

BOARD OF COUNTY COMMISSIONERS' MEETINGTuesday, March 8, 1988

Present: Commissioner Carl M. Loffler, Jr., President  
 Commissioner W. Edward Bailey  
 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 Lancaster moved, seconded by Commissioner Jarboe, to approve the minutes of the Commissioners' meeting of Tuesday, March 2, 1988. Motion carried.

APPROVAL OF BILLS

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

BIDS ON RADIOS FOR CIVIL DEFENSE

Present: James Haley, Procurement Officer

Mr. Haley came before the Commissioners to discuss the bid award by the Commissioners on January 26 for mobile radios for Civil Defense. He stated that because the bid did not meet specifications, he is recommending that the approval of award be rescinded and that the bid be awarded to Motorola in the amount of \$8,933.

After discussion Commissioner Jarboe moved, seconded by Commissioner Thompson to accept Mr. Haley's recommendation. Motion carried.

Mr. Haley further recommended that the Commissioners give consideration to establishing an ad hoc committee to review various specification requirements in technical areas.

COUNTY ADMINISTRATOR ITEMS (MORNING SESSION)1) CORRESPONDENCE TO AGRICULTURAL LAND PRESERVATION FOUNDATION

The County Administrator presented correspondence addressed to the Agricultural Land Preservation Foundation submitting the County's request for approval of the Local Matching Fund Program for cost sharing in the purchase of easements for St. Mary's County. The County has committed \$96,742 for this purpose.

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

2) REQUEST FOR BUILDING PERMIT FEE WAIVER

The County Administrator presented correspondence dated February 15 from the elders of the Lexington Park Church of Christ requesting a waiver of the building permit fee for a new building located on St. Andrews Church Road. The Office of Planning and Zoning has reviewed the request and has determined that it is in compliance with County's Resolution No. 75-53.

Therefore, Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve the requested waiver. Motion carried.

3) CORRESPONDENCE TO SENATOR SIMPSON

The County Administrator presented correspondence addressed to Senator Simpson setting forth the County's endorsement of the proposal by the Volunteer Firemen's Association relative to Workmen's Compensation.

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

4) LEASES AGREEMENTS (2)  
SHERIFF'S DEPARTMENT

The County Administrator presented the following leases for buildings used by the Sheriff's Department:

- a) By and between Commissioners of Leonardtown and County Commissioners to continue use by the Sheriff's Department - 28 Courthouse Drive.
- b) By and between Walter Dorsey and County Commissioners to continue use by the Sheriff's Department 16B Courthouse Drive.

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to approve and sign the Leases as presented. Motion carried.

5) ALCOHOL DRUG ABUSE PREVENTION GRANT

The County Administrator presented the Alcohol and Drug Abuse Prevention Grant Application for FY '89, which had been prepared by the Office of Community Services. The grant request is in the amount of \$23,402, with the County's share in the amount of \$9,600.

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

6) GRANT APPLICATIONS  
MARYLAND DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

The County Administrator presented the following grant applications prepared by the Department of Economic and Community Development for submission to the Maryland Department of Housing and Community Development:

a) Home Maintenance and Repair Program (HOMAR) (FY '88)

Grant Application in the amount of \$20,000 for HOMAR, a program to assist limited income elderly and handicapped homeowners in maintaining a decent and safe home.

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

b) Small Cities Block Grant - Child Day Care Center (FY '87)

Grant Application in the amount of \$98,000 for FY '87 CDBG - Child Day Care Center.

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

7) PROJECT SELF-SUFFICIENCY

The County Administrator presented the following correspondence addressed to the Department of Housing and Urban Development relative to Project Self-Sufficiency:

a) Setting forth the County's support and interest in continuing the Self-Sufficiency Program and approval of the use of vouchers in St. Mary's County.

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to approve and sign the letter to HUD as presented. Motion carried.

b) Approving the application for and use of the Housing Voucher Program in St. Mary's County.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve and sign the letter to HUD as presented. Motion carried.

ST. MARY'S COUNTY AIRPORT  
TRANSFER OF LEASE

Present: John Paradis, Chairman, Airport Commission  
Art Bildman, Airpark Sales and Services, Inc., proposed Lessee

Mr. Paradis appeared before the Commissioners to present a the proposed Lease and Operating Agreement between St. Mary's County and Airpark Sales and Services, Inc. in connection with the operation of the St. Mary's County Airport. Mr. Paradis indicated that the Lease, which is being transferred from Atlantic Aero to Airpark Sales and Services is basically the same. He went on to explain the specifics of the lease and advised that the present lease has three years remaining; however, because of extensive capital improvements proposed by Mr. Bildman, it will be a five-year lease. Mr. Bildman will be required to do \$400,000 of improvements at the Airport.

After discussion the Commissioners agreed to defer a decision on the Lease until next week's meeting.

COMMISSIONERS' MEETINGS ON ELECTION DAYS

In light of the fact that today, March 8 is primary election day, Commissioner Bailey moved, seconded by Commissioner Lancaster, that the Board of County Commissioners in the future not meet on election days. Motion carried.

GROUNDWATER PENETRATION STUDY

Present: Dr. William Marek, County Health Officer

Dr. Marek appeared before the Commissioners to review the background of the Health Department 1985 regulations relative to penetration of groundwater with sewage effluent if a study determined it was feasible. Dr. Marek requested direction from the Board on this study. The Commissioners had agreed in 1985 to have the study done; however, Dr. Marek stated he had again appeared before the Board to recommend that the study should not just address the hydraulic aspects, but the biological aspects as well. The cost to do the hydraulic portion is \$30,000, and the cost for the biological portion could cost as much as \$150,000 if experts in the field were hired. He stated that there is a possibility that university graduate students may be used to perform the study.

Dr. Marek indicated that he has had a number of inquiries regarding this issue and a decision is needed by the Board. Discussion ensued regarding this matter and the following points were raised:

- Implications of the Comprehensive Plan and Critical Areas
- State's participation since it required the study
- Possible regional effort with Calvert and Charles Counties

After discussion the Commissioners requested Dr. Marek to draft a letter to the State indicating that the County would like to keep the option open for this study, but needs additional time because of the Comprehensive Plan and other issues.

AREA AGENCY ON AGING  
TRANSPORTATION SYSTEM

Present: Billye McGaharn, Director, Area Agency on Aging

Mrs. McGaharn appeared before the Commissioners to present the following documents regarding the County's transportation system for the Commissioners' consideration:

Capital Assistance Grant Agreement  
Project No. SSTAP 88-21  
July 1, 1986 - June 30, 1988  
(Purchase of 22-passenger bus)  
Project Cost: \$44,000 (Local Share: \$16,657)

Operating Assistance Grant Agreement (Amendatory Agreement)  
Project No. SSTAP 88-21  
July 1, 1987 - June 30, 1988  
(Operation of transportation program serving the elderly  
and handicapped of St. Mary's County)  
Project Cost (Revised): \$78,628 (Local Share: \$19,657)

Operating Assistance Grant Agreement (Amendatory Agreement)  
Project No. SSTAP 87-21  
July 1, 1986 - June 30, 1987  
(Operation of transportation program serving the elderly  
and handicapped of St. Mary's County)  
Project Cost (Revised): \$21,952 (Local Share: \$5,488)

Public Transportation Capital Grant Agreement  
Project No. MD-18-005  
(Purchase of one 22-passenger bus)  
Project Cost: \$42,500

After discussion the Commissioners agreed to defer a decision on the referenced documents until next week's meeting.

DEPARTMENT OF RECREATION AND PARKS  
RESPONSE TO REVENUE TASK FORCE RECOMMENDATIONS

Present: John Baggett, Director, R&P

Mr. Baggett appeared before the Commissioners to present his response to the recommendations made by the Revenue Task Force relative to generating additional revenues in the County. Mr. Baggett pointed out that the 1986 audit demonstrated that his department supported 53% of its operating budget by revenues. He went on to explain the various programs, fees charged and the costs. A copy of Mr. Baggett's response is on file in the Commissioners' office.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator  
Dr. Larry Lorton, Superintendent of Schools  
Dorothy Harper, President, Board of Education  
John McFadden, Board Education

Commissioner Bailey moved, seconded by Commissioner Jarboe, to meet in Executive Session to discuss matters of Personnel. Motion carried. The Session was held from 11:30 a.m. to 12:20 p.m.

PROCLAMATION

MENTAL RETARDATION AND DISABILITY AWARENESS MONTH

Present: R. C. Johnson, Director, ARC

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

OFFICE OF PLANNING AND ZONING

ZONE # 86-1809: O'BRIEN/TENNISON

Present: Frank Gerred, Director, OPZ  
Betsy Anthony, Recording Secretary  
John Koleny, Town Creek Resident

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. Gerred pointed out to the Commissioners, using a topography map (Applicant's Exhibit #2) of the site, the location of the buffer zone.

Commissioner Bailey explained that, in his motion, an 8' fence was to be constructed 35' back from the property line or at the top of the bank, whichever was the greatest distance.

Discussion ensued between the Commissioners and Mr. Gerred as to where the ravine and property line was and where the fence was to be located.

Commissioner Jarboe felt that a barrier fence should be situated on the property so as to eliminate as much of the noise pollution as possible.

Mr. Gerred indicated that he felt elevation line 106 would be a possible location for the fence to be constructed. Discussion ensued regarding the elevation lines, and the Commissioners concurred that elevation line 104 should be used as the guideline.

Commissioner Loffler asked Mr. Koleny to come forward to review the map.

Mr. Koleny read his prepared written statement aloud into the record pertaining to the issue of the border and the abrupt rezoning change. He urged the Commissioners to possibly consider a 50' buffer instead of the recommended 35'. Mr. Koleny also asked the Commissioners to consider having the developer plant evergreen trees between the fence and his community for further insulation.

After much discussion, Commissioner Loffler asked Mr. Harris, representative for the applicant, if those requirements were satisfactory, and Mr. Harris replied affirmatively.

(Commissioner Bailey left meeting - 1:45 p.m.)

DEPARTMENT OF PUBLIC WORKS

Present: John Norris, Director

1) DUKEHART'S CREEK  
SPECIAL WATERWAY IMPROVEMENT DISTRICT

Mr. Norris distributed the handout which will be presented at the public informational meeting this evening (March 8).

2) SPECIAL TAXING DISTRICT  
PROSPECT HILL SUBDIVISION  
(KLINE DRIVE AND MILLER COURT)

Mr. Norris distributed the handout which will be distributed at the public informational meeting to be held on March 15 and requested the Board's concurrence to waive the interest the loan as had been done in another section of this subdivision.

After discussion Commissioner Thompson moved, seconded by Commissioner Lancaster to waive the interest based on past county policy and the fact that it had been done on another section. Commissioner Thompson voted against the motion. The motion carried three to one.

3) EASEMENT AGREEMENT  
RAILROAD RIGHT-OF-WAY

Mr. Norris presented an Easement Agreement dated March 8, 1988 by and between Board of County Commissioners of St. Mary's County, Southern Maryland Electric Cooperative, Inc. and Jerome Joseph Beuchert, III for a right-of-way for two gravel driveways across the railroad right-of-way in Beuchert Subdivision, Charles County.

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Loffler to sign the Easement Agreement as presented, and further to authorize the President of the Board to sign the record plat, if necessary. Motion carried.

4) ASPHALT OVERLAY PROGRAM  
SLURRY SEAL PROGRAM  
SURFACE TREATMENT PROGRAM

Also Present: George Jarboe

Mr. Norris and Mr. Jarboe reviewed with the Commissioners the referenced programs highlighted certain roads. A copy of the Programs is on file in the Commissioners' Office.

5) ROUTE 246 RECONSTRUCTION

Mr. Norris advised that a public hearing was held on March 2 relative to the widening of Md. Rt. 246 at which several alternates were presented. He stated that it was his recommendation to select Alternate # 2 - Option #3 for the intersection of Chancellors Run Road and Great Mills.

After discussion Commissioner Lancaster moved, seconded by Commissioner Jarboe, to select Alternate #2 - Option 3 as recommended by Mr. Norris. Motion carried. Mr. Norris will prepare appropriate correspondence for the Commissioners' signatures to the State Highway Administration.

FISCAL YEAR '89 BUDGET REVIEW

Present: Charles H. Wade, Jr., Director of Finance

1) BOARD OF EDUCATION CAPITAL PROJECTS

Also Present: Jerry Himmelheber, Coordinator of School Facilities

Mr. Himmelheber reviewed with the Commissioners the listing of Capital Projects in the Board of Education budget which is listed in priority order. A copy of the capital projects is on file in the Commissioners' Office.

2) FUNDING DATA

Mr. Wade presented to the Commissioners funding information relative to bonding authority, bonds issued, authority remaining, fire department and rescue squad loans, transportation bonds, etc. A copy of the this handout is on file in the Commissioners' Office.

3) CAPITAL PROJECTS BUDGET

Mr. Wade advised the Commissioners that upon review of the various capital project requests, the requirement from the General Fund to fund the budget is \$2,407,000.

Recreation and Parks Capital Projects

Also Present: John Baggett, Director

Mr. Baggett reviewed the capital projects of the Department of Recreation and Parks and highlighted the Regional Park and Breton Bay Park, Program Open Space funds, parking at playing fields, boat shelter, and day care center.

COUNTY ADMINISTRATOR ITEMS (AFTERNOON SESSION)

Present: Edward V. Cox, County Administrator

8) ST. MARY'S ACADEMY PROPERTY

The County Administrator presented a document prepared by the Assistant County Attorney for submission to the seller of the St. Mary's Academy property, the details of which will remain confidential until sign and returned by the seller.

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to authorize Commissioner Loffler to sign the document and submit it to the seller. Motion carried.

9) PROPERTY TAX ASSESSMENT APPEAL BOARD

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to sign and forward the letter to the Governor's office submitting recommendations for the member and alternate positions which will expire May 31, 1988. Motion carried.

10) CONTRACT EMPLOYEES

As a follow up to a previous Executive Session, the County Administrator presented a memorandum dated February 29 to the Board requesting consideration of revising the practice of contract employees by reducing the numbers. Still considered contract employees: All department heads, Grant-funded positions, positions temporary by nature, and positions designated by County Commissioners as exemptions.

The Commissioners deferred a decision until next week.

ADJOURNMENT

The meeting adjourned at 4:35 p.m.

APPROVED,



Carl M. Loffler, Jr.  
President