct a public hearing in St. Mary's County on the expansion of the Cedar Cove Marina at Herring Creek.

Commissioner Thompson moved, seconded by Commissioner Jarboe, to sign and forward correspondence to the Corps of Engineers requesting a hearing in the County. Motion carried.

7) OATH OF OFFICE - COUNTY TREASURER

The County Administrator advised that Section 139-1 of the St. Mary's County Code indicates that the Treasurer shall take oath of office as prescribed by "Section 6 of Article I of the Constitution of Maryland;" however, it should read "Section 9." Therefore, Mr. Cox requested authorization to proceed to have the local law amended.

Commissioner Bailey moved, seconded by Commissioner Thompson, to authorize the County Administrator to proceed as requested. Motion carried.

8) WORKMEN'S COMPENSATION
FIRE DEPARTMENTS/RESCUE SQUADS

The County Administrator advised that correspondence was received from Senator Simpson requesting the Board's opinion on proposed legislation relative to the fire departments and rescue squads being covered by workmen's compensation. He stated that Charles and St. Mary's are being included in existing language and would allow compensation for individuals injured in the line of duty at the rate of pay they earn in private employment. Mr. Cox recommended that he meet with the Fire Board and Rescue Squad Association, the county's insurance consultant and return to the Board with a recommendation.

The Commissioners concurred with the County Administrator's recommendation.

9) BOARDS, COMMITTEES AND COMMISSIONS
SOLICITATION FOR MEMBERSHIP

The County Administrator presented a proposed advertisement to be published in a local newspaper soliciting membership on the County's various Boards, Committees and Commission. Solicitation will also include those who may have previously submitted their name and those who are currently serving and wish to be considered for reappointment.

The Commissioners agreed to have the Notice placed in the paper.

10) PERSONNEL

The County Administrator presented the following items of personnel for the Board's consideration.

a) OFFICE OF COMMUNITY SERVICES
TYPIST CLERK III

Memorandum dated January 25, 1988 from Personnel Office recommending the selection of Roberta L. Otta to the Typist Clerk III, Grade 5, position in the Office of Community Services.

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

b) PROCUREMENT DEPARTMENT
TYPIST CLERK III

Memorandum dated January 25, 1988 from Personnel Office recommending the selection of Heather L. Schulteis to the Typist Clerk III, Grade 5, position in the Procurement Department.

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

c) ECONOMIC AND COMMUNITY DEVELOPMENT

Memorandum dated January 19, 1988 from Personnel Office setting forth the following requests:

To convert an existing permanent part-time Fiscal Clerk I, Grade 5, position to a permanent full-time position (Section 8 grant-funded position); and

To fill an established permanent part-time Typist Clerk II position and temporary part-time Typist Clerk II position with a permanent full-time Fiscal Clerk I, Grade 5 position. (Section 8 grant-funded position)

Commissioner Lancaster moved, seconded by Commissioner Thompson, to grant the referenced requests. Commissioner Bailey abstained in that he did not participate in the Executive Session discussion last week. Motion carried.

d) ECONOMIC AND COMMUNITY DEVELOPMENT
DEPUTY DIRECTOR POSITION
BUDGET AMENDMENT NO. 88-33

Budget Amendment No. 88-33 requesting approval of utilization of available funding in the Economic Development Budget to convert the Deputy Director of Housing and Community Development position from a federally funded position to a County funded position for the period 12/28/88 to 6/30/88 (\$17,901).

Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve the Budget Amendment as presented. Commissioner Jarboe voted against the motion. Motion carried. Commissioner Bailey abstained in that he did not participate in the Executive discussion last week.

11) MECHANICSVILLE FIRE DEPARTMENT

The County Administrator presented correspondence from the Mechanicsville Volunteer Fire Department requesting donation of one of the Sheriff's Department vehicles that will be offered for sale when new vehicles are purchased.

Commissioner Bailey moved, seconded by Commissioner Thompson, to approve this request when a vehicle becomes available. Motion carried.

12) NOTIFICATIONS OF GRANT AWARD
OFFICE ON AGING

The County Administrator presented the following Notifications of Grant Award for the Office on Aging:

a) Grant #3-24-AAA-013	
(10/1/87 - 9/30/88)	
1988 Title III-B -	\$29,083
1988 Title III-C	37,452
1988 Title III-C2-	7,445
Total	\$73,980

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

b) Grant #ST8813-38	
(7/1/87 - 6/30/88)	
1988 Senior Center -	\$7,824

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

13) INVESTMENT IN JOB OPPORTUNITIES
CONTRACT EXTENSION

The County Administrator presented correspondence dated January 13, 1988 from the Department of Human Resources forwarding an amended Contract extending the 1987 Investment in Job Opportunities Contract to June 30, 1988.

Commissioner Thompson moved, seconded by Commissioner Bailey, to approve and sign the amended Contract as presented. Motion carried.

MANUAL OF PERSONNEL POLICIES AND PROCEDURES
AMENDMENTS

Present: Belinda Johns, Deputy Director of Personnel

Ms. Johns appeared before the Commissioners to present and review the proposed amendments to the Manual of Personnel Policies and Procedures.

After review Commissioner Bailey moved, seconded by Commissioner Jarboe to accept the proposed amendments with the following exceptions: to delete the requirement for odometer readings; and to delay action on Chapter 15, paragraph 1502(2) regarding letters of appreciation being deleted from personnel files. Motion carried.

CHARLOTTE HALL VETERANS HOME
PRESENTATION OF COUNTY FLAG

Present: Marcus Brookbank, Administrator, Veterans Home
Duke Cox, Resident Council

The Board of County Commissioners presented a St. Mary's County flag to the referenced representatives of the Maryland Veterans' Home in Charlotte Hall.

PROCUREMENT DEPARTMENT

Present: James Haley, Procurement Officer
Pam Faxon, Assistant Procurement Officer

1) BIDS ON MOBILE RADIOS FOR CIVIL DEFENSE

Mr. Haley and Ms. Faxon appeared before the Commissioners to present the bids for the purchase of six two-way mobile radios for Civil Defense and recommended that the bid be awarded to the lowest bidder, Pax Tronics, in the amount of \$8,344.50.

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

2) PROCUREMENT MANUAL PROCEDURES IMPLEMENTATION

Mr. Haley brought the Commissioners up to date with regard to the implementation of the Procurement Manual. He stated that the bidders' list is being advertised and compiled and the preparation of the Procurement Users' Guide is in the final stages.

DEPARTMENT OF PUBLIC WORKS

Present: John Norris, Director

1) SNOW REMOVAL PROGRAM - STATUS REPORT

Mr. Norris presented that summary sheet of costs to date for snow removal in the County. Total costs to date - \$62,938.

2) ACCEPTANCE OF DEED
ROAD RESOLUTIONS
BIG OAK SUBDIVISION

Mr. Norris presented a Deed dated January 4, 1988 by and between William S. Lawrence and Ann F. Lawrence and the County Commissioners of St. Mary's County accepting the remaining portion of Hill and Dale Drive and Spring Rise Court in Big Oak Subdivision, Fifth Election District, into the County Highway Maintenance System.

Further, Mr. Norris presented a Road Resolution posting Hill and Dale Drive and Spring Rise Court at 25 miles per hour and a Road Resolution designating Spring Rise Court as a stop street at its intersection with Autumnwood Drive.

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

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator
John Norris, Director Department of Public Works

Commissioner Bailey moved, seconded by Commissioner Jarboe, to meet in Executive Session in order to discuss matters of Litigation and Contract Cost Estimates. Motion carried. The Session was held from 10:50 a.m. to 11:45 a.m.

PROCLAMATIONS

The Board of County Commissioners presented the following Proclamations:

1) CHILDREN'S DENTAL HEALTH MONTH - FEBRUARY

Present: Dr. Bill Christie

Designating the Month of February as Children's Dental Health Month in St. Mary's County.

2) NATIONAL HEART MONTH

Present: Dr. Westora
Brenda Hammett
Abell Longmore
Senator Paul Bailey
Brent Sharf

Designating the Month of February as National Heart Month.

3) MARYLAND ARTS DAY

Present: Patty Runco
Carol Szkotnicki
John Baggett

Designating January 27, 1988 as Maryland Arts Day in St. Mary's County.

4) NATIONAL ACTIVITY PROFESSIONAL'S DAY

Designating January 22, 1988 as National Activity Professional's Day.

COMMENDATION - BELL MOTOR COMPANY

Present: Thomas Bell
Frank Bell

The Commissioners presented the referenced individuals with a Commendation for Bell Motor Company's 65 years of operations in St. Mary's County.

OFFICE OF PLANNING AND ZONING

Present Frank J. Gerred, Director
Robin Guyther, Planner
Betsy Anthony, Recording Secretary.

DEVELOPMENT MORATORIUM

Mr. Guyther distributed copies of part of the revised agenda from the Citizens Advisory Committee meeting held on January 13, 1988. The motion of the Committee was to recommend that the moratorium be extended in its original form until June 30, 1988, or until the Comprehensive Plan was adopted, whichever occurs first. Mr. Guyther noted that the vote was unanimous but that a few people had left the meeting before the motion was made. The agenda explained that the Steering Committee had met on January 5, 1988 and had developed the alternatives listed for consideration (see attached sheet). Mr. Guyther referred to #a explaining that the Planning Commission had recommended that the moratorium be continued as is except that a site with public sewer already touching the property should be exempt.

Commissioner Loffler inquired as to the amount of old rezonings the county has continued processing since the moratorium. Mr. Gerred also explained that if a person wanted to have his/her land rezoned, they needed to write a letter to the Office of Planning & Zoning request the rezoning, and he added that he had close to ninety (90) requests.

Commissioner Loffler asked how many rezonings the Commissioners have had before them, and Mr. Guyther stated that they had reviewed five or less cases since the moratorium was adopted.

Mr. Guyther explained that, referring to #a, it would only pertain to the areas in the 8th Election District, Leonardtown, and the Piney Point area, but mainly in the Lexington Park area.

Commissioner Loffler explained that the final date for the moratorium did not mean anything to him without the Committee's schedule. Mr. Guyther indicated that the Advisory Committee had received the plan and should be ready to report back to the Commissioners towards the end of February. Then it would be a matter of setting up public hearings and so forth.

Commissioner Loffler asked if anyone could still submit requests for the Comprehensive Plan committee for rezonings, and Mr. Gerred indicated that it was getting to the point where if they do not receive the requests soon, they would not get to review them.

Commissioner Bailey commented on the length of time it would take for the process of rezonings, and he did not see where extending the moratorium would be of help. He felt that the quickest way for someone to get their property rezoned was through the Comprehensive Plan. Commissioner Bailey stated that even though someone wanted to develop a piece of property it did not have to be approved. Mr. Guyther disagreed with him stating that if the applicant had met all requirements then the request could not be denied. He used the example of a cluster request on Golden Beach Road. The Planning Commission did not want to give approval of the request due to the road situation, but they could not deny it. Given that, people have the right to do one lot per acre, and he could anticipate a flood of applications coming in.

Commissioner Jarboe asked if each case could be reviewed individually, and Mr. Guyther indicated that the zoning ordinance does not have any wording in it to permit denial for when a subdivision is simply not liked or will cause traffic problems.

Commissioner Bailey inquired as to what the original 1974 Zoning Ordinance said, and Mr. Guyther informed him that it said one acre lots are allowed throughout most of the County.

Commissioner Loffler referred to the adequacy of public facilities and asked if that would be addressed in the new plan, and Mr. Guyther replied affirmatively. Commissioner Loffler then inquired about the impact fees, and Mr. Guyther replied negatively.

Commissioner Jarboe asked what would happen if they increased the three lot recommendation to five lots, and Mr. Gerred indicated that it would have no effect.

Commissioner Bailey expressed that he was for lifting the moratorium all together, and Commissioner Jarboe concurred.

Commissioner Bailey moved, seconded by Commissioner Jarboe, to lift the moratorium. Commissioners Bailey and Jarboe voted opposed of extending the moratorium, and Commissioners Thompson, Lancaster, and Loffler voted against the motion. Motion failed two (2) to three (3).

Commissioner Thompson indicated that he had no problem with the 10 lot requirement or the exemption of property that is currently being served by public sewer.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to extend the moratorium until June 30, 1988 or until the Comprehensive Plan has been adopted, whichever comes first. The following subdivisions will be exempt from the moratorium:

1. Subdivisions of property currently touching public sewer lines; and
2. Subdivisions of 10 lots or less.

Commissioners Thompson, Lancaster, and Loffler voted in favor of extending the moratorium, and Commissioners Bailey and Jarboe voted opposed. Motion passed three (3) to two (2) to extend the moratorium until June 30, 1988 or until the Comprehensive Plan is adopted, whichever comes first.

Commissioner Bailey stated that he was against the extension of the moratorium and felt that it was unfair to the developers.

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.

Mr. Guyther explained that there was a question raised regarding the notification letters being sent out on time. Mr. Ted Weiner, County Attorney, felt that the 10 day rule is not a legal requirement but an administrative requirement and that the hearing did not have to be held again.

Mr. Cox explained that there is a difference between legal and administrative requirements and there was no question that the administrative requirement was not followed.

Commissioner Bailey asked if the case would only come before the Commissioners, and Mr. Cox replied affirmatively and stated that the administrative requirements should be followed correctly.

Mr. Guyther said that it would take approximately four weeks before the case would come back before the Commissioners.

Commissioner Thompson informed the staff that, by holding another hearing, it would not change his opinion of the request but he did believe that administrative policy should be followed.

Commissioner Loffler indicated that he felt bad about the problem but administrative policy should be followed.

Commissioner Jarboe inquired as to who violated the 10 day policy, and Mr. Gerred said that the attorney for the applicant did. Mr. Guyther indicated that it was actually the applicant who was at fault.

Commissioner Jarboe moved, seconded by Commissioner Lancaster, and unanimously passed, to reopen the case and hold another public hearing.

EXECUTIVE SESSION

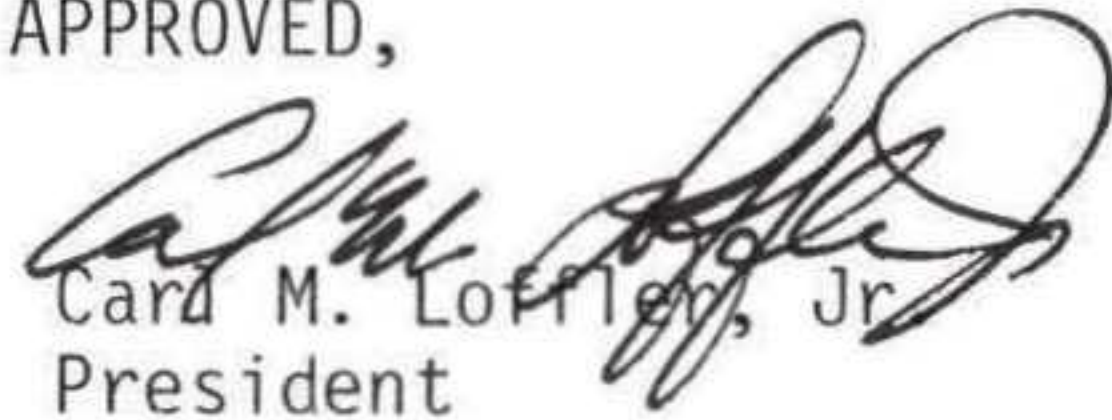
Present: Edward V. Cox, County Administrator

Commissioner Lancaster moved, seconded by Commissioner Bailey, to meet in Executive Session in order to discuss matters of Personnel. Motion carried. The Session was held from 3:30 p.m. to 6:15 p.m.

ADJOURNMENT

The meeting adjourned at 6:15 p.m.

APPROVED,


Carl M. Loffler, Jr.
President