

BOARD OF COUNTY COMMISSIONERS' MEETING

Wednesday, September 26, 1979

Present: Commissioner George R. Aud, Present
Commissioner Larry Millison, Vice-President
Commissioner Richard D. Arnold
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 9:10 a. m.

APPROVAL OF ENCUMBRANCE VOUCHERS

Commissioner Millison moved, seconded by Commissioner Aud, to approve payment of the bills as submitted by the Director of Finance. All Commissioners voted in favor.

APPROVAL OF MINUTES

Commissioner Dean moved, seconded by Commissioner Aud to approve the minutes of the County Commissioners' meeting of September 5, 1979 as submitted. All Commissioners voted in favor.

ST. MARY'S COUNTY AIRPORT

Present: George Sullivan, Chairman, Airport Committee
Austin White, Member Airport Committee

The referenced members of the Airport Committee appeared before the Commissioners to present a letter for the Commissioners' signatures addressed to Southern Maryland Aviation regarding performance and the responsibilities of the lease at the Airport. The Commissioners signed said letter.

September 26, 1979

Page 351

Mr. Sullivan stated that since the letter had been composed that there are new developments in that it is rumored that the operator of the Airport, Southern Maryland Aviation, will no longer be operating as of Saturday. If this proves to be true, the Commissioners agreed that a letter be forwarded to the operator concerning abandonment of the lease and authorized Commissioner President Aud to sign same. Mr. Sullivan stated that the Airport Committee would be operating the Airport in the absence of a lessee until that time when a new operator is contracted.

REQUEST FOR ATTENDANCE AT CONFERENCE
ASSISTANT COUNTY ATTORNEY

The County Administrator presented a request by Joseph Densford to attend the National Institute of Municipal Law Officers Legal Education Program in Los Angeles from November 11 through 14. Since Mr. Densford is also the Attorney for Leonardtown, half the costs will be paid by the Town Commissioners. The Commissioners gave their approval to fund their portion of this conference.

CANCELLATION OF DEDICATION OF SMECO OFFICE

The County Administrator advised the Commissioners that the dedication of the new Southern Maryland Electric facility in Leonardtown scheduled for October 12 has been cancelled.

WINTERIZATION OF HEAD MASTERS HOUSE

The County Administrator requested authorization from the Commissioners to proceed with the winterization of the Head Master's House at Charlotte Hall once the building is closed after the Oyster Festival. The Commissioners gave their concurrence.

VACANT HOUSE ON COUNTY-OWNED CHARLOTTE HALL PROPERTY

The County Administrator advised the Commissioners that since the land is cleared for the construction of the Fifth District Elementary School, the vacant house owned by the County is now visible. Mr. Cox stated that he will at a later date present a proposal to the Commissioners for the disposal of this house.

DUALIZATION OF RTE. 235

Present: Delegate John William Quade
John Norris, County Engineer

Delegate Quade appeared before the Commissioners to discuss getting the dualization of Rte. 235 expedited. Because of impending condemnation proceedings on the Laurel Grove to Hillville section of Rte. 235, Delegate Quade recommended that the County combine efforts with Southern Maryland Electric Cooperative, because of relocation of poles, to take care of these condemnations and further to proceed with the engineering study for the Hollywood to St. Andrews section.

The Commissioners concurred and agreed that the County Attorney should work with the attorney for the electric company on this matter.

MENTAL HEALTH REGIONAL CENTER

Present: Delegate John William Quade

Delegate Quade advised that he was appointed Chairman of the Sub-Committee to look into and examine the feasibility of an alternative proposal to Cheltenham. Because of threats by the State Health Department, a bond bill in the amount of \$7,500,000 is being requested in order to improve the Cheltenham facility, of which the tri-county's share would be 25%. He stated that it was the recommendation of the Tri-County Mental Health, Inc. for a separate facility for the tri-county area. Delegate Quade stated that after discussion with the County Commissioners of Charles and Calvert Counties a list of proposed sites was established which included the Charlotte Hall School property and the Hughesville correctional center site among others; however, these two locations were the first two choices.

September 26, 1979

Page 353

The Commissioners stated that they would consider the proposal and advise of their decision at a later meeting.

WATERSHED PROJECT

Present: John Hall, Soil Conservation Service

Mr. Hall appeared before the Commissioners to explain the history of the watershed project, explaining that it was established because of the flooding in the Great Mills area and went on to discuss the procedure for land acquisition.

The Commissioners referred to the letter from the Department of Agriculture regarding the Farmers' Home Administration bank accounts for this project. Mr. Hall advised that the question of these accounts should be examined in light of possible requirements to reimburse the State of Maryland for said funds. The Commissioners directed the County Administrator to determine the reimbursement requirement prior to any action on the question of whether to terminate the Farmers' Home Administration accounts.

SOTTERLY MANOR, SECTION II

Present: George Sparling, Attorney for developer
Joseph Densford, Assistant County Attorney
John Norris, County Engineer

Mr. Sparling appeared before the Commissioners to present a proposal with regard to the bonding for the completion of the roads in Sotterly Manor, Section II. He stated that a reliable contractor has been hired and he is prepared to do what is expected.

The Commissioners reviewed the proposal submitted by Mr. Sparling which sets forth the cash performance agreement valuation which would change the type of surety and would be an interest bearing account with scheduled draws on the funds.

The Commissioners agreed to meet in Executive Session in order to discuss this matter which is a matter of possible litigation. The Session was held from 11:30 a.m. to 11:50 a.m.

After the Executive Session, the Commissioners advised Mr. Sparling that their main concern is the alleviation of the problem existing with regard to the condition of the roads in Sotterly Manor, Section II and therefore requested that the developer have his contractor put gravel down, to be completed by November 30, 1979, which would be physical evidence of good will on the developer's part. Upon completion of the bank run gravel, the Board would then entertain the attorney's bonding proposal and give consideration to lifting the "Stop Work Order" now in effect.

BLACK HISTORY IN ST. MARY'S COUNTY

Present: Anne Courtney

Mrs. Courtney explained to the Commissioners that she has been doing research and has discovered that there is very little written black history in St. Mary's County. She stated that in the process of doing this research she has learned that there are many blacks in the County with a vast knowledge of their heritage and she felt that this information should be recorded. Mrs. Courtney, therefore, proposed to the Commissioners that she be commissioned by the County to proceed to write a black history book for St. Mary's County.

The Commissioners directed that Mrs. Courtney meet with the County Administrator to develop a written proposal as to expenses and present this proposal to the Commissioners for consideration. The Commissioners also agreed that they would in the meantime look into the possibility of grants for this project.

REZONING DECISION DISCUSSION
CASE NO. ZA 79-11
SCRIVENER, ET AL

Having conducted a public hearing on August 29, 1979 on the application of John T. Scrivener, Jr., Susan A. Scrivener and Joseph M. Scrivener and Jeanette Francis Scrivener to have Part of parcel 11 of Tax Map 62, located on Cooper Creek in the Second Election District rezoned from R-1, Rural Residential, to CM Commercial Marine, the Commissioners commenced discussion.

Commissioner Dean began the discussion by presenting a paper recommending approval of the rezoning with the limitations as set forth by the applicant's attorney at the Planning Commission meeting.

After discussion, Commissioner Millison moved, seconded by Commissioner Arnold, that the County Attorney be directed to draft the appropriate Zoning Resolution based on the findings of fact to approve the zoning request, however, without the limitations. Four Commissioners voted in favor, with Commissioner Dean voting against the motion stating for the record that he is in favor of the rezoning from its present status to Commercial Marine as requested by the applicant which included the limitations that he proffered and since the motion as it is now put forth is not with the limitations as proffered, he could not vote for the motion.

ZONING DECISION DISCUSSION

CASE NO. 79-81

DONALD L. MURPHY/GORDON N. METZKER

Present: Frank Gerred, Director, Planning and Zoning
Anita Meredith, Recording Secretary, P & Z

Having conducted a public hearing on September 5, 1979 on the application of Donald Murphy and Gordon Metzker to have approximately 30,502 acres of land located on the northern side of Md. Rt. 5, south of its intersection with Md. Rt. 6, Tax Map 4, Parcel 69, Fifth Election District, rezoned from AR-2, Agriculture-Residential, to C-2, Commercial, the Commissioners commenced discussion.

After discussion, Commissioner Dean moved, seconded by Commissioner Arnold to direct the County Attorney to draft the appropriate Zoning Resolution to approve the rezoning of approximately 20 acres based on findings of fact as set forth in the paper submitted by Commissioner Dean. All Commissioners voted in favor.

ZONING RESOLUTION NO. Z 79-08
J. FRANK ABELL - CASE NO. ZA 79-26

Commissioner Arnold moved, seconded by Commissioner Millison, to approve and sign Zoning Resolution No. Z 79-08 (J. Frank Abell, Zoning Case No. ZA 79-26), rezoning a parcel of land containing 2.82 acres, more or less and located on the west side of Md. Rt. 5 in the Fifth Election District, identified as Parcel 24 on Tax Map 9 from AR-2 to C-2, with the provision as set forth in said Zoning Resolution. Four Commissioners voted in favor, with Commissioner Dean voting against because the resolution does not address the concerns he had expressed previously.

COMMISSION ON AGING
NOTIFICATION OF GRANT AWARD TITLE III-C AND TITLE III-B

By letter dated September 18 from the State Office on Aging, the County was notified that an additional appropriation of Title III-C funds has been received for disposition and that \$1,019 will be forwarded to St. Mary's County. In addition, by letter dated September 21, State Officing on Aging notified the County that Title III-B was amended to the amount of \$7,512. The Commissioners authorized Commissioner President Aud to sign said Notification of Grant Awards as set forth above.

ST. CLEMENTS ISLAND SHORE EROSION CONTROL PROJECT
REQUEST FOR WAIVER OF BUILDING PERMIT FEE

Present: Frank Gerred, Director, Planning and Zoning

Mr. Gerred advised that the State Department of Natural Resources has requested a waiver of the building permit fee for the placement of rip-rap for the St. Clements Island Shore Erosion Control Project. The Commissioners approved this request and directed that the County's Resolution No. 75-53 be amended to include government agencies as being eligible for waiver of building permit fees.

ADDENDUM TO PUBLIC WORKS AGREEMENT
COUNTRY LAKES SUBDIVISION

Commissioner Aud submitted the most recently revised, proposed Addendum to the Public Works Agreement for Country Lakes for review by the Commissioners.

After review and discussion, Commissioner Arnold moved, seconded by Commissioner Millison, to approve and adopt the Addendum to the Public Works Agreement for Country Lakes, to be typed in final to include an amendment, and to authorize Commissioner President Aud to sign said Addendum. Four Commissioners voted in favor, with Commissioner Dean voting against in that the document did not adequately address bonding requirements.

ZERO LOT LINE DEVELOPMENT
LEXINGTON PARK FIRE DEPARTMENT

Present: Mr. Braddock, Lexington Park Fire Department
Jeff Poley, Zoning/Subdivision Administrator

Mr. Poley advised that the amended Zoning Ordinance text allows "Zero Lot Line Development", which allows building on the lot line with no set back as long as agreement is obtained from the adjacent property owner. He stated that the Lexington Park Fire Department desires to add on to their building to the lot line and the adjacent property owner is the County.

After discussion, Commissioner Millison moved, seconded by Commissioner Arnold, to allow the Lexington Park Fire Department to build up to the lot line of the County property. All Commissioners voted in favor.

LEXINGTON PARK FIRE DEPARTMENT
ABATEMENT OF BUILDING PERMIT FEE

Upon request of the Lexington Park Fire Department for a waiver of the building permit fee for the construction of the addition to the firehouse, Commissioner Millison moved, seconded by Commissioner Arnold to abate the building permit fee for the Lexington Park Fire Department. All Commissioners voted in favor.

TANNERS CREEK COURT CASE

Present: John Norris, County Engineer

Mr. Norris advised the Commissioners that he and Jay McGrath of his office will be spending a considerable amount of time during the next two weeks in Baltimore with regard to the Tanners Creek Court Case and requested authorization by the Board that they be allowed to stay overnight if they have to stay late and be in court again the next day. The Commissioners gave their concurrence.

ESTIMATE NO. 8 - PROJECT NO. SM 76-7-1
SPRING VALLEY ROADS PROJECT

Present: John Norris, County Engineer

Mr. Norris presented Voucher No. 27766 payable to B. F. Asher in the amount of \$21,877.25 for Estimate No. 8 for the Spring Valley Roads project. The Commissioners concurred in the payment of this voucher.

SPRING VALLEY ROADS

Present: John Norris, County Engineer

Mr. Norris presented the final partial payment to James Mayonado in the amount of \$4,644 for manholes, inlets, etc. for the Spring Valley Roads project (Project No. 76-7-1). The Commissioners gave their concurrence in the payment of this amount.

With regard to the above project, Mr. Norris requested authorization from the Board to extend the existing asphalt contract with Dean Construction Company to include the asphalt tonnage for Spring Valley using existing prices from the contract. Therefore, Commissioner Millison moved, seconded by Commissioner Arnold to authorize the President of the Board to sign the Extra Work Order for Dean Construction Company for Project No. 79-1-5 at the value of \$108,595.14 for the asphalt tonnage for Spring Valley. All Commissioners voted in favor.

PARK HALL ESTATES
COMPLETION OF STREETS AND ROADS

Present: John Norris, County Engineer

Mr. Norris advised the Commissioners that the Public Works Agreement for Park Hall Estates expires November 30, 1979 and it appears that the developer will not have the roads completed by that date. Therefore, Mr. Norris recommended that the Commissioners allow the developer to extend the completion to some time in the Spring. The Commissioners requested to hold this item until next week's meeting.

GREENS REST MANOR SUBDIVISION

Present: John Norris, County Engineer

Mr. Norris advised that the completion date for the streets and roads in Greens Rest Manor Subdivision is October 11, 1979. Inasmuch as the developer will not be able to complete the roads by that date and since Mr. Norris has been unable to contact the developer to suggest that he obtain an extension, Mr. Norris recommended that the Commissioners effect a "Stop Work Order" on October 11 unless extension documents are received prior to that date.

The Commissioners gave their concurrence.

KNOLLAND SUBDIVISION, SECTION II

Present: John Norris, County Engineer

Mr. Norris advised the Commissioners that no additional work has been done in Knolland Subdivision, Section II, since the matter was discussed with the Commissioners last Spring. He stated that the matter will be going to Court and therefore submitted a proposal by D. H. Steffens Company dated September 21 to provide testimony in Court for the referenced matter.

The Commissioners agreed to accept said proposal.

RAILROAD RIGHT-OF-WAY

Present: John Norris, County Engineer

Mr. John Norris presented correspondence dated September 14, 1979 from State Highway Administration regarding acquisition of the railroad right-of-way for the improvement of Route 235 from Hollywood to St. Andrews consisting of a 4.5 mile strip of land and at \$3,000 per acre. In that there was an overpayment to the County of \$2,652.75 in the Laurel Grove to Hillville Section, the total amount to be paid to the County for the 4.5 miles is \$115,047.25., which the County is to use to purchase replacement railroad right-of-way. Mr. Norris recommended that the County accept this offer from the State Highway Administration. The Commissioners gave their concurrence.

RIGHT-OF-WAY DEED

Present: John Norris, County Engineer

Mr. Norris presented a Deed dated this date by and between Mr. and Mrs. Roland S. Homet, Jr. and the Board of County Commissioners of St. Mary's County conveying to the County easement authority for a small portion of land for the reconstruction of St. John's Road. Commissioner Dean moved, seconded by Commissioner Arnold. All Commissioners voted in favor.

BIRCH MANOR SUBDIVISION, SECTION I

Present: John Norris, County Engineer

Mr. Norris presented a Deed dated September 18, 1979 by and between Helen and Hugh Allston conveying the following streets in Birch Manor Subdivision, Section I: Birch Manor Drive, Camerllia Court, Wisteria Court, Laureal Court, Syringa Court. Commissioner Millison moved, seconded by Commissioner Arnold to accept said Deed. All Commissioners voted in favor.

RESOLUTION NO. 79-56
REVISIONS TO THE ROAD ORDINANCE

Present: John Norris, County Engineer

Mr. Norris reviewed with the Commissioners the proposed revisions of the specifications and standards for highway and street construction for St. Mary's County. After review, the Commissioners unanimously agreed to accept said revisions and adopt Resolution No. 79-56, which will be applicable to all road construction plans submitted after November 1, 1979.

ST. MARY'S COUNTY AIRPORT
FEDERAL AVIATION GRANT AGREEMENT

Present: John Norris, County Engineer

Mr. Norris advised the Commissioners that the County has received the Grant Agreement from the Federal Aviation Administration which sets forth the terms and conditions of the projects and that the County is responsible for the removal of trees and terrain obstructions. The Commissioners gave their concurrence to authorize the Commissioner President Aud to sign said Grant Agreement.

REQUEST FOR PAYMENT OF OVERTIME
SHERIFF'S DEPARTMENT

The County Administrator presented a request for payment of overtime for the Sheriff's Department for the period from August 18, 1979 to September 14, 1979 as follows: Regular Sheriff's deputies - \$1,822.78; CID deputies \$760.11.

Commissioner Dean, moved, seconded by Commissioner Arnold, to approve payment of the requested overtime. All Commissioners voted in favor.

EXECUTIVE SESSION

The Commissioners agreed to meet in Executive Session in order to discuss matters of personnel. The Session was held from 4:00 p.m. to 5:00 p.m.

PERSONNEL ACTIONS

Commissioner Dean moved, seconded by Commissioner Arnold, to approve the following personnel actions. The motion was unanimously carried.

Permits and License Inspector - To accept the recommendation of the Interview Committee as set forth in the Personnel Officer's memorandum of September 25, 1979 to select Patricia Russell to the position, Grade 9, effective October 29, 1979.

Commission on Aging - Program Directors (2) - To accept the recommendation of the Interview Committee as set forth in the Personnel Officer's memorandum dated September 21, 1979 to select Evelyn Van Housen, Grade 10 and Reba Hill for the Grade 9 position.

Sheriff's Department - Patrolmen (2) - To accept the recommendation of the Interview Committee and the Sheriff as set forth in the Personnel Officer's memorandum dated September 17, 1979 to select Robin Russell and Andrew Holton for the two Patrolmen positions, effective October 1, 1979

Maintenance Foreman (2) - Recreation and Parks - To accept the recommendation of the Interview Committee as set forth in the Personnel Officer's memorandum dated September 24, 1979 to select Lloyd Moneymaker and James Stark for the positions, Grade 8, effective September 28, 1979.

Central Communications Operator I (2) - To accept the recommendation of the Interview Committee and the Assistant Civil Defense Director as set forth in the Personnel Officer's memorandum dated September 25, 1979 to select Dorothy Russell and David Wallace, Grade 8, effective October 1, 1979.

Central Communications Operator II - Office of Civil Defense - To accept the recommendation of the Interview Committee as set forth in the Personnel Officer's memorandum dated September 25, 1979 to select Shirley Pederson to the position, Grade 9, effective October 1, 1979.

Clerk Stenographer - County Administrator's Office - To accept the recommendation of the Interview Committee and the County Administrator as set forth in the Personnel Officer's memorandum dated September 25, 1979 to select Margaret Nelson to the position, Grade 6, effective October 1, 1979.

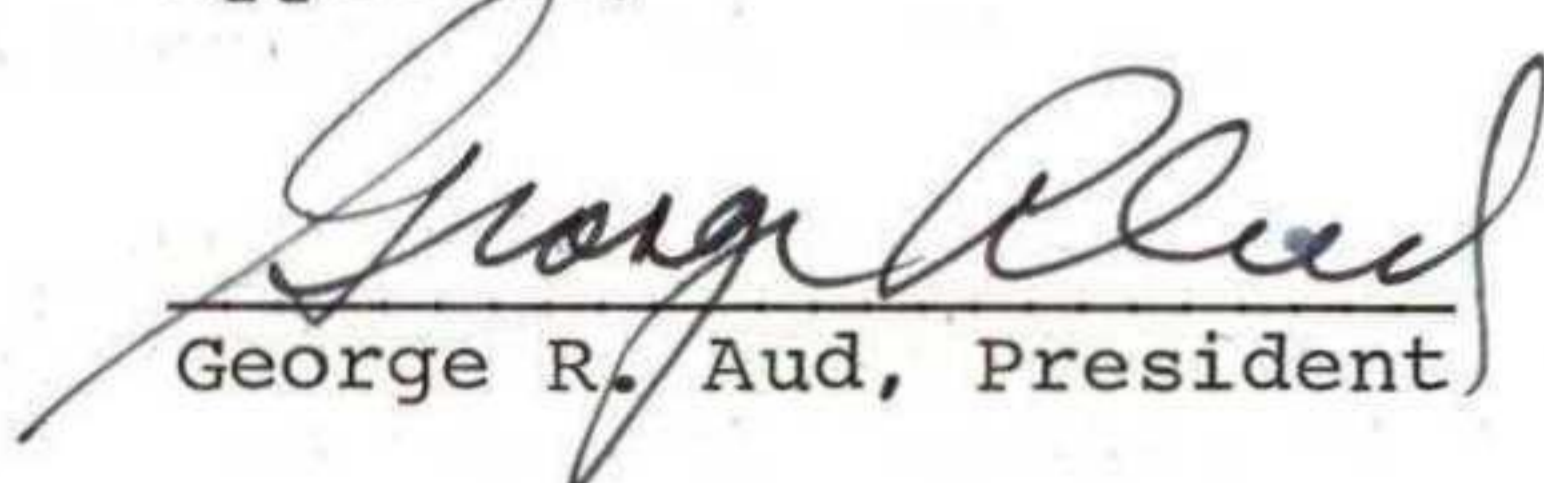
Clerk Typist - County Engineer's Office - To accept the recommendation of the Interview Committee and the County Engineer as set forth in the memorandum dated September 25, 1979 from the Personnel Office to select Rose Thompson to the position, Grade 5, effective October 1, 1979.

Planning Technician - Office of Planning and Zoning - The Commissioners approved the continuation of the incumbent, Laura Clarke, in this position, subject to and contingent upon the receipt of grant funds as set forth in the memorandum dated September 24, 1979 from the Director of Planning and Zoning.

Court Reporter - The Commissioners approved the employment conditions of the new appointee, Alice Bailey, to the position of Court Reporter, as submitted by Judge Mattingly and as set forth in a memorandum from the County Administrator and approved by Judge Mattingly dated September 26, 1979.

The meeting adjourned at 5:15 p.m.

Approved,


George R. Aud, President