

BOARD OF COUNTY COMMISSIONERS' MEETING

Wednesday, January 31, 1979

Present: Commissioner George R. Aud, President  
Commissioner Richard D. Arnold  
Commissioner Ford L. Dean  
Commissioner David F. Sayre  
Commissioner Larry Millison  
Edward V. Cox, County Administrator  
Judith A. Mullins, Recording Secretary

The meeting was called to order at 8:50 p.m.

READING AND APPROVAL OF MINUTES

The minutes of the County Commissioners' meeting of January 17, 1979 were read. The Commissioners approved the minutes as read.

ENCUMBRANCE VOUCHERS

Present: Harris Sterling, Director of Finance

Mr. Sterling presented the encumbrance vouchers for the Commissioners' review and approval. Commissioner Aud moved, seconded by Commissioner Dean, to approve payment of the bills as submitted. All Commissioners voted in favor.

COMPREHENSIVE EMPLOYMENT TRAINING ACT (CETA)

Present: Gerda Manson, Personnel Officer

The County Administrator reported to the Commissioners the outcome of the recent Public Service Employment meeting he attended stating that there will be a complete change of emphasis on the program in light of recent regulation changes and the President's budget cuts. He stated that the new CETA legislation proposes that preferred applicants for CETA positions be welfare recipients and the positions designed on the entry level. Finding applicants to meet the new eligibility criteria may prove to be a problem.

Mrs. Manson submitted figures to the Commissioners bringing them up to date as to how the County presently stands with the Program and the impact of these guidelines on the Program in the future. She stated that 56 CETA persons will have been in the program 18 months as of September 30, at which time these positions would have to be terminated. Because of the new standards, it will be difficult to replace these individuals.

In conclusion, Mr. Cox stated that the county's CETA Program positions will be evaluated and this and other related issues will be discussed with the Commissioners at a later time.

RESOLUTION NO. 79-5  
COUNCIL FOR CHILDREN AND YOUTH

As a follow up to previous discussion, the Board of County Commissioners unanimously agreed to adopt and sign Resolution No. 79-5 establishing the St. Mary's County Council for Children and Youth in accordance with Senate Bill 63. Said Resolution setting forth the responsibilities and membership requirements.

1978 UPDATE OF COMPREHENSIVE WATER AND SEWER PLAN

For informational purposes, the County Administrator advised the Commissioners that the 1978 Comprehensive Water and Sewer Plan Update is in process and according to the Metropolitan Commission there are several minor revisions to the text and maps.

SIDEWALKS AT NURSING HOME

The County Administrator presented correspondence from the Nursing Home Board requesting the assistance of the County Engineer in the preparation of specifications for the construction of a series of sidewalks and patios at the Nursing Home. The Commissioners unanimously agreed to this request and directed the County Administrator to prepare a reply to the Nursing Home Director.

REQUEST FOR PERMIT EXEMPTION  
SOUTHERN MARYLAND BAPTIST TEMPLE

The County Administrator presented a request from the Southern Maryland Baptist Temple for exemption to the Building Permit Fee for the construction of a building to be used for christian purposes adjacent to Wildewood. Inasmuch as this complies with the County's Resolution No. 75-53, Commissioner Millison moved, seconded by Commissioner Sayre, to authorize the waiver of the building permit fee to Southern Maryland Baptist Temple. All Commissioners voted in favor.

LETTER TO CONGRESSMAN BAUMAN  
TREATED WASTEWATER DISCHARGE

The County Administrator presented correspondence for the Commissioners' review and signatures addressed to Congressman Bauman concerning the allowance of treated wastewater discharge from boaters into the tidewaters of St. Mary's County. The Commissioners agreed to sign and forward said letter.

CONSTRUCTION EASEMENT - PROJECT NO. SM 79-1-3  
PATUXENT BEACH SUBDIVISION

On behalf of the County Engineer, the County Administrator presented the final Construction Easement by and between James L. Wilbar and Margaret M. Wilbar and the Board of County Commissioners of St. Mary's County, in order to do the necessary drainage work in the Patuxent Beach Subdivision. Commissioner Aud moved, seconded by Commissioner Dean, to approve and sign said Easement. All Commissioners voted in favor.

ROAD RESOLUTION NO. R 79-13  
HAVIRLAND ROAD

On behalf of the County Engineer, the County Administrator presented Road Resolution No. R 79-13, designating Havirland Road as a yield street as it intersects with Tippett Road. Commissioner Dean moved, seconded by Commissioner Arnold, to approve said Road Resolution. All Commissioners voted in favor.

CLEARINGHOUSE PROJECT NO. 79-1-728  
VA HOUSING FEASIBILITY - UN-NAMED SUBDIVISION

The County Administrator presented the referenced clearinghouse project which has been reviewed by the Director of Land Use and Development and recommended that it be forwarded to the State with the comment that it is not consistent with this agency's plans, programs or objectives because of improper zoning. However, if zoning is approved, it will be consistent with this agency's plans, programs, or objectives. The Commissioners gave their concurrence.

LETTER TO RESIDENTS OF GOLDEN BEACH

The County Administrator presented correspondence prepared by the County Engineer for the Commissioners' review and signatures addressed to the residents of Golden Beach on private roads regarding emergency repairs to these roads. The Commissioners agreed to sign and forward said letter.

HUMANE SOCIETY

Present: Mrs. Lundy, Humane Society

The referenced members of the Humane Society appeared before the Commissioners to present four written requests of this organization regarding animal control, which is on file in the Commissioners' Office.

One of the requests was for a sign to be erected at the corner of Rt. 5 and Rt. 231 designating the direction and number of miles to the Tri-County Animal Shelter. After discussion of the various requests, the Commissioners advised that they were in favor of having the sign placed as suggested; however, with regard to the other items, advised that they would take them under advisement and respond at a later date.

CHANCELLORS RUN ESTATES

Present: Jim Kenney, Attorney  
Larry Day  
Bob Taylor  
Joe Horton, developer  
John Norris, County Engineer

Mr. Kenney advised the Commissioners that Mr. Horton is seeking approval for a waiver to certain items in the Road Ordinance and to discuss the requirements by the County Engineer prior to Mr. Norris giving his approval of

the road construction drawings.

Jim Kenney and Larry Day explained to the Commissioners the three issues involved:

1. Treatment of the shoulders of the roads whereby the urban section has been waived and rural section has been applied but an asphalt shoulder has been required as opposed to a grass shoulder because of the urban setting and reduction in future maintenance costs;

2. A request for a waiver of the 300 foot site distance at the intersection of Strickland Road and entrance to the subdivision;

3. That the developer be allowed to divert the natural drainage of approximately 12 acres of land.

The Commissioners advised that they would like to review all the documents and correspondence and make a decision at next week's meeting.

CASH IN LIEU OF LAND DEDICATION FOR PARK SITES

Present: John Baggett, Director, Recreation and Parks

Mr. Baggett presented to the Commissioners a proposed resolution whereby the County could accept cash in lieu of land dedication for park sites. The Commissioners agreed to review the draft document and make a decision at next week's meeting.

LEAGUE OF WOMEN VOTERS

ENERGY CONSERVATION STUDY COMMITTEE

Present: Leslie Vandivere, President  
Grace Horton  
Jean Campbell  
Bertha Bernheisal  
Jane Perkinson  
Elaine Smith

The above members of the League of Women Voters appeared before the Commissioners to present the results of a study by their Energy Conservation Study Committee, which is on file in the Commissioners' Office. Mrs. Vandivere stated the League of Women Voters participated in this project under contract with the Maryland Energy Policy Office. The information was gathered through interviews with county officials and examining data in four county agencies.

The League of Women Voters made several recommendations, including the hiring of a full-time Energy Coordinator and for the Commissioners to adopt as a priority the conservation of energy in the operation of county government. A complete list of recommendations will be submitted in writing to the Commissioners.

BIRCH MANOR SUBDIVISION - SECTION III

Present: John Norris, County Engineer

With regard to previous discussion concerning the issuance of a Stop Work Order on the referenced subdivision unless a public works agreement addendum with consent of surety was received prior to January 31, 1979, the County Engineer submitted to the Commissioners the Addendum to the Public Works Agreement by and between Hugh Allston and Helen C. Allston and the Board of County Commissioners of St. Mary's County, along with irrevocable letter of credit.

The Commissioners agreed unanimously to approve and sign said Public Works Addendum extending deadling of date for completion of streets and roads in Birch Manor Subdivision, Section III, along with irrevocable letter of credit.

PROJECTION NO. 79-5-2  
3/4 TON TRUCK WITH UTILITY BODY  
REPLACEMENT OF SERVICE TRUCK AT LANDFILL

Present: John Norris, County Engineer

Mr. Norris presented the bid tally sheet for the referenced project and recommended awarding the bid to Fenwick Ford in the amount of \$6,399. The Commissioners unanimously approved the awarding of said bid.

PROJECT NO. SM 79-4-1  
COURTHOUSE RENOVATION PROJECT

Present: John Norris, County Engineer

Mr. Norris presented a statement for payment from Elwood Joy in the amount of \$1,150 for extra work in performance of referenced contract. The Commissioners unanimously agreed to pay this bill.

ST. MARY'S COUNTY COURTHOUSE PROJECT (PHASE II)  
PROJECT NO. SM 79-4-2  
PROJECT NO. SM 79-4-3  
PROJECT NO. SM 79-4-4

Present: John Norris, County Engineer

Mr. Norris presented the bid tally sheets for the referenced projects and recommended awarding the contracts as follows:

<u>Project No.</u>	<u>Contractor</u>	<u>Amount</u>
SM 79-4-2 (carpentry)	Elwood Joy	\$23,596.42
SM 79-4-3 (electric)	Owens Electric	\$ 2,985.00
SM 79-4-4 (painting)	Tinsley Decorators	\$ 2,768.00

The Commissioners unanimously agreed to award the contracts as recommended by the County Engineer.

#### MATTAPANY ROAD

Present: John Norris, County Engineer

Mr. Norris advised that the Metropolitan Commission held a pre-construction conference with the contractor for the referenced project and stated that the contractor for the installation of the sewer line would not be able to release Mattapany Road for construction for approximately two years. Therefore, the Commissioners are faced with the decision whether to resurface or reconstruct either by county contract or Metropolitan Commission contractor. In light of the length of time before the road can be constructed, Mr. Norris recommended that the project not be rebid at this time and that the County wait to bid the project once the sewer line is installed. The Commissioners gave their concurrence.

#### REQUEST FOR CONSIDERATION FOR SPECIAL TAXING DISTRICT

Present: John Norris, County Engineer

Mr. Norris advised that a petition was received from residents on the private road directly across from King Kennedy Estates entrance and goes between Rt. 247 and St. Josephs Development Project Road requesting consideration to become a special taxing district for road improvements. Mr. Norris stated that there are just ten residences on that road and that the costs would be quite extensive. At the direction of the Commissioners, Mr. Norris is to get in touch with the prime contact person to explain the particulars and if the residents still wish to proceed, a public meeting will be arranged.

#### CHANCELLORS RUN ROAD

Present: John Norris, County Engineer

Mr. Norris stated that the firm of Dewberry, Nealon and Davis has been doing the design work for the reconstruction of Chancellors Run Road and when the county resurfaced this road, some of their markers were covered up. They are asking consideration for an increase of \$1500 in their contract in order to replace these markers. The Commissioners unanimously agreed to this request.

REQUEST FOR REMOVAL OF GUARD RAIL - GOLDEN BEACH ROAD

Present: John Norris, County Engineer

Commissioner Arnold stated he received a request from a resident on Golden Beach Road for the removal of a guardrail which was placed during the reconstruction of Golden Beach Road. Mr. Norris responded that the entrance in question presents a dangerous site distance problem, that a newer entrance has been provided and that the Commissioners should physically inspect the site before rendering a decision. The Commissioners agreed to meet with the parties in question on site and requested Mr. Norris to arrange such a meeting.

JAIL REVIEW TASK FORCE

Present: Charles Mander, Bar Assoc., Co-Chairman  
Sheriff Joseph Lee Somerville  
Marvin Kaminetz, Juvenile Master  
William Combs, Juvenile Services  
Judge William O.E. Sterling, District Court Judge  
John Bechtel, Public Defender's Office  
Dr. William Marek, County Health Officer  
Edward V. Cox, County Administrator  
Joe Egeberg, State Jail Inspector

The above members of the Jail Review Task Force presented to the Commissioners their interim report, a copy of which is on file in the Commissioners' Office, and individually offered comments concerning items mentioned therein. Mr. Mander explained that after consideration of all available information, it was the Task Force's recommendation that the Commissioners pursue the possibility of the construction of a new jail facility rather than renovation of the present jail.

The Commissioners thanked the Task Force for their efforts and requested their continued assistance indicating that within 30 days they would respond as to a course of direction.

EMERGENCY OPERATIONS CENTER

Present: Otis Wood, Director, EOC

Mr. Wood presented the Annual Report of the activities handled by the Office of Civil Defense and Emergency Preparedness for 1978. Mr. Wood reviewed the report with the Commissioners highlight certain areas of interest to the Commissioners. The Commissioners relayed the concern of the Humane Society that local law enforcement agencies investigate calls concerning cruelty to animals involving large animals to which Mr. Wood advised would be taken care of.

The Commissioners thanked Mr. Wood for his presentation and in closing Mr. Wood invited the Commissioners to visit the Control Center to view its operation.

CEDAR COVE DEVELOPMENT PLAN

Present: Frank Gerred, Director, Land Use and Development  
Jim Kenney, Attorney  
Byron Koste, Cedar Cove  
Al Bingman, NAS, Public Works  
Joseph E. Bell, II, County Attorney

Mr. Gerred states that as requested by the Commissioners, the Navy has submitted in writing their comments relative to Cedar Cove which stated that the proposed redesign complies with existing AICUZ regulations and appears to be an improvement over the current design. However, because the Navy is in the process of updating the AICUZ footprints, the Navy recommended that the amendment not be signed to allow them time to study the new footprint.

Mr. Gerred stated that it was his recommendation that the Commissioners proceed to approve the proposed Supplemental Agreement for Cedar Cove, because the proposed redesign would have less of an impact than was is currently approved.

Mr. Bingman advised that the new AICUZ study should be completed sometime in June.

After discussion among the Commissioners, it was the concurrence of the Board to withhold a decision on the approval of the Agreement until the completion of the AICUZ Study.

OFFICE OF LAND USE AND DEVELOPMENT

Present: Frank Gerred, Director

Mr. Gerred brought several matters regarding the Office of Land Use and Development to the attention of the Commissioners for their review and consideration as follows:

Personnel Decisions - Mr. Gerred presented an Organization Chart which revises and reassigns some of the duties and responsibilities of personnel within his department. Based upon this revised organization two approvals were requested:

1. Recording Secretary - Documentation was presented from the Personnel Officer relating the employment process which resulted in the lack of a suitable applicant from the county to fill the position. However, a resident from Calvert County is extremely qualified and it was requested to allow the Calvert County applicant to fill the position. The Commissioners discussed the documentation and directed another attempt should be made to advertise the position and obtain a suitable county applicant.



2. Chief of Permits and Inspections (Vacancy) - Mr. Gerred explained that a reassignment of duties and responsibilities with the Zoning/Subdivision Administrator has made it feasible to emphasize planning responsibilities for the vacant position and recommended that the position be filled with planning as the primary responsibility at the same grade as the vacant position. The Commissioners discussed the benefit of making the suggested change and resolved to make a decision on this matter within two weeks.

Fee Schedule - Mr. Gerred proposed the following with regard to the fee schedule:

1. Add Expansion of Non-Conforming Use of less than 50% - \$50;
2. Add Concept Development Plan - \$25;
3. Add Planned Unit Development
  - a. site plan ) normal fee for subdivision for
  - b. Subdivision fee) each development site
4. Rezoning and additional advertising - \$15;
5. Change the date of approval of fee schedule to August 1, annually;
6. Rebate RSC Applications.

The Commissioners advised they would take this matter under advisement and respond at a later date.

Hours of Operation - Permits Office - Mr. Gerred stated that because of necessary paperwork at the end of the day, he requested change of hours of operation for the Permits Office to 8:00 a.m. to 4:00 p.m. and have two employees work those hours to allow time for paperwork to be completed. The Commissioners gave their concurrence.

Office Name Change - Mr. Gerred requested the Commissioners' approval to change the name of the Office of Land Use and Development to the Planning and Zoning Office. The Commissioners gave their concurrence.

Enforcement Priorities - Because of the duties and responsibilities in the Permits Office, Mr. Gerred suggested that it might be appropriate to have one of the Commissioner members look at the priorities of enforcement in the Permits Office and see how the office is using personnel.

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SOUTHERN MARYLAND FAMILY ABUSE PROGRAM

Present: Lynn Rees Finn  
Duane Yoder, Director, Tri-County Community Action

M's Rees and Mr. Yoder appeared before the Commissioners to explain the Southern Maryland Family Abuse Program and to discuss the LEAA Grant. They explained the background of a submitted grant application to the Governor's Commission on Law Enforcement, by which funding would be obtained for a period of three years to provide the Family Abuse Program in the tri-county area. Charles County has agreed to administer the grant on behalf of the tri-county area and the Commissioners were requested to forward correspondence to the Governor's Commission endorsing the grant project. The Commissioners gave their concurrence to prepare and forward such a letter.

ST. MARY'S COUNTY COUNCIL FOR CHILDREN AND YOUTH

Present: Delores Hill, Youth Services Coordinator  
Tucky Heller, Director, State Office on Children and Youth

M's Heller appeared before the Commissioners to explain Senate Bill 63 establishing the State Office on Children and Youth and provides for the appointment of a local Children's Council. With regard to the County's representative to the State Advisory Committee, M's Heller requested that a Commissioner serve in this capacity rather than Steve Tyler, who had been appointed by the Commissioners at their meeting on January 10. M's Heller went on to explain the structure of the council and the importance of reaching the legislators with proposals.

The Commissioners advised that they would take this matter under advisement and respond within two weeks.

STATUS OF LIST OF POLLUTANTS (PATUXENT RIVER)

Commissioner Dean referred to a letter from Walter Raum of the Department of Health whereby he suggested someone, perhaps Tri-County Council, be requested to explore through the Environmental Protection Agency and Water Resources Administration the status of list of pollutants which was ordered by Judge Sirrico to be developed. The County Administrator was directed to look into this.

OFFICE SPACE - SOCIAL SERVICES DEPARTMENT

Commissioner Dean referred to a letter from Eric Bromley, Chairman of the Social Services Board, regarding the need for office space for the Department of Social Services. Commissioner Dean stated that it is within the Master Plan of the Leonard Hall School property for the construction of a multi-service center and suggested that the County investigate the possibility of the State constructing such a facility for various state agencies on this property.

Inasmuch as Mr. Carter, Director of Social Services, is scheduled to appear before the Commissioners in reference to this matter on February 14, the Commissioners agreed to discuss it further at that time.

MARYLAND DAY CEREMONIES

The County Administrator brought to the Commissioners a request from Mrs. Barber of the St. Mary's City Commission as to the Commissioners' commitment of funds sponsoring Maryland Day on March 25, 1979 in cooperation with the St. Mary's City Commission and St. Mary's College of Maryland. The Commissioners agreed to commit the County to cooperatively sponsor Maryland Day in the amount of \$1,000 as currently allocated in the FY 78-79 Budget.

The Commissioners stated that every attempt should be made to invite the community at large to participate in the Maryland Day ceremonies.

EXECUTIVE SESSION

The Commissioners agreed to meet in Executive Session in order to discuss a matter of personnel (appointments to Boards, Committees and Commissions). The Session was held from 5:20 p.m. to 6:20 p.m.

The meeting adjourned at 6:20 p.m.

Approved,

  
George R. Aud  
President

