

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, April 8, 1980

Present: Commissioner George R. Aud, President
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 9:20 a.m.

CLEARINGHOUSE PROJECT NO. 80-3-878
SOUTHERN MARYLAND COMMUNITY FOOD AND NUTRITION PROGRAM

The County Administrator presented the referenced Clearinghouse project which has been reviewed by the Senior Services Coordinator 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, but Mrs. McGaharn would like it noted that there be no overlapping with any other programs in St. Mary's County. The Commissioners gave their concurrence.

CLEARINGHOUSE PROJECT NO. 80-4-978
RENEWAL DESIGNATION AS THE HEALTH SYSTEM'S AGENCY
FOR HEALTH SERVICES AREA II

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.

CLEARINGHOUSE PROJECT NO. 80-3-889
EVERGREEN PARK - FmHA FEASIBILITY

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.

BUDGET AMENDMENT NO. 80-42
(SHERIFF'S DEPARTMENT)

Commissioner Arnold moved, seconded by Commissioner Sayre, and unanimously approved to approve Budget Amendment No. 80-42 as recommended by the Budget Officer as follows:

Increase Account No. 114-2901 (Training) by \$3,000;
Decrease Account No. 1112-2111 (Travel) by like amount.

CORRESPONDENCE TO HEALTH DEPARTMENT
(FY 1980-1981 BUDGET)

The Commissioners unanimously agreed to sign and forward correspondence prepared by the Budget Officer to the Health Department regarding County supplemental funds for FY 80-81.

AICUZ PUBLIC HEARING

On behalf of the Director of Planning and Zoning, the County Administrator requested a determination from the Board as to the date and time for the public hearing on the Air Installation Compatible Use Zone (AICUZ) Public Hearing. May 6, 1980 at 7:30 was set and the Commissioners requested that it be held in the Lexington Park area.

MAIL LOG SYSTEM

The County Administrator stated that some questions have been raised as to the availability of the Mail Log to the public for review. After discussion, the Commissioners agreed that the week's mail logs would be made available for review after each Commissioners' meeting on Tuesday.

KNOLLAND SUBDIVISION, SECTION II

Present: John Norris, County Engineer
Emmett Whit, Representative of Republic Ins. Co.
Al Lacer, Attorney for insurance company
Ben Asher, Contractor
Joe Densford, Assistant County Attorney

Mr. Lacer explained that the referenced subdivision has been in litigation and that in October of 1979 a Judgement was entered on the bond in favor of the County. He stated that they were desirous of accomplishing a final resolution to the matter and to have the streets completed. Mr. Lacer stated that Republic Insurance Company is asking that in consideration for completion of the roads in Knolland, Section II, and in consideration of their cooperation in not requiring the County to proceed in not opposing their appeal that the County would agree that if the work is done according to County standards that the Judgement against John Yerkie and Republic Insurance Company be relieved.

Mr. Norris advised that the amount of the Judgement is in the amount of \$140,000 and the amount estimated to complete work is \$84,000. He stated that Joseph E. Bell, II, County Attorney, had suggested that a couple of issues regarding this matter be resolved; one, the timing for completion and two, are the reimbursement costs - engineering, court costs, and staff time which would be less than \$5,000.

Mr. Lacer explained the work to be done and stated that the insurance company would agree that the work would be done by a certain date and if for some reason it is not, then the County would be entitled to collect on whatever part of the Judgement in order to assurance the balance of the work.

Commissioner Dean suggested and the Board concurred that a decision would be made after Mr. Bell, the County Attorney, returned in that if it could be worked out that the County's position would not be diminished legally an agreement could be reached as recommended by Mr. Lacer.

ST. ANDREWS LANDFILL

Present: John Norris, County Engineer

Mr. Norris advised the Commissioners that due to the fact that the present site at St. Andrews Landfill is near capacity that the adjacent area be cleared for use and recommended that a contract be advertised for removal and sale of the timber. The Commissioners gave their concurrence and recommended Mr. Norris to obtain the services of a Professional Forester to do a timber cruise at a cost not to exceed \$200.

CHANGE ORDER NO. 1 MARGARET BRENT GYMNASIUM

Present: John Norris, County Engineer

Mr. Norris requested authorization for payment in the amount of \$243.50 for Change Order No. 1 for electrical connections to the heating system at Margaret Brent Gymnasium payable to C & C Plumbing and Heating. The Commissioners gave their concurrence.

SCHEDULING OF PUBLIC HEARING GOLDEN BEACH SPECIAL TAXING DISTRICT

Present: John Norris, County Engineer

The Commissioners agreed to schedule the public hearing for the establishment of a special taxing district for the improvement

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of roads in Golden Beach for May 6, 1980 at 1:30 in the County Commissioners' Conference Room.

OAKVILLE LANDFILL

Present: John Norris, County Engineer

Mr. Norris advised that the Study of the Oakville Landfill has been received and it recommended that the landfill be closed down and that it be replaced with a transfer station. Mr. Norris stated that construction would begin in the Spring and that it would be in operation by August 1981. The Commissioners gave their concurrence.

ENTRANCE PERMITS

Present: John Norris, County Engineer

Mr. Norris advised the Commissioners that there are still a number of outstanding entrance permits which were obtained at the time the building permit was issued and that this matter will be handled as in the past with a letter establishing a deadline for the completion of the work. The Commissioners gave their concurrence.

PROJECT STATUS REPORT

Present: John Norris, County Engineer

Mr. Norris reviewed with the Commissioners the third quarter project status report for FY 1980 for the County Engineer's Office.

SUPPLEMENT BUDGET REQUEST - FY 79-80
AREA AGENCY PLAN

Present: Billye McGaharn, Senior Services Coordinator

Mrs. McGaharn requested authorization from the Commissioners to forward a supplemental funds request for the Area Agency Plan for the period October 1979 through September 30, 1980 as follows: Title III-B - \$9,337; Title III-C1 - \$12,968; and Title III-C2 - \$16,955, for a total of \$38,360. Mrs. McGaharn stated that this is an interim proposal to be forwarded to the State and that the State may make certain amendments and then forward a Notification of Grant Award to the Commissioners. The County Administrator recommended that the Commissioners accept Mrs. McGaharn's proposal

to forward the request for supplemental funds as submitted for this project. The Commissioners gave their concurrence that proposals for the use of supplemental funds for already approved grants may be forwarded to the State without prior approval by the County Commissioners. After approval by the State of the proposal, the Commissioners will determine whether to approve or disapprove the Notification of Grant Award. All other proposals should follow the County's established grant process.

COMMISSION ON AGING - TITLE V

Present: Mrs. McGaharn, Senior Services Coordinator

As a follow-up to last week's discussion, Mrs. McGaharn discussed a proposed response to the State Office on Aging's position concerning the County's Title V ineligibility for funding. The Commissioners requested Mrs. McGaharn to provide them with copies of the proposed response so that they could adequately review the matter.

CONCEPT PLAN REQUIREMENT - AMENDMENT TO ZONING ORDINANCE

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

Having conducted a public hearing on February 19, 1980 on a proposed amendment to the County's Zoning Ordinance to eliminate the requirement for Concept Plan, the Commissioners continued their discussion from March 18, 1980.

Commissioner Millison moved, seconded by Commissioner Arnold, to amend the St. Mary's County Zoning Ordinance to eliminate the requirement for a Concept Plan. Four Commissioners voted in favor with Commissioner Dean voting against stating that he felt that it should be demonstrated that this requirement created a hardship in at least two or more cases before this was deleted from the Ordinance and since it has not, he could not vote in favor.

REZONING DECISION DISCUSSION
JOSEPH D. WEINER (HERMANVILLE ESTATES)
ZA NO. 79-26

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

Having conducted a hearing on February 26, 1980 and having commenced discussion on the referenced zoning application on March 18, 1980, the Commissioners continued further discussion.

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During discussion, Commissioner Dean distributed a paper setting forth findings of fact to deny the application for C-2 zoning, and therefore moved to direct the County Attorney to prepare the appropriate Resolution denying the application as set forth in his paper. The motion died for lack of a second. Commissioner Sayre spoke in favor of Commercial Limited (CL) zoning for the area instead of the requested C-2.

After discussion, it was agreed that a decision on the matter be tabled for a week and Commissioner Dean suggested that the Commissioners go to the site and look at the proximity of the homes in this subdivision.

1980 ADVANCE ROAD WORK - SHA

As a follow-up to the request by John D. Raley, Jr., Resident Maintenance Engineer, SHA, Mr. O'Dell presented a memorandum to the Commissioners setting forth recommendations as to source of funds for this request. Commissioner Dean moved, seconded by Commissioner Sayre, to accept the recommendation of the Budget Officer as set forth in his memorandum of April 8, 1980. All Commissioners voted in favor. The Commissioners agreed that funds should be placed in the FY 1981 budget so that this would not occur next year.

ENCUMBRANCE VOUCHERS

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


PROCLAMATION NO. 80-28 PRIVATE PROPERTY WEEK

Present: J. Lyle Sackie, Southern Maryland Board of Realtors
Donald Cox, Southern Maryland Board of Realtors

The Commissioners presented the referenced Proclamation proclaiming the week of April 13 to 19, 1980 as Private Property Week in St. Mary's County.

The meeting adjourned at 1:10 p.m.

Approved,


George R. Aud
President