

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, February 23, 1988

Present: Commissioner Carl M. Loffler, Jr., President
 Commissioner W. Edward Bailey, Commissioner
 Commissioner Robert T. Jarboe
 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, February 2, 1988. 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) LEASE AGREEMENT
C & P TELEPHONE COMPANY LOT (MIEDZINSKI BUILDING)

The County Administrator presented a Lease Agreement between James Francis Miedzinski, Clara Louise Miedzinski, Robert L. Miedzinski, Susan C. Miedzinski and the Board of County Commissioners of St. Mary's County for the lease of the Miedzinski Building on Washington Street in Leonardtown for use by the Department of Social Services.

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

2) PROPOSED PERSONNEL MANUAL REVISIONS

The County Administrator presented a memorandum dated February 22, 1988 from the Personnel Office setting forth recommended changes to the Personnel Manual as discussed with the Board on January 26 as follows: Letters of Appreciation, Employment of Relatives, Sheriff's Department Probationary Period, and Mileage Claim Form.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve the proposed changes as presented. Motion carried.

3) APPOINTMENT OF CONTRACTING OFFICER

The County Administrator presented correspondence appointing James Haley, Procurement Officer, as the County's Contracting Officer as defined in the Manual of Procurement Regulations and Procedures.

Commissioner Thompson moved, seconded by Commissioner Bailey, to appoint Mr. Haley as recommended. Motion carried.

4) LEASE WITH ST. MARY'S HOSPITAL

The County Administrator presented a Lease by and between St. Mary's Hospital and the County Commissioners of St. Mary's County which extends the lease for a term of 25 years with the option for the Hospital to buy back up to five of the last years of the term.

The County Administrator advised that he would forward the Lease to the Assistant County Attorney and to the Director of the Department of Public Works for review and comment prior to getting the Board's approval.

5) BUDGET AMENDMENT NO. 88-40
STATE'S ATTORNEY

The County Administrator presented the referenced Budget Amendment recommended for approval by the Director of Finance with the following justification: To fund attendance at a Sexual Abuse Seminar.

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

6) CORRESPONDENCE TO LEGISLATORS

The County Administrator presented correspondence addressed to our Legislative Delegation setting forth comments regarding the Energy Tax and the Affordability Committee legislative items.

The Commissioners agreed to sign and forward the letter.

PROJECT SELF-SUFFICIENCY

Present: Dennis Nicholson, Deputy Director, Dept. of Economic & Comm. Dev.
Helen Ginn
Ella May Russell, Director, Department of Social Services

The referenced individuals appeared before the Commissioners to explain the Project Self-Sufficiency and the grant application for the Project.

Mr. Nicholson explained that the program provides support services to single parents to enable them to make the transition from welfare dependency to productive employment. A video was shown depicting various aspects of the program.

During discussion Mr. Nicholson outlined the requirements of the program and stated that the application which is due March 15 will come to the Board for action. A letter from the County indicating support of the program and the establishment of a Task force is required. There is no financial commitment by the County.

After discussion Commissioner Lancaster moved, seconded by Commissioner Thompson, to authorize the County's Department of Economic and Community Development to proceed with the application and return to the Board for action. Motion carried.

REVENUE TASK FORCE

Present: Richard Wilson, Chairman
Kennedy Abell
Louis Eberle
Jan Hockersmith
James Raley
Mary Whetstine

The referenced representatives of the Revenue Task Force appeared before the Commissioners to present a Report on Potential Revenue Sources. Mr. Wilson presented a memorandum from the Task Force setting forth possible revenue sources which are within the Board of County Commissioners' authority as follows:

Trailer Tax - To increase the tax from 7% to 10%

Public Accommodations Tax - That the tax be activated and tax imposed at the the rate of 5%.

Cable TV Franchise Tax - To increase the tax from 3% to 4, 5 or 6%.

Solid Waste Disposal Tipping Fee - To institute a tipping fee for the landfills

County Government Services User Fees - To have each department provide a review of user fees paid with a list of recommended changes.

Recreation and Parks Fees - to have the R&P Department be made more self-supporting with a goal of reducing the county-funded portion by 5% a year.

To have several new exhibits developed that will assist the County in dealing with impact of grants, acquired property, and program demands.

General Budget Submissions - To have proper documentation and justification of annual budget requests.

Economic Impact Fees - To increase this fee to bring it in line with nearby jurisdictions.

Admission and Amusement Tax - To request the State for stricter enforcement.

In conclusion Mr. Wilson indicated that the Task Force is in the process of gathering additional information to substantiate the request for legislation to increase the Alcoholic Beverage fees.

After discussion the Commissioners each expressed appreciation to the Task Force members for their time and dedication in this effort.

RESOURCE RECOVERY PROJECT
PRUDENTIAL-BACHE CAPITAL FUNDING

Present: Theodore Swick, Vice-President
Kevin Fedor, Assistant Vice-President

The referenced representatives of Prudential-Bache appeared before the Commissioners to discuss the County's interest in pursuing a Resource Recovery Project and the possibility of Prudential handling of the financial aspect of the project. Mr. Swick advised that there are three items of consideration for this project--Planning, Development and Financing--in order to have a well-organized creditworthy project.

Mr. Fedor pointed out that there was sufficient waste supply in the area for a tri-county facility. He stated that the key to the project is energy sales which is necessary to defray costs for the construction of a waste-to-energy facility.

Mr. Swick indicated that financial alternatives include taxable bonds, private equity and tax-exempt bonds.

In conclusion Mr. Swick advised that should the county pursue a resource recovery facility that Prudential be given an opportunity to assist the County with financing.

The Commissioners thanked the representatives from Prudential for their presentation and advised that they would respond at a later date.

LAND EXCHANGE AGREEMENT - FLORIDA ROCK

Commissioner Loffler suggested that the decision on the referenced Agreement be tabled for two weeks for the following reasons: (1) Additional information is being forwarded concerning a counter proposal; (2) Conflicting information had been presented at the hearing that deserves the Board's attention.

The other Commissioners concurred in this suggestion and agreed to defer a decision for two weeks.

DEPARTMENT OF PUBLIC WORKS

Present: John Norris, Director

1) DUMPING OF TRASH ALONG COUNTY ROADS

Mr. Norris displayed pictures of trash that has been dumped along county roads. After discussion the Commissioners agreed that a more aggressive clean-up program is needed and requested Mr. Norris to work with the Clean-Up Campaign Committee to develop recommendations for a consolidated effort with other agencies and departments in two weeks.

2) PROJECT NO. SM 88-1-11
SURVEYING SERVICES CONTRACT

Mr. Norris presented the bid tally sheet for the referenced project and recommended that the contract be awarded to McCrone, Inc. in the total amount of \$14,000.

Commissioner Jarboe moved, seconded by Commissioner Thompson, to award the contract as recommended. Motion carried.

3) PROJECT NO. SM 88-5-7
DIESEL ENGINE POWERED CRAWLER DOZER

PROJECT NO. LSM 88-5-6
DIESEL ENGINE POWERED FRONT END LOADER

Mr. Norris presented the bid tally sheets for the referenced projects and recommended awarding the bids as follows:

PROJECT NO. SM 88-5-7

Alban Tractor, in the amount of \$106,176, with trade-in. Buy-back is in the amount of \$65,000.

PROJECT NO. SM 88-5-6

Alban Tractor in the amount of \$50,647, with trade-in. Buy-back is in the amount of \$50,000.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to accept Mr. Norris' recommendation for both projects. Motion carried.

4) ALCOHOL HALFWAY HOUSE/ADVANCED LIFE SUPPORT

Mr. Norris advised the Commissioners of the history of the referenced project and requested direction from the Board on the project. He went on to explain that in April 1986 St. Mary's Hospital had advised the County Administrator that a site in the vicinity of the holding pond in the front of the hospital would be acceptable as a location for the Alcohol Halfway House/ALS facility. Mr. Norris advised that at a meeting of September 18 with the Hospital Board of Directors he presented three sites and recommended the location left of the rear parking lot. The Hospital Board was concerned about the traffic that would be generated and the potential safety hazards within the parking lot. Because of the comments by the Hospital Board the location of the proposed facility was moved toward the front of the hospital and utilized an easement area shown on the hospital site plan as an access.

Mr. Norris stated that on July 10, 1987 the Department of Public Works met with the Town of Leonardtown Planning Commission. The Town required that the access road be built in accordance with the adjacent land owner's site development plan. This required an increase in cost over the cost of the driveway that was presented to the Hospital Board.

Mr. Norris further explained that the project had been bid in September and October of 1987, and neither bid was within the budget established by the County. In an effort to reduce costs, Mr. Norris recommended the Board's consideration of different sites. In a recent public hearing with the Town citizens recommended the County reconsider the hospital site. He indicated that he believed after listening to input that the hospital site was the preferred site.

In conclusion Mr. Norris recommended the following:

- a) To pursue changes in the lease with the Hospital that would increase the length of term from 15 years to 25 years.
- b) To pursue with the Town of Leonardtown Planning Commission and the Hospital Board changes in construction standards to allow for the construction of the access driveway.
- c) To authorize use of the Rental Contractor for the construction of the site and to utilize excess dirt from the old nursing home site to construct the access road.
- d) To authorize rebidding of the project to try to obtain less than \$63 per square foot.
- e) To authorize the County to do inspections with shop drawings approval by the architect/engineer.
- f) To authorize the President of the Board to sign the grant application to the State for 75% additional funding.

(Commissioner Jarboe left the meeting at 11:50 a.m.)

After discussion, Commissioner Thompson moved, seconded by Commissioner Lancaster, to authorize Mr. Norris to proceed with the Alcohol Halfway House and Advanced Life Support facilities in accordance with the plans as described above. Commissioner Bailey abstained. Motion carried three to one.

5) PROJECT NO. SM 87-4-10
RENOVATION OF EXISTING NURSING HOME

Mr. Norris presented the bid tally sheet for the referenced project and requested the he be allowed to negotiate changes to the contract to use the rental contract to haul dirt from the site to build the access road to the Halfway House/ALS site.

Commissioner Loffler indicated that he was opposed to changing the contract. The other Board members indicated their support of the project and requested Mr. Norris to return with a Budget Amendment.

PROCLAMATIONS

The Board of County Commissioners presented the following Proclamations:

YOUTH ART MONTH

Present: Helen Wilson

Designating March as Youth Art Month in St. Mary's County

FUTURE BUSINESS LEADERS OF AMERICA WEEK

Designating the week of February 7 - 13, 1988 as FBLA Week in St. Mary's County.

DAFFODIL DAY (AMERICAN CANCER SOCIETY)

Present: Mike Dugan

Designating March 17, 1988 as Daffodil Day

OFFICE OF PLANNING AND ZONING
PUBLIC HEARINGS

The full complement of the Board was in attendance this date: Carl M. Loffler, Jr., W. Edward Bailey, Robert Jarboe, John G. Lancaster and Rodney Thompson. Staff present included: Frank J. Gerred, Director, Robin Guyther, Deputy Director, and Anita Meridith, Office Supervisor II, Office of Planning & Zoning.

Members of the audience included: Thomas E. Canapp, Elise E. Koleny, John Koleny, Michael Harris, Jerry D. Nokelby, Tom Harman, David Nelson, Jerry Himmelheber, F. Williams, Susan Bennett, R. Carter, Jr., E. Dobson, J. Bennett, Edwin and Alberta McKay, Herbert N. Redmond, Altha D. Eliason, Michael O'Brien, Herman G. Kolway, Frances E. Hunts, W. Sisson, Dick Myers, Gene Rea.

ZONE # 87-0622: THOMAS E. CANAPP PROPERTY

The applicant is requesting rezoning from R-2, Low Density Urban Residential, to C-2, Commercial. The property contains .7 acres and is located on the west side of Route 235 between Town Creek and Gunston Drives in California, in the 8th Election District. The property is shown on Tax Map 42, Block 6 as Parcel 19.

Mr. Robin Guyther, Deputy Director, OPZ, briefed the Board, advising that the complete record, including Planning Commission hearing and review of the case was being submitted into the formal record; the latter including the Planning Commission's positive recommendation for C-2 Commercial zoning.

Staff acclimated the Board as to the location of the subject tract citing physical characteristics and distinguishing features.

The applicant and his representative, Mr. Jerry Nokelby of Lorenzi, Dodds and Gunnill, came forward. Mr. Nokelby, speaking on behalf of his client, verified that the property had been duly posted with the placard provided by the OPZ and correspondingly submitted into the record, marked Applicant's Exhibit No. 1, the returned postal receipts from the certified letters of notification sent to all contiguous property owners.

A large plat of the property and surrounding neighborhood was posted with Mr. Nokelby enumerating facts previously presented to the Planning Commission with regard to the change in the neighborhood, i.e. the numerous properties having been commercially rezoned since 1974. Mr. Nokelby advised that this .69 acre parcel had been part of the Super 8 Motel property, the contiguous tract recently commercially rezoned. A large scale vicinity map was posted and contiguous commercial uses and roads identified.

Mr. Nokelby strongly emphasized the fact that the subject parcel was surrounded by commercial zoning, 13 commercial rezonings in this immediate neighborhood, 31 commercial rezoned properties in the 8th Election District within the '74 - to date time frame. Mr. Nokelby briefly addressed changes in population, compatibility of the proposed rezoning, fiscal impact, and in summary charged that all aspects of the proposed rezoning had been addressed in detail at the Planning Commission level/hearing (minutes formally incorporated in the record).

Mr. Guyther noted that the Planning Commission had issued a unanimous recommendation to the Board of County Commissioners to adopt the requested C-2 zoning for this .7 acre parcel, based on the applicant's presentation (change in the character of the neighborhood) and staff's positive staff report.

Mr. Nokelby stated that the applicant had no immediate plan for development of the site.

Commissioner Loffler inquired whether anyone present wished to offer testimony either in favor or opposed. There was no response.

Following brief discussion of the Board, Commissioner Bailey moved, seconded by Commissioner Thompson and unanimously passed, to instruct the Assistant County Attorney to prepare the appropriate resolution adopting the requested C-2 zoning for this property.

ZONE # 86-1809: O'BRIEN/TENNISON 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 recalled that at the previous hearing (January 5, 1988) there had been question raised as to the "timeliness" of the notification process. Consequently, the hearing was rescheduled and all contiguous property owners renotified. At this point, staff formally entered the Planning Commission record into the hearing. Staff advised that the presentation given at the Planning Commission level had been detailed and therefore, much of the testimony previously supplied could be dispensed with this date, as all testimony and evidence of record had been submitted via the case file into this hearing.

The applicant's attorney, F. Michael Harris, Esq. came forward and presented the returned postal receipts (Applicant's Exhibit No. 1) and verified that the property had been legally posted.

Counsel addressed the Board, noting that the two key issues surrounding this proposal dealt with the buffering from the residential neighborhood and traffic situation. Mr. Harris noted that a series of new maps had been prepared by the firm of D. H. Steffens and at this point introduced Mr. Herbert N. Redmond, Jr., Registered Land Surveyor, of that concern, who came forward and provided a visual presentation via said posted topographical plans (marked Applicant's Exhibit No. 2). Mr. Redmond spoke at length to the topographical features of the property, citing the fact that there were several knolls and ravines on the site (visually identified). He urged that those factors, coupled with the presence of numerous stands of hardwood trees on site, provided natural buffering from the adjacent residential area. It was noted that the closest residence to this property was owned by a Mr. Russell (formerly identified as Snyder) and was situated some 260 ft. from the proposed building.

After viewing the topography of the site in relation to the situation of the proposed motel structure, Commissioner Loffler questioned whether the plan would incorporate a service lane around the back of the building to accommodate emergency equipment. Mr. Redmond injected that said service lane was incorporated in the plan and would probably be accomplished through grading as opposed to construction of a retaining wall. Mr. Redmond added that those types of concerns would be addressed during site plan review.

Mr. Harris introduced Mr. David Nelson, Senior Transportation Engineer for Street Traffic Studies, Ltd., who previously submitted his traffic analysis for this site. In summary, counsel urged that said report clearly indicated that the site improvements required in order to develop the site would be a "plus to the intersection as opposed to a negative, that it would actually help free-up any congestion and the important thing is to recall that the prime time use of this property would not be coinciding with peak-hour uses on Route 235."

Mr. Guyther stated for the record that the legal issues had been previously addressed at the Planning Commission hearing.

Commissioner Loffler asked whether anyone present wished to speak in favor. There was no response. Testimony was opened for public opposition.

Mr. John Bennett of 104 Elm Court read his prepared written statement aloud into the record (copies provided to each of the Commissioners) which also contained the signatures of some thirty-five signatures of property owners in the Town Creek area opposing the proposed rezoning and commercial development of this property (Opponent's Exhibit No. 1). Reasons for opposition were numerous and included: lack of sufficient evidence presented by applicant as to the traffic situation, inaccuracies of the traffic analysis, encroachment upon the residential neighborhood, depreciation of property values, etc.

Altha D. Eliason of 102 Spruce Drive asked that the Board consider an extension of the hearing in order that all residents of the area could be made aware of this proposal, affording the public additional opportunity to attend and participate in the public hearing process. She explained that she was making this plea after realizing that many of the residents in this area were totally unaware of the pending proposal, following door-to-door petition. She also asked that any additional hearings be scheduled in the evening to allow the residents the convenience of not having to absent their places of employment. Ms. Eliason urged that the area "should be protected" and voiced concern with the "attitude of St. Mary's County" as the County was fast become known to outside interest as a "depressed area." She urged the Board to withhold hasty decision on the matter.

Mr. John Koleny of 106 Elm Court, Lot No. 11, provided a series of photographs of the property with attached site map, which he urged would provide the Commissioners with a graphic realization of the visual characteristics of the site. Mr. Koleny spoke to the topography of the property and urged that the seven contiguous residences were "plainly visible from the 40 ft. edge marker."

Mr. Herman G. Kolway, 103 Elm Court, voiced his opposition based on the existing traffic congestion and the additional impact that would be caused via development of this site.

Mrs. Susan Bennett of 104 Elm Court felt that one point that had not been adequately addressed was the fact that the citizens concerns were not based on land situated on Route 235, but rather land behind the existing houses. Another point which she felt should be made clear was that several of the commercial enterprises previously referred to as C-2 uses, were in fact zoned C-1, e.g. Dynamac, Dash-In, 7-11 Store. She also emphasized that the traffic analysis provided by the applicant, failed to recognize that there would be pedestrian traffic, children walking to and from school and school traffic during the peak hours. She felt that if the C-2 were approved, a consequence of said rezoning would be increased through traffic on Maple Road, increased traffic back in this residential neighborhood. Having read the traffic report, she asked what specific improvements would be incorporated which would allow the decrease to Level D. Mr. Nelson responded that the road improvements were programmed by the State and in this instance would provide separate left hand turn. He explained that other improvements pertained to the existing two through lanes on Maryland Route 235 in that there was a recognized existing problem with the intersection - significant volumes in certain hours.

Mrs. Elise E. Koleny of 106 Elm Court urged that there were 7 houses on Elm Court, 5 of which had small children, ages 12 and under. She stated that she was most concerned for the safety of these small children, especially when considering that there was a designated bus stop on this heavily traveled thoroughfare. She voiced concern with the access road, over the possibility of a restaurant being constructed on site and issuance of liquor license and/or whether the proposed motel might also include a lounge which in turn might also apply for a liquor license.

Mr. Floyd Williams of Mechanicsville compared this property and projected traffic situation to a similar commercial property and contiguous residential area in Charlotte Hall (McKays Plaza/North Indian Creek Estates) and urged the Board to consider the latter and afford these residents some protection of their residential area. He urged that prior to the Board rendering decision, that each Commissioner personally visit the site and determine for themselves whether the proposal was feasible.

Ms. Elizabeth Dobson of 102 Elm Court urged that Town Creek should be protected from further commercial encroachment. She noted that during the original presentation, it was stated that only 3 acres would be developed, due primarily to the topography of the site, as it was economically not feasible to develop the remainder. However, she urged the Board to consider that the application included the entire 6 acre parcel; should C-2 zoning be approved, the entire 6 acre parcel could be fully developed.

Mr. Jerry Himmelheber, Coordinator of School Facilities, urged that he was neither in favor or opposed, however, he did want the record to reflect that having spoken with the Principal of the Esperanza Middle School, and the Supervisor of Transportation, that they were concerned with the projected traffic congestion (stacking of turning vehicles) and the entrance to Maple Road. Mr. Himmelheber noted that the Commissioners "may want to take a look at Maple Road and vicinity prior to making a decision."

Hearing no further testimony, the public hearing was closed, with the matter being taken under advisement.

(Judith Spalding left meeting and Judy Cusic was Recording Secretary for the meeting.)

HOMEOWNER'S PLUMBING INSTALLATION
RESOLUTION NO. 88-04

Present: Frank Gerred, Director, Office of Planning and Zoning

Mr. Gerred presented the referenced Resolution "Home Owner's Plumbing Installation" which adds a requirement for a written test by the homeowner for installation of plumbing at his/her own residence.

After discussion Commissioner Lancaster moved, seconded by Commissioner Jarboe to sign Resolution No. 88-04 as presented. Motion carried.

ALCOHOL/DRUG ABUSE PREVENTION PROGRAM

Present: Phebe Barth, Prevention Coordinator
Mel Reed
Dr. Sal Raspa
Dan Grosso
Ann Kolvacik
Joe Dick
Brenda Allen
Rebecca Wright

The referenced representatives of the Alcohol/Drug Abuse Prevention Program appeared before the Commissioners to present the goals of the program and to request support and funding to continue its implementation.

After discussion the Commissioners thanked the representatives for their presentation and expressed appreciation for their efforts.

A copy of the Prevention Program goals is on file in the Commissioners' Office.

FY '89 BUDGET REVIEW

Present: Charles Wade, Director of Finance

Mr. Wade presented the Commissioners with the departmental budget request and advised that a few more request are due to be submitted. The Commissioners and Mr. Wade proceeded to review the preliminary figures relative to the departments with increased budget requests only.

With regard to the Board of Education budget requests, the Commissioners directed the County Administrator to contact the Board of Education to request that the evaluation of the Classified Employees FY 88 7% increase to presented to them at a future meeting.

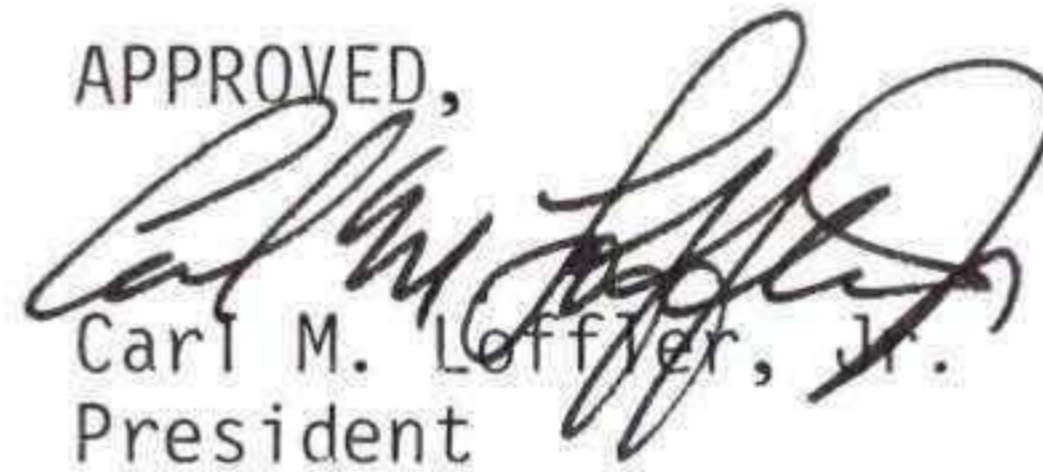
The Department of Public Works FY '89 Capital Projects are to be reviewed at a future meeting.

Items relative to the Revenue Task Force recommendations will be discussed at next week's meeting.

ADJOURNMENT

The meeting adjourned at 4:05 p.m.

APPROVED,



Carl M. Loeffler, Jr.
President