

BOARD OF COUNTY COMMISSIONERS' MEETING

Wednesday, August 8, 1979

Present: Commissioner George R. Aud, President
Commissioner Ford L. Dean
Commissioner David F. Sayre
Edward V. Cox, County Administrator
Judith A. Mullins, Recording Secretary

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

APPROVAL OF MINUTES

All Commissioners present unanimously approved the minutes of the County Commissioners' meeting of August 1, 1979 as presented.

ENCUMBRANCE VOUCHERS

The Commissioners unanimously approved payment of the bills as submitted by the Director of Finance.

MILEAGE RATE INCREASE

The Commissioners reviewed correspondence from the Personnel Officer stating that the Maryland State Legislature's Joint Budget Committee approved the Board of Public Works' recommendation for a .02¢ increase in the mileage reimbursement rate. Therefore, approval was requested for the Commissioners to approve an increase from .14¢ per mile to .16¢ per mile mileage reimbursement, effective date to coincide with the state increase. The Commissioners gave their concurrence.

HOUSING AUTHORITY

HUD FUNDS FOR IMPROVEMENTS TO TUBMAN DOUGLAS PROJECT

Present: Joseph P. O'Dell, Budget Officer

Mr. O'Dell explained that HUD has made available to the County special funds for modernization of the maintenance program at the Tubman-Douglas project. To obtain HUD funds a proposal is necessary as to the scope of project. In order to prepare the proposal, Mr. O'Dell requested authorization to employ a local contractor to conduct a construction audit of the homes in Tubman-Douglas. The Commissioners gave their concurrence.

BID TALLY SHEET FOR AUTOMOBILES FOR INSPECTORS
PLANNING AND ZONING OFFICE

Present: Frank Gerred, Director, Planning and Zoning

Mr. Gerred stated that bids were received for the purchase of two automobiles for use by Inspectors in his Department on July 17 and was rebid on August 6. According to the County Attorney, bids could be chosed from each of the two bids. Therefore, it was Mr. Gerred's recommendation that the Commissioners accept the proposal from McKay Implement in the amount of \$5,793 for a 1980 Scout II International (bid received July 17) and from Aldridge Ford in the amount of \$4,016. The Commissioners were in agreement to accept Mr. Gerred's recommendation.

AIRPORT COMMITTEE

As a followup to last week's discussion with the Airport Committee members, the County Administrator recommended that the County proceed with the advertisement of the public hearing for the establishment of an Airport Commission. The Commissioners gave their authorization for this.

APPOINTMENTS

Commissioner Dean moved, seconded by Commissioner Sayre, and unanimously approved by the Board, to make the following appointments:

Commission for Women

Mrs. Patty Kuzmick (for a term to expire June 30, 1980)

County-Owned Property Inventory Task Force

Joseph E. Bell, II, County Attorney
William S. Lawrence, Supervisor of Assessments
Paul R. Raley, Director, Purchasing and Logistics
Frank Gerred, Director, Planning and Zoning
J. Patrick Jarboe, M.D., Taxpayers' Association
J. Jackson Raley

CLEARINGHOUSE PROJECT NO. 80-8-152
MD. RT. 5 - RELOCATION TO MD. RT. 245

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 plans, programs or objectives. The Commissioners gave their concurrence.

TRI-COUNTY COMMUNITY ACTION COMMITTEE
REQUEST FOR LETTER OF ENDORSEMENT

The County Administrator presented correspondence from Tri-County Community Action Committee requesting a letter of endorsement from the Commissioners in support of TCCAC'S effort in seeking technical and supervisory grant assistance for low income families dealing with Farmers Home Administration. The Commissioners gave their concurrence and directed the County Administrator to prepare the letter of endorsement.

RESOLUTION NO. 79-47
DEVELOPMENT GRANT AGREEMENT
ST. MARY'S COUNTY AIRPORT

Commissioner Dean moved, seconded by Commissioner Sayre, to adopt and sign Resolution No. 79-47, which adopts and approves the issuance of a Grant Agreement between St. Mary's County, Maryland and the United States of America, Federal Aviation Administration, providing for federal aid in the development of the St. Mary's County Airport, California, MD. All Commissioners voted in favor.

COUNCIL ON CHILDREN AND YOUTH - BY LAWS

As requested by the Youth Services Coordinator and representatives of the Council on Children and Youth at last week's meeting, the County Administrator recommended that the Commissioners approve the by-laws. Commissioner Sayre moved, seconded by Commissioner Aud, to approve and adopt the by-laws for the St. Mary's County Council on Children and Youth. All Commissioners voted in favor.

NURSING HOME ACCESS ROAD

Present: John Norris, County Engineer

With regard to the construction of the access road to the Nursing Home, Mr. Norris advised that a sewer line needs to be replaced on the property of Mr. and Mrs. William C. Long. Therefore, Mr. Norris submitted a contract from B. I. Mattingly in the amount of \$1,864 for the replacement of the sewer line. The Commissioners gave their concurrence to reimburse Mr. William C. Long for the installation of the sewer pipe in the amount of \$1,864.

PROJECT NO. SM 79-1-5
RECONSTRUCTION OF ST. JOHN'S ROAD

Present: John Norris, County Engineer

Mr. Norris advised the Commissioners that alignment needs to be established in the reconstruction of St. John's Road and stated that proposals were solicited from various surveying firms. Mr. Norris stated that the lowest proposal was received from J. R. McCrone, dated August 8, 1979, for the provision of a center line horizontal and vertical profile in the amount of \$2,240. The Commissioners gave their concurrence.

PROJECT NO. SM 79-4-6
AIRPORT OBSTRUCTION CLEARING PROJECT

Present: John Norris, County Engineer

Mr. Norris stated in compliance with federal regulations he contacted The Floyd Company for a review the appraisals made by J. Spence Howard of the four sites at the St. Mary's County Airport. The Floyd Company submitted a proposal dated August 6 in the amount of \$200 per appraisal for a total of \$800.

The Commissioners requested Mr. Norris to obtain proposals from local firms for the appraisal review to try to obtain a lower figure. The Commissioners unanimously agreed to authorize Commissioner President Aud to approve a proposal for the appraisal reviews in an amount not to exceed \$800.

ACCEPTANCE OF DEED
BURNING OAK SUBDIVISION, SECTION II

Present: John Norris, County Engineer

Mr. Norris presented a Deed dated July 17, 1979 by and between Burning Oak Limited Partnership and the Board of County Commissioners accepting Hollybank Drive in Burning Oak Subdivision, Section II, Fourth Election District, into the County Highway Maintenance System. The Commissioners unanimously concurred to accept said Deed.

ACCEPTANCE OF DEED
WILDEWOOD SUBDIVISION, SECTION TWO

Present: John Norris, County Engineer

Mr. Norris presented a Deed dated August 30, 1979 by and between Paragon Builders, Inc. and the County Commissioners of St. Mary's County accept Shady Hollow Lane, Wildewood Subdivision, Section Two, Eighth Election District, into the County Highway Maintenance System. The Commissioners agreed to accept said Deed.

WAIVER OF TAXES - COOPERS CREEK

Present: John Norris, County Engineer

Mr. Norris stated that the Commissioners had accepted the Deed by and between John Wayles Kennedy, Margaret Kennedy, Alexander Kennedy Hendon, and Patricia Kennedy Garrabrant, devisees of the will and testament of Laura Kennedy Coad for the parcel of land to be used as a right of way for a marine channel for the Coopers Creek dredging project. Mr. Norris stated that taxes have not been paid on this property and therefore request a waiver of the payment of taxes.

Commissioner Dean moved, seconded by Commissioner Aud, to approve the waiver of taxes as referred to above in order for the Deed to be recorded. All Commissioners present voted in favor.

REVISED PUBLIC WORKS AGREEMENT
SOTTERLY MANOR, SECTION TWO

Present: John Norris, County Engineer

Mr. Norris presented a revised Public Works Agreement for Sotterly Manor, Section Two, setting forth requirements for stages of completion, along with

revised bonding in the amount of \$65,000. The Commissioners agreed to accept said revised Public Works Agreement and bonding.

PROJECT NO. 80-1-1
SURFACE TREATMENT CONTRACT

Present: John Norris, County Engineer

Mr. Norris presented the bid talley sheet for the Surface Treatment of Various County Roads and recommended that the bid be awarded to Dean Construction Company in the amount of \$191,820. The Commissioners gave their concurrence.

PROJECT NO. 79-3-1
CONSTRUCTION OF PAUL ELLIS PIER

Present: John Norris, County Engineer

Mr. Norris presented the bids for the referenced project and recommended that the bid be awarded to Colliflower and Peterson, the lowest bidder in the amount of \$5,240. The Commissioners gave their concurrence.

ST. GEROGE'S CREEK - SPOIL DISPOSAL AREA

Present: John Norris, County Engineer

Mr. Norris stated that the Army Corps of Engineers has notified the County that the County's participation in the spoils disposal area at St. George's Creek will be approximately \$40,000. Mr. Norris suggested looking into the possibility of open space funds being made available or other source of funds. During discussion of this matter, the Commissioners requested Mr. Norris to draft a letter to the Congressional Delegation requesting their comments on the regulations pertaining to the Corps of Engineers funding of these type of projects.

STATUS OF ROAD BONDS

Present: John Norris, County Engineer

Mr. Norris presented and reviewed with the Commissioners the road bond status of the various subdivisions in the County.

MENTAL RETARDATION ADMINISTRATION
SOUTHERN MARYLAND RETARDATION CENTER PROPOSAL

Present: Dennis Byrne, Mental Retardation Administration
Rick Glaser, " " "
Dr. Richard Martin, Chairman, Mental Health Adv. Com.
Mr. Marek, Deputy Health Officer
Lanny Lancaster, Assoc. for Retarded Citizens
Renee Dixon, " " " "
Eileen Hislop, Past President, ARC
Cecelia Price
other interested citizens

The above referenced representatives of the Mental Retardation Administration appeared before the Commissioners to present a proposal for a Southern Maryland Retardation Center to be located in LaPlata, which is a planned 50-bed facility for the severely and profoundly retarded in the tri-county area. By way of slides and charts, Messers Byrnes and Glaser presented facts and figures developed by the state as to the numbers of retarded citizens in the tri-county area and current and projected needs with regard to education, vocational, health, and counselling, etc.

After the presentation, there was a question and answer period during which concern was expressed by the Commissioners and the citizens present of the cost of the facility (\$1,900,000; \$800,000 per year to operate) and that the money could be better used by having community based facilities in each of the counties. Other concerns expressed were: the fact that the proposed center would mean a net increase of only five beds allocated to St. Mary's County; the institutionalization of the retarded which is contrary to what has been proven nationally to be best for the individual; little or no input from the local community on the proposal for the center; and the lack of communication between the Mental Retardation Administration and the local area.

Mr. Glaser advised that this proposed facility is planned in conjunction with other community based facilities and services.

In closing, the Commissioners requested that a proposal be drafted that would be satisfactory to all concerned.

COMMENDATION - DR. J. ROY GUYTHER

Present: Dr. J. Roy Guyther

The Commissioners presented a Commendation to Dr. J. Roy Guyther for his outstanding and praiseworthy service to St. Mary's County community and for his professional and volunteer capabilities, and recognizing his award as "Family Doctor of the Year."

REZONING HEARING
CASE NO. ZA 79-82
PATUXENT DEVELOPMENT CORP. AND
MARTHA MILLISON

Present: Charles Norris, Attorney for applicant
Frank Gerred, Director, Planning and Zoning
Anita Meredith, Recording Secretary

The Commissioners conducted a public hearing on the application Patuxent Development Corp and Martha Millison to have rezoned approximately 8.5 acres of land located on the west side of Md. Rte. 5, just north of Charlotte Hall, Tax Map 4, Parcel 5, Fifth Election District, from C-1, Commercial to C-2, Commercial.

The complete record, tape and minutes are on file in the office of Planning and Zoning.

PUBLIC HEARING
AREA PLAN FOR PROGRAMS ON AGING

Present: Billye McGaharn, Senior Services Coordinator

A public hearing was held on the Area Plan for Programs on Aging Under Title III of the Older Americans Act for the eight planning and service areas for FY 1980.

Mrs. McGaharn read the Notice of Public Hearing and proceeded to review the Plan document, discussing the various positions in the Commission on Aging Office and the COA budget.

The record will remain open for at least ten days and Mrs. McGaharn requested approval by the Board to give authorization to Commissioner President Aud to sign off on the Planning document. The Commissioners gave their concurrence.

The tape of the proceedings of the public hearing is on file in the County Commissioners' Office.

BIDS ON TWO HEAVY DUTY MOWERS

Present: John Baggett, Director, Recreation and Parks

Mr. Baggett presented the bid tallley sheet for the purchase of two heavy duty mowers and recommended that the bid be awarded to McKay Implement for a total of \$4,048. The Commissioners gave their concurrence.

EXECUTIVE SESSION

Present: John Baggett, Director, Recreation and Parks

The Commissioners agreed to meet in Executive Session in order to discuss land acquisition. The Session was held from 2:15 p.m. to 2:40 p.m.

ST. PETER CLAVER PROPERTY LEASE AGREEMENT

PRESENT: John Baggett, Director, Recreation and Parks

After review, Commissioner Aud moved, seconded by Commissioner Dean to approve and sign the Lease Agreement by and between Re. William W. Baum and the St. Mary's County Board of Recreation and Parks and the St. Mary's County Commissioners for a 25-year lease of 15 acres at the St. Peter Claver Church property for use as a community park. All Commissioners voted in favor.

GRANT APPLICATION
HOLLYWOOD PARK PROPERTY

Present: John Baggett, Director, Recreation and Parks

Mr. Baggett presented the Grant Application to be submitted to Department of Natural Resources, Program Open Space for 100% funding in the amount of \$219,875 for the purchase of Hollywood park property, for which the County had signed a option to purchase previously.

Commissioner Dean moved, seconded by Commissioner Sayre, to authorize Commissioner President Aud to sign said Grant Application. All Commissioners voted in favor.

VIOLATION OF BUILDING PERMIT REQUIREMENTS
LOTS 10 and 11 - TOWN CREEK

Present: Marv Franzen, developer
Ed Florence
Frank Gerred, Director, Planning and Zoning
Jeff Poley, Zoning/Subdivision Administrator
Walter Raum, Director, Environmental Hygiene
Joe Densford, Asst. County Attorney

Mr. Franzen appeared before the Commissioners to attempt a settlement of the issue of the violation of the Building Permit requirements for Lots 10 and part of Lot 11 in Town Creek in order to avoid the impending court action which the County has initiated against Mr. Franzen.

The problem was discussed in detail by Mr. Franzen and county staff as well as discussion of available alternatives. The Commissioners advised that the matter could be resolved if the following three things were to occur:

1. Obtaining of appropriate building permit
2. Going to Planning Commission for resubdivision process
3. Either obtaining required 10,000 square feet disposal area or connection to Metropolitan Commission sewer line on Town Creek Drive.

It was agreed that Mr. Gerred, Mr. Raum, the County Attorney and Mr. Franzen would get together to try to resolve the matter outside of Court and in order to allow time to do this, the Commissioners agreed to suspend court action for the indefinite future.

CETA PERSONNEL - STATE HIGHWAY ADMINISTRATION

Present: John D. Raley, Resident Maintenance Engineer
John Norris, County Engineer

Mr. Raley expressed his concerns to the Commissioners that because of the CETA personnel reductions, State Highway's CETA employees will be reduced from 20 to 5 and stated that he felt this would affect his department's operation severely. The Commissioners requested the County Administrator to try to work out a solution to alleviate this situation.

FAIRGROUNDS ROAD - DRAINAGE PROBLEM

Present: Mr. and Mrs. Suit
Senator Paul Bailey, Attorney for the Suits
John Norris, County Engineer
William Lacey, SHA
Mr. John D. Raley, SHA
Harry W. Dement, SHA
Mr. William Dominic Abell
George Donald Abell
Leo Klear

Senator Bailey on behalf of Mr. and Mrs. Suit appeared before the Commissioners to discuss the drainage problem on Fairgrounds road, which his clients feel is a result of the hole dug by the County for the placement of a drain pipe. Senator Bailey stated that water drains from neighboring property onto the Suit property, and requested that the County remove the pipe.

Representatives of the State Highway Administration claimed that a pipe had existed at that location before and that the road had been elevated and widened and a new pipe installed. Mr. Suit and Messers Abell (previous residents of the Suit farm) testified that there was never a pipe at that location. Mr. Suit stated that trash and leaves have been accumulating in his field because of the drainage onto his property.

After a lengthy discussion, the Commissioners agreed to meet on the site with all parties concerned on Tuesday 4:00 p.m.

REZONING DECISION DISCUSSION
CASE NO. 79-73
LESTER KRAFT

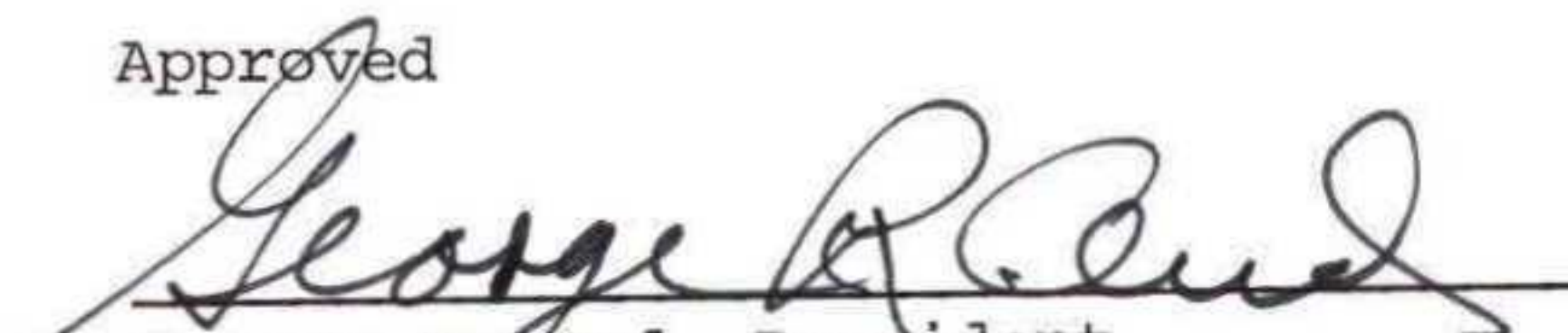
Present: Frank Gerred, Director, Planning and Zoning

Having conducted a public hearing on July 25, 1979 on the application of Lester Kraft to have rezoned the property containing the Siesta Motel, Tax Map 34, Parcel 117, on Md. Rt 235, Eighth Election District, consisting of approximately 1.7 acres, from R-2, Residential, to C-2 Commercial, the Commissioners commenced discussion.

After discussion, Commissioner Dean moved, seconded by Commissioner Sayre, to grant the rezoning request as outlined in the paper prepared by Commissioner Dean setting forth the findings of fact and that said paper be forwarded to the County Attorney for drafting of the appropriate Resolution for the Commissioners' review and signatures. All Commissioners present voted in favor.

The meeting adjourned 4:40 p.m.

Approved


George R. Aud, President

August 8, 1979
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