

BOARD OF COUNTY COMMISSIONERS' MEETING

Wednesday, September 20, 1978

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

The meeting was called to order at 9:00 a.m.

READING AND APPROVAL OF MINUTES

The minutes of the County Commissioners' meeting of September 13, 1978 were read and corrected. Commissioner Jarboe moved, seconded by Commissioner Parlett, to approve the minutes as corrected. All Commissioners voted in favor.

ENCUMBRANCE VOUCHERS

Present: Harris Sterling, Director of Finance

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

GOLDEN BEACH ROAD (DITCHES)

Present: Mr. and Mrs. Joseph Simpson, Golden Beach Rd. resident
Mrs. Labonte, Golden Beach Rd. resident
John Norris, County Engineer

The referenced residents of Golden Beach Road appeared before the Commissioners to express their concerns with the ditch that has been placed in front of their property as a result of the reconstruction of Golden Beach Road. Mrs. Simpson stated that they had been told by the County Engineer's Office that only four feet of their property would be taken for a slope easement and there was no mention of the ditch. The residents displayed pictures of the ditches in front of their property which they stated was hazardous for children in the area as well as created an unsightly situation. Mr. Simpson stated that the pipe used for the drainage ditch was much larger than necessary. The County Engineer explained that the consultant engineer had maintained a 1% fall from existing pipe at Mason Drive to inlet of the catch basin.

Various alternatives were discussed including a covered ditch, and the Commissioners agreed that they would view the site and make a decision at next week's meeting.

PUBLIC HEARING
AMENDED SUBDIVISION REGULATIONS

Present: Frank Gerred, Director, Land Use and Development

At this time the Commissioners conducted a Public Hearing to amend Section 4.03.A.1 (Frontage on Improved Roads) of the Zoning Ordinance. Mr. Gerred read the Notice of Public Hearing.

It was note that the record will remain open for a least ten days prior to making a decision for adoption of the Amended Subdivision Regulations.

A tape of the proceedings is on file in the County Commissioners' Office.

(Commissioner Millison left meeting 10:30 a.m.)

VALLEY ROAD

Present: Jack Greer, Mark IV Associates
Brian Dolan, State Highway Administration
John Norris, County Engineer

Mr. Greer appeared before the Commissioners to arrive at a determination as to the responsibility of the maintenance of Valley Road.

Mr. Greer referred to the County's response of August 2 to his letter of June 22 and stated that he did not believe it should be the developer of Spring Valley's responsibility to maintain Valley Road and he thought the County had taken the road into the County Highway Maintenance System. Continuing, Mr. Greer stated that his office has plans for the development of the two commercial lots on either side of Valley Road, one of which is the Lexington Park Post Office, and discussed the problems encountered because of the question of ownership of the road.

During discussion, Mr. Dolan gave the history of the entrance to Valley Road from Rte. 235 and that the entrance being constructed meets SHA standards.

After discussion, the Commissioners reiterated their position that Valley Road has never been brought up to County standards and therefore has not been accepted by them. The Commissioners suggested that Mr. Greer talk with the owner of the road, Mayjack Corporation, concerning conveying that portion of Valley Road extension that he fronts on and bringing it up to acceptable county standards. The County Attorney volunteered to act as liaison for the County and work with Mr. Greer in this matter.

(Commissioner Millison returned to the meeting 11:15 a.m.)

PRESS CONFERENCE

Present: Sunny Schust, Enterprise
Dave Fox, WKIK
Ingrid Buehler, Beacon
Florence Ballangee, Beacon

The regular twice-monthly press conference was held at this time. tape of the conference is on file in the Commissioners' office.

EXECUTIVE SESSION

Present: John Norris, County Engineer
Dan Ichniowski, " "

The Commissioners agreed to meet in Executive Session with the referenced individuals in order to discuss property acquisition. The Session was held from 1:10 p.m. to 2:10 p.m.

SPRING VALLEY SUBDIVISION

PROPOSED SPECIAL TAXING DISTRICT FOR ROAD IMPROVEMENTS

Present: Keith Fairfax
John Norris, County Engineer

Mr. Fairfax presented a petition by the Spring Valley Subdivision property owners requesting that a Special Taxing District be established by the Commissioners for the repair of the roads and drainage system in the Spring Valley Subdivision.

The Commissioners advised that a public hearing will be scheduled with the property owners at which time drawings will be presented and affidavit available for the owner's signatures. The County Attorney will be contacted to answer questions regarding who should be notified and the procedure to be followed.

TRIAL MOUND SYSTEMS

Present: Walter Raum, Chairman, Environmental Committee

As a follow up to the meeting of August 23, 1978, Mr. Raum appeared before the Commissioners to present three proposed sites for the location of the trial mound systems, which is an alternate on-site sewage disposal system where there is an existing problem and cannot be solved through conventional means.

After discussion, Commissioner Jarboe moved, seconded by Commissioner Millison, to authorize the expenditure of up to \$5,000 per location or five-sevenths, whichever is less, of the cost of the installation of the trial mound system. Any pretank cost is to be borne by the homeowner, excluding the water meter, and not included in the five-seventh determination. Source of funds to be determined by the Budget Officer. All Commissioners voted in favor.

SUPPLEMENT AGREEMENT
JOHNSONGRASS PROGRAM

The County Administrator presented the Supplement Agreement by and between Maryland Department of Agriculture and St. Mary's County of the Control and Eradication of Johnsongrass for Fiscal '78 in the amount of \$606.90. Commissioner Dean moved, seconded by Commissioner Parlett to authorize Commissioner President McKay to sign said Agreement. All Commissioners voted in favor.

APPOINTMENTS TO ECONOMIC DEVELOPMENT COMMISSION

Commissioner Jarboe moved, seconded by Commissioner Dean, to appoint Donald Moore and William Curtis to the Economic Development Commission for terms to expire June 30, 1981. All Commissioners voted in favor.

OVERTIME REQUEST FOR SHERIFF'S DEPUTIES

The Sheriff's Office submitted a request for payment of overtime in the amount of \$589.95 for the period of August 19 to September 15. Commissioner Dean moved, seconded by Commissioner Parlett to request approval. All Commissioners voted in favor.

RESOLUTION NO. 78-53

TAX ABATEMENT (ST. MARY'S GARDEN APARTMENTS)

Commissioner Millison moved, seconded by Commissioner Dean, to approve and sign Resolution No. 78-53 - Tax Abatement (St. Mary's Garden Apartments). All Commissioners voted in favor.

LETTER TO SECRETARY CAHAN, DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT

The Commissioners agreed to sign and forward the referenced letter urging the Department to endorse the efforts of the St. Mary's City Commission in obtaining adequate funding.

LETTER TO DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SECTION 8 ASSISTANCE FOR HOME FOR THE ELDERLY

Commissioner Dean moved, seconded by Commissioner Millison, to sign and forward letter to Mr. Thomas R. Hobbs, Area Manager of Housing and Urban Development indicating that the County is in agreement to grant utilization of Section 8 Assistance to the St. Mary's Home for the Elderly project. All Commissioners voted in favor.

MAINTENANCE CONTRACT - ST. MARY'S COUNTY CODE

The County Administrator presented the proposed contract by and between General Code Publishers Corporation and St. Mary's County providing the mechanism for continuous updating of the County Code. Commissioner Jarboe moved, seconded by Commissioner Parlett, to enter into a contract with General Code Publishers. All Commissioners voted in favor.

COMMISSION ON AGING
FOOD SERVICES CONTRACT

The County Administrator presented the Food Service Contract by and between the Board of Education and St. Mary's County Commissioners for the provision of food services to the elderly at a per meal cost of \$1.50 through June 1979. Commissioner Jarboe moved, seconded by Commissioner Parlett, to enter in said contract. All Commissioners voted in favor.

PUBLIC WORKS ADDENDUM
LAND O' LAKE SUBDIVISION, SECTION II (A AND B)

On behalf of the County Engineer, the County Administrator presented the referenced Public Works Addendum by and between Oliver R. Guyther and Board of County Commissioners of St. Mary's County, extending the expiration date of the Assignment of Funds to Oct. 31, 1978. Commissioner Parlett moved, seconded by Commissioner Jarboe, to approve said Public Works Addendum. All Commissioners voted in favor.

PUBLIC WORKS ADDENDUM
ESPERANZA FARMS (SECTION 2F, 3B, and 5B)

On behalf of the County Engineer, the County Administrator presented the referenced Public Works Addendum by and between Robert G. and Margaret C. Dean and Franklin W. and Mary Gertrude Dean, extending date of completion of streets and roads in said subdivision to March 31, 1979. Commissioner Parlett moved, seconded by Commissioner Jarboe, to approve said Public Works Addendum. Four Commissioners voted in favor, with Commissioner Dean abstaining.

WALDEN COUNSELING CENTER
REQUEST FOR WAIVER OF BUILDING PERMIT FEE

Southern Maryland Community Counseling Agency submitted a request for a waiver of the building permit fee for the refurbishing and construction of administrative office space at Walden Counseling Center. Inasmuch as Walden complies with Resolution No. 75-53 (Abatement of Building Permit Fees), Commissioner Jarboe moved, seconded by Commissioner Dean, to grant said waiver. All Commissioners voted in favor.

REQUEST FOR ADMINISTRATIVE LEAVE
ATTENDANCE AT MCEA CONVENTION

The County Administrator presented a request by the local MCEA President, Joyce Nelson, for two days administrative leave in order to attend the MCEA Conference being held September 27, 28, and 29. Commissioner Jarboe moved, seconded by Commissioner Dean, to approve this request. All Commissioners voted in favor.

ROOF REPAIRS

TUDOR HALL LIBRARY

Correspondence from the President of the Board of Library Trustees was discussed in which a request was made to give immediate attention to the deteriorating condition of a roof at the Tudor Hall Library in Leonardtown. The County Administrator indicated that Library Incentive Funds in the amount of approximately \$80,000 are available for capital improvements. The Commissioners directed county staff to develop proposals with estimated costs and return to the Commissioners for a decision.

COMMISSION ON AGING

SENIOR SERVICES COORDINATOR

The Commissioners discussed memorandum from Senior Services Coordinator dated September 11, 1978 in which the issue was raised relative to serving a new probationary period because of the awarding of a promotion. After some discussion, Commissioner Parlett moved, seconded by Commissioner Jarboe to grant the waiver of the probationary period. Four Commissioners voting in favor with Commissioner Millison voting against.

COMMISSION ON AGING STAFF

By same memorandum referred to above, the Senior Services Coordinator alerted the Commissioners staffing difficulties caused by the approaching termination date for several CETA employees. The County Administrator reported to the Commissioners that all of the positions referred to will be continued.

EMPLOYEES EDUCATIONAL ALLOWANCE

The Commissioners reviewed memorandum dated September 14, 1978 from Mr. Glenn Gass, Engineer Assistant, in which he requested certain considerations which will allow him to obtain a Civil Engineering Degree. In return for the consideration, which are similar to those of the Board of Education, Mr. Gass pledges years of work or payback of costs.

Commissioner Dean moved, seconded by Commissioner Parlett to concur with the request for educational assistance to Glenn Gass. All Commissioners voted in favor.

ST. CLEMENTS ISLAND POTOMAC RIVER MUSEUM

ELECTRICAL NEEDS

The Commissioners discussed correspondence dated August 14 from Michael Humphries relative to electrical needs at the Museum and directed county staff to develop costs and sources of funds for Commissioners' review and decision.

COLTON'S POINT PIER

Present: John Baggett, Director, Recreation and Parks

Mr. Baggett advised the Commissioners that repairs are needed to the pier at Colton's Point prior to the Blessing of the Fleet this coming

weekend and Colliflower and Peterson submitted a proposal in the amount of \$1,102 to do the necessary repairs at the Colton's Point pier. The Commissioners gave their concurrence.

COURTHOUSE RENOVATIONS

Present: John Norris, County Engineer
Edward V. Cox, County Administrator

Mr. Norris referred to the Grand Jury Report received on September 19 which noted that the timetable for the courthouse renovations should be accelerated.

Correspondence was received from Chief Judge Sweeney that the State would provide \$40,000 for District Courtroom renovations, and Mr. Norris indicated that the project would cost considerably more. There was discussion as to the most feasible way to relocate offices in the Courthouse utilizing available office space in order to eliminate overcrowded conditions in certain offices.

After discussion, Commissioner Jarboe moved, seconded by Commissioner Parlett, to authorize the County Engineer to proceed with the alternate plan for courthouse renovations by leaving District Court on lower level, allowing them to use office space on the first floor vacated by Parole and Probation; moving Assessment Office to first floor; and allocating space for the Sheriff's Office on the first floor, then return to the Commissioners with a cost for carpeting and painting. Four Commissioners voted in favor, with Commissioner McKay voting against.

RUSTIC HILL ESTATES

Present: John Norris, County Engineer

Mr. Norris advised the Commissioners that the cost to bring the roads up to county standards in Rustic Hill Estates would be more than the amount that was received in settlement and stated that he would like to use the drainage crew and the Surface Treatment Contract for the amount in excess of the settlement. The Commissioners gave their concurrence.

ASPHALT OVERLAY

AIRPORT RUNWAY

CHAPTICO-MECHANICSVILLE ROAD

Present: John Norris, County Engineer

The County Engineer advised that his office had put out on bids the resurfacing of the airport runway and did not receive any bids. He further stated that there was a possibility that State Aviation Administration would provide 50% of the funding and recommended that the County resurface the runway utilizing current contract with Dean Construction Company and pay truck rental for the hauling of material from Dean's plant to the project site as the specifications had limited the gross weight of the trucks due to the condition of the runway.

In addition, Mr. Norris explained that the condition of the older section of Chaptico Mechanicsville Road was such that a resurfacing would be required prior to this coming winter, and therefore recommended that the current contract with B.F. Asher be utilized and Change Order be processed for the increase in quantities.

After discussion, Commissioner Parlett moved, seconded by Commissioner Jarboe, to authorize the County Engineer to proceed as recommended above for the asphalt overlay of the Airport runway and Chaptico-Mechanicsville Road. All Commissioners voted in favor.

FAIRGROUNDS ROAD

Present: John Norris, County Engineer

Mr. Norris apprised the Commissioners of the hazardous conditions existing on Fairgrounds Road in that at the turn of the road there are some trees within three to five feet from the edge of pavement that should be removed; on the other side there is a ditch that creates a problem at the edge of the road that should be filled in; and a fence along the property that should be relocated. Mr. Norris indicated that he has had difficulty in getting the property owners to allow the work to be done and recommended that the Commissioners look at the site and offer any input. It was agreed that Mr. Norris try to negotiate with the property owners to convince them to allow the county to do the necessary work and with regard to the trees that the County would haul the timber to the lumber yard and property owner would be paid for the value of the timber.

VALLEY ROAD

Present: John Norris, County Engineer

Commissioner Jarboe stated that in December 1974, the previous Board of County Commissioners unanimously passed a motion to accept the continuation of Valley Road, Spring Valley Subdivision, Eighth Election District, into the County Highway Maintenance System. After discussion, Commissioner Jarboe moved, seconded by Commissioner Parlett, that in view of the irregularities involved in the acceptance of this road and in order to clarify the Commissioners' position in this matter, that the County Commissioners declare the motion of December 4, 1974 regarding Valley Road null and void. All Commissioners voted in favor.

(Commissioners McKay and Millison left meeting - 4:00 p.m.)

REZONING HEARING DISCUSSION (CASE NO. 78-126)
CHERRY COVE DEVELOPMENT COMPANY (BRETON BAY PUD)

Present: Frank Gerred, Director, Land Use and Development
Other interested parties

Having conducted a public hearing on August 18, 1978 on the application of Waring Associates and Cherry Cove Development Company to have approximately 250 acres located on Breton Bay Drive and Society Hill Road, Third Election District rezoned from R-1, Rural Residential, to PDR 3.5

and PD-SC., the Commissioners commenced discussion on this matter.

During discussion several questions were raised, included ownership of two parcels, Adequate Public Facilities, wetlands, Coastal Zone Management involvement, impact on roads, accuracy of economic feasibility report, compatibility with Comprehensive Land Use Plan, effect on existing development, phasing of development and water front development. It was agreed that the Director of Land Use and Development would arrange a work session with the following agency representatives to review Memorandum of Understanding and Development Plan and to discuss these questions:

1. Metropolitan Commission
2. Health Department
3. County Engineer
4. Office of Land Use and Development
5. County Attorney

The meeting was scheduled for October 5, 1978 at 7:00 p.m.
(Commissioners McKay and Millison returned to meeting - 4:50 p.m.)

COUNTRY LAKES - SECTION I
EXPIRED ROAD BONDING

Commissioner Jarboe referred to the Commissioners' meeting of August 30, 1978 whereby Ben Burroughs, developer, Country Lakes Subdivision Section I. promised to submit a three-stage development proposal by September 15 setting forth timetable of road construction and bonding for each stage. In that this information has not been received, Commissioner Jarboe moved, seconded by Commissioner Parlett, to direct the County Administrator to prepare correspondence for the Commissioners' signatures to Mr. Burroughs stating that the proposal was not received as promised on September 15 and therefore the County request submission of a bonding mechanism acceptable to the County by November 1 or a Stop Work Order will be issued. All Commissioners voted in favor.

RESOLUTION NO. 78-54
COMMUNITY COLLEGE ADVISORY BOARD

Commissioner Dean moved, seconded by Commissioner Jarboe, to adopt Resolution No. 78- 54 establishing a Community College Advisory Board structured and governed under by-laws, which is made a part of this Resolution. All Commissioners voted in favor.

ZONING AMENDMENT NO. 78-149
KING-KENNEDY ESTATES (SATAV CORPORATION)

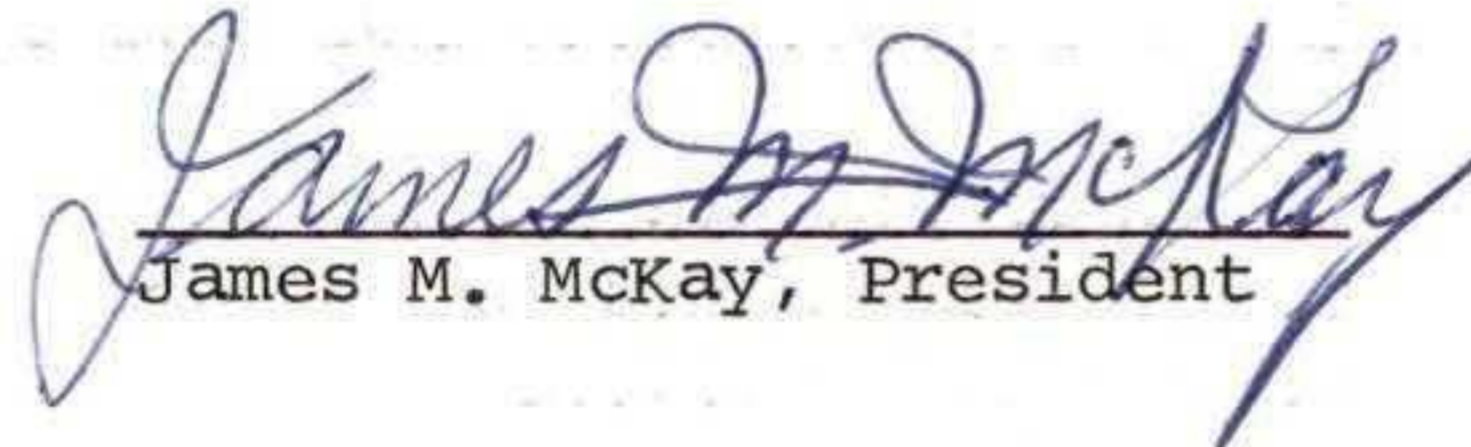
The Commissioners review a draft zoning decision resolution approving the rezoning of 92 acres of land located in the Sixth Election District from AR-2, Agricultural-Residential to PDR 1.0, Planned Development Residential, and approved said Resolution.

Later in the meeting the Commissioners signed Zoned Amendment Resolution No. Z-78-2.

EXECUTIVE SESSION

The Commissioners unanimously agreed to meet in Executive Session in order to discuss consideration of appointments to Boards, Committees and Commissions (Personnel). The Session was held from 5:15 p.m. to 6:15 p.m.

Approved,


James M. McKay, President