

BOARD OF COUNTY COMMISSIONERS' MEETINGTuesday, February 27, 1990

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

(Commissioner Jarboe was not present.)

The meeting was called to order at 9:15 a.m.

APPROVAL OF MINUTES

Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve the minutes of the Commissioners' meeting of Tuesday, February 14, 1990. Motion carried.

APPROVAL OF BILLS

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

SANITARIANS - WET MONTHS PERCOLATION TESTS

Present: Dr. William Marek, Deputy Health Officer

Dr. Marek appeared before the Commissioners to bring to their attention a manpower problem relative to "perk" testing during the wet months. He stated that there is a certain time of year that portions of the County can only be tested, which is wet months (between January and April). The Health Department has been four sanitarians below the level of need, and two have been filled. The sanitarians are trying to keep up with the volume of wet season testing, and they have been working overtime to do so. At the current time the only mechanism for overtime has been compensatory time, which is self-defeating. Therefore, Dr. Marek proposed paying the sanitarians overtime for those extra hours. The Health Department works a 35.5 hour week and hours from that time to 40 hours would be paid regular time; excess of 40 hours would be at time and a half.

After discussion Commissioner Bailey moved, seconded by Commissioner Lancaster, to authorize the expenditure for overtime as requested, and further that the County Administrator and Director of Finance work together to determine a source of funds. Motion carried.

COUNTY ADMINISTRATOR ITEMS1) BUDGET AMENDMENTS

The County Administrator presented the following Budget Amendments recommended for approval by the Director of Finance:

- No. 90-42
Finance Office

Justification: Change in priority (Piney Point Coast Guard Station and St. Inigoes Shelter Building)

- No. 90-43
Public Works

Justification: Funds needed for education and training reimbursement for an engineer staff development.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve the Budget Amendments as presented. Motion carried.

2) CORRESPONDENCE

The County Administrator presented the following items of correspondence for the Commissioners' consideration:

Speed Limits on Rte. 235 - Addressed to Sheriff Pettit and to Maryland State Police Lt. Potts requesting enforcement of speed limits on Rt. 235 from St. Andrews Church Road to Hermanville Road.

Public Service Announcements - To WPTX/WMDM expressing appreciation for efforts in presenting community service announcements.

The Commissioners agreed to sign and forward the letters as presented.

3) METROPOLITAN COMMISSION
MAINTENANCE FOREMAN POSITION

The County Administrator advised that the Board of County Commissioners are required to approve new positions for the Metropolitan Commission. Therefore, Mr. Cox presented February 21 correspondence from the Metropolitan Commission requesting approval for the creation of two positions: Maintenance Foreman and Maintenance Laborer. No county funds are involved.

After discussion Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve the referenced positions as requested. Motion carried.

4) INFORMATION RELEASE
ADULT EDUCATION PROGRAM

The County Administrator presented an Information Release announcing a six-week course designed to familiarize members of the public with available county services.

5) NACo ACHIEVEMENT AWARDS

The County Administrator advised that two St. Mary's County projects are being submitted for the annual National Association of Counties' Achievement Award. The first, prepared by Administrative Officer Mary Pat Agostinelli, is entitled Citizen Boards, Committees, and Commissions and describes the county's committee process. The second, submitted by Judy Landau Pederson, concerns the county's Alliance for Alcohol/Drug Abuse Prevention.

After discussion Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve authorize Commissioner Loffler to sign, and submit the two entry forms as presented. Motion carried.

6) BOARD OF EDUCATION
CATEGORICAL CHANGE

The County Administrator presented a request from the Board of Education requesting approval of a transfer of funds in the FY '90 budget in the amount of \$5,126 to cover incremental increases due to salary lane changes resulting from completion of additional courses. He stated that staff has recommended approving this request, and, therefore presented a response indicating this approval.

Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve this request. Motion carried.

7) DEPARTMENT OF PUBLIC WORKS ITEMS

On behalf of the Director of Public Works the County Administrator presented the following items:

◦ Public Works Agreement
Laurel Ridge Subdivision, Section 3

Dated December 21, 1989, by and between Swarey Builders, Inc. and St. Mary's County Commissioners guaranteeing completion of Laurel Ridge Drive, Cardinal Court, Jay Court, Thrasher Court, and Finch Court by December 1, 1990; backed by Letter of Credit in the amount of \$443,500 with Maryland Bank and Trust.

◦ Public Works Agreement
Boyd's Hill Subdivision

Dated November 17, 1989, by and between William Fitzgerald and St. Mary's County Commissioners guaranteeing completion of George F. Drive by December 1, 1990; backed by Letter of Credit in the amount of \$39,600 with Maryland Bank & Trust.

◦ Public Works Agreement
Foxview Estates Subdivision

Dated February 14, 1990 by and between Alva Watson/James Raymond Woodburn and St. Mary's County Commissioners, guaranteeing completion of Timberland Court by February 1, 1991; backed by Letter of Credit in the amount of \$73,800 with The First National Bank of St. Mary's.

◦ Addendum to Public Works Agreement
Ellen Hills Subdivision

By and between Benjamin H. Burroughs, Jr. and St. Mary's County Commissioners extending the deadline for completion of roads to March 1, 1991; backed by reduced Letter of Credit in the amount of \$50,000 with First National Bank of St. Mary's.

Commissioner Bailey moved, seconded by Commissioner Thompson, to approve and authorize Commissioner Loffler to sign the referenced documents as presented. Motion carried.

8) PUBLIC SCHOOL CONSTRUCTION FUNDING

In response to a request from John Roth, the County Administrator presented correspondence to Governor Schaefer requesting the appointment of a task force to examine the inadequacy of public school construction program and recommending the appointment of John Roth to the group.

The Commissioners agreed to sign and forward the letter.

9) STATE HIGHWAY ISSUES

As a follow up to last week's discussion, the County Administrator presented correspondence bringing to State Highway Administration's certain highway related issues; i.e., analyses of intersection of Rte. 235 and Millstone Landing Road, intersection of Rte. 235 and Rte. 245 because of frequent traffic accidents, and line striping on two-lane highways take into consideration intersecting streets.

The Commissioners agreed to sign and forward the letter.

BLUE CROSS/BLUE SHIELD
FLEXIBLE BENEFITS PROPOSAL

Present: Tricia Lehmann, Blue Cross/Blue Shield
George Foster, Personnel Officer

Ms. Lehmann appeared before the Commissioners to present a brief overview of a "Flexible Benefits" plan proposal for county employees. By way of a slide presentation, Ms. Lehmann described the benefits and options available and advantages of the plan. She stated that employees have the option to select the benefits according to their lifestyles and needs or to remain with the current plan. In closing her presentation, Ms. Lehmann advised that should the Commissioners decide to offer this plan, it would go into effect July 1, 1990.

After the presentation the Commissioners agreed to make a decision in two weeks.

FRANK KNOX ELEMENTARY SCHOOL

Present: Dr. William Burroughs, Superintendent
John McFadden, President, Board of Education
Bob Kirkley, Board/Education Member
Al Lacer, "
Joan Marsh, "
Jonathan Nelson "
Jerry Himmelheber, Supervisor of School Facilities

As a follow up to previous discussion, the referenced individuals appeared before the Commissioners to present Renovation Study 1-A which presents the least costly approach to providing a safe school environment at an approximate figure of \$609,000 for the necessary repairs to reopen Frank Knox Elementary School. Mr. Himmelheber indicated that a preliminary engineering report from Kibart, Inc. was forthcoming and would set forth the proposed modifications needed. Later in the meeting the report from Kibart, Inc. arrived and indicated a renovation figure of \$479,500 with renovation work to take approximately 27 weeks.

During discussion of the need for elementary school classrooms, Mr. Burroughs stated that Frank Knox School would be used in the most cost effective ways in order to relieve the overcrowded situation in elementary schools.

Dr. Burroughs indicated that Dr. Yale Stenzler, Executive Director, Interagency Committee for Public School Construction, will be attending the next joint meeting of the Board of Education and Board of County Commissioners and suggested that any questions the Commissioners may have regarding this project should be forwarded to the Board of Education prior to this meeting.

In conclusion the Board of Education members stated they would complete their study and make recommendations in the near future.

OFFICE OF PLANNING & ZONING
PUBLIC HEARING - LAUREL GLEN RESIDENTIAL

Present: Jon Grimm, Director, OPZ
Peggy Childs, Recording Secretary.

PUBLIC HEARING - 10:40 a.m.

ZPUD #86-1058 - LAUREL GLEN RESIDENTIAL

Requesting a major amendment to an approved PUD concept plan for a change in original access points to MD Route 235 and Old Rolling Road for the residential section, by eliminating direct access on Route 235 and only using Old Rolling Road for residential access. The property contains 80.92 acres, is zoned PDR5.0 and located on the east side of Old Rolling Road, south of its intersection with MD Route 235.

Owner: Tony Brown
Applicant/Contract Purchaser: SDS Development Group

Present: F. Michael Harris, Attorney for Applicant
Paul Marwick, Greenhorne & O'Mara

A list of attendees is on file in the Office of Planning & Zoning.

Mr. Grimm noted this hearing was advertised on February 7th and February 14, 1990 in The Enterprise. Mr. Harris offered the following exhibits:

- #A-1a - Certificate of Posting Property
- #A-1b - Photographs showing the property posted
- #A-2 - Sample letter and Certified Receipts to property owners within 200 feet of the PUD.

Mr. Harris stated the original plan was for commercial development in front and residential on the rear of the property, with access to the residential through the commercial, as well as an access point back on the interior of Old Rolling Road. The Planning Commission preferred not to have the access through the commercial development and deleted it; DPW suggested a better plan would be to have two accesses on Old Rolling Road - the original access on the interior and a new one closer to 235. This concerned the residents from a safety standpoint because of the very sharp curve on ORR, so the developer eliminated that access point, put in a cul-de-sac and now has only the one access point, widened with a deceleration lane, closer to 235.

Mr. Harris said they feel this is a better plan. The density has not changed but the impact has probably lessened the impact, because the developer has eliminated the single-family units. Mr. Harris said they were asked to provide for a possible future collector road that would tie into Chancellor's Run Road, and they have designed for that and are prepared, at the appropriate time, to deed that property to the County if the County feels that's what should be done; until that time the property will be kept in open space.

The six conditions imposed by the Planning Commission have been met, Mr. Harris said; i.e., eliminating the access at the sharp curve; widening to provide the deceleration lane; approval of the access closer to 235 contingent upon the installation of a traffic light at 235, Patuxent Beach Road and Old Rolling Road (this will be done in conjunction with the commercial development); a 15 ft. improved access from the cul-de-sac will be provided for emergency vehicles only, to be chained off except for emergency use; the connection to the possible future collector road has been designed and will be deeded to the County on request; and the developer has agreed to increase the buffer between this development and the existing residences, at the residents' request, from 50 ft. to 70 ft. - this should be made part of the approval. Mr. Harris said he doesn't feel this is a major change, it is a better change. Open space is 26.9 acres.

Commissioner Loffler opened the hearing to public comment.

Mrs. Shirley Gerred asked that the traffic light be installed immediately, stating the huge trucks and additional traffic already being generated by the shopping center construction have made the road dangerous, and there is no evidence of anything being done to widen the road - who knows when it is going to be improved, and with these additional townhouses they are going to have a big problem. Mrs. Gerred asked why the access has to be on Old Rolling Road - it was originally proposed to go out through the shopping center. She said this seems to be working for San Souci - why can't it work for Old Rolling Road?

Mr. Ken Gerred said he felt the buffer should be all the way around the five abutting properties, and said he had written a letter on January 5 recommending if there is to be a collector road from Chancellor's Run to St. Andrew's Road, that some of the units be located along both sides of that road to allow ingress/egress to Chancellor's Run and St. Andrews without going out onto 235, as he thought relieving traffic on 235 and Route 5 was an ultimate goal of the County. Mr. Gerred said he would like to see his recommendation considered as part of the approval, and he would also like to know what is going in on the former single-family site - he would guess a park, and had asked that question in November 1989, but has received no answer. Mr. Loffler replied the area of open space has no plans, there is a lot of open space in the County that has no plans, but the developer cannot build on it.

Mr. Gerred asked if it could be deeded to the County, but Commissioner Loffler stated that would probably be a problem because it has to be maintained in open space as it belongs to each and every one of the residents. Mr. Joseph Czarnecki, of Barefoot Drive, said that whole area is nothing but old fallen-down trees, marsh land, mosquitos and snakes. Mr. Paul Mawiche, of Greenhorne & O'Mara, stated he has contacted the State Bay Forester and the applicant is willing to maintain it under a Forest Management Plan.

Commissioner Loffler stated the Commissioners need to see the entire picture, specifically where the proposed road intersects and the relationship to the curve and the relationship to 235, as his concern is the distance from the curve to the intersection of the road; there is nothing to show whether DPW has calculated those distances. Mr. Grimm replied he would research the issue but his recollection from the Planning Commission is that the distance and alignment will be determined with DPW at site plan stage.

Mr. Gerred commented what is more critical than anything is an alternate to 235 south to Chancellor's Run Road and north to St. Andrews.

No further comments were received, and Commissioner Loffler closed the hearing, directing that the requested information on the roads be provided to the Commissioners by OPZ or DPW. The record will be held open for 10 days for additional written comments. The decision will be scheduled for two weeks from today.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator

Commissioner Thompson moved, seconded by Commissioner Lancaster, to meet in Executive Session to discuss a matter of Personnel. Motion carried. The Session was held from 11:10 a.m. to 11:35 a.m.

PROCLAMATIONS

1) Collegiate Alcohol & Drug Abuse Awareness Week

The Commissioners presented the referenced Proclamation designating the week of March 5 - 9, 1990 as Collegiate Alcohol & Drug Abuse Awareness Week.

2) Mental Retardation and Developmental Disabilities Awareness Month

The Commissioners presented the referenced Proclamation designating the month of March as Mental Retardation and Developmental Disabilities Awareness Month.

QUIT CLAIM DEEDS
BOATEL CALIFORNIA

Present: Joseph Densford, County Attorney

Mr. Densford advised the Commissioners that the Planning Commission had given approval to the Boatel California project subject to certain conditions. One of the conditions was a requirement that the developer convey to the County and the Commissioners would agree to accept the Quit Claim Deeds for certain portions of property which the developer had claimed when he first purchased the property. The three Deeds are as follows:

- By and between Hugo Decesaris and St. Mary's County Commissioners for First Street and A Street.
- By and between Hugo Decesaris and St. Mary's County Commissioners for a portion of Patuxent Beach Road which is a deeded county right-of-way.
- By and between Hugo Decesaris and St. Mary's County Commissioners for property described as Parcel A, containing .189 acres, which is a strip of land between Patuxent Beach Road and the Patuxent River.

Mr. Densford stated that the Commissioners need to make a decision whether or not to accept the deeds.

Mr. Densford advised that it had been brought to his attention by one of the residents that when the owner of the property purchased the property in February of 1989, he had placed a substantial mortgage on the property, which puts a lien against the property. The mortgage lien appears to include a portion of First Street. After one year the mortgage was to be refinanced, and Mr. Densford stated he had been assured by the developer's attorney that a partial release of the mortgage relating to First Street would be provided. Therefore Mr. Densford recommended that if the County does accept the Deeds, that the Deed for First Street be accepted on the condition that a partial release of that mortgage be provided.

Mr. Densford further noted that the Deed for the waterfront strip of land retains for the developer a 20-foot easement for access to the pier and contains an acknowledgment from the County that it does not have an interest in that pier. He stated that he did not have sufficient information to determine whether or not the County has an ownership interest in the pier.

After discussion the Commissioners directed Mr. Densford to contact the developer to determine if he was agreeable that the Commissioners would accept the quit claim deeds, but would not grant the 20-foot easement for access to the pier. Mr. Densford will return to the Board next week with a response.

PUBLIC HEARING
HOLLYWOOD VOLUNTEER FIRE DEPARTMENT - LOAN AGREEMENT

Present: Otis Wood, Chairman, Finance Committee, HVFD
Gene Talley, Treasurer, "
J. Warren Wood, President, "
Allison Johnson, Member, "
Jan Baldwin, Attorney, "

(Commissioner Loffler did not participate in this item in that his brother is involved in the Hollywood Volunteer Fire Department.)

The Commissioners conducted a public hearing on the adoption of a Resolution authorizing the financing in the maximum amount of \$1,200,000 of the construction of a facility by the Hollywood Volunteer Fire Department through a Loan Agreement between Mercantile-Safe Deposit and Trust and Hollywood Volunteer Fire Department. In order to participate in the tax-free loan, the Board of County Commissioners are required to indicated that the facility will be of benefit to the public.

After discussion Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve and sign the Resolution as presented. Motion carried.

POINT LOOKOUT SEWAGE TREATMENT FACILITY
AIREDALE ROAD SEWERAGE PROJECT

Present: Herb Sachs, Asst. Secretary, Dept. of Natural Resources
George Keller, Md. Dept. of Environment
Larry Petty, Director, Metropolitan Commission
Steve King, Asst. Director, "
Ray Raley, Metropolitan Commission Member
Tom Russell, Director, Environmental Hygiene

As a follow up to previous discussion, the referenced individuals appeared before the Commissioners to discuss the state's policy with regard to sewer line hook-ups to state park treatment facilities and the sewage treatment problem on Airedale Road. Mr. Sachs stated that the Point Lookout Treatment Facility was proposed to be just for Point Lookout State Park, and the State has resisted any other connections. The State has recently discussed allowing connection only if there is no other alternative available.

Mr. Keller advised that the Department of Environment has proposed funding in the amount \$1.2 Million (Federal and State) for the Airedale Road project, and that the severity of the problem has justified funding. There will be a meeting on March 15 with the citizens of the area to discuss the project. There are three possible solutions: (1) Use Point Lookout Treatment facility; (2) Pump it to Bay Interceptor and take sewage to Pine Hill Run; (3) Look at land disposal system similar to St. Clements Shores. In addition there are four considerations for the community: (1) Not do anything; (2) Treat only Airedale Road with any of the three solutions; (3) Treat Airedale Road plus existing homes in the Ridge area; (4) Treat Airedale Road plus existing homes, Ridge and new houses. Before these issues can be considered, the use of Point Lookout facility must be addressed.

In closing Mr. Keller pointed out that these issues will be matters of discussion during the grant process, public meetings and public hearings.

NURSING CENTER BOARD - ANNUAL REPORT

Present: George Smith, Director
Dan Capper, Chairman
Jerry Cheseldine, Member
Joe Slater, "

The referenced individuals appeared before the Commissioners to present the 1989 Annual Report for the Nursing Center Board, which included the purpose, significant activities, problems and challenges and plans for the current year. Mr. Capper pointed out that the Nursing Center Board would like the Commissioners to make appointments to fill vacancies on the Board three months in advance in order for them to be fully oriented.

A copy of the report is on file in the Commissioners' Office.

PLANNING COMMISSION - ANNUAL REPORT

Present: Jon Grimm, Director, Planning and Zoning
James Spence, Planning Commission

The referenced individuals appeared before the Commissioners to present the 1989 Annual Report of the Planning Commission pointing out the function and purpose, significant activities, special projects, problems and challenges, and plans for the current year.

A copy of the report is on file in the Commissioners' Office.

PLUMBING BOARD - ANNUAL REPORT

Present: Deedy Garner, Chairman
Joe Mike Weiland, Plumbing Inspector

The referenced individuals appeared before the Commissioners to present the 1989 Annual Report for the Plumbing Board explaining its purpose, activities and plans for the current year.

A copy of the report is on file in the Commissioners' Office.

ZONING BOARD OF APPEALS - ANNUAL REPORT

Present: John Grimm, Director, Planning and Zoning
Anthony Bowles, Chairman
Ed Fitzgerald, Member

The referenced individuals appeared before the Commissioners to present the 1989 Annual Report for the Zoning Board of Appeals, explaining its purpose, caseload, problems and challenges, and plans for the current year.

A copy of the report is on file in the Commissioners' Office.

COUNCIL ON CHILDREN AND YOUTH

Present: Becky Stevens, Community Services Coordinator
Wayne Guy, Chairman

The referenced individuals appeared before the Commissioners to present the 1989 Annual Report for the Council on Children and Youth explaining the programs and activities, guest speakers, and plans for the current year.

COUNTY COMMISSIONERS

° Commissioner Thompson recommended that the Commissioners take a tour of Point Lookout to see the new pier. It was agreed that after completion of the presentations of annual reports, the Commissioners would again include in their schedule tours of the county.

° Commissioner Thompson said he had been receiving complaints about vehicles using the old railroad right-of-way.

° Commissioner Thompson raised the issue of smoking in the conference room. Commissioner Loffler requested the County Administrator to contact neighboring jurisdictions to see what their policies are. Commissioner Bailey stated that he was opposed to anything that would harm the tobacco industry.

7:30 P.M.

PUBLIC MEETING
ECONOMIC AND FISCAL FORECASTS

Present: Charles Wade, Director of Finance
Joseph Mitchell, Director, Economic & Community Development
Interested citizens

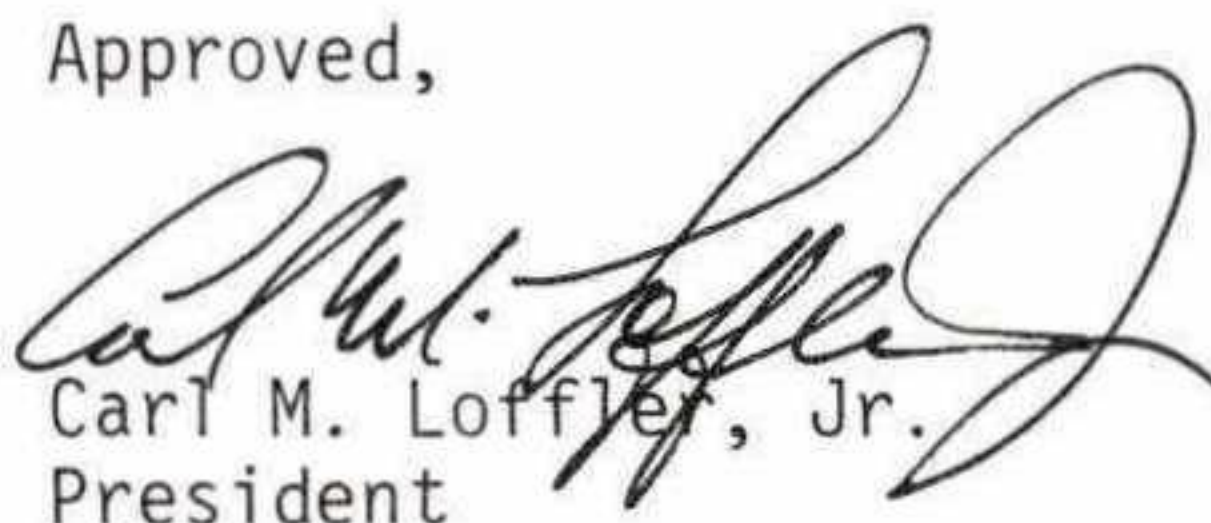
The Commissioners conducted a public meeting to outline the economic profile of the county as well as to present a budget review for Fiscal Year 1991 including revenues and requests.

Copies of the handouts are on file in the Commissioners' Office.

ADJOURNMENT

The meeting adjourned at 9:15 p.m.

Approved,


Carl M. Loffler, Jr.
President