

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, April 15, 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 9:10 a.m.

PUBLIC ETHICS LOCAL LAW

The County Administrator reviewed with the Commissioners correspondence received from the State Ethics Commission which requested comment as to a possible extension of the current December 31, 1980 deadline for enactment of a local ethics law. The County Administrator recommended that the County adopt the position of requesting an extension until model revisions are established and publicized. The Commissioners concurred with this recommendation and directed the County Administrator to forward correspondence to this effect to the State Ethics Commission.

AMENDMENT TO PERIOD OF PERFORMANCE AND SCHEDULE
STUDY OF PETROLEUM FACILITY AT PINEY POINT

The County Administrator presented the Amendment to Contract No. C3-79-470 for the County's study of the petroleum storage facility and terminal at Piney Point extending the period of performance to August 31, 1980.

Commissioner Dean moved, seconded by Commissioner Arnold, to approve and authorize Commissioner President Aud to sign said Contract Amendment. All Commissioners voted in favor.

BUDGET AMENDMENT NO. 80-43

The County Administrator presented Budget Amendment No. 80-43 which was recommended for approval by the Budget Officer as follows:

Increase Account No. 1232-80120 (Surface Treatment) by \$53,000;

Decrease Account No. 1711-64120 (Special Education Planning) by like amount.

Commissioner Aud moved, seconded by Commissioner Arnold, to approve said Budget Amendment. All Commissioners voted in favor.

REQUEST FOR ECONOMIC IMPACT FEE REFUND

The Commissioners reviewed correspondence from the Lore family which requested a refund of the double payment of the Economic Impact Fee paid on their property.

Commissioners Sayre moved, seconded by Commissioner Millison, to grant the refund. All Commissioners voted in favor.

APPROVAL OF MINUTES

Commissioner Dean moved, seconded by Commissioner Arnold, to approve the minutes of the County Commissioners' meetings of April 1, 1980 and April 8, 1980. All Commissioners voted in favor.

ENCUMBRANCE VOUCHERS

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

RESIDENT MAINTENANCE ENGINEER REPORT

Present: John D. Raley, Resident Maintenance Engineer

Mr. Raley presented his twice-monthly report to the Commissioners concerning road and drainage problems and received input from the Commissioners at to additional areas of concern.

CHANGE OF STREET NAME
BROOMFIELD ROAD TO OSCAR HAYDEN ROAD

Commissioner Aud moved, seconded by Commissioner Millison, to change the name of Broomfield Road in the Seventh District to Oscar Hayden Road. All Commissioners voted in favor.

DRAINAGE PROBLEM
ST. ANDREWS CHURCH ROAD

Present: Mr. and Mrs. James Curtis
John Norris, County Engineer

Mr. and Mrs. Curtis appeared before the Commissioners to discuss the severe drainage problem that exists on their property

on St. Andrews Church Road and the damage that it has caused to their home. They explained that they bought the house in 1977 and were not aware that the drainage problem existed.

Mr. Norris advised that his office has looked at the situation and stated that their property is lower than the culvert of the road, and since it is a low-lying area there does not appear to be a way to alleviate the problem.

Discussion ensued as to possible solutions, such as lowering the drainage pipe, a pond, elevating the property or a berm around the house.

The Commissioners requested that the County Engineer again look at the property to determine a recommended solution and in conclusion, advised Mr. and Mrs. Curtis to seek the services of an attorney for resolution of this matter.

SPRING VALLEY SUBDIVISION
QUIT CLAIM DEED

Present: John Norris, County Engineer

Mr. Norris presented a Quit Claim Deed dated March 31, 1980, by and between Riley Brothers and St. Mary's County conveying the following roads in Spring Valley Subdivision into the County's Highway Maintenance System: Spring Valley Drive, Fox Ridge Road, Walnut Court, Spring Valley Court, Majestic Court, Briarwood Court, Timber Valley Court and Valley Road.

Commissioners Sayre moved, seconded by Commissioner Dean, to accept said Deed and further to release the Department of Economic and Community Development from any liability with regard to the roads, as recommended by the County Engineer. All Commissioners voted in favor.

ADDENDUM NO. 5 TO PUBLIC WORKS AGREEMENT
CORONADO VILLAGE

Present: John Norris, County Engineer

Mr. Norris presented Addendum No. 5 to the Public Work Agreement by and between Maryland National Bank and St. Mary's County to extend the deadline for the completion of the roads in Coronado Village Subdivision from April 30, 1980 to August 1, 1980.

Commissioner Sayre moved, seconded by Commissioner Aud, to accept said Addendum. All Commissioners voted in favor.

PAYMENT OF VOUCHERS - COUNTY ENGINEER'S OFFICE

Present: John Norris, County Engineer

Mr. Norris presented Voucher No. 030803 payable to State Highway Administration in the amount of \$53,000 as part of payment that was authorized to support surface treatment efforts for FY 1980. Commissioner Millison moved, seconded by Commissioner Aud, to approve said payment. All Commissioners voted in favor.

Mr. Norris presented Voucher No. 030713 payable to Raymond Woodburn in the amount of \$16,921 and \$5,659.50 for contract rental services on Mattapany Road. Commissioner Millison moved, seconded by Commissioner Arnold, to approve said payment. All Commissioners voted in favor.

Mr. Norris presented Voucher No. 030710 in the amounts of \$3,548.30 and \$500 payable to Burch Oil for fuel for the operation of the landfill. Commissioner Sayre moved, seconded by Commissioner Arnold to approve payment. All Commissioners voted in favor.

BRETON BAY SHORE EROSION CONTROL DISTRICT

Present: John Norris, County Engineer

Mr. Norris brought the Commissioners up to date with regard to the referenced project and stated that when the bids are received they will be presented to the Commissioners for review and comparisons to engineering estimates.

Commissioner Dean moved, seconded by Commissioner Millison, to authorize Commissioner President Aud to sign the plans for the Breton Bay Shore Erosion Control project. All Commissioners voted in favor.

DREDGING OF SOUTHERN PRONG OF ST. JEROMES CREEK

Present: John Norris, County Engineer

Mr. Norris advised the Commissioners that correspondence was received from the Department of Natural Resources confirming verbal approval for the funding for the dredging of the southern prong of St. Jeromes Creek.

OBSTRUCTION REMOVAL CONTRACT - ST. MARY'S AIRPORT

Present: John Norris, County Engineer

As recommended by the County Engineer, Commissioner Dean moved, seconded by Commissioner Sayre, to accept the contract with Clarke Construction Company for the obstruction removal at the St. Mary's County Airport in the amount of \$9,200. All Commissioners voted in favor.

NORRIS ROAD

Present: John Norris, County Engineer

Mr. Norris advised the Commissioners that the Department of Natural Resources was requesting the County to quit claim their interest on that portion of Norris Road that is bound by the State property. The State would provide a means of turn around for the public. Mr. Norris advised that the turn around would have to be provided prior to the State's property so that access could be had at all times even when the park is closed.

The Commissioners requested a copy of the correspondence for further review.

ASPHALT OVERLAY PROJECT INSPECTION

Present: John Norris, County Engineer

Mr. Norris advised that he had solicited proposals from consulting engineers for inspection services for the referenced project and received proposals from \$18.50 to \$22.50. He stated that he is negotiating with an individual to do the inspection at the rate of \$12.00 per hour. The Commissioners agreed to authorize an amount not to exceed \$2400 for inspection services and if this was not an adequate amount to appear before the Commissioners for discussion.

SURFACE TREATMENT CONTRACT - FY '81

Present: John Norris, County Engineer

Mr. Norris requested that he be given authorization to bid the FY '81 Surface Treatment Contract and further he would like to hire George Payne to do the inspection services at \$10.00 per hour. The Commissioners gave their concurrence.

EQUIPMENT PURCHASES - COUNTY ENGINEER'S OFFICE

Present: John Norris, County Engineer

Mr. Norris stated that there are some major equipment purchases appropriated in the FY '81 budget and he would like authorization to begin requesting bids on these purchases because of the time it takes to receive this equipment. The Commissioners gave their concurrence.

EXECUTIVE SESSIONS

Present: Frank Gerred, Director, Planning and Zoning
Gerda Manson, Personnel Officer
Edward V. Cox, County Administrator

The Commissioners agreed to meet in Executive Session in order to discuss matters of personnel related to the Zoning-Subdivision Administrator position. The Session was held from 11:15 a.m. to 11:50 a.m.

Present: Jack Witten, Alcohol Fuel Project Coordinator
Dan Dawson, Alcohol Fuel Project
John Norris, County Engineer
Edward V. Cox, County Administrator

The Commissioners agreed to meet in Executive Session in order to discuss matters of personnel related to the Alcohol Fuel program. The Session was held from 11:50 a.m. to 12:30 p.m.

McDONALD'S RESTAURANT
INDUSTRIAL REVENUE BONDS

Present: Joseph E. Bell, II, County Attorney
Arthur "Buck" Briscoe, Director, EDC
Jim Belcher, State Industrial Program
Richard Bridgen, McDonald & Co.
Paul Olsen, McDonald Corp.
Peter Miller, Bond Council, McDonald's

(Commissioner Millison did not participate in this discussion.)

The referenced individuals appeared before the Commissioners as a follow-up to the previous meeting on April 1, 1980, whereby representatives of McDonald's requested the County's endorsement and participation for the issuance of revenue bonds for the financing of a proposed restaurant in the Charlotte Hall area.

In response to questions of concern by the Board, the County Attorney and Mr. Belcher advised the Commissioners that they would have no financial liability by participating in the bond issuance nor would they be limited in participating in other bond issuance projects.

After further discussion, Commissioner Arnold moved, seconded by Commissioners Sayre, that the County adopt Resolution No. 80-30 authorizing the execution of an Agreement with McDonald's Corporation pertaining to the financing of a commercial facility within the boundaries of St. Mary's County for the use of McDonald's Corporation. All Commissioners present voted in favor.

KNOLLAND SUBDIVISION

Present: Joseph E. Bell, II, County Attorney

In response to the presentation made last week by Mr. Al Lacer, Attorney for Republic Insurance Company, relative to the Knolland Subdivision, Mr. Bell advised the Commissioners that he had no objection that the County enter into an Agreement whereby the roads in said subdivision would be completed according to County standards and the County would dismiss the Judgment against John Yerkie and the Republic Insurance Company. He stated that in addition the County should be reimbursed for expenses incurred in this court action in the amount of approximately \$1500.

The Commissioners gave their concurrence that the County enter into such an Agreement as recommended by the County Attorney.

BUDGET AMENDMENT NO. 80-44

The County Administrator presented the referenced Budget Amendment recommended for approval by the Budget Officer as follows:

Increase Account No. 1259-6052 (Tall Timbers Bulkhead) by \$7,598;

Decrease Account No. 1232-7172 (Hermanville Road) by like amount.

Commissioner Dean moved, seconded by Commissioner Arnold, to approve said Budget Amendment. All Commissioners voted in favor.

AUTHORITY TO FILL POSITION
ASSISTANT ZONING/SUBDIVISION ADMINISTRATOR
OFFICE OF PLANNING AND ZONING

By memorandum dated April 15, 1980, the Personnel Officer recommended that Mary Irene Raley be hired to the position of Assistant Zoning/Subdivision Administrator, Grade 14, in the Office of Planning and Zoning.

Commissioner Sayre moved, seconded by Commissioner Arnold, to approve filling the referenced position as set forth above. All Commissioners voted in favor.

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

Present: Frank Gerred, Director, Planning and Zoning

The Commissioners continued discussion from last week on the referenced zoning application by Joseph D. Weiner and after discussion Commissioner Millison moved, seconded by Commissioner Arnold, to direct the County Attorney to prepare the appropriate Resolution granting the C-2, Commercial, zoning on the referenced application as requested, based on mistake in zoning because of the change in zoning in 1974 to residential from the original classification of Commercial zoning in 1966. Four Commissioners voted in favor, with Commissioner Dean voting against stating that a C-2 classification is inappropriate for a residential neighborhood and could make possible the potential situation for harming the neighborhood.

COUNTY'S BIDS ON INVESTMENTS

Present: Harris Sterling, Director of Finance

Commissioner Millison raised the question concerning whether the County was fully covered for the full amount of our investments and requested Mr. Sterling to present a more detailed report as to the guarantee of security for the County's investments.

HEADMASTER'S HOUSE - CHARLOTTE HALL

The County Administrator advised the Commissioners that additional renovations are needed at the Headmaster's House which is being leased to the Tri-County Youth Services Bureau; namely, roof repairs, parking area needs, and carpeting in portions of

the House at a total cost of approximately \$6,000. Discussion ensued as to the leasing arrangement with Tri-County Youth Services Bureau and the fact that space was to be provided the Chamber of Commerce for the Tourist Information Center. The Chamber and TCYSB have been unable to agree on the joint use of the facilities. Funding for a mobile unit was discussed and dismissed as unacceptable. The County Administrator was directed to resolve the lack of agreement between the Chamber and the Tri-County Youth Services Bureau.

After discussion, the Commissioners agreed that the roof repairs and driveway expansion were legitimate requests and would be in favor of this additional work if the space arrangements between TCYSB and the Chamber could be settled.

The meeting adjourned at 4:05 p.m.

Approved,


George R. Aud
President

