

BOARD OF COUNTY COMMISSIONERS' MEETING

Wednesday, August 22, 1979

Present: Commissioner George R. Aud, President
Commissioner Larry Millison, Vice-President
Commissioner Richard D. Arnold
Commissioner Ford L. Dean
Commissioner David F. Sayre
Edward V. Cox, County Administrator
Alice V. Bailey, Recorder

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

APPROVAL OF MINUTES

The approval of the minutes of August 15th, 1979 were deferred due to two areas that were in error. John Norris, County Engineer is to make the corrections as to the Nursing Home Access Road and St. Mary's Industrial Park. After the corrections have been made, the approval of the minutes will be brought up at the Commissioners' meeting of August 29, 1979.

ENCUMBRANCE VOUCHERS

Commissioner Sayre moved, seconded by Commissioner Dean, to approve payment of the bills, as submitted by the Director of Finance. All Commissioners present voted in favor of the motion.

LEONARD HALL BALL FIELD REPLACEMENT

Present: Edward V. Cox, County Administrator
John Baggett, Director of Recreation and Parks

Mr. Cox stated that in the existing lease with Leonard Hall it is a condition that if the property presently being used for a ball field is to be the location of the Maryland State Police Barracks, the County has the obligation to reconstruct another field.

Mr. Baggett stated that the field could be moved closer to the existing entrance drive of the Governmental Center, which will necessitate some grading and preliminary engineering.

The Commissioners asked if it would be feasible to locate the field on land directly behind the Governmental Center. Mr. Baggett said that this could be done and he would review this possibility and report his findings to the Board. Mr. Baggett stated that this matter would have to be done in a timely fashion due to the fact that the field is heavily used, and the grading, etc. would have to be done this fall so that it would be able to be used in the Summer months of 1980.

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CONTINUATION OF SUMMER YOUTH EMPLOYEES REQUESTS

Present: Edward V. Cox, County Administrator
Charles Walsch, Coordinator Summer Youth Program

Mr. Cox stated that he has received several requests from departments requesting that certain positions be held beyond the termination date of this program, that date being August 24th, 1979. This request would if granted mean that additional funding would be required. Mr. Cox stated that in past years there have been certain positions retained beyond the Summer program, i. e. Tourist Information Center and Potomac River Museum. He has received requests from St. Mary's Hospital, Recreation and Parks and Planning and Zoning in addition to the above. If these are granted it will be a cost to the County of from \$3,000 to \$4,000.

Mr. Walsh stated that the Tourist Information Center was in need of retaining four people for 14 hours a week for approximately four weeks. The Commissioners stated that they could see the reasoning for this request.

The Commissioners directed Mr. Cox and Mr. Walsch to prepare a position paper on the requests with the exception of the Tourist Information Center, said employees will be retained, and then during the meeting of August 29 present their findings to the Commissioners with their recommendations for the Commissioners approval or denial.

BRENTON BAY DREDGING

Present: Edward V. Cox, County Administrator

Mr. Cox stated that correspondence has been received from Congressman Bauman stating that the Breton Bay Dredging Project has been placed on the deactivated list by the Federal Government. Congressman Bauman is requesting the Commissioners support in requesting that this project be removed from the list and placed on the active list. The Commissioners were in agreement with this request, and Mr. Cox is to convey their feelings on the above request.

POTOMAC RIVER MUSEUM REQUEST FOR COMMISSIONER TO SERVE ON BOARD

Present: Edward V. Cox, County Administrator

Mr. Cox presented copies of correspondence received from the Potomac River Museum requesting Commissioner participation on this Board. No decision was made on this request, but will be reviewed by the Commissioners and a decision made at a later date.

GOVERNOR'S REQUEST FOR MEETING WITH COMMISSIONERS

Present: Edward V. Cox, County Administrator

Mr. Cox stated that Governor Hughes has requested that the Commissioners meet with him in Ocean City at the Summer Maryland Association of Counties Meeting and wanted to know the number of Commissioners that would attend in order to make the necessary arrangements. All Commissioners will attend with the exception of Commissioner Millison who will not be attending the convention.

FIFTIETH WEDDING PROCLAMATION 79-49
MR. AND MRS. THOMAS KING CLARKE

The Commissioners signed the above proclamation in honor of the Fiftieth Wedding Anniversary of Mr. and Mrs. Thomas King Clarke.

SURFACE TREATMENT CONTRACT SM 80-1-1

Present: Edward V. Cox, County Administrator

Mr. Cox presented a Surface Treatment Contract on behalf of the County Engineer for 25 miles of pavement. The contract was with Dean Construction Company for \$191,820.00

Commissioner Millison made a motion to approve the contract as submitted seconded by Commissioner Sayre. Commissioner Arnold and Aud voting in favor. Commissioner Dean abstaining. Motion carried.

ECONOMIC IMPACT FEE AGREEMENT - RIDGEWOOD SUBDIVISION - FOURTH DISTRICT

Present: Edward V. Cox, County Attorney

Mr. Cox presented an Economic Impact Fee Agreement by and between the County and Ridgewood Subdivision. He stated that this agreement has been approved by the Office of Planning & Zoning and the County Attorney and the Agreement covers all lots in the Subdivision, that being eight.

After review the Commissioners authorized the President to execute said Agreement.

BUILDING PERMIT FEE WAIVER - VICTORY BAPTIST CHURCH

Present: Edward V. Cox, County Administrator

Mr. Cox presented correspondence requesting a waiver of the building permit fee in accordance with Resolution 75-53 for the Victory Baptist Church.

Commissioner Dean made a motion to waive the building permit fee for the above, seconded by Commissioner Arnold. All Commissioners voted in favor.

RAILROAD RIGHT-OF-WAY-ENCROACHMENT
PROPERTY OF MARY SEANNA JOHNSON

Present: Edward V. Cox, County Administrator

Mr. Cox stated that Mrs. Johnson had requested the County to grant her a quitclaim deed to a particular area of the railroad right-of-way upon which six of her buildings are located. Mr. Cox stated that the request had been forwarded to the County Attorney for his review and recommendation. At this time, Mr. Cox presented correspondence from Mr. Bell with his recommendation that the area of encroachment be surveyed to determine its exact extent. The County should then consult with Southern Maryland Electric, who has an easement in the right-of-way, in an effort to work out the details of an acceptable quit claim of the affected property to Mrs. Johnson.

There was considerable discussion on this subject along the lines of the individual obtaining a mortgage, our giving up property without any exchange of monies, etc.

It was decided that Mr. Cox was to speak with Mrs. Johnson's attorney indicating the Board's willingness to assist her but at the same time the Board wants to preserve the County's interest in the property if there should ever be a need.

ROAD RESOLUTION R-80-3

Present: Edward V. Cox, County Administrator

Mr. Cox presented on behalf of John Norris, County Engineer Road Resolution R-80-3 that speed signs be posted at 25 miles per hour in the Subdivision known as Spring Valley for Spring Valley Road, Fox Ridge Road, Walnut Court, Briar Wood Court, Spring Valley Court, Timber Valley Court and Majestic Court.

Commissioner Millison made a motion to approve the Resolution as presented, seconded by Commissioner Arnold. All Commissioners voted in favor of the motion.

BUS SERVICE GRANT

Present: Mr. Kessler
Ms. Burroughs

Mr. Kessler stated that the shuttle bus service has been in operation for approximately five weeks and has not run into any large problems. He stated that they have four busses running and they are receiving approximately \$3,500. This figure is putting them in the red. They need \$5,000 a month to see a profit. Mr. Kessler requested that someone within County Government assist him in applying for a grant.

The Commissioners instructed Joseph O'Dell to work with Mr. Kessler in finding out if such a grant can be obtained, as well as preparing the paper work.

FIFTH DISTRICT ELEMENTARY SCHOOL - REQUEST FOR ADDITIONAL FUNDS

Present: Marvin Joy, Superintendent of Schools
Mr. James Raley
Mrs. Harper
Mr. Henry Kanowitz
Mr. John Baggett, Director of Recreation and Parks

Mr. Joy explained the situation that the Board has been faced with. That being that the construction cost has risen and there is a sum of \$107,000 needed in addition to the funds already allocated to complete the project. After a lengthy discussion the Commissioners directed the members present to meet with Mr. O'Dell to determine what action is to be taken as to the financial aspect, as well as contacting the Board of Public Works in an effort to make the State aware of our financial burden, and to request their review of the entire situation.

ZONING ORDINANCE - UTILITY LINES

Present: Oliver R. Guyther, Attorney
Alfred Gough
Frank Gerred

Mr. Guyther appeared before the Commissioners to discuss the Conditional Use requirement of the County Zoning Ordinance with respect to the installation of utility lines, more specifically electrical transmission lines. He state that the potential problem for SMECO with the conditional use requirement is that possible litigation over a Board of Appeals decision could result in lengthy and costly delays in the construction of an electrical transmission line, even though its development had already gone through the Public Service Commission review and approval process.

Commissioner Dean stated that he would be willing to draft an Amendment that he believed possible to amend the Ordinance to remove the Conditional Use requirement, but at the same time afford the public the protection and notification they deserve. He will draft the proposal and submit back to the Board and Southern Maryland Electric to see if the proposal can be achieved.

The Commissioners concurred with Mr. Dean's suggestion.

EXECUTIVE SESSION - PERSONNEL

Commissioner Arnold made a motion to go into executive session to discuss personnel. Seconded by Commissioner Sayre. All Commissioners voted in favor. The Session lasted from 11:30 a.m. and returned at 12:10 p.m.

NAVY AICUZ BRIEFING

The Commissioners resumed their meeting at the Circuit Court Room for an Aicuz Briefing put on by the Navy.

USE OF FAIRGROUNDS

The Commissioners stated to the persons in attendance that they wanted them to meet with Joseph O'Dell, Budget Officer, to try and work out a solution to the difficulties of all concerned. At this point they met with Mr. O'Dell and he will discuss with the Commissioners at a later date the solutions arrived by all.

HISTORIC DISTRICT COMMISSION

Present: Alfred Dillow
Lorraine Boyd
Other members of the Historic District Commission and interested citizens

Mr. Dillow stated that they were present to report to the Commissioners the work that has been performed to date, as well as a time table of completion by the Historic District Commission. Mr. Dillow stated that correspondence has been forwarded to the Commissioners, dated May 15, 1979 outlining the time table. He stated that since the May 15th letter they have taken an inventory and cataloging of every property owner, the amount of acreage, the assessed value of the land, structures in the proposed area of St. Mary's City. Mr. Dillow stated that this has been a large project and at this point they are on schedule with the proposed time table as stated in the May 15th correspondence. He stated

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that it would take from nine to thirteen months to accomplish the recommendations that would be submitted to the Planning Commission.

The property owners expressed their concern as to the requirement of the law, and what effect these requirements and the anticipated recommendations of the Historic District could have on them, as the owners.

Commissioner Millison made a motion to pass a resolution to assure the residents within the Historic District proposal area that whatever conclusions we, as the Commissioners come to, will be with their acquiescence and this will give both groups a chance to buy and sell their ideas in a practical way to bring the groups together. Seconded by Commissioner Arnold. Commissioner Dean stated that he wanted to clarify the motion. He stated in using the word "acquiescence" does this mean one hundred percent, 75 percent, 50 percent? Mr. Dean said that in any issue it is impossible to get one hundred percent agreement. When you say "acquiescence" a year from now and a majority of the people are agreeable and a couple people that are not does this motion bind the Commissioners. Mr. Millison stated that if it is unquestionable that a majority of the people want this, then we can see that.

The motion passed.

The Commissioners expressed their appreciation to the Historic District Commission for their efforts and were hopeful that the Commission and the residents could arrive at an agreeable conclusion to the problems that are existing.

ECONOMIC DEVELOPMENT COMMISSION - REQUEST FOR EXHIBIT BOOTH

Present: Edward V. Cox, County Administrator

Mr. Cox presented correspondence to the Commissioners for their signature addressed to Mary Salisbury, Chairperson of the Economic Development Commission requesting that the EDC try and design an appropriate portable exhibit booth. This booth would be envisioned to be shown at selected events within a 500 mile radius of St. Mary's County. The correspondence outlined the concepts and merits of implementing such a task. The Commissioners affixed their signatures.

VATICAN

The Commissioners signed correspondence addressed to Apostolic Delegate Junot and Bishop Thomas C. Kelly requesting any assistance they can provide in having His Holiness visit St. Mary's County.

MOBILE HOME HARDSHIP CASES 7902 and 7901

Present: Edward V. Cox

County Administrator presented Mobile Home Hardship Cases 7901 and 7902 Mr. Cox stated that the Committee has recommended approval of a waiver in two cases and was requesting the Commissioners approval.

Commissioner Sayre moved to approve waiver in the Mobile Home Hardship Cases 7901 and 7902, seconded by Commissioner Dean. All Commissioners in favor of the motion.

PERSONNEL MANUAL UPDATE

Present: Edward V. Cox, County Administrator
Gerda Manson, Personnel Officer

Mr. Cox stated that there were areas that needed to be addressed with regard to the Personnel Manual Update.

The first being, that it was his and Mrs. Manson's recommendation that the authority for the appointing process would be brought to the Commissioners and they would make the final appointment for any position.

The second being that certain changes of grade should be considered salary adjustments rather than reclassifications, such as the Sheriff's Department and the Operations Center now under consideration.

The third being, that the County should have two groups of part-time employees, that being: temporary and permanent. Permanent part-time employees will receive insurance and leave considerations on a proportionate basis.

Commissioner Dean made a motion to accept the recommendations and adopt the Updated Personnel Manual, seconded by Commissioner Sayre. All Commissioners voted in favor of the motion

COURTHOUSE REPAIRS

Mr. Cox stated that the Juvenile Master's Court Room was in need of rugs, drapes and a platform. He estimated that the cost would be in the range of \$3,000. He also indicated the need for other repairs at the Courthouse.

The Commissioners directed Mr. Cox to repair the leak in the Circuit Court Room and repaint the damaged wall; to wainscote the entrance hall of the Court House which has been painted with latex paint and is not going to hold up; to fix the blue lights in the Clerk's office. The paint that is to

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be used for the wainscote will cost no more than \$12.00 per gallon and is to be a semi-gloss enamel paint. Mr. Cox is to contact the County Engineer to get a proposal on the repairs that are to be done at the Court House.

JOSEPH ROLAND MCKAY - REAL ESTATE TAX BILL AND ASSESSMENT

The Commissioners executed correspondence to the Supervisor of Assessment, Mr. William S. Lawrence stating that Mr. Joseph Roland McKay has some concern regarding his real estate tax bill and assessment. Mr. McKay has informed the Commissioners that the property as listed on his tax bill was incorrect, and the assessment was too high for the improvements located on the property. The letter to the Assessment Office was requesting clarification and to inform Mr. McKay of the procedure by which he should file an appeal, if appropriate.

FIRST DISTRICT ELEMENTARY SCHOOL

The Commissioners stated that they have received a memorandum from Mr. O'Dell regarding the Fifth District School and the supplemental funds. It says that we would inform the Board of Education that they can proceed and in the interim draw up a letter to the Department of Public Works with regard to site development costs state wide and that we would look at the alternatives after the audit of the Board of Education. Mr. O'Dell was instructed to proceed accordingly.

PURCHASE VEHICLES FOR PLUMBING INSPECTOR AND ZONING INSPECTOR

Commissioner Dean stated that two bids were received for the vehicles to be assigned to the Plumbing Inspector and the Zoning Inspector. These bids were from Fenwick Ford in the amount of \$4,150 and Aldridge Ford in the amount of \$4,167. Commissioner Dean made a motion to purchase the 1979 Ford Pinto Hatchback automobile for the Zoning Inspector to be used in connection with their official duties in St. Mary's County, seconded by Commissioner Sayre. Commissioner Millison and Arnold voting against, Commissioner Aud voting for. The motion passed.

Commissioner Dean made a motion to award the bid with the radio to Fenwick Ford, seconded by Commissioner Sayre. Commissioner Aud in agreement. Commissioner Millison and Arnold voting against. Motion carried.

There was a proposal for a Scout vehicle. It was decided to re-bid for this vehicles and purchase a small truck for the Plumbing Inspector's use.

DRAINAGE PROBLEM FAIRGROUNDS ROAD

Commissioner Dean stated that the Board was to indicate to Mr. Suit their decision with regard to the road problem. Commissioner Dean and Aud stated that they had visited the property in question, and in their opinion this problem was not due to any action on the county. It is a natural drainage area and the county is in no way responsible. Commissioner Dean is to draft a letter for the Commissioners' signature as to their decision.

COUNTRY LAKES - BONDING

Present: Frank Gerred, Director Planning & Zoning

Mr. Dean presented a draft of an addendum to the Zoning ordinance with reference to appropriate bonding. He stated, as well as Mr. Gerred, that the Zoning Ordinance under planned unit development provides for recordation which can be done in advance of the posting of the bond and if Mr. Burroughs would do that he would have all the rights of record, but he could build upon the lots but could not convey until the appropriate bonding is acquired. The Commissioners stated that they would review this situation and would discuss at the next regular meeting.

DRAINAGE PROBLEM - FLAT IRON ROAD

Commissioner Arnold stated that Mr. Adams was in before the Commissioners three weeks ago and wanted to know if the County had done anything about this drainage problem. Commissioner Aud stated that he visited the property in questions and the storm we had completely cleared up the problem. He stated that there could be some trimming around the bridge and thought that the State Roads should be contacted to do this trimming.

SPRAY NEUTERING PROGRAM

Commissioner Arnold stated that he has been contacted by several groups of individuals with regard to setting up a spray-neutering program. He requested Mr. Cox to contact the tri-county area and see if such a program could be implemented and report his findings to the Board.

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ZONING AMENDMENT CASE ZA 79-82
PATUXENT DEVELOPMENT COMPANY, INC.

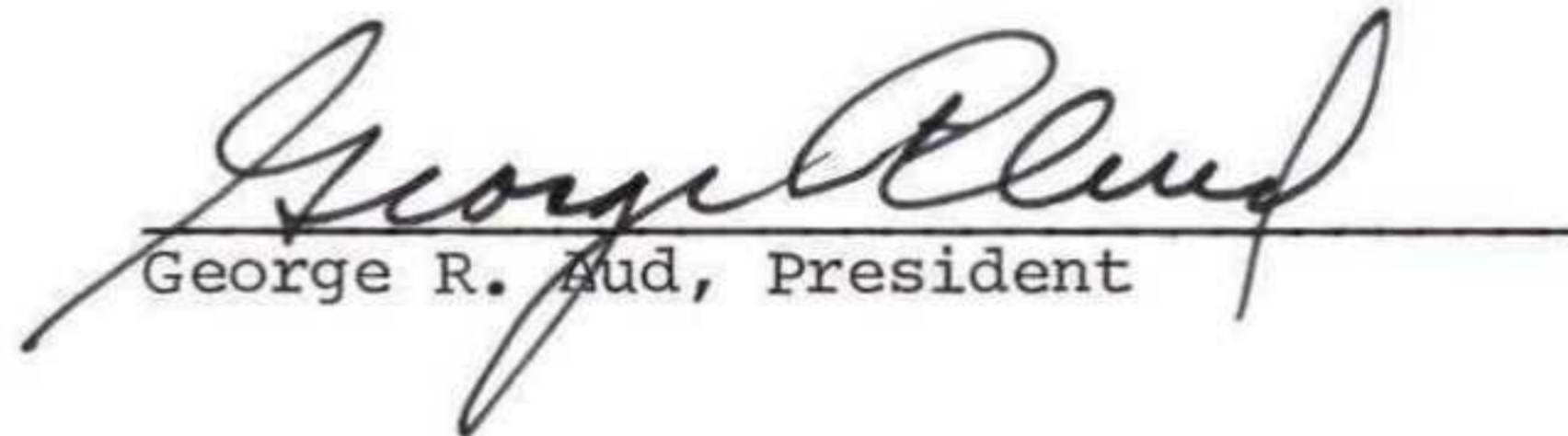
Commissioners Millison and Arnold did not sit in on this zoning case. Commissioner Millison because of conflict of interest and Commissioner Arnold because he was not in attendance at the meeting when this was discussed.

Commissioner Ford Dean presented a position paper with regard to the Zoning Amendment Case ZA 79-82 and stated that the requested rezoning for the subject property, as well as Parcels 4, 5, 46 and the Yerkie commercial portion of Parcel 85 be granted from C-1 to C-2 based on a mistake in original Zoning.

Commissioner Dean made a motion that the Board authorize the County Attorney to draft an appropriate resolution granting the zoning from C-1 to C-2 as it is set forth in the memorandum prepared by Commissioner Dean, seconded by Commissioner Sayre. Commissioner Aud voted in favor. Motion carried.

Meeting adjourned at 5:40 p.m.

Approved,


George R. Aud, President

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