

BOARD OF COUNTY COMMISSIONERS' MEETINGTuesday, May 24, 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 9:10 a.m.

APPROVAL OF MINUTES

Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve the minutes of the Commissioners' meeting of Tuesday, May 17, 1988. Motion carried.

APPROVAL OF BILLS

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

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) FY '89 SALARY SCHEDULE

The County Administrator presented a memorandum dated May 19, 1988 from the Personnel office submitting the FY 1989 proposed salary schedule for approval by the County Commissioners.

Commissioner Bailey moved, seconded by Commissioner Thompson, to approve the salary schedule as presented. Motion carried.

2) TEMPORARY PROMOTION  
RECREATION AND PARKS

The County Administrator presented a memorandum dated May 23, 1988 from the Personnel Office advising that the Director of Recreation and Parks has requested an exception to the personnel policy limiting promotions to 120 days in any calendar year. An exception is requested for William Abell to serve as Maintenance Foreman for 180 days.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve the exception for Mr. Abell as requested. Motion carried.

3) BUDGET AMENDMENTS

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

No. 88-59  
Department of Public Works

To consolidate funding for county-wide analysis of landfill tipping fees and associated services (\$22,967).

No. 88-60  
Department of Public Works

To purchase office furniture and drafting tables.

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

4) RESOLUTION NO. Z88-02  
J. L. MILLISON (FOX LUMBER)

(Application to rezone 20.9 acres of land from I-1, Industrial, to C-2, Commercial, located on the west side of Md. Rt. 5 in Mechanicsville, Tax Map 9, Parcel 56, Block 21, Fifth Election District.)

Having conducted a public hearing November 17, 1987 and held subsequent discussion, Commissioner Bailey moved, seconded by Commissioner Jarboe, to approve and sign Zoning Amendment Resolution No. Z88- approving the rezoning application as requested. Motion carried.

ECONOMIC DEVELOPMENT REFUNDING REVENUE BONDS  
EXPLORATION PARTNERS

Present: Joseph Mitchell, Director, Economic & Community Development  
John Brigham, Chief Financial Officer, Wildewood  
J. Frank Raley, Exploration Partners  
Stuart Diana (Piper and Marbury), Bond Counsel for St. Mary's County

The Commissioners conducted a public hearing on the adoption of a Resolution concerning the proposed issuance of Economic Development Refunding Revenue Bonds in an amount not to exceed \$2,700,000 to be used to refund economic development bonds issued by the County in 1984 to finance a facility owned by Exploration Partners (VEDA, Inc.).

Mr. Mitchell read the notice of public hearing.

Mr. Raley explained the project and stated that the purpose of refinancing the bonds is to go from a floating rate to a fixed rate.

Mr. Diana presented a Letter of Intent and Resolution authorizing the issuance of Economic Development Refunding Revenue Bonds for the Commissioners' approval and signatures.

After receiving questions from the audience, the Commissioners closed the public hearing.

After discussion, Commissioner Bailey moved, seconded by Commissioner Lancaster, to sign Resolution No. 88-09 authorizing the issuance of Economic Development Revenue Bonds for Exploration Partners and further to authorize Commissioner Loffler to sign the Letter of Intent as presented. Motion carried.

OFFICE OF PLANNING AND ZONING  
SITE PLANS

Present: Robin Guyther, Deputy Director  
Betsy Anthony, Recording Secretary.

INDUSTRIAL SITE PLAN

NOTE: Commissioners Loffler and Thompson do not participate in the following case.

STSP # 87-0014: ST. MARY'S IND. PARK, Sec. 1, Lot 1  
(Rodney Thompson)

Requesting site plan approval for a 10,000 s[. ft. building for office, warehouse and auction sales. The property contains 5.14 acres, is zoned I-1 and is shown on Tax Map 34, Block 1 as part of Parcel 548.

Mr. Guyther indicated that the Planning Commission had recommended approval of the site plan with the following conditions:

1. A fence shall be installed along the Abell property to continue to the stormwater management drainage fence; and
2. An over-flow parking area be designated on the site plan with bumpers (over-flow parking is to equal that shown on the plan originally.)

All agencies had approved the plan and staff recommended approval.

Commissioner Bailey moved, seconded by Commissioner Lancaster, and unanimously passed, to authorize Commissioner Jarboe to sign the site plan for STSP # 87-0014.

STSP # 88-0393: ST. MARY'S IND. PARK, Sec. 2, Lot 12  
(Ford Dean)

Requesting site plan approval for Building A which is part of a proposed three building complex. The lot contains 2 acres and is on the northwest corner of Rt. 235 and Airport View Drive. It is zoned I-1 and is shown on Tax Map 34, Block 2, p/o of Parcel 548.

Mr. Guyther commented that the applicant had shown the overall project for the property, however, Mr. Dean was only requesting the approval of Building A. The sideyard setbacks for property zoned I-1 was 80' and Mr. Dean was requesting that it be waived to 15'. Mr. Guyther explained that Mr. Al Gough, a member of the Planning Commission, was an employee of SMECO and had indicated that he saw no problem with the waiver.

Commissioner Loffler asked what the distance was from Rt. 235, and Mr. Guyther stated that it was approximately 150' and explained that the SMECO easement abutted Rt. 235.

Mr. Guyther said that the Planning Commission had recommended approval with the waiver. Staff recommended approval.

Commissioner Bailey moved, seconded by Commissioner Lancaster, and unanimously passed, to authorize Commissioner Loffler to sign the site plan for STSP # 88-0393.

INSURANCE SETTLEMENT  
STEUART EXPLOSION

Present: John V. Baggett, Director, Recreation and Parks

Mr. Baggett advised that correspondence dated May 9, 1988 was received from Hull & Cargo Surveyors, Inc. enclosing a General Release for settlement of the loss involving county property damage at Piney Point lighthouse on December 20, 1986. The Release is in the amount of \$1,438.03.

Commissioner Bailey moved, seconded by Commissioner Thompson, to authorize Commissioner Loffler to sign the Release for damages incurred to county property on December 20, 1986. Motion carried.

PROCLAMATION  
ST. PETER CLAVER CHURCH ANNIVERSARY

Present: Shirley Dickerson  
Rev. Charles McCann

The Commissioners presented the referenced Proclamation designating May 27 - 29 as St. Peter Claver Church Days in celebration of its 50th Anniversary.

DEPARTMENT OF PUBLIC WORKS

Present: John Norris, Director

1) CONSTRUCTION EASEMENT  
PINEMORE SUBDIVISION

Mr. Norris presented a Construction Easement between Joseph H. Raley, Jr. and the Board of St. Mary's County Commissioners allowing right-of-entry to enter Pinemore Subdivision to make site distance improvements on Morganza Turner Road.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to authorize Commissioner Loffler to sign the Construction Easement as presented. Motion carried.

2) ADDENDUM TO PUBLIC WORKS AGREEMENT  
LAUREL RIDGE SUBDIVISION

Mr. Norris presented an Addendum to the Public Works Agreement by and between Swarey Builders, Inc. extending the deadline for completion of the required improvements in Laurel Ridge Subdivision, Section I, Fifth Election District, to September 1, 1988.

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

3) LETTERS OF CREDIT

Mr. Norris reminded the Commissioners of a policy established last year that letters went to developers advising them of the due date for road bonds, construction permits and grading permits. If the work had not been completed, the County would make claim on the full value of the posted surety and would perform the work. Therefore, Mr. Norris brought the following projects to the Board's attention:

Subdivision Road Bonds

The Subdivision Road Bonds on the following projects are due June 1, 1988:

Amadiana Estates - \$30,000  
Hunting Quarter - \$5,000  
San Souci, Section I - \$10,000  
San Souci, Section II - \$5,000  
Indian River, Section IV - \$3500

The bond for Beauvue Estates in the amount of \$20,000 expires June 1, 1988; however, the letter of credit expires October 1, 1988. The majority of work items will be completed; however, adequate stabilization will not be completed by June 1. Therefore, Mr. Norris advised that the County will allow cash assignment of \$5,000 and will perform the work rather than extend the Public Works Agreement and bond.

The Commissioners gave their concurrence.

Construction Right-of-Way Permits

The following Permit expires June 1, 1988:

Willows Road (Flower of the Forest) - \$16,500

Grading Permits

The following grading permits expire June 1, 1988:

Amadiana Estates - \$25,300  
(Stormwater Management)

San Souci Estates, Section II - \$5,000  
(Stormwater Management)

Beauvue East - \$17,0000  
(Stormwater Management) - Mr. Norris advised that there is no indication that the work will be completed by June 1, and, therefore, requested authorization for the president of the Board to sign a letter of claim to First National Bank of St. Mary's to be forwarded on June 1 if the developer does not comply.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to authorize Commissioner Loffler to sign the June 1 letter claiming the \$17,000 on Beauvue East Subdivision. Motion carried.

4) LEASE AGREEMENT  
USED OIL STORAGE

Mr. Norris presented a Lease Agreement by and between Baumgardner Company and The Board of County Commissioners of St. Mary's County whereby Baumgardner Co. will place five storage tanks for used oil at the landfill in St. Mary's County.

During discussion the Commissioners requested that the Lease be amended to clarify language stating that once the oil is placed in the tank it belongs to Baumgardner Co.

After discussion Commissioner Bailey moved, seconded by Commissioner Thompson, to approve and authorize Commissioner Loffler to sign the Lease Agreement pending the referenced clarification. Motion carried.

5) ADVANCED LIFE SUPPORT/ALCOHOL HALFWAY HOUSE  
BID PROPOSALS

Mr. Norris presented the bid tally sheets for the ALS/AHH project and advised that the lowest bidder was Dennis Anderson Construction Co. He also submitted a sheet outlining cost estimates and funds available from the County and State.

Mr. Norris advised that he would return at a later date with a recommendation.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator

Commissioner Bailey moved, seconded by Commissioner Thompson, to meet in Executive Session as follows:

Litigation and Personnel

Also Present: John Norris, Director, Public Works  
Joseph R. Desford, Assistant County Attorney

(Held from 11:15 a.m. to 11:55 a.m.)

Property Acquisition

Also Present: Joseph Mitchell, Director, DECD

(Held from 11:55 a.m. to 12:15 p.m.)

Personnel

Also Present: Larry Lorton, Superintendent of Schools  
Dennis Younkin, Fiscal/Adm. Services,  
Dorothy Harper, President, Bd/Education  
Robert Kirkley, "  
Joan Marsh, "  
John McFadden, "  
Jonathan Nelson, "  
Joseph Densford, Assistant County Attorney

(Held from 1:30 p.m. to 2:40 p.m.)

Personnel

Also Present: Charles H. Wade, Jr., Director of Finance  
Gerda Manson, Personnel Officer

(Held from 2:45 p.m. to 2:55 p.m.)

NEW POSITIONS, PAY ADJUSTMENTS, AND PROMOTIONS

Present: Gerda Manson, Acting Deputy Personnel Officer

Ms. Manson appeared before the Commissioners to present a list, by departments, of new positions and a listing of pay adjustments and promotions.

After discussion Commissioner Lancaster moved, seconded by Commissioner Bailey, to approve the new positions, pay adjustments and promotions for inclusion in the FY '89 Budget as submitted. Motion carried.

FY '89 BUDGET DEVELOPMENT

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

- 1) RESOLUTION NO. 88-10  
PUBLIC FACILITIES BONDS OF 1984 SUPPLEMENT
- RESOLUTION NO. 88-11  
PUBLIC FACILITIES BONDS OF 1985 SUPPLEMENT

Mr. Wade advised that in 1984 the Commissioners adopted a Resolution authorizing the issuance and sale of \$1,700,000 and in 1985 a Resolution authorizing the issuance and sale of \$4,365,000 in Public Facilities Bonds to be used to finance certain capital projects. He stated that Resolution No. 88-10 supplements the 1984 Resolution by designating \$43,756 from the proceeds of the sale to finance the following project as listed on Schedule A: Day Care Center - North.

Further, Mr. Wade presented Resolution No. 88-11 supplement the 1985 Resolution by designating \$300,774 from the proceeds of the sale of bonds to finance the following projects as listed on Schedule A:

Day Care Center - North	\$ 3,289
Lexington Park Elem. School - Roof	87,145
Spring Ridge Middle School - Sewer	20,655
White Marsh Elem. School - Roof	72,580
Esperanza Middle School - HVAC	66,000
Green Holly School - Class Alteration	49,345
Loveville Office Remodeling	1,760
	<u>\$300,774</u>

After discussion Commissioner Lancaster moved, seconded by Commissioner Jarboe, to approve Resolutions No. 88-10 and No. 88-11 as referenced above. Motion carried.

2) BUDGET AMENDMENTS

Mr. Wade presented the following Budget Amendments for approval by the Board:

No. 88-61  
Finance Office

To increase the Bond Proceeds/General Obligation Bond Account and to decrease the Roof Replacements for FY '86 (\$261,000).

Commissioner Thompson moved, seconded by Commissioner Jarboe, to approve Budget Amendment No. 88-61. Motion carried.

No. 88-63  
Board of Education  
Local Capital Improvement Budget

To cover costs of projects which exceeded the original estimates in Local Capital Budget. Amounts from projects where funds are being transferred are complete and come in under the projections.

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

3) HOLLYWOOD FIRE DEPARTMENT GENERATOR

Mr. Wade advised that funds had been provided for emergency generators for each volunteer fire department. Hollywood Fire Department was the last to apply for the \$20,000 for their generator. He stated that the Department has forwarded a letter to the Commissioners requesting the funds to be held until the new building project is completed. Mr. Wade, therefore, requested the Board to designate \$20,000 to be held for the Hollywood Volunteer Fire Department to be spent when the building is completed.

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

4) REVENUES AND EXPENSES

Mr. Wade reviewed various items of revenues and expenses that will be included in the FY '89 budget including Energy Consumption Tax, Walden grant, additional health insurance costs, Enterprise fund.

5) SHERIFF'S DEPARTMENT

Mr. Wade recommended leaving the Captain position in the Sheriff's Department structure, and if the Sheriff decides to fill that position, it would have to come from his budget.

The Commissioners gave their concurrence.

6) ENERGY CONSUMPTION TAX

Mr. Wade reviewed the proposed Ordinance and requested the Board to make decision whether to set the energy tax on a per unit basis or percentage of sales.

7) SUPERVISORS OF ELECTIONS

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to restore the part-time clerk position in the Office of the Supervisors of Elections. Motion carried.

8) DELINQUENT COMMERCIAL AND NON-COMMERCIAL  
PROPERTY TAX INTEREST AND PENALTIES

Mr. Wade advised that the General Assembly passed House Bill 510 allowing the County to set one interest rate and penalty rate for overdue tax on commercial property and separate rates for non-commercial. He stated that he has prepared a draft Ordinance imposing at one percent per month interest charge and three percent penalty on overdue taxes on commercial real property and non-commercial real property. Commissioners conduct a public hearing on June 14 on the proposal.

After discussion Commissioner Jarboe moved, seconded by Commissioner Lancaster, to authorize the Director of Finance schedule a public hearing on June 14 in order to move towards the adoption of the proposed Ordinance for delinquent property taxes. Motion carried.

9) ACCOMMODATIONS TAX

For the Commissioners' information, Mr. Wade reported that Calvert County may not be imposing an accommodation tax as previously thought because its piggyback tax is being increased from 25% to 50%. Charles County is still planning to impose such a tax.

STATE OFFICE BUILDING

The County Administrator advised that the State will be purchasing land (6.6 acres) from the County for the proposed State Office Building. Two appraisals have been received: \$53,000 and \$245,900. Mr. Cox requested authorization from the Board to indicate to the State that the County will accept the \$245,900 appraisal figure. The Commissioners gave their concurrence.

BUDGET AMENDMENT NO. 88-62  
OFFICE OF PLANNING AND ZONING


The County Administrator presented the referenced Budget Amendment recommended for approval by the Director of Finance for underbudgeted accounts and certain office equipment.

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

ADJOURNMENT

The meeting adjourned at 4:00 p.m.

APPROVED,

  
Carl M. Loffler, Jr.  
President