

BOARD OF COUNTY COMMISSIONERS' MEETINGTuesday, May 8, 1990

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

(Commissioner W. Edward Bailey not present.)

The meeting was called to order at 9:10 a.m.

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to approve the minutes of the Commissioners' meeting of Tuesday, April 24, 1990. Motion carried.

APPROVAL OF BILLS

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

ALL-AMERICA CITY AWARD

Present: Judy Landau Pederson, Public Information Specialist

Mrs. Pederson appeared before the Commissioners to announce that St. Mary's County has been selected as one of the thirty finalists in the All-America City Award program co-sponsored by the National Civic League and the Allstate Foundation. The County's nomination included the work of the Citizen Advisory Committee, the efforts of the Alliance for Prevention of Alcohol and Drug Abuse, and the Model General Assembly.

The presentations will be held on June 7-9 in Phoenix, Arizona before the All-America City Jury.

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) COMMUNITY COLLEGE PROPERTY SITE

The County Administrator presented correspondence addressed to the Secretary of the Department of Natural Resources advising that the county attorney has researched the two parcels for the community college facility and confirms the County's ownership of land adjacent to the St. Mary's River Watershed. The correspondence also requested a contact from DNR for this project and indicated that the Commissioners have named County Administrator Edward V. Cox to represent St. Mary's County.

The Commissioners agreed to sign and forward the letter.

2) ETHICS COMMISSION COMPLAINT  
SELECTION OF ATTORNEY

The County Administrator advised that the Commissioners need to select an attorney for the complaint received by the Ethics Commission from Joseph Greenwell and stated that George Sparling has been requested and has agreed to serve in this capacity.

Commissioner Lancaster moved, seconded by Commissioner Thompson, to select George Sparling to serve as special counsel to the Ethics Commission. Motion carried.

3) VOTING MACHINE STORAGE

The County Administrator presented a memorandum dated May 7 in which he advised that twelve new additional voting machines are on order and there is no room in the current place of storage. Mr. Cox requested the Commissioners approval to rent a part of the Leonard Hall boys' locker room (approximately 4,000 square feet) from June 1 through September, after which time new storage facilities would be available. He stated that the County would forgive the \$1,000 electric bill the school owes the County for the use of the facility (4 months at \$250).

After discussion Commissioner Thompson moved, seconded by Commissioner Lancaster, to authorize the County Administrator to negotiate an agreement with Leonard Hall for voting machine storage space for up to six months. Motion carried.

4) BUDGET AMENDMENTS

The County Administrator presented the following budget amendments recommended for approval by the Director of Finance with justifications as indicated:

No. 90-60  
Public Works

Signalization - \$7,594

No. 90-61  
Public Works

Signalization - \$14,974

No. 90-62  
Public Works

Signalization - \$192

(The referenced budget amendments are for traffic signalization for Golden Beach Road, Town Creek, and Mohawk Drive at McKay's Plaza. Bids had come in higher than then estimated.)

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

No. 90-63  
Budget and Finance

To provide funds from FY '90 for the FY '91 relocatable classroom project - \$210,000

No. 90-64  
County Commissioners/County Administrator

To pay for refreshments and county-seal plaque for the dedication of the Joseph D. Carter building scheduled for June 8 - \$500.

No. 90-65  
County Administrator

To pay for Base property survey per direction of Board of County Commissioners - \$6,000.

No. 90-66  
Public Works

To cover material cost/purchases for the remainder of the fiscal year. Funds expended due to snow storms in December 1989 - \$60,000.

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

5) TRANSFER TAX - DRAFT ORDINANCE

The County Administrator advised that the Maryland General Assembly passed House Bill 793 - St. Mary's County Transfer Tax, and that the Commissioners need to conduct a public hearing on the adoption of an Ordinance. Mr. Cox distributed a proposed schedule: Advertise May 30 and June 6, conduct hearing on June 12, Circuit Court Room, 7:00 p.m., and make a decision on June 26. The bill authorizes the bill to be effective July 1, 1990, and therefore the Ordinance cannot be effective until July 1, 1990 or after.

Commissioner Lancaster moved, seconded by Commissioner Jarboe to authorize the County Administrator to proceed with the advertisement of the public hearing for the Transfer Tax Ordinance. Motion carried.

TRI-COUNTY COUNCIL  
REGIONAL PRIORITIES

Present: Gary Hodge, Director, TCC

Mr. Hodge appeared before the Commissioners to obtain St. Mary's County's list of regional priorities which will be presented to Governor Scheafer on June 8. St. Mary's County proposed priorities are as follows: Education, Criminal Justice System, Community College, Agriculture/Aquaculture, Highways, St. Mary's County Airport Park, Tourism, Seafood Industry, Chesapeake Bay Critical Areas, State and Regional Parks, and Affordable Housing.

Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve the list of priorities, as referenced, to be submitted to the Governor on June 8. Motion carried.

BALTIMORE GAS AND ELECTRIC  
EMERGENCY RESPONSE REPORTING

Present: John Smith, Public Affairs, BG&E  
Charles Cruse, Engineer, "  
Tom Forgette, Dir., Emergency Response Planning, "

Mr. Cruse referenced the March 6 meeting with the Commissioners wherein, BG&E representatives explained the shutdown and restarting of Unit 1, which has now been shut down for two months as planned in order to test and make modifications. He stated that during the restart there was a problem with the calibration of the instruments during the startup. Because the operators did not have enough guidance to make adjustments, BG&E had to declare "unusual situation" in accordance with procedures. Mr. Cruse stated that changes in have now been implemented, and operators have now been instructed as to what to do if this situation should occur in the future.

During discussion Mr. Cruse mentioned that Unit 2, which had also been shut down, should be back in serve later in the year.

For the Commissioners information Mr. Forgette distributed changes in the emergency plan, emergency action levels, and excerpt from the procedures, which will go into effect in June or July.

Mr. Grimm continued that after we recorded the plat, the applicant found the State would not approve a sewer design for the proposal to handle offsite sewage disposal of these three lots because the water and sewer category needed to be changed in accordance with State law. That is why the subdivision went before the Planning Commission in February. After that meeting the appeal was filed before this Board and with the Circuit Court.

Ms. Abrams said her clients have all the concerns of the original appellants plus some additional concerns they were afraid were not being addressed, and offered a survey belonging to Howard Lamb, Jr., owner of Lot 4, dated February 1978, which shows Lots 1 thru 4 and the balance of the property as residue, which raises questions to her as to what approvals the subdivision ever got and whether the minor subdivision process was followed. Also in question according to Ms. Abrams is the "grandfathering" of the property because of the Critical Areas Program, the right-of-way issue and the issue of sewage disposal which was not approved before Lot 8 was recorded.

Ms. Abrams offered as Appellants' #A-1 a series of photographs showing the 50 ft. R/W and Green Holly Pond, and as Appellants' #A-2 a petition signed by 11 members of the Green Holly Association opposing the approval of Lots 5, 6 & 7.

Commissioner Loffler noted a reference on both plats dated 6/27/88 that the right-of-way was recorded on 5/17/85.

Surveyor Larry Day, representing the applicant, Mr. Watson, stating this subdivision goes way back to 1975 and offered as Owner's Exhibit #0-1 a copy of December 5, 1975 TEC comments; he said the subdivision also went to the Planning Commission at which time a major subdivision was requested; but an 8 lot minor subdivision was approved, and Mr. Day presented a copy of the record plat dated 1978. He also referenced the following:

- 1978 - Plat for Lots 5, 6 & 7 was attempted to be put on record but lots did not perc; at the same time a plat was recorded showing the 50 ft. right-of-way and the driveway all the way down to the manor house.
- 1985 - Mr. Cook bought the manor house and property of Lot 8, put to record 5/14/85.
- Nov. 30, 1989 - MetComm approval for the pump station and force main for the sewage of Lots 5, 6 & 7 with a minimum of 30,000 sq. ft. set aside with drain fields.
- Jan. 10, 1989 - Letter from Department of the Environment advising water/sewer category change required.

Commissioner Thompson asked if the description of the right-of-way in the deed includes ingress/egress and public utilities to serve those lots. Mr. Day replied it does in that deed and the previous deeds, forming a "chain of title". Mr. Day said Lots 5, 6 & 7 were not recorded because they did not perc, but they had been submitted and there was never any resident who was not aware of them, because he did all the survey work for these lots and for the appellants' lots. Ms. Abrams disagreed, saying the people at her meeting last night were not aware of them. Mr. Day replied he cannot believe that, because he is a resident of the Green Holly Pond Association, and he knew about them and everyone else knew about them.

OFFICE OF PLANNING AND ZONING  
SHORT ACRES APPEAL

Present: Jon Grimm, Director,  
Joe Densford, County Attorney  
Peggy Childs, Recording Secretary.

Also present were Attorneys Jim Kenney and Al Lacer, representing John Cook and Ann Loker; Attorney Karen Abrams, representing Green Holly Pond Association; and Attorney Julian Izydore and Larry Day, of Larry Day Surveying & Land Planning, for Al Watson, applicant.

In the Matter of the Approval and Recording of a Three lot Subdivision known as Short Acres, Plat 2, Lots 5, 6 & 7, recorded in the Plat Records of St. Mary's County, Maryland, in Plat Liber 32, Folio 49, by the Planning Commission of St. Mary's County, acting through the Department of Planning and Zoning for St. Mary's County, Maryland.

Commission Loffler stated the Commissioners would hear the legal arguments in this appeal today and make their decision in two weeks on May 22, 1990. County Attorney Joe Densford stated it is his understanding that participation of Mr. Cook and Ms. Loker, the original appellants in this appeal, is being held in abeyance pending negotiations with the applicant, but they reserve their right to participate at a later date if their negotiations are unsuccessful. Ms. Abrams stated her clients wish to go ahead with the appeal.

Mr. Grimm announced this hearing is taken under Section 1.09.c of the Subdivision Regulations, and gave a history of the application:

- February 17, 1978 - Subdivision Record Plat recorded for Lots 1, 2, 3, and 4
- September 21, 1978 - Record plat but no perc tests for Lots 5, 6 & 7
- 1981, 1983 and 1985 - Review of Lots 5, 6 & 7 for standard septic and I&A sewage disposal systems
- May 14, 1985 - Lot 8 partitioned off to John Cook & Ann Loker
- October 1986 - RCA Zoning adopted
- June 12, 1989 - PC decision on a another subdivision application preceding RCA zoning, permitting processing
- Fall 1989 - Jon Grimm meeting with Larry Day, representing the property owner, regarding development of these three subdivided lots
- October 1989 - Zoning Administrator's decision to allow subdivision to proceed based on Planning Commission decision of 6/12/89
- October 1989 - Plats circulated to MD DSP and MD Forest, Park and Wildlife Service for comment under the County's interim critical area program
- December 1989 - Comments received back from DSP and Forest, Park and Wildlife stating "no opposition"
- December 21, 1989 - Health Department states they will approve, and citing approval by MetComm and Dept/Environment

January 1990 - Additional plat recorded for Lots 5, 6 & 7

Commissioner Loffler asked why the right-of-way is not known on the 1985 record plat (2.613 acres); Mr. Day replied Lot 8 was sold to Cook/Loker after a foreclosure and at that time he was told by his client that the bank wanted to see as much acreage as possible on the plat. Ms. Abrams stated her point is that the right-of-way was conveyed to Cook/Loker and there is no agreement that it can be used for the sewage disposal system.

Attorney Julian Izydore, representing applicant Al Watson, stated his client's position is that the plat was painstakingly taken through the OPZ approval process and he obtained all the necessary approvals to record his plat. Mr. Izydore said the issues raised by Ms. Abrams regarding the sewage and right-of-way are collateral to the plat itself and her clients will have the opportunity to address those issues at a further hearing, but there was nothing illegal nor any lack of compliance in recording the plat. He said the right-of-way issue will be a part of the negotiated agreement or will be taken to the Circuit Court, but, regardless of what happens with the right-of-way, that doesn't invalidate the plat.

The Commissioners scheduled the decision meeting on the appeal for Tuesday, May 22, 1990, at 2:00 p.m.

PROCLAMATION  
TOURISM WEEK

Present: Cindy Woodburn  
Lydia Graves

The Commissioners presented the referenced Proclamation designating the week of May 13-19, 1990 as Tourism Week.

PROCLAMATION  
NATIONAL HOSPITAL WEEK

Present: Pete Lambert

The Commissioners presented the referenced Proclamation designating the week of May 6-12, 1990 as National Hospital Week.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator  
Charles Wade, Director of Finance  
George Foster, Personnel Officer

Commissioner Jarboe moved, seconded by Commissioner Thompson, to meet in Executive Session to discuss matters of Personnel. Motion carried.

BOARD OF EDUCATION

Present: William Burroughs, Superintendent of Schools  
John McFadden, Chairman  
Al Lacer, Member  
Rev. Robert Kirkley, Member  
Jerry Himmelheber, School Facilities/Planning

1) Joint Committee on Student Population

Mr. Burroughs distributed a Preliminary Report of the Joint Committee on Student Population which set forth the Committee's preliminary findings. The firm of Pete Marwick has offered to develop a computer model at no cost to be used for population projection purposes, and the offer has been accepted.

It was agreed that the Committee will meet with the County Commissioners/Board of Education at the next joint meeting in June.

2) STUDENT DRUG SUMMIT REPORT

Also Present: Dr. Lorraine Fulton, Supervisor/Guidance/health  
Student Summit Participants

Dr. Fulton explained that the Governor had held a Youth Drug and Alcohol Summit for young people in October 1989, and St. Mary's County sent a delegation of 13 students. A Student Drug Summit, co-sponsored by the Board of Education and Alliance for Drug and Alcohol Abuse Prevention, was held on April 19 at Leonardtown High School. As a result of the summit a number of conclusions and recommendations were developed by the students as well as a list of topics that would be of interest for future student summits.

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

3) BOARD OF EDUCATION OFFICE  
ST. MARY'S ACADEMY PROPERTY

Also Present: John Collich, Woodmont Corporation

Mr. Collich presented a proposal for an office complex for the Board of Education administrative offices at the St. Mary's Academy property, which had been purchased by the Woodmont Corporation. The proposal contained two options: (1) Immediate Sale: To purchase the dormitory building in an "as-is" condition at a cost of \$1,200,000, or (2) Lease/Purchase: To have the developer remodel the existing dormitory building (44,000 square feet) to accommodate the Board of Education for a ten-year period (Years 1 -5 \$8/square foot; Years 5-10 \$10/square foot).

Mr. Collich reviewed each of the floor plans of the building and described the summary of space needs.

Commissioner Loffler expressed concern that this proposal was different than what had been previously discussed and raised questions relative to square footage needed by the Board of Education and the rental costs.

In conclusion it was agreed that the County Administrator would work with the Department of Public Works and public school staff to develop alternatives. Public school staff is to develop information as to what the current space needs are and to determine the growth factor for future needs. After this information is gathered the Commissioners will contact Woodmont Corporation concerning the facility.

4) ACCELERATION OF CAPITAL PROJECTS

Mr. Himmelheber presented information relative to a proposed accelerated Capital Improvement Program for elementary schools for FY 1991 - 1996. The accelerated program represents a \$555,000 increase to St. Mary's County for the five-year period. Mr. McFadden requested the Board of County Commissioners' approval of the accelerated program. During discussion the Commissioners raised questions regarding project manager costs and other elements of the proposal. It was agreed that since the Board of Education was also seeing this for the first time, that they would develop a specific proposal to present to the County Commissioners for a decision at a later date.

5) RELOCATABLE MODULAR CLASSROOM BUILDINGS

Mr. Himmelheber presented the bid sheet for the construction of relocatable classrooms at Mechanicsville, Oakville, and Hollywood Elementary Schools. The Board of Education recommended that the Commissioners accept the low base bid of \$477,420 as submitted by William MO/MS. The Board of Education further requested the Commissioners to approve a modification to the Capital Improvement Program changing project FY91-3 from \$600,000 to \$328,000.

After discussion Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve the modification to the CIP and further to approve the awarding of the contract to William MO/MS. Motion carried.

SEWER LINE ALTERNATIVES  
(FIRST DISTRICT AND ST. GEORGE ISLAND)

Present: Larry Petty, Director, Metropolitan Commission  
Steve King, Assistant Director, "

As a follow up to last week's discussion, Mr. King displayed the five sewage treatment alternatives, existing EDU's, and build-out potential EDU's for the First District area and St. George Island.

During discussion Mr. King noted that the Maryland Department of Environment had indicated that funds for the First District area would be limited to just Aieredele Road, which would be a severe economic impact for lines to the other areas. He stated that the Metropolitan Commission would complete the facilities plan and submit the recommendations to the State with the hope that it will be accepted for the whole area.

After discussion Commissioner Jarboe moved, seconded by Commissioner Lancaster, to select Alternative #4 for the Lake Conoy Sanitary District and for St. George Island, and as the County's policy. Motion carried.

PERSONNEL ITEMS

1) FISCAL YEAR 1991 SALARY SCHEDULE

The County Administrator presented the FY 1991 Salary Schedule for county employees, which reflects an increase of 4% over current year salaries. Authority is requested to effect the cost-of-living increases as submitted.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve the Fiscal Year 1991 Salary Schedule as presented. Motion carried.

2) RECLASSIFICATIONS/NEW CLASSIFICATIONS

The County Administrator presented staff-recommended reclassifications and new classifications for Fiscal Year 1991.

Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve the classifications as presented. Commissioner Jarboe voted against the motion stating that he did not agree with some of the reclassifications that were raised two grade. Motion carried three to one. The classifications are as follows:

<u>Department</u>	<u>Position Title</u>	<u>Current Grade</u>	<u>New Grade</u>
<u>RECLASSIFICATIONS</u>			
County Adm.	Dir., Marcey House	19	21
	Dir., Office on Aging	24	25
Finance	Procurement Officer	24	25
	Administrative Asst. II	15	16
	Budget/Fiscal Analyst	19	20
	Personnel Assistant	17	18
DECD	Tourism Dev. Coord.	15	17
	Steno Clerk	11	12
	Clerk Typist II	10	11
R & P	Ground Maint. Lead Man	11 Seas.	12 FT
OOA	Site Manager - Garvey Ctr.	11 PT	12 FT
	Chief/Elderly Programs	17	19
	Chief/Long Term Programs	17	19



DPW	Engineer V	22	23
	Engineer IV	21	22
	Mobile Equip. Mech/II to Mech. III	12	15
EMA	Cen. Comm. Oper. I to II	14	15

NEW CLASSIFICATIONS

Sheriff	Adm. Asst. I	--	14
Marcey House	Addictions Counselor	--	15
	Receptionist	--	10
OCS	Alcohol/Drug Abuse Coord.	--	17

3) PERSONNEL TECHNICIAN  
CONVERSION OF TEMPORARY FULL-TIME  
TO PERMANENT FULL-TIME POSITION

The County Administrator presented a memorandum dated May 7 from the Personnel Officer to the Commissioners requesting the conversion of the Personnel Technician position from temporary full time to permanent full time. This request is based on the increased work load in the Personnel Office.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve the conversion as presented. Motion carried.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator  
Sheriff Wayne Pettit  
Barbara Dotson, Fiscal Specialist, Sheriff's Dept.  
Charles Wade, Director of Finance  
George Foster, Personnel Officer

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to me in Executive Session to discuss matters of Personnel. Motion carried. The Session was held from 4:00 p.m. to 5:05 p.m.

ADJOURNMENT

The meeting adjourned at 5:05 p.m.

APPROVED,

  
Carl M. Loffler, Jr.  
President