

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, January 17, 1989

Present: Commissioner John G. Lancaster, Acting Chairman
Commissioner W. Edward Bailey
Commissioner Robert T. Jarboe
Edward V. Cox, County Administrator
Judith A. Spalding, Recording Secretary

(Commissioner Loffler was not present due to illness.)

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, December 27, 1988. Motion carried.

APPROVAL OF BILLS

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

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) RESOLUTION NO. 88-02

As a follow up to last week's discussion regarding the referenced Resolution, the County Administrator presented Resolution No. 88-02 officially closing and abandoning County Route 3001, also known as Old Maryland Route 5, which is to be effective no later than July 1, 1989.

Commissioner Bailey moved, seconded by Commissioner Thompson, to approve and sign Resolution No. 88-02. Motion carried.

2) BOARDS, COMMITTEES AND COMMISSIONS
ANNUAL REPORTS

The County Administrator presented a model memorandum designating a date and time for each of the County's Boards, Committees and Commissions to present an annual report to the Board of County Commissioners.

During discussion Commissioner Jarboe recommended that the report include status of attendance.

The Commissioners gave their concurrence to add attendance and to forward the memorandum as corrected.

3) STATUS REPORT
ZONING ORDINANCE AND BUILDING CODE

The County Administrator presented a memorandum dated January 12, 1989 from the Director of the Office of Planning and Zoning outlining the status and making recommendations regarding the Zoning Ordinance and proposed building code.

Zoning Ordinance Attaching a schedule for adoption of the Zoning Ordinance text and maps is attached to the memorandum which includes deliberations by staff/consultant, advisory committee committee, Planning Commission and County Commissioners, work sessions, and public hearings.

Building Code Recommending the appointment of an ad hoc committee to develop recommendations towards the adoption of a building code. The Committee would consist of: County Administrator, Director of Finance, Building Code Task Force Chairman, Director of Office of Planning and Zoning, and Chief of Permits and Inspections.

The Commissioners gave their concurrence to proceed with the appointment of the ad hoc committee.

4) BUDGET AMENDMENT NO. 89-35
ANIMAL CONTROL

The County Administrator presented the referenced Budget Amendment recommended for approval by the Director of Finance with the following justification:

To purchase tires for the vehicles and provide funds for the constant repairs and maintenance needed to keep the vehicles operational and on the road. Breakdowns and repairs have far exceeded all anticipated budget funds.

Commissioner Bailey moved, seconded by Commissioner Thompson, to approve and authorize Commissioner Lancaster to sign Budget Amendment No. 89-35. Motion carried.

5) SPACE CHANGES

The County Administrator presented a memorandum dated January 12, 1989 requesting the Board's approval for space changes in light of the move of Planning and Zoning to the Miedzinski building.

- Move Recreation and Parks from third floor offices to part of former Planning and Zoning space on second floor.
- Remainder of former Planning and Zoning space to DECD. Additional DECD space is required by closing Tubman-Douglass office and moving those employees to Governmental Center. Tubman-Douglass office converted to day care facility.
- Move Personnel to third floor office space vacated by Recreation and Parks.
- Expand Accounting and Budget into vacated Personnel space.
- Move Big Brothers/Big Sisters to office adjacent to Office of Community Services.
- If a Legal Department is approved in the FY '90 budget, it will be housed in the first floor Economic Development Commission office. Dorothy Briscoe will be relocated.

After some discussion, the Commissioners agreed for staff to proceed with the referenced changes.

6) EXTENSION OF RESIDENCY REQUIREMENT

The County Administrator advised that the Personnel Officer, George Foster, is requesting an extension of the 180-day residency requirement to the end of his probationary period. Mr. Cox indicated that it would be a large financial commitment while Mr. Foster is on probation.

Commissioner Bailey moved, seconded by Commissioner Jarboe, to grant a waiver of the residency requirement as requested. Motion carried.

The County Administrator advised that staff recommends that this be an amendment to the Personnel Policies and Procedures; however, the proper process will be followed for amendments.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator
Charles Wade, Director of Finance
Joseph Densford, Assistant County Attorney
Leonard Greess, Performance Auditor
Penny Beasley, Seniors United for Independence
Billye McGaharn, "
Hope Adams, "
Pearl Lee, "

Commissioner Bailey moved, seconded by Commissioner Thompson, to meet in Executive Session for matters of Litigation and Personnel. Motion carried. The session on Litigation was held with the referenced individuals from 9:40 a.m. to 10:55 a.m. and with the County Administrator and Director of Finance on Personnel from 10:55 a.m. to 11:30 a.m.

DEPARTMENT OF PUBLIC WORKS

Present: Dan Ichniowski, Director

1) EMPLOYMENT CONTRACT
JAMES M. RALEY

Mr. Ichniowski presented the referenced Employment by and between James M. Raley and the Board of St. Mary's County Commissioners for inspection services for the Department of Public Works.

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

2) ASSIGNMENT OF FUNDS
MOUNT CHANCE SUBDIVISION

Mr. Ichniowski presented an Assignment of Funds dated December 29, 1988 by and between Tri-County Federal Savings Bank of Waldorf and St. Mary's County assigning \$22,800 for the construction of Mount Chance Way (or Chance Lane) in Mount Chance Subdivision.

Commissioner Thompson moved, seconded by Commissioner Jarboe, to authorize Commissioner Lancaster to sign the Assignment of Funds as presented. Motion carried.

3) OLD HEALTH DEPARTMENT RENOVATION
SHERIFF'S OFFICE

Also Present: Sheriff Wayne Pettit
Lt. Phil Cooper
James Haley, Procurement Officer

Relative to last week's discussion, the referenced individuals appeared before the Commissioners to discuss the alternates on the bid for the referenced project which the Sheriff indicated were needed. The items included dark room equipment, security television system, and emergency generator at an additional cost of \$71,045.

Discussion ensued regarding the inclusion of these items as alternates rather than part of the base bid. Mr. Ichniowski explained the alternate bid process, which, he stated, was a standard practice. Mr. Haley indicated that the bidding on this project was done in compliance with the County's Personnel Policies and Procedures, and Dennis Anderson would still be the lowest bidder with the alternates added to the base bid.

After discussion Commissioner Bailey moved, seconded by Commissioner Jarboe, to authorize the expenditure of \$71,045 for the referenced items, which is not in the current budget, and further that the Director of Finance will present the necessary implementation documents to the Board. Motion carried.

4) COURTHOUSE SPACE NEEDS STUDY

Mr. Ichniowski referred to the presentation by former Director of Public Works John Norris and the consultant from FEDCO on December 27 regarding the courthouse space needs study. Two alternates were presented to solve the space need problems: (1) to modify and add on to the current courthouse; and (2) construction of a courthouse at the Governmental Center. Mr. Ichniowski advised that there is now a third alternative to consider; i.e., renovating the current courthouse, which could resolve the immediate needs problem.

Mr. Ichniowski requested the Board's concurrence to enter into an extension of the existing contract in an amount not to exceed \$3,000 with FEDCO to address the immediate needs of a court facility in light of the imminent appointment of a second Circuit Court judge by September and long range office space needs of the courthouse and related agencies. FEDCO will present recommendations relative to the referenced and possibly additional alternatives along with costs and pertinent factors to be considered by the Board. Mr. Ichniowski indicated that FEDCO will make this presentation to the Board in approximately 30 days.

After discussion Commissioner Thompson moved, seconded by Commissioner Jarboe, to authorize the extension of the contract for FEDCO as referenced above in an amount not to exceed \$3,000. Motion carried.

CONSTRUCTION AND DEVELOPMENT USER FEES

Present: Charles Wade, Director of Finance
Bruce Jennings, Cox, Long & Colvin

Mr. Jennings distributed and reviewed correspondence to the Commissioners addressing the issues raised at the December 20, 1988 public hearing regarding construction and user fees and set forth in a memorandum from Mr. Wade dated December 21, 1988. A copy of the correspondence and related documents are on file in the Commissioners' office.

During discussion Mr. Wade proposed that he and Mr. Jennings return to the Board on January 31 with a complete document setting forth fees and a Resolution adopting those fees.

The Commissioners directed that the fee schedule be presented to the development community at an informational meeting prior to the Commissioners adopting it.

LORETTA HOUSE

Present: Michael Whitson, President

Mr. Whitson appeared before the Commissioners to report on the following:

1) The name of the corporation has been changed from Tri-County Group Home, Inc. to Tri-County Residential Alternatives for Youth.

2) On January 31 there will be a formal grand opening of the residential home in Calvert County, which will house six youths from the tri-county area. If the Commissioners cannot attend, another date will be schedule for the Board to take a tour of this facility.

3) The board is also involved in foster care through identification and training of potential foster care parents.

4) Loretta House, which was built in the early 1900's is in need of repairs and a capital improvement program will be developed for the Commissioners' consideration at a later date.

CSUB #88-1081 - FLEURY PROPERTY
PLANNING COMMISSION APPEAL

Present: Phil Dorsey, Attorney for Applicant

(Requesting a waiver of public road requirements to add a twelfth dwelling on a private right-of-way off Bull Road. The property is zoned R-1 and is shown on Tax Map 40, Block 21, Parcel 61.)

The Commissioners heard the referenced appeal on November 1, 1988 and held subsequent discussion on December 20 regarding the referenced appeal. Mr. Dorsey advised the Commissioners that concern had been raised at the December 20 meeting as to whether the adjoining property owners had any objections to Dr. Fleury constructing an additional house on his parcel. He stated that he had contacted the property owners and they indicated there was no problem with this request. Mr. Dorsey reiterated his statements from the November 1 and December 20 meetings that there are currently five houses on the road and the property is not subdivided, and therefore the Subdivision Regulations did not apply in this case.

In response to an inquiry from Commissioner Bailey regarding critical areas, Mr. Dorsey stated that the property is located in a limited development area but not in the resource conservation area. However, Mr. Dorsey requested the Commissioners approval of the request, contingent upon approval by the Critical Areas Commission.

Commissioner Jarboe stated that there are three issues which have not been addressed:

1) Obtaining a different right-of-way through the Abell farm. Mr. Dorsey stated that Mr. Abell would probably not allow a road through his property.

2) Agreement among property owners to establish a special taxing district to bring the road up to county standards. Mr. Dorsey responded that this would be cost prohibitive.

3) Property located in the Critical Areas. Mr. Dorsey reiterated his recommendation that the Commissioners make their approval conditional on approval from Critical Areas Commission.

After discussion Commissioner Jarboe moved, seconded by Commissioner Bailey to deny the request for a waiver of public road requirements to add an additional dwelling on a private right-of-way off of Bull Road. Commissioner Thompson voted against the motion. Motion carried three to one.

EXECUTIVE SESSION

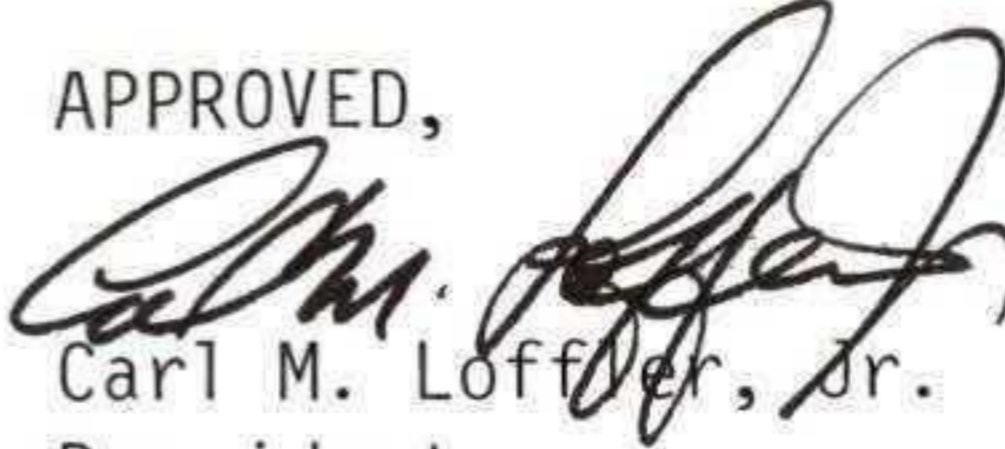
Present: Edward V. Cox, County Administrator
Charles Wade, Director of Finance

The Commissioners continued in Executive Session on Personnel. The Session was held from 12:30 p.m. to 1:15 p.m.

ADJOURNMENT

The meeting adjourned at 1:15 p.m.

APPROVED,


Carl M. Loffler, Jr.
President