

BOARD OF COUNTY COMMISSIONERS' MEETING

Wednesday, August 24, 1977

Present: Commissioner James M. McKay, President
Commissioner John K. Parlett
Commissioner Ford L. Dean
Commissioner Larry Millison
Joseph P. O'Dell, Budget Officer
Alice V. Bailey, Recorder

The meeting was called to order at 9:01 a.m.

READING AND APPROVAL OF MINUTES

The minutes of August 17, 1977 were read and corrected. Commissioner Dean made a motion to approve the minutes as corrected, seconded by Commissioner Parlett. All Commissioners present voted in favor.

(Commissioner Jarboe entered the meeting - 9:30 a.m.)

ENCUMBRANCE VOUCHERS

Present: Harris Sterling, Director of Finance

Mr. Sterling presented the encumbrance vouchers for the Commissioners' review and approval. Commissioner Parlett made a motion to approve the bills, as submitted, seconded by Commissioner Dean. All Commissioners voted in favor.

Mr. Sterling presented encumbrance voucher No. 13634 that was withheld from last week's approval for further clarification. Commissioner Dean made a motion to approve voucher No. 13634, payable to St. Mary's Ice and Fuel for the Commission on Aging, seconded by Commissioner Parlett. All Commissioners voted in favor.

ASSISTANCE FOR STORM DAMAGE

Commissioner McKay presented a letter addressed to Mr. Donald G. McAllister, Acting State Director, Farmers Home Administration asking for assistance for certain farmers in the County who have experienced partial or total loss of tobacco crops due to recent storms. All Commissioners were in agreement with the forwarding of this correspondence.

ROAD RESOLUTION 78-4 - HELEN ESTATES

Joseph O'Dell, on behalf of the County Engineer presented Road Resolution 78-4 to place a stop sign on Woodridge Street at its intersection with Forrest Hall Drive, making Forrest Hall Drive the thru road in Helen Estates, Fourth Election District. Commissioner Dean made a motion to accept Resolution No. 78-4, seconded by Commissioner Parlett. All Commissioners voted in favor of the motion.

Mr. O'Dell was requested by the Commissioners to inform Mr. John Norris that when a road was presented to the Commissioners for acceptance, that the Commissioners be informed prior to the presentation of the Resolution as to the location and details of the road(s) so that the Commissioners would have the opportunity to do an on-site inspection to be sure that said acceptance would not cause any undue problems to the County.

WARD MILLER - REQUEST FOR TRAVEL AUTHORIZATION

Mr. O'Dell presented correspondence from Ward Miller, Coordinator for Economic Development, requesting authorization for travel to Greensboro, North Carolina for the period of August 29-30, 1977, in order to visit various industrial firms.

Commissioner Parlett made a motion to approve the travel request of Mr. Miller, seconded by Commissioner Jarboe. All Commissioners voted in favor.

MARYLAND HISTORICAL TRUST - LOCAL SUBMISSION FOR CAPITAL PROJECT.

Mr. O'Dell presented correspondence from Orwin C. Talbott, Director, Maryland Historical Trust, requesting projects in our area that the County feels warrants State financial involvement, and to submit said project(s) to the Trust.

After discussion by the Commissioners, Mr. O'Dell was requested to forward correspondence to the President of the St. Mary's County Historical Society to coordinate the request of the Maryland Historical Trust, and if the Historical Society plans to submit any projects to have them forwarded to the attention of the Commissioners no later than October 12, 1977.

COOPER'S CREEK - ST. MARY'S RIVER

Mr. O'Dell presented correspondence from B. J. Linthicum of the Department of Natural Resources regarding the dredging of the entrance of Cooper's Creek. The correspondence stated that the hydrographic survey as well as an on-site inspection of the entrance to the creek has been completed and the Department of Natural Resources considered this to be a worthwhile undertaking for funding as a Waterway Improvement project.

The Commissioners directed Mr. O'Dell to contact John Norris and to advise him to expedite this project in as short a time period as possible, and to follow normal procedures concerning getting the spoil area releases and dredging permits, as well as proceeding with the channel design. After completion of the above, Mr. Norris is to forward to the Department of Natural Resources for review and approval or rejection. After approval by DNR the project is to be brought before the Commissioners for review and decision.

SPECIAL COMMUTATION FOR STATE-SENTENCED INMATES

Mr. O'Dell presented correspondence from Mark A. Levine, Division of Correction with reference to special commutation of locally sentenced individuals. Mr. O'Dell stated that Sheriff Joseph L. Somerville is in the process of preparing a list of individuals to be considered as well as an accompanying letter to be signed by Commissioner President McKay which is to be received by the Division of Correction by August 29, 1977.

CLEARINGHOUSE PROJECT 78-8-113 - HUD COLLEGE HOUSING LOAN
THREE STUDENT RESIDENCES - ST. MARY'S COLLEGE

Mr. O'Dell presented the above-referenced clearinghouse project which has been reviewed by Frank Gerred, Director of Land Use and Development, and recommended that the County forward the Project Summary Notification as to number 2, "that the project is not inconsistent with this agency's plans, programs or objectives," and to state that St. Mary's County requires site plan approval before issuance of the Building Permt.

AUTHORIZATION TO HIRE ZONING/SUBDIVISION ADMINISTRATOR
ASSISTANT PLANNER

Mr. O'Dell presented a memorandum from Nace Fresco, Personnel Officer, requesting authority to hire the Zoning/Subdivision Administrator, Grade 16 and Assistant Planner, Grade 13-3.

The Commissioners stated that the normal procedure was for the Commissioners to receive copies of the applications and all other information for their review, and that a decision would be made as to the filling of these positions at next week's meeting.

SUMMER YOUTH EMPLOYMENT PROGRAM

Present: Delores Hill, Youth Services Coordinator
Charles Walsh, Program Director
Michael Cassagnol - Summer Youth Participant
Cynthia Spell - Summer Youth Participant

Miss Hill stated that the program in her opinion had been a success and that hopefully next year there would be more time to properly place the summer youth.

Mr. Walsh stated that there will be a termination ceremony on Friday and those individuals who received higher than a 90% evaluation will be given recognition. Mr. Walsh stated that there had been a few individuals that left the summer youth program for other positions, but thought the program as a whole was very successful.

Miss Hill and Mr. Walsh presented a Program Progress Report and stated that a final report would be submitted on September 2, 1977.

SPRING VALLEY

Mr. John Norris stated that correspondence has been received from Mr. Rudolph K. Fairfax, Jr., President of the Spring Valley Civic Association, Inc., stating that the final specifications, plans and cost estimates must be prepared in order for the repair of the roads to start in the spring of 1978. The correspondence also requested that the roadway improvement, alternate R-5, and drainage improvement, alternate D-3, be specifically addressed.

Mr. Norris was in agreement with Mr. Fairfax and stated that we should contact John E. Harmes, Associates to the implementations of the phase two design plan. The Commissioners were in concurrence with Mr. Norris' recommendation.

HELEN ESTATES FARMETTES SUBDIVISION

Mr. Norris stated that a slope easement is needed for the proposed Helen Estates Farmettes Subdivision, in order to upgrade Foley Mattingly Road. The Commissioners stated that if a cost was involved, in their opinion the Developer, Mr. Israel Swarey should be responsible. The land in question is in the name of Mr. Richard Latham and the Commissioners directed Mr. Norris to get in touch with Mr. Swarey and Mr. Latham as to an equitable solution to the problem, and that Mr. Swarey is to bear the monetary costs involved in obtaining this right-of-way easement.

SUNRISE ACRES SUBDIVISION

Mr. Norris stated that the county is carrying a surety bond in the amount of \$1,000 Traveler's Indemnity Company, and requested the Commissioners to release the bond because Pleasant Street as shown on the plat is now named Tippet Road and is presently in the County Highway Maintenance System.

Commissioner Dean made a motion to authorize the release of the \$1,000 Traveler's Indemnity Bond on Tippet Road, the reason being: The Bond covers a road that has been in the County Highway Maintenance System since before 1972 as a minimum, and the ability of the County to claim on 17-year old bond of that age is questionable and the value of the bond is insignificant as to the required improvements, seconded by Commissioner Jarboe. All Commissioners voted in favor.

LORE'S POINT SUBDIVISION ROADS

Mr. Norris presented a deed dated August 9, 1977 from G. I. Rupert Lore to the County Commissioners for incorporation of roads in the Lore's Point Subdivision being the remaining portion of Rosecroft Road.

Commissioner Jarboe made a motion to bring the remaining portion of Rosecroft Road located in the Lore's Point Subdivision under the County Highway Maintenance System, seconded by Commissioner Millison. All Commissioners voted in favor.

GARNER ROAD

Mr. Norris presented a deed from Robert I Garner, Jr. and Ethel M. Garner to the County Commissioners for the surfacing work to be done on Garner Road in Section 2 of the Riverwood Farms Subdivision, Sixth Election District. Mr. Norris recommended that the Commissioners accept this deed.

Commissioner Dean made a motion to accept the deed dated August 24, 1977 from Robert I. Garner, Jr. and Ethel M. Garner to the Board of County Commissioners for the completion of surfacing work on Garner Road in Section 2 of the Riverwood Farms Subdivision, Sixth Election District, seconded by Commissioner Parlett. All Commissioners voted in favor.

HERMANVILLE ESTATES SUBDIVISION

Mr. Norris presented a deed from Joseph D. Weiner to the County Commissioners as well as a check in the amount of \$4,160 for surface treatment to Hermanville Road, Wheeler Road and Linn Lane, and recommended that the Commissioners accept same.

Commissioner Millison made a motion to accept the \$4,160 as consideration for the surface treatment of the roads in Hermanville Estates which has been paid by Mr. Weiner and to accept the title by deed dated July 27, 1977, seconded by Commissioner Jarboe. All Commissioners voted in favor.

PATUXENT PARK WEST SUBDIVISION

Mr. Norris stated that the surety bond has expired on Patuxent Park West Subdivision and at the present time the subdivision is approved for rural streets. The Commissioners requested Mr. Norris and the County Attorney to determine the legal alternatives as to requiring the developer to design the streets as to an urban section with satisfactory storm drainage instead of the rural streets that are presently approved.

(Commissioner Millison left the meeting at 11:19 a.m.)

SEVENTH DISTRICT PARK ASPHALTING

Mr. John Baggett presented a bid from Insley Construction in the amount of \$26,820.75 for the asphaltting of the Seventh District Park and recommended that the Commissioners accept this bid.

Commissioner Dean made a motion to accept the bid and award the contract for the asphaltting of the Seventh District Park to Insley Construction in the amount of \$26,820.75, seconded by Commissioner Parlett. All Commissioners present voted in favor.

HELEN ESTATES - LOT 52

Mr. Baggett stated that Lot 52 in Helen Estates had been designated as a recreational area for that subdivision, but this area was not going to be used for this purpose. Mr. Swarey who holds title to this two-acre parcel has vested his interest to the county. Mr. Swarey wants to purchase the interest the County holds in this property for the sum of \$5,000. The Commissioners

stated that this figure was too low and that Mr. Baggett and the County Attorney were to contact Mr. Swarey and the state that the County is of the opinion that the fair market value for this two-acre tract would be \$10,000. After the offer has been made, Mr. Baggett is to inform the Commissioners of the outcome.

MARGARET BRENT

Mr. Baggett stated that the Gym at Margaret Brent School needs heat and wiring. He stated that he hastalked with John Norris with regard to obtaining a set of specifications in order to start the bidding process. If Mr. Norris will be able to prepare the specifications he will be able to proceed. If the Engineering Office is unable to prepare the specifications Mr. Baggett will have to have a consultant brought in and that he would then bring the cost for the services of a consultant to the Board for approval. He was instructed by the Commissioners that if a consultant is necessary the cost of this service is to be held within the budgeted amount. Mr. Baggett also stated that at the rear of the Gym he has hopes of placing a storage area that can be entered from outside and another storage area that can be entered from inside the building.

(Commissioner Millison returned at 11:38 a.m.)

NATIONAL RECREATION AND PARKS CONGRESS

Mr. Baggett requested permission from the County Commissioners to attend a convention in Las Vegas, Nevada from October 2, 1977 through October 6, 1977. He has the funds for the trip budgeted and estimates the cost to be \$600.

Commissioner Jarboe made a motion to authorize Mr. John Baggett to attend the National Recreation and Parks Congress Convention to be held in Las Vegas, Nevada from October 2 through October 6, 1977, seconded by Commissioner Dean. All Commissioners voted in favor.

ST. CLEMENTS ISLAND MUSEUM

Present: Michael Humphries
J. S. Guy, Jr.

Mr. Humphries presented a report on the St. Clements Island and Potomac River Museum to the Commissioners for the period May 1 - August 19, 1976 and May 1 - August 19, 1977. He stated that this summer season had been completely successful in all areas; that receipts were up 56% from last year but was sorry that only 19% of the people visiting the museum were from St. Mary's County. He also displayed to the Commissioners certain articles that had been obtained from the dig at Abell's Wharf.

Mr. Guy stated that there was a problem as to the boundary line at the Abell's Wharf Site. A bridge is needed to go across the marsh, as this is the only realistic way of getting to the site. They are in the process of negotiating with Mr. Abell to set forth the proper boundary lines.

COMMISSION ON AGING TITLE III

Present: Agnes McGaharn, Executive Secretary, Commission on Aging
Viola Gardner
Joseph O'Dell, Budget Officer

Mrs. McGaharn reviewed the Title III Grant with the Commissioners at which time the Commissioners requested Mr. O'Dell to review the grant and to bring it back before them on August 31 for approval and forwarding to the State. This grant was to have been received by the State by the 26th of August 1977, but after conversation with Harry Walker, the State has extended the deadline to September 1, 1977.

WALDEN

Present: Jack Kershaw
Ken Sola

Mr. Sola and Mr. Kershaw appeared before the Commissioners to request that Walden be taken from under the aegis of the Youth Commission. After discussion by the Commissioners, Commissioner Dean made a motion to approve the concept of establishing the Walden Counseling Center as a separate and distinct entity not under the general umbrella of the Youth Commission. Commissioner Parlett seconded the motion. All Commissioners voted in favor.

The Commissioners requested Mr. Kershaw and Mr. Sola to give their recommendations as to the terms and the persons to be selected to serve on the Walden Counseling Center. After completion of this request they are to appear before the Commissioners with their recommendations for appointment.

DRINKING ORDINANCE

Commissioner Jarboe presented the proposed updated version of the Anti-Public Drinking Ordinance. After discussion, Commissioner Jarboe made a motion to adopt said Ordinance No. 77-51 entitled "Ordinance Prohibiting Consumption of Alcoholic Beverages on Public Ways and on Property Used by the Public in General." Said Ordinance is effective as of September 1, 1977. Commissioner Millison seconded the motion. All Commissioners voted in favor.

REPORT TO THE PEOPLE

Mr. O'Dell presented the proposed Report to the People for the Commissioners' review. After discussion and suggested changes had been made, the Commissioners directed that this report be put in a final form and that the solicitation of bids be received; and at the meeting of August 31, if possible, to present the bids for the cost of final printing and approval by the Commissioners.

"WINGS OF THE MORNING"

Present: Joseph P. O'Dell, Budget Officer

Mr. O'Dell presented an update of financial status of "Wings of the Morning." Mr. O'Dell stated that the County would not have to bear any additional costs, and if all goes well there may be money left over. After discussion the Commissioners concurred with the recommendations as set forth in the financial schedule.

REZONING CASE NO. 77-07 WILLIAM H. PULLIAM *Decision*

The Board of County Commissioners conducted a public hearing on August 10, 1977 on the rezoning application of William H. Pulliam to have approximately .57 acre of land located on Maryland Route 5 200 feet north of Trapp Road, St. Inigoes, First Election District from AR-2, agricultural residential to C-1 commercial.

Commissioner Dean made a motion that the Board of County Commissioners having performed the required finding of fact in this case concludes that this application for rezoning from AR-2, agricultural-residential, to C-1, commercial, be approved for the reasons set forth below:

1. The applicant intends, if reclassification is granted to C-1, to locate a grocery and general store on the property.
2. The subject property is situated to serve commercial needs of Webster Field, one (1) mile southwest; the approximately 1000 acre approved Planned Unit Development at Kitts Point, two miles southwest; as well as the surrounding agricultural-residential area. The subject property is additionally situated so as to be in the approximate center of several major road intersections which serve the surrounding area: Trapp Road and Route 5, St. Inigoes Road and Route 5, and Villa Road and Route 5.
3. The subject property is located in an area which has historically since the 1800's served to meet the commercial needs of the community and is located either adjacent to or among other existing non-conforming commercial establishments, including a bar, a service station, a post office, a hardware store.
4. The Office of Land Use and Development reports that in the entire First Election District of St. Mary's County, the only property zoned commercial is one parcel zoned CM, commercial marine, located on Bauer Road and other CM property at Wynn (approximately five miles distance) and one undeveloped C-1 parcel located at Rodo Beach (approximately six to seven miles distance).
5. Though there are non-conforming commercial small grocery stores located at Dameron, Park Hall, and Ridge, they are all located some distance from the subject property and there is no convenience type grocery store to serve the needs of St. Inigoes and the surrounding community.

6. Taking into account the above and the recommendation of the Planning Commission, there is a reasonable basis for concluding that a mistake was made in the original residential zoning classification as there was essentially no property zoned commercial in the community while the subject property is located within an area which is and has been historically commercial. Commissioner Jarboe seconded the motion. All Commissioners voted in favor.

HENDERSON PARK

Commissioner Jarboe made a motion to authorize the County Engineer to request the State Highway Administration to patch the road to Henderson Park, seconded by Commissioner Millison. All Commissioners voted in favor.

CHARLOTTE HALL

Commissioner Parlett reported to the Commissioners that the Controller, Louis Goldstein, requested the Commissioners to obtain a 60-day extension of the Charlotte Hall option to allow the state more time to explore the possibility of locating the Veterans Home on the property. He also stated that he had contacted Lt. Governor Blair Lee about the possibility of the state picking up the costs of the 60-day extension of the option and that Governor Lee had not gotten back with him with an answer. He also contacted Judge Digges in reference to the 60-day extension and the possibility of purchasing fifteen acres of land separate and distinct from the option for the Fifth District Elementary School site. Judge Digges said Mr. Smith of the Citizens Bank was away on vacation and therefore he would grant a one week extension of the notification date of the option.

Commissioner Parlett made a motion to extend the notification date on the Charlotte Hall Option for one week from August 26 to September 2 at no cost to the County, seconded by Commissioner Jarboe. Four Commissioners voted in favor with Commissioner Millison voting against.

The Commissioners directed Mr. O'Dell to prepare a letter to Judge Digges requesting the one week extension of the notification date for the Commissioner President's signature.

SOUTHERN MARYLAND WOOD TREATING CORPORATION

Commissioner Dean made a motion to forward letters to Mr. Arnold Schiffman, Chief of the Permits Division of the Water Resources Administration and Mr. George P. Ferreri, Director of the Bureau of Air Quality and Noise Control with regard to the contamination of ground water at the Southern Maryland Wood Treatment Corporation Plant in Hollywood, seconded by Commissioner Jarboe. All Commissioners voted in favor.

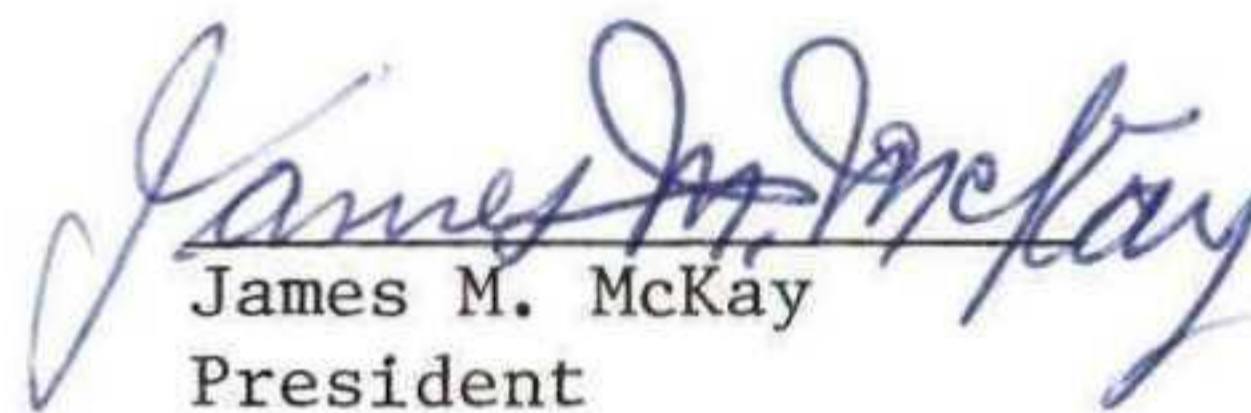
PROCLAMATION NO. 77-50
WOMEN'S EQUALITY DAY

Present: Eloise Pickrell
Dottie Barclift

The Commissioners presented the above-referenced Proclamation
proclaiming August 26th as Women's Equality Day.

The meeting adjourned at 3:40 p.m.

Approved,


James M. McKay
President