

BOARD OF COUNTY COMMISSIONERS' MEETING

Wednesday, September 13, 1978

Present: Commissioner James M. McKay, President
Commissioner Ford L. Dean
Commissioner J. Patrick Jarboe, M.D.
Commissioner John K. Parlett
Edward V. Cox, County Administrator
Judith A. Mullins, Recording Secretary

(Commissioner Millison was not present.)

The meeting was called to order at 10:10 a.m.

READING AND APPROVAL OF MINUTES

The minutes of the County Commissioners' meeting of September 6, 1978 were read. Commissioner Jarboe moved, seconded by Commissioner Dean, to approve the minutes as read. All Commissioners present voted in favor.

ENCUMBRANCE VOUCHERS

Present: Harris Sterling, Director of Finance

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

OVERTIME REQUEST FOR DEPUTIES IN ATTENDANCE AT COUNTY FAIR

The County Administrator presented a request by the Sheriff's Department for payment of overtime to deputies attending the County Fair for security protection. After discussion, Commissioner Jarboe moved, seconded by Commissioner Parlett, to approve the expenditure of overtime in an amount not to exceed what had been approved last year for this purpose. All Commissioners present voted in favor.

OVERTIME PAYMENT FOR CID DEPUTY

The County Administrator presented a request by the State's Attorney for payment of overtime for 6 1/2 hours for a Sheriff's Deputy in the CID Unit. Commissioner Parlett moved, seconded by Commissioner Dean, to approve this request. All Commissioners present voted in favor.

ST. MARY'S COUNTY PARTICIPATION IN SHA BOND

The County Administrator requested concurrence from the Commissioners to schedule a public hearing for the adoption of an Ordinance effecting the County's participation in the State Transportation Bond effort. The Commissioners gave their concurrence.

LETTER TO TALL TIMBERS CITIZENS ASSOCIATION

The County Administrator presented a letter addressed to the Tall Timbers Citizens Association regarding the Tall Timbers bulkhead repairs project. The Commissioners agreed to sign and forward said letter.

LETTER TO RESIDENTS OF COUNTRY LAKES SUBDIVISION

The County Administrator presented correspondence for the Commissioners review and signature addressed to Mr. Doug Ford in response to a petition from residents of Country Lakes Subdivision regarding completion of the construction of streets and roads in Section One of Country Lakes Subdivision. The Commissioners agreed to sign and forward said letter.

LETTER TO PETITIONERS FROM KINGSTON MANOR SUBDIVISION

The County Administrator presented correspondence for the Commissioners' review and signature in response to a petition from residents of Kingston Manor Subdivision indicating that Kingston Creek Road will be reviewed and evaluated during the next budget year process for inclusion in the asphalt resurfacing schedule. The Commissioners agreed to sign and forward said letter.

PLACEMENT OF WELL ON GOVERNMENTAL CENTER PROPERTY

The County Administrator presented a request from Hydrogeological Survey for the placement of a test monitor well in the rear of the Governmental Center property. Placement of a well at this location would have no adverse affect and therefore it was the County Engineer's recommendation to approve the placement of the well. The Commissioners gave their concurrence and it was agreed that the County Engineer would work with Hydrogeological Survey in the placement of such a well.

DEED - RAILROAD RIGHT OF WAY
DUALIZATION OF ROUTE 235

The County Administrator presented a Deed conveying 28.106 acres to the State in connection with the SHA acquisition of property for the dualization of Rt. 235 (Laurel Grove-Hillville), along with the settlement sheet for same. After review Commissioner Dean moved, seconded by Commissioner Jarboe, to authorize Commissioner President McKay to sign said Settlement Sheet and to approve and execute said deed.

CLEARINGHOUSE PROJECT NO. 79-8-244
FMHA HOUSING LOAN - PROPOSED 88 APARTMENTS IN LEXINGTON PARK

The County Administrator presented the referenced clearinghouse project and recommended that it be forwarded to the State with the comment that it is not inconsistent with this agency's plan, programs or objectives; however, attaching comments from the Office of Land Use and Development that they must go through site plan review process. The Commissioners gave their concurrence as long as the area was properly zoned.

ANIMAL WARDEN VEHICLE

The County Administrator presented bids for the replacement of the animal warden vehicle for the Commissioners' review. After review, Commissioner Parlett moved, seconded by Commissioner Dean, to award the bid to Fenwick Ford, low bidder, in the amount of \$7,231, which is the difference between the cost of the vehicle less trade-in. All Commissioners present voted in favor.

OFFICE CLERK (COPY MACHINE OPERATOR)
OFFICE OF PURCHASE AND LOGISTICS

The County Administrator requested approval by the Board to proceed with the advertisement of the referenced position in that the job description has been forwarded to the State and returned with a classification of either Grade 5 or 6 and it was Mr. Cox's recommendation that the position be advertised at Grade 6. After discussion, the Commissioners gave their concurrence that the County Administrator proceed to advertise the position as recommended.

PROCLAMATION NO. 78-51
DISABLED AMERICAN VETERANS
FORGET-ME-NOT WEEK

The Commissioners presented the above-referenced Proclamation proclaiming the week of September 18-24 as Disabled American Veterans Forget-Me-Not Week.

STORAGE OF VOTING MACHINES

Present: Irene Henderson, Supervisor of Elections
Eleanor Peabody, Board of Supervisor of Elections
Alfred Gatton, " " " " "
Joseph E. Bell, II, Attorney

Members of the Board of Election Supervisors described for the Commissioners a storage problems relative to the County's voting machines occasioned by the increased number of machines and inadequate availability of space at the Courthouse. A short-term solution was accepted by the Commissioners' whereby the machines will be stored at the Courthouse in presently vacated office space until the November General Election, after which time a long-range solution will be required for permanent storage and maintenance. The Commissioners directed county staff to work with the Board of Election Supervisors to develop appropriate solutions and present same for Commissioner approval.

REZONING CASE NO. 78-127
JOHN W. PRANN

Present: John W. Prann, applicant
James Kenney, attorney
Alan Phillips)
Jerome Swann)
Robert Singletare) proponents
Eule Conway)
Michael Jones)

Application was made by John W. Prann to have approximately 4 acres known as Graves Hotel Property, in the Seventh Election District, rezoned from R-1 (Rural Residential) to CM (Commercial Marine).

The complete record and tape are on file in the Office of Land Use and Development.

REQUEST FOR REMOVAL OF GUARDRAIL - ST. ANDREWS CHURCH ROAD

With regard to previous discussion of a request by Paul Bennett to have the County absorb the cost for the removal of the guardrail in front of his property on St. Andrews Church Road, the County Administrator stated that it was the opinion of the County Attorney that the County has no obligation to pay this cost. However, since Mr. Bennett had applied for a "perk" test on his property prior to the placement of the guardrail, it would be equitable for the County to negotiate a settlement to share in the cost which is \$1100. After discussion the Commissioners agreed to absorb half of the cost, provide that Mr. Bennett does receive "perk" test approval.

REQUEST FOR WRIT OF CERTIORARI
GUYTHER-GILLAM REZONING CASE (EQUITY NO. 799)

Commissioner Jarboe advised that the County has received the Opinion of the Court of Special Appeals on the referenced case which was heard by the Commissioners on September 8, 1976. The Opinion stated that the Commissioners did not have a quorum at the time the Commissioners made the decision to appeal the Circuit Court's decision on August 3, 1977. Therefore, Commissioner Jarboe moved, seconded by Commissioner Parlett, to request the County Attorney to ask for a Writ of Certiorari in the Guyther-Gillam rezoning case. Three Commissioners voted in favor with Commissioner McKay abstaining; however, stating for the record that even though he was abstaining he wholeheartedly agreed that this be pursued because he did not agree with the decision handed down by the Court.

During discussion, Commissioner Dean stated that the Court of Special Appeals never got to the issues raised by the case which should be addressed.

PUBLIC WHARF - PAUL ELLIS ROAD

Present: John Norris, County Engineer

Mr. Norris stated that the County made application and received \$25,000 grant funds from the Department of Natural Resources for the repair of the public wharf in the Seventh District at the end of Paul Ellis Road. A property owner who lives adjacent to the site has complained about the problems caused by the wharf (nuisance and trash) and has written to the Corps of Engineers relative to the permit application. The County must respond to COE within 30 days of September 8 or application that was submitted to DNR will be considered withdrawn. The County must make the decision whether to repair the pier or not. After discussion, the Commissioners directed the County Engineer to respond to the Corps of Engineers that it is the intent of the County to maintain the wharf as a public facility and request that they proceed with the application.

BRETON BAY SHORE EROSION DISTRICT FEASIBILITY STUDY

Present: John Norris, County Engineer
Jay McGrath, Engineer, Office of County Engineer
Mr. Fred Stutz, Breton Bay
Mr. Stutz, Breton Bay

Mr. McGrath distributed copies of the Department of Natural Resources' Feasibility Study for the Breton Bay Shore Erosion District. The area is located in the Breton Bay community and fronts on Breton Bay. The State prepared the feasibility study to evaluate shore erosion control in this area and recommended a stone revetment along the shore front. There is 1660 lineal feet of shoreline in the area and it is the same type of project that exists at Tall Timbers and Tanners Creek.

After discussion the Commissioners gave their concurrence to proceed with the plan and directed the County Engineer to arrange for a public meeting for the proposed Special Taxing District for Shore Erosion Control District, which was scheduled tentatively for November 8 at 7:30 in the Commissioners' Conference Room.

STATUS REPORT ON ROAD MAINTENANCE

Present: John Norris, County Engineer
James (Junior) Raley, Resident Maintenance Engineer

Mr. Raley appeared before the Commissioners to report on the status of the Surface Treatment program and stated that 46 miles of the 60 mile contract have been completed since June 26, plus an additional 20 miles which was not originally a part of the plan. 14 more miles remain on the contract to be completed, and in order to continue at the current level of effort an additional \$100,000 is needed. After discussion, Commissioner Jarboe moved, seconded by Commissioner Dean to transfer to the Highway Maintenance Account \$100,000, source to be determined by Budget Officer. All Commissioners present voted in favor.

QUEENTREE SUBDIVISION
CORPORATE BOND

Present: John Norris, County Engineer

Mr. Norris advised the Commissioners that a letter was written to the developer of Queentree Subdivision on August 24 advising him of expiration date of the corporate surety for this subdivision and there has been no response to date. He recommended that the bonding company be notified of this if there is no response by the end of the week and that the Permits Office be instructed to refer all requests for building permits to the Commissioners.

After, discussion, Commissioner Jarboe moved, seconded by Commissioner Parlett that if there is no response by Monday, September 18, 1978 that a Stop Work Order be issued until such time as the Public Works Agreement and bonding is brought up to date. All Commissioners present voted in favor.

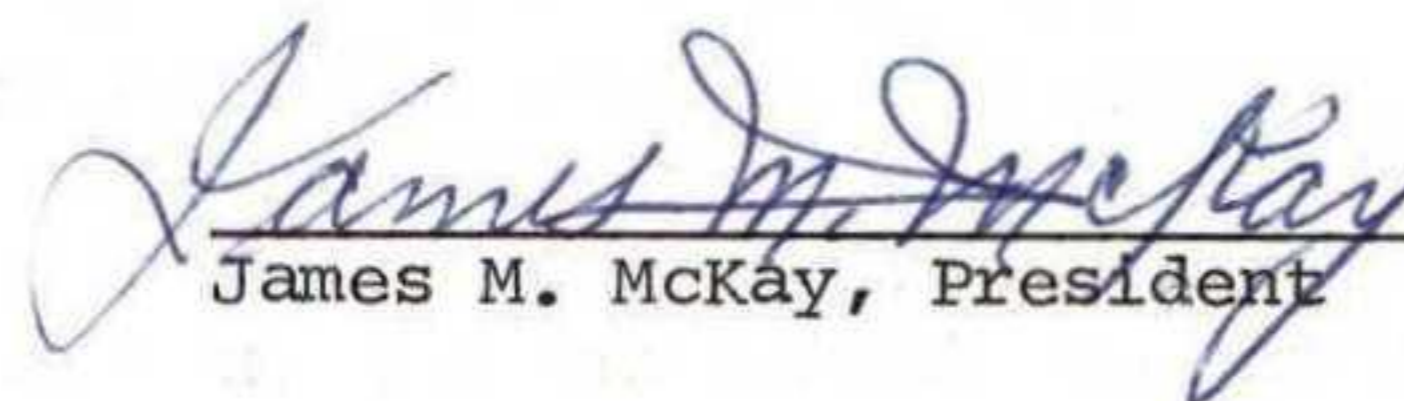
FENWICK MANOR - SECTION ONE

Present: John Norris, County Engineer

Mr. Norris reminded the Commissioners of the deadline they had given the developer of Fenwick Manor on the bonding for the construction of streets and roads which is this week and it was the County Engineer's recommendation that he be given to the end of the month. The Commissioners gave their concurrence.

The meeting adjourned at 3:20 p.m.

Approved,


James M. McKay, President