

BOARD OF COUNTY COMMISSIONERS' MEETING

Wednesday, October 17, 1979

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

(Commissioner Aud was not present because of a death in the family.)

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

ENCUMBRANCE VOUCHERS

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

APPROVAL OF MINUTES

Commissioner Dean moved, seconded by Commissioner Arnold to approve the minutes of the County Commissioners' meeting of October 10, 1979 as submitted. All Commissioners present voted in favor.

ADDENDUM TO PUBLIC WORKS AGREEMENT

STONEY RUN SUBDIVISION

On behalf of the County Engineer, the County Administrator presented the Public Works Addendum and Irrevocable Letter of Credit extending the deadline for the completion of the streets and roads in Stoney Run Subdivision from October 28, 1979 to October 28, 1980. Commissioner Dean moved, seconded by Commissioner Arnold, to accept said Public Works Agreement. All Commissioners present voted in favor.

PUBLIC WORKS ADDENDUM

HOLLY GAF SUBDIVISION, SECTION IV

On behalf of the County Engineer, the County Administrator presented the Public Works Addendum and Irrevocable Letter of Credit extending the deadline for the completion of the streets and roads in Holly Gaf Subdivision, Section IV from October 15, 1979 to October 15, 1980. Commissioner Sayre moved, seconded by Commissioner Arnold, to accept said Public Works Agreement Addendum. All Commissioners present voted in favor.

October 17, 1979

Page 383

1980 LEGISLATIVE PACKAGE PROPOSAL

The County Administrator presented a memorandum to be signed by the Commissioners to various Agencies, Directors, Committees and Commissions soliciting suggestions for the 1980 Legislative Package. The Commissioners agreed to sign and forward said memorandum.

BID TALLY SHEET
FUEL HEATING OIL

Present: Paul Raley, Director, Purchasing and Logistics

Mr. Raley presented the bid talley sheet for heating fuel for county buildings and recommended that the bid be awarded to St. Mary's Ice and Fuel at 76.9¢ per gallon. Commissioner Dean moved, seconded by Commissioner Arnold to accept this recommendation. All Commissioners present voted in favor.

STATE'S ATTORNEY'S OFFICE
SPECIAL PROSECUTORS

The County Administrator presented correspondence from the State's Attorney indicating that on certain occasions he must obtain special prosecutors for his office and therefore requested payment for legal services rendered by John E. Pleisse as assigned special prosecutor in the matter of State vs. Jameson and State vs. Worthen and further requested payment for legal services rendered by Willard Broms in the matter of State vs. Allman. The State's Attorney requested that the County approve funds for future cases.

After discussion, the Commissioners agreed to pay the referenced Special Prosecutors at the rate of \$25 per hour; however, in the future each request should be made on a case-by-case basis rather than "blanket" approval.

NATIONAL COUNCIL ON CRIME AND DELINQUENCY
MARYLAND CITIZENS ADVOCACY PROJECT

The County Administrator advised the Commissioners of correspondence from the National Council on Crime and Delinquency requesting the county's participation in the Maryland Citizen Advocacy Project by designating a person from County Government and community representatives to work with them. It was the County Administrator's recommendation to designate the Youth Services Coordinator to represent the County Commissioners and the Council on Children and Youth as the community representatives.

The Commissioners gave their concurrence.

PURCHASE OF SHERIFF'S AUTOMOBILES

Present: Paul Raley, Director, Purchasing and Logistics

Mr. Raley reviewed with the Commissioners the bids for the purchase of eight automobiles for the Sheriff's Department and it was the recommendation of Mr. Raley and Sheriff Somerville to accept the bid from Ritter Chevrolet, the lowest bidder, in the amount of \$56,858.72. Mr. Raley stated that it is hoped that approximately \$3500 will be received for the sale of the eight old automobiles.

After discussion, Commissioner Dean moved, seconded by Commissioner Arnold, to offer the used cars for sale locally and if the County does not receive a fair price, that Mr. Raley proceed to have them auctioned off in Brandywine. All Commissioners present voted in favor.

Further, Commissioner Dean moved, seconded by Commissioner Sayre, to award the bid for the purchase of the eight new automobiles to Ritter Chevrolet in the amount of \$56,858.72. All Commissioners present voted in favor.

TRIENNIAL ASSESSMENT LAW

Present: Joseph P. O'Dell, Budget Officer

Mr. O'Dell presented a proposed Memorandum to be distributed to the public via the news media from the Commissioners explaining the newly enacted Triennial Assessment Law signed into law in the 1979 Session of the Maryland General Assembly, which establishes a new framework for the assessment of real property in the State.

After review of the proposed Memorandum, the Commissioners gave their concurrence in having the memorandum distributed.

ROADS STATUS REPORT

Present: William Lacey

Mr. Lacey, on behalf of Mr. John D. Raley, appeared before the Commissioners in order to report on the status of various road and drainage problems presented by the Commissioners, after which the Commissioners mentioned other problem areas to be looked into.

CARE FOR THE ELDERLY TASK FORCE - FINAL REPORT

Present: Dr. J. Roy Guyther, Chairman
Dr. Richard Martin
Dr. William Marek
Mr. Joseph Carter
Mrs. Billye McGaharn

The referenced members of the Care for the Elderly Task Force appeared before the Commissioners to present the Final Report of the Task Force and to highlight certain recommendations within the report. After review and discussion, Commissioner Dean recommended that a procedure be established for the implementation of the recommendations now that the essential data has been compiled.

It was agreed that Dr. Marek and Commissioner Dean would develop certain recommendations of implementation and the other members of the Task Force offered their assistance in any way possible. These recommendations would then be presented to the Commissioners for decisions.

ENERGY CONSERVATION COORDINATING COMMITTEE

Present: Otis Wood, Chairman
Tom Oliver
Paul Raley
Dave Morgan
Stewart White, Energy Monitor
Marsha Stewart, League of Women Voters

The above members of the Energy Conservation Coordinating Committee appeared before the Commissioners in order to present a status report on the progress being made with regard to energy conservation in county buildings. Mr. Raley explained the measures being taken to cut back in the consumption of electricity by eliminating certain lighting and keeping the thermostat at 78° for air conditioning and cutting back on the consumption of fuel oil by setting the thermostat at 65° for heating. Maintenance has been done on the furnaces in order to get the best possible amount of heat for the amount of gallons of oil.

Mr. White reported on the inventory of county buildings he has been conducting and that he will be doing a technical audit relative to the types of systems, and to determine where the county can operationally save energy with regard to lighting and heating.

Discussion ensued as to what additional measures the County can take to conserve energy such as storm windows installed in county buildings and the thermostat turned down to 40° when buildings are not occupied.

In conclusion, Mrs. Stewart on behalf of the League of Women Voters, commended the Commissioners on the actions being taken by the County to conserve energy and invited the Commissioners to attend a League energy meeting on November 1 at 8:00 p.m. at the Lexington Park Methodist Church.

(Judith Mullins left meeting and the minutes were taken by Margaret Nelson for the next appointment.)

RETIREMENT PROGRAM
VOLUNTEER FIREMEN AND RESCUE SQUADSMEN

Present:	Janet Cook	Sam Vallandingham
	Frankie Anderson	Pat Edwards
	Charles Miedzinski	Lloyd Goddard
	Billy Simpson	John Erly
	Andy McWilliams	George McWilliams
	Joe Cooper	Greg Adams
	Harry Koehler	Joe Cooper

Volunteer Firemen and Rescue Squadsmen appeared to discuss implementation of the legislation concerning a retirement program in St. Mary's County, being administered and funded by the County Commissioners.

Mr. Adams commented that volunteers give valuable service to the County. Enough members are needed to handle runs and keep service active, otherwise, paid help will be needed, although he could not foresee better help for paid services. The retirement program would be funded through the taxpayers; it would be an incentive to keep volunteer services alive.

A document was submitted outlining the qualifications for membership and the administration of the program by the County Commissioners. Effective date being set for 7/1/80. The County Attorney and Commissioners were requested to review and understand the document.

Commissioner Millison stated the adoption of the retirement system would be considered and the Board would make a decision at the October 31, 1979 meeting.

Mr. Adams said each department would certify and submit names of those who meet requirements for the program.

ORDINANCE NO. 79-68
AGRICULTURAL LAND PRESERVATION

Present: Frank Gerred, Director, Planning and Zoning

A public hearing having been conducted on October 3, 1979 on the referenced Ordinance, Commissioner Dean moved, seconded by Commissioner Arnold, to adopt and sign Ordinance No. 79-68 "Agricultural Land Preservation." All Commissioners present voted in favor.

ORDINANCE NO. 79-69
AIRPORT COMMISSION

A public hearing having been conducted on the referenced Ordinance, Commissioner Dean moved, seconded by Commissioner Sayre, to adopt and sign Ordinance No. 79-69 "Airport Commission." All Commissioners present voted in favor.

ZONING DECISION RESOLUTION NO. Z 79-14
JAMES C. LANHAM - CASE NO. ZA 78-128

Commissioner Arnold moved, seconded by Commissioner Millison, to adopt and sign Zoning Decision Resolution No. Z 79-14 approving the application of James C. Lanham to have property located on Route 235 in the area of California, Eighth Election District, designated as Parcels 205 and 206, Tax Map 43, rezoned from single family residential, R-2, to C-1, Commercial; and further to rezone the adjoining property of Steven Watts known as California Lounge to C-1. Two Commissioners voted in favor, with Commissioner Sayre abstaining and Commissioner Dean voting against. Although not present, Commissioner Aud requested that his vote be recorded in favor of the rezoning and it was agreed by the Commissioners that Commissioner Aud be given the opportunity to sign said Resolution to indicate his vote.

ZONING DECISION RESOLUTION NO. Z 79-15
JOHN T. SCRIVENER, JR., ET AL

Commissioner Dean moved, seconded by Commissioner Arnold, to adopt and sign Zoning Decision Resolution No. Z 79-15 on the application of John T. Scrivener, Jr., et al to have part of Parcel 11, cited on Tax Map 62, St. Mary's County, Maryland containing a total of approximately 1.386 acres rezoned from R-1, Residential, to CM, Commercial Marine. All Commissioners voted in favor. Although unable to be present, Commissioner Aud requested that his vote be recorded in favor of the rezoning application and it was agreed by the Commissioners that Commissioner Aud be given the opportunity to sign said Resolution to indicate his vote.

ZONING DECISION RESOLUTION NO. Z 79-13
DONALD L. MURPHY AND GORDON N. METZKER
CASE NO. ZA 79-81

Commissioner Dean moved, seconded by Commissioner Arnold to adopt and sign Zoning Decision Resolution No. Z 79-13 on the application of Donald L. Murphy and Gordon N. Metzker to approve the rezoning of approximately 20 front acres of Parcel 69, cited on Tax Map 4, located on Md. Rte 5 in the Fifth Election District as shown on plat contained in the file, signed by George Aud and attached to said resolution, from AR-2, Agricultural Residential, to R-2 Residential. All Commissioners present voted in favor and it was agreed by the Commissioners that Commissioner Aud be given the opportunity to sign the Resolution to indicate his vote since he was unable to be present at the meeting.

SURFACE TREATMENT PROGRAM

Present: John Norris, County Engineer

Mr. Norris presented Voucher No. 28282 payable to Dean Construction Company in the amount of \$196,851.80 for the close out of the Surface Treatment Program. Commissioner Arnold moved, seconded by Commissioner Sayre, to approve said payment to Dean Construction Company. All Commissioners present voted in favor.

PROJECT NO. SM 79-3-3 (A and B)
COOPERS CREEK DREDGING PROJECT

Present: John Norris, County Engineer

Mr. Norris presented the bid talley sheets for the Coopers Creek Dredging Project (Spoils Disposal Site - A and Hydraulic Dredging - B) for the Commissioners' review. No action was taken at this time.

October 17, 1979

Page 389

DUALIZATION OF RTE. 235
RAILROAD RIGHT-OF-WAY REPLACEMENT
LAUREL GROVE TO HILLVILLE

Present: John Norris, County Engineer

Mr. Norris advised the Commissioners that the County will be receiving deeds which have been recorded as replacement right-of-way to St. Mary's County, which the County would be acknowledging after the fact. Mr. Norris stated that he would like to bring these deeds to the Commissioners in order for them to be entered into the minutes of their meeting so that the transaction will be official. Therefore, Mr. Norris presented a Deed dated September 5, 1979 by and between Donald Francis Morgan and Christy L. Morgan recorded among the land records of St. Mary's County in Liber MRB 54, Folio 13. Commissioner Arnold moved, seconded by Commissioner Sayre to acknowledge the acceptance of said Deed. All Commissioners present voted in favor.

Further, Mr. Norris presented Voucher No. 27917 payable to SMECO for cost for property settlement on the Railroad Right-of-Way from Laurel Grove to Hillville. He stated that SHA has advanced the County \$2600 of this amount and the County will bill them for the remainder.

Commissioner Dean moved, seconded by Commissioner Sayre, to pay Encumbrance Voucher No. 27917. All Commissioners present voted in favor.

ST. GEORGE'S ISLAND PIER PROJECT

Present: John Norris, County Engineer

Mr. Norris presented Voucher No. 28110 payable to Elwood Joy in the amount of \$5,121.63 for the referenced project and further requested the Commissioners' approval of a Change Order in the contract in the amount of \$300. He explained that there were additional planks that had to be replaced which exceeded the quantity in the original contract. He further explained that the total increase would be \$500; however there was a credit savings in the contract in the amount of \$200.

Commissioner Dean moved, seconded by Commissioner Arnold, to approve payment of Voucher No. 28110 to Elwood Joy and further to approve the requested Change Order in the amount of \$300. All Commissioners present voted in favor.

MATTAPANY ROAD

Present: John Norris, County Engineer

Mr. Norris advised the Commissioners that his office has been receiving a number of calls relative to the holdup on improvements on Mattapany Road and suggested to the Commissioners that the Metropolitan Commission appear before the Commissioners to discuss this matter. The Commissioners gave their concurrence and requested Mr. Norris to invite also Father Goetz, Dick Voohaar and the contractor to this meeting.

ALCOHOL FUEL PROJECT

Present: John Norris, County Engineer

Mr. Norris requested authority from the Commissioners for an expenditure of up to \$1,000 for a fuel oil burner on a test stand for the alcohol fuel project being conducted by the County.

Commissioner Millison moved, seconded by Commissioner Arnold to appropriate up to \$1,000 for this project, but to try to utilize the University of Maryland for this purpose first. All Commissioners present voted in favor.

PUD REGULATIONS
ZONING ORDINANCE

Present: Frank Gerred, Director, Planning and Zoning
John Norris, County Engineer
James Kenney, Attorney for Wildewood Subdivision
Eddie Wettengel, developer, Wildewood
Joseph Waldschmidt, developer, Wildewood
other interested parties

Mr. Gerred explained that the purpose of the meeting was to discuss the PUD section of the Zoning Ordinance relative to private roads as it applies to single family units in that the developers of Wildewood had some questions relative to this and requirements of the Road Ordinance. It was Mr. Gerred's opinion that the Horizontal Property Act of Maryland allows for the mechanism for the creation of private lanes and private maintenance. However, it was the County Engineer's contention that this is in conflict with the Subdivision Regulations and County Road Ordinance.

After the presentation by Mr. Hayden and Mr. Wiley, the attorney for the developer, Mr. Kenney, requested an interpretation of the language of the PUD section of the Zoning Ordinance as last adopted in 1978 permits flexible standards of road design and private roads within a PUD.

The Commissioners requested Mr. Kenney to frame the question more specifically in writing, citing the particular section and chapter in the Ordinance after which the County will respond to their request.

ALCOHOL FUEL PROJECT

Present: Jack Witten

The Commissioners requested Mr. Witten to assist the County in their manufacturing of alcohol fuel project because of his engineering expertise. Mr. Witten agreed to this request.

FEDERAL ENERGY MOBILIZATION BOARD

Present: Jack Witten

Mr. Witten appeared before the Commissioners to discuss the proposed legislation to establish a Federal Energy Mobilization Board, House Bill 4985 and requesting the Commissioners assistance to request the Maryland Legislative Delegation in Congress to block this bill. The Commissioners advised that they would obtain a copy of the bill from Congressman Bauman and after review contact the Governor and the Legislators in Congress expressing opposition to the bill.

EXECUTIVE SESSION

Present: Joseph Densford, Asst. County Attorney

The Commissioners agreed to meet in Executive Session in order to discuss a matter of litigation. The Session was held from 4:00 p.m. to 4:35 p.m.

DRAINAGE PROBLEM - WOODBURN PROPERTY

Present: Marvin Joy, Superintendent of Schools
James Raley
Marvin Kaminetz

Mr. Joy explained that the purpose of the meeting was to discuss the drainage problem of certain properties located behind the three schools in Leonardtown on Rte. 244 to Medley's Neck. Mrs. Woodburn has contacted Mr. Joy and the County Commissioners concerning this problem and it is the property owners' opinion that the construction of the schools, particularly the new High School has created the runoff of water onto their property and Mrs. Woodburn has requested that steps be taken to correct the situation. Mr. Joy stated that the schools have contributed to the problem however, construction of homes in that area have also contributed. Mr. Joy said that the Water Resources Management representative recommended that an engineering study, at a cost of approximately \$2500, be conducted to determine responsibility.

After discussion of the situation and the possibility of litigation by the property owners, the Commissioners recommended that Mr. Joy contact the attorney for the property owners to determine if they would pay half the cost of the study and advise the Commissioners of the reply after which a determination would be made as to what steps should be taken next.

CARVER HEIGHTS ANNEX

Present: Marvin Joy, Superintendent of Schools
James Raley
Henry Kanowicz

Mr. Joy advised the Commissioners that a survey was taken to determine if any agency was interested in the abandoned Carver Heights Annex building and there was no response. He stated that the building is being broken into and vandalized by neighborhood youth and the Public Schools would like to demolish the building.

Commissioner Millison expressed his opposition to tearing down any buildings and it was the concensus of the Commissioners that the Public Schools declare the building surplus and deed it to the County, and the Commissioners would try to find a state agency who would be interested in the building.

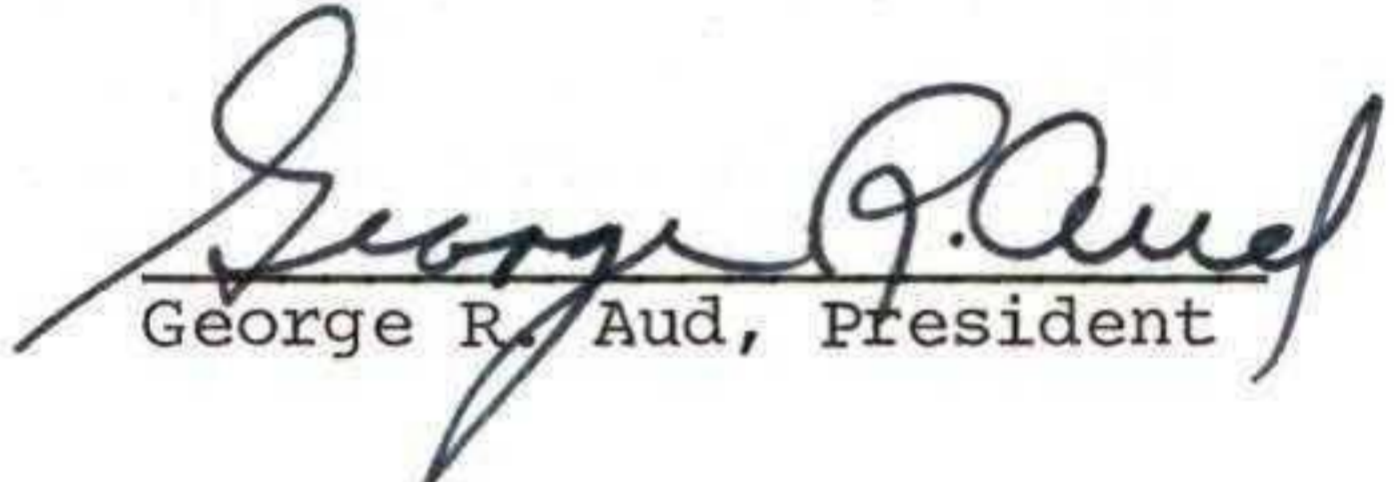
COUNTY INSURANCE

Present: Harris Sterling, Director of Finance

Mr. Sterling advised the Commissioners that the County's insurance policy went out on bids in July and he placed advertisements in three newspapers. Three bids were received and it was the recommendation of Insurance Buyers' Council to accept the bid from Frank Combs Insurance Agency representing Continental Insurance Company for the following insurance coverage: Building and personal property; boiler and machinery; faithful performance bond; automobile physical damage; comprehensive general liability; and automobile liability and further to accept the bid from Liberty Insurance Company for Workmen's Compensation. Commissioner Dean moved, seconded by Commissioner Arnold to accept the Insurance Buyers' Council's recommendations, effective November 1, 1979 through October 31, 1983. All Commissioners voted in favor.

The meeting adjourned at 5:45 p.m.

Approved,


George R. Aud, President