

BOARD OF COUNTY COMMISSIONERS' MEETING

Wednesday, January 10, 1979

Present: Commissioner George R. Aud, President
Commissioner Richard Arnold
Commissioner Ford L. Dean
Commissioner Larry Millison
Commissioner David Sayre
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 January 3, 1979 were read and corrected. Commissioner Arnold moved, seconded by Commissioner Aud, 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 Dean moved, seconded by Commissioner Arnold, to approve payment of the bills as submitted. All Commissioners voted in favor.

CLEARINGHOUSE PROJECT NO. 79-12-658
1979 FEDERAL AID PROGRAM UPDATE #1
(MILLSTONE LANDING ROAD)

The County Administrator presented the referenced clearinghouse project which has been reviewed by the County Engineer and recommended forwarding it to the State with the comment that it is not inconsistent with this agency's plans, programs or objectives. The Commissioners gave their concurrence.

DEPOSITORIES FOR ST. MARY'S COUNTY'S FUNDS

The County Administrator stated that approval is needed by the Board of County Commissioners to designate First National Bank of St. Mary's and Maryland National Bank as depositories for St. Mary's County funds. Commissioner Aud moved, seconded by Commissioner Arnold, that the depositories for St. Mary's County's funds be First National Bank of St. Mary's and Maryland National Bank. All Commissioners voted in favor.

CLERK TYPIST - OFFICE OF LAND USE AND DEVELOPMENT

Upon the recommendation of the Director of Land Use and Development, Commissioner Dean moved, seconded by Commissioner Sayre, to appoint Mary Fender to fill the vacancy of Clerk Typist, Grade 5, Step 2, in the Office of Land Use and Development. All Commissioners voted in favor.

APPROVAL OF BOND FOR STATE'S ATTORNEY

The County Administrator presented a bond in the amount of \$5,000 with Fidelity and Deposit Company for State's Attorney Neal Myerberg. Commissioner Aud moved, seconded by Commissioner Dean, to approve said bond. All Commissioners voted in favor.

REQUEST FOR OVERTIME PAYMENT
SHERIFF'S DEPARTMENT

The County Administrator presented a request for overtime payment in the amount of \$639.56 for Sheriff's Department and \$941.88 for deputies in the CID Unit for the period of December 9, 1978 through January 5, 1979.

Commissioner Dean moved, seconded by Commissioner Arnold, to approve said overtime payment request. All Commissioners voted in favor.

CHILDREN AND YOUTH COUNCIL

Present: Delores Hill, Youth Services Coordinator
Martha Clark, State Office on Children and Youth
St. Mary's County 4-C Members
Youth Commission members

Miss Hill discussed with the Commissioners the 1978 Legislation establishing a Maryland Office on Children and Youth and providing for a local Children's Council in each county, members of which are to be appointed by the Board of County Commissioners. Miss Hill presented to the Commissioners the Youth Commission's recommendations regarding the local Children's Council, which is on file in the Commissioners' Office.

After discussion of the recommendations, Commissioner Dean moved, seconded by Commissioner Millison, to accept the recommendations of the Youth Commission and repeal the legislation establishing the Youth Commission and that the Commissioners appoint members of that body to form the new Children's Council for St. Mary's County, and further to submit legislation to change the name from Children's Council to Children and Youth Council. All Commissioners voted in favor.

In addition, upon the recommendation of the Youth Commission, Commissioner Millison moved, seconded by Commissioner Arnold, to appoint Steve Tyler to the State Advisory Committee. All Commissioners voted in favor.

COMMUNITY PARK - CHARLOTTE HALL SCHOOL PROPERTY

Present: John Baggett, Director, Recreation and Parks
Judy Roa, Chairman, Recreation and Parks
Bert Fenwick, Vice-Chairman, Recreation and Parks

Mr. Baggett stated that a site at the Charlotte Hall School property was scheduled to become a community park. In order for this to be done, the property will have to be set aside and surveyed, after which time application

would have to be made to Department of Natural Resources for a 100% grant for the amount of the value of the land. Therefore, Mr. Baggett inquired if the Commissioners have plans to construct a park at this location and if so suggested that an in-house committee be formed to work out the approximate land area so that the grant process could begin.

Mr. Baggett stated that there have been inquiries from the various baseball and football organizations as to the availability of the park and he would like to respond to these groups as soon as possible.

The Commissioners agreed that a committee should be formed to do an overall study of the Charlotte Hall School property to determine the appropriate location of a park without interfering with other uses that the County may make of the property.

In conclusion, Commissioner Dean suggested that the Commissioners review the Comprehensive Recreation and Parks Plan to determine if it embodies the goals the County wants to meet and to determine how far along we are in meeting those goals.

CASH IN LIEU OF LAND

Present: John Baggett
Judy Roa
Bert Fenwick

Mr. Baggett presented a draft resolution whereby the County could accept cash in lieu of recreation and park land from developers. There was discussion as to whether the cash should be deposited in one account or into separate accounts for each area. It was the consensus of the Commissioners that it be placed in one general fund for use where parks are needed. The Commissioners agreed to the \$300 per dwelling unit fee and directed Mr. Baggett to prepare the Resolution for their review and signature at next week's meeting.

PROCLAMATION NO. 79-03
1979 NATIONAL CHILDREN'S DENTAL HEALTH WEEK

Present: Dr. Al Parmentier

The Commissioners presented the referenced Proclamation proclaiming the week of February 4 through February 10, 1979 as National Children's Dental Health Week.

GOVERNOR'S LIAISON

Present: Samuel Bogley, Lt. Governor-elect

Mr. Bogley appeared before the Commissioners to introduce himself as liaison for Governor-elect Harry Hughes with local government and requested the Commissioners input as to any problem areas in the County to be brought to Governor Hughes attention. Some of the areas discussed were: completion of dualization of Rt. 235, variance in Health Department regulations in

jurisdictions, environmental protection of Patuxent River, disbursement of lottery monies, assessment rates and procedures, assurance from the State of the location of the Veterans Home at the Charlotte Hall School property and equalization of tidewater laws.

Mr. Bogley advised that these matters would be brought to Governor Hughes' attention and any other matters the Commissioners may have in the future.

The Commissioners directed that a package of information be prepared by Attorney Fleischaker for the Governor concerning the legal efforts of the Southern Maryland counties to protect the Patuxent River.

ENERGY CONSERVATION IMPROVEMENTS AT PUBLIC FACILITIES

Present: Otis Wood, Director, Emergency Operations Center

Mr. Wood, Energy Conservation Coordinator for the County, informed the Commissioners of the availability of funds to improve energy conservation in certain public facilities. The money is available on a direct county basis or through a tri-county arrangement, and Mr. Wood requested from the Commissioners a policy decision as to which is preferred. The Commissioners directed that available money should be considered on a direct county basis.

REGIONAL RESOURCE CENTER
NORTHERN BRANCH LIBRARY

Present: Kitty Hurry
Robert Goldsmith, Chairman, Library Board of Trustees
Frank Barley, Member, " " " "
Viola Garner, Member, " " " "
Polly Barber, Member, " " " "
W. Edelen Gough, Member, " " " "

The above representatives of the Library Board discussed with the Commissioners various proposals for providing a Regional Resource Center for libraries and a St. Mary's County Library branch, both of which to be located at the Charlotte Hall School property. Speaking on behalf of the group, Mrs. Hurry explained why a new proposal is preferable to those formerly presented. In the past it was proposed that the Regional Resource Center be located in a renovated facility on the Charlotte Hall School main campus. State funding has already been secured to effect that proposal. A branch library for St. Mary's County has been proposed in the Headmasters house at Charlotte Hall School property. Mrs. Hurry explained that the new proposal includes a new site on the Charlotte Hall School property which she described by displaying a plat of the property, located at the intersections of Md. Rtes. 5 and 6. Further, the proposal includes the construction of one facility that would serve both purposes. Since the County owns the property now proposed as the site of the combined facility, the proposal suggests that the County offer the property to the State in return for the property on the main campus set aside for the regional resource center.

The Commissioners agreed in concept with the new proposal provided that the State would accept the obligation of constructing the combined facility at no cost to the County. Mrs. Hurry agreed to convey the proposal and the Commissioners desires to state officials.

The Commissioners reiterated the need for an overall plan directing the uses for the Charlotte Hall school property now owned by St. Mary's County.

TAXPAYERS' ASSOCIATION

Present: Ed Curley, President
J. Claude Jarboe
Col. Boyer
Oran Wilkerson

The above members of the St. Mary's County Taxpayers' Association appeared before the Commissioners to express their concerns with the rising property tax in St. Mary's County and therefore requested consideration by the Commissioners to cut the property tax rate .25¢ for the year 1979-1980 and further to reduce the County Budget 10% below last year's figure.

ST. JOHN'S ROAD
RENTAL CONTRACT CREW

Present: John Norris, County Engineer

Mr. Norris requested authorization by the Board of County Commissioners to use the Rental Contract Crew for the resurfacing of St. John's Road and other projects as directed by the Board. Mr. Norris stated the cost for preparatory work for St. John's Road is approximately \$100,000 to \$125,000, which will come from the asphalt overlay account. After discussion the Commissioners gave their concurrence for this request.

PROJECT NO. 78-1-8
ASPHALT CONTRACT (VARIOUS ROADS IN ST. MARY'S COUNTY)

Present: John Norris, County Engineer

Mr. Norris advised the Commissioners that Dean Construction Company had requested a 10% increase in the asphalt items in Contract No. 78-1-8. Mr. Norris discussed the county's bidding requirements and related a conversation he had with the County Attorney. In summary the County would have the authority to use the bid price that Dean Construction Company submitted on a recent SHA contract so long as it was the opinion of the County that they would not be able to obtain a lower bid if the project was readvertised. Mr. Norris recommended that the Commissioners accept the 10% increase in prices and also requested authorization to extend the limits of the contract by the inclusion of an additional street to be surfaced under this year's schedule. This would utilize the remaining funds in the original contract that resulted from cost savings during construction. The Commissioners concurred and requested Mr. Norris to prepare the necessary contract documents for execution.

EASEMENTS FOR CONSTRUCTION AND DRAINAGE
PATUXENT BEACH ROAD

Present: John Norris, County Engineer

Mr. Norris indicated that authorization is needed by the Board to execute the temporary easement for construction and the permanent easement for drainage; said easements by and between Carl Picone, landowner, and St. Mary's County Commissioners.

Commissioner Millison moved, seconded by Commissioner Arnold, to authorize Commissioner President Aud to sign said easements. All Commissioners voted in favor.

ST. MARY'S COUNTY AIRPORT
REQUEST FOR SURVEY OF CLEARANCE ZONE

Present: John Norris, County Engineer

Mr. Norris advised that the Airport Committee is requesting the Board's concurrence for utilization of funds in the capital area of the Airport Committee for a survey and identification of trees and/or areas of ground that project into the clearance zone required by the FAA around the runway.

Commissioner Aud moved, seconded by Commissioner Dean, to authorize the expenditure of up to \$1,000 for the surveying work at the Airport. All Commissioners voted in favor.

MONTHLY ESTIMATE NO. 4
PROJECT NO. 77-1-8
ROAD SIGNING PROJECT

Present: John Norris, County Engineer

Mr. Norris presented Monthly Estimate No. 4, with Bates and Associates in the amount of \$17,007.12 for the referenced project. Commissioner Dean moved, seconded by Commissioner Millison, to approve said payment. All Commissioners voted in favor.

PUBLIC WORKS AGREEMENT
BURNING OAKS SUBDIVISION

Present: John Norris, County Engineer

Mr. Norris presented the Public Works Agreement by and between General Partnership of Burning Oaks Limited Partnership and the County Commissioners of St. Mary's County with Letter of Credit in the amount of \$45,500, for all of Section II and 200 feet of Section I of Burning Oaks Subdivision. Said Public Works Agreement calls for the completion of the contract by July 1, 1979.

Commissioner Millison moved, seconded by Commissioner Sayre, to approve and sign said Public Works Agreement. All Commissioners voted in favor.

EMERGENCY REPAIRS - GOLDEN BEACH ROAD

Present: John Norris, County Engineer

Mr. Norris advised that he has received a number of inquiries concerning the condition of certain private streets in Golden Beach. He stated that the past policy of the Board had been to make emergency repairs of these roads because it was agreed that these roads would eventually become county roads, hopefully under a special taxing district. He further stated that the roads are not presently in emergency condition; however, with the oncoming winter season, they will be in need of some work.

After discussion concerning similar needs in other areas of the County, the Commissioners gave their concurrence to do emergency repairs, with the stipulation that there will be no emergency repairs to the private roads in Golden Beach after six months from this date. The six-month period will give the residents time to establish a special taxing district. The County Engineer was requested to inform the citizens of this situation.

DISMISSAL OF APPEAL BY COUNTYZONING AMENDMENT NO. 76-6 - GUYTHER GILLAM

Present: Joseph E. Bell, II, County Attorney

(Commissioner Millison did not participate.)

Commissioner Dean moved, seconded by Commissioner Arnold, that the Commissioners sign the Agreement of January 10, 1979 by and between Oliver R. Guyther and the County Commissioners of St. Mary's County setting forth the understanding and agreement of the parties regarding the dismissal of the pending appeal by the County of the court granted change in zoning of the Guyther-owned property located in the Fifth Election District; and further moved to accept the Deed tendered by Mr. Guyther conveying to the County an eight-acre parcel of land; and further agreed to reconveyance of the land with the imposition therein of appropriate covenants restricting the use of the parcel to residential purposes. The deeds were prepared and executed in accord with the Agreement of January 10, 1979. All Commissioners present voted in favor.

HOUSING AUTHORITYSECTION 8 PROGRAM

Present: Don Curtis, former Housing Coordinator
 Bill Greene, Chairman, Housing Authority
 William Butler, Housing Coordinator
 Joseph O'Dell, Budget Officer
 Edward V. Cox, County Administrator

Mr. Curtis and Mr. Greene appeared before the Commissioners in order to respond to various issues raised in a letter from the Director for Housing Management, Department of Economic and Community Development, concerning the administration of funds relative to the Section 8 Housing Program and presented copies of their correspondence responding to the referenced letter.

After some discussion, the Commissioners agreed to await the reaction of the Department of Economic and Community Development and indicated that a future meeting might be in order.

HOUSING AUTHORITY - POLICY DECISION

The above listed individuals requested from the Commissioners a policy decision as to the status of the County Housing Authority. By law the Housing Authority is a public corporation and therefore can exist somewhat autonomously from county government in accordance with the law. However, in recent years the County has more and more treated the Housing Authority as if it were a county agency or a line department. It is believed that a clear policy statement is needed to avoid confusion and duality of operations. The Commissioners requested Mr. Green and other members of the Housing Authority to consider this matter and to arrange an appointment in February to reach a decision as to best modes of operation for the Housing Authority; that is, whether to exist as a municipal corporation and become more autonomous from day to day administrative control of county government or to become in all respects a county government department.

ZONING VIOLATIONS

Present: Joseph E. Bell, II, County Attorney
Frank Gerred, Director, LUD

Case No. 78-00016 - Mr. Gerred advised that the applicant applied for a building permit for a 72' x 26' recreation room on a house and it was discovered that it was being built into a tri-plex on a little more than half an acre. There has been no response to letters the County has sent and that the County has had violation trouble in the past with this particular gentleman. Therefore, Commissioner Dean moved, seconded by Commissioner Aud, to authorize the County Attorney to enforce the Zoning Ordinance in this case as described. All Commissioners voted in favor.

Case No. 78-00026 - Mr. Gerred stated that a request was made for a building permit for a tobacco stripping house and instead a house was constructed. After discussion, Commissioner Dean moved, seconded by Commissioner Arnold, to authorize the County Attorney to enforce the Zoning Ordinance in this case as described. All Commissioners voted in favor.

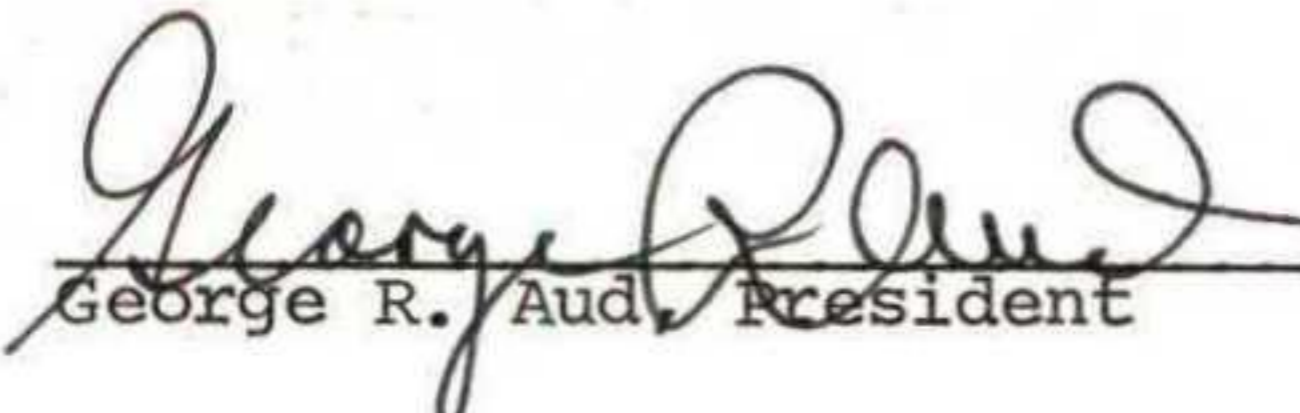
EXECUTIVE SESSION

Present: Joseph E. Bell, II, County Attorney

The Commissioners agreed to meet in Executive Session with the County Attorney in order to discuss a matter of pending litigation. The Session was held from 4:55 p.m. to 5:05 p.m.

The meeting adjourned at 5:05 p.m.

Approved,


George R. Aud, President