

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, May 26, 1981

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 came to order at 1:00 p.m.

APPROVAL OF BILLS

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.

APPROVAL OF MINUTES

Commissioner Dean moved, seconded by Commissioner Arnold, to approve the minutes of the Commissioners' meetings of May 12, 1981 and May 19, 1981. All Commissioners voted in favor.

PROCLAMATION NO. 81-50
SISTERS OF CHARITY OF NAZARETH DAY

The Commissioners presented the referenced Proclamation proclaiming Saturday, May 30, 1981 as Sisters of Charity of Nazareth Day.

In addition Commissioner Arnold read a letter signed by all the Commissioners recognizing the Sisters of Charity.

COMMERCIAL INVENTORY TAX

Present: James M. McKay

Mr. McKay appeared before the Commissioners to express his opposition to the elimination of the Commercial Inventory Tax in that he believed that the County needed this tax in order to keep from increasing real estate taxes. If the Commissioners do make a determination to eliminate this tax, Mr. McKay suggested that small businesses be exempt for the first \$10,000 to \$20,000.

The Commissioners expressed their appreciation for Mr. McKay's presentation and stated that they would take his recommendations under advisement.

COMPLETION OF BACHELOR'S DEGREE IN ENGINEERING
GLENN GASS - COUNTY ENGINEER'S OFFICE

Present: John Norris, County Engineer
Glenn Gass, Assistant Highway Engineer

Mr. Norris advised the Commissioners that Mr. Gass had a leave of absence in order to complete his education and has now received his Bachelor's Degree in Engineering and has returned to work in the County Engineer's Office.

The Commissioners congratulated Mr. Gass on the achievement of his goal.

ACCEPTANCE OF DEED
50 FOOT RIGHT-OF-WAY - VILLA ROAD

Present: John Norris, County Engineer

Mr. Norris presented a Deed dated May 26, 1981 by and between Dennis G. Smith and the County Commissioners of St. Mary's County conveying a 50-foot right-of-way for the reconstruction of Villa Road.

Commissioner Arnold moved, seconded by Commissioner Sayre, to accept said Deed. All Commissioners voted in favor.

PROJECT NO. SM 81-3-3
CONSTRUCTION OF TIMBER BULKHEAD
PINEY POINT

Present: John Norris, County Engineer

Mr. Norris presented the bid tally sheet for the referenced project and recommended awarding the bid to Colliflower and Peterson (the only bidder) in the amount of \$24,300.00, contingent upon funds being received by the Department of Natural Resources. Commissioner Aud moved, seconded by Commissioner Arnold, to accept the County Engineer's recommendation. All Commissioners voted in favor.

PROJECT NO. SM 81-3-2
SUBCONTRACTOR FOR DREDGING OF ST. JEROME'S CREEK

Present: John Norris, County Engineer

Mr. Norris presented correspondence dated May 22, 1981 from Smith Brothers recommending Southern Maryland Dredging, Inc. as their sub-contractor for the dredging project at St. Jerome's Creek. The Commissioners gave their concurrence.

APPROVAL OF VOUCHER
PROJECT NO. SM 79-4-5
ST. MARY'S COUNTY AIRPORT TAXIWAY

Present: John Norris, County Engineer

Mr. Norris presented Voucher No. 036785 payable to B.F. Asher in the amount of \$2,396.80 for Force Account Work at the St. Mary's County Airport Taxiway.

The Commissioners gave their concurrence for the approval of payment of said voucher.

PUBLIC WORKS AGREEMENT
WILDEWOOD SUBDIVISION
SECTION ONE, PLAT 7

Present: John Norris, County Engineer

Mr. Norris presented a Public Works Agreement by and between Paragon Builders and St. Mary's County guaranteeing the construction of roads in Wildewood Subdivision, Section One, Plat 7 by May 12, 1983.

Commissioner Millison moved, seconded by Commissioner Sayre, to approve and authorize Commissioner President Aud to sign said Public Works Agreement. Four Commissioners voted in favor, with Commissioner Dean abstaining. Motion carried.

ADDENDUM TO PUBLIC WORKS AGREEMENT
WILDEWOOD SUBDIVISION, NEIGHBORHOOD TWO, CLUSTER ONE

Present: John Norris, County Engineer

Mr. Norris presented an Addendum to the Public Works Agreement by and between Paragon Builders, Inc. and St. Mary's County reducing the amount of bond for Wildewood Subdivision, Neighborhood Two, Cluster One to \$4,000. Commissioner Aud moved, seconded by Commissioner Arnold, to approve and authorize Commissioner President Aud to sign said Addendum. Four Commissioners voted in favor with Commissioner Dean abstaining. Motion carried.

PROJECT NO. SM 81-4-9 (WALDEN COUNSELING CENTER)
PERFORMANCE BOND - TAYLOR PLUMBING

Present: John Norris, County Engineer

Mr. Norris presented the Performance Bond for Taylor Plumbing and Electric for the project at Walden Counseling Center.

Commissioner Dean moved, seconded by Commissioner Sayre, to accept the Performance Bond for Taylor Plumbing and Electrical Company, Inc. and further to authorize Commissioner President Aud to sign same. All Commissioners voted in favor.

NORTH INDIAN CREEK ESTATES

Present: John Norris, County Engineer

Mr. Norris advised the Commissioners that the Irrevocable Letter of Credit for the referenced subdivision will become due on June 1, 1981 and recommended that the developer turn the Letter of Credit over to the County in order for the County to complete the work. The Commissioners gave their concurrence.

OVERCUP DRIVE
HOLLY COURT

Present: John Norris, County Engineer

As a follow-up to previous discussion concerning the establishment of a Special Taxing District for the referenced roads, Mr. Norris discussed with the Commissioners the location and number of houses and lots and the potential cost to the property owners.

DEEDS OF EASEMENT AND AGREEMENT - RAILROAD RIGHT-OF-WAY
C & P TELEPHONE COMPANY

Present: John Norris, County Engineer

Mr. Norris presented to the Commissioners two Deeds of Easement and Agreement by and between County Commissioners of St. Mary's County, Southern Maryland Electric Cooperative and the C & P Telephone Company for access across the railroad right-of-way as follows: (1) in the vicinity of the entrance to Wildewood off of Route 235 and (2) in the vicinity of Hickory Hill Subdivision off of Route 235.

Commissioner Dean moved, seconded by Commissioner Sayre, to approve the two referenced Deeds of Easement as set forth above. All Commissioners voted in favor.

PROPOSED APPLICATION FOR FINANCIAL ASSISTANCE
NON-URBANIZED AREA PUBLIC TRANSPORTATION PROGRAM

Having conducted a public hearing on the referenced grant application, the County Administrator presented correspondence to the Mass Transit Administration enclosing the Application for the period July 1, 1980 to June 30, 1981.

Commissioner Millison moved, seconded by Commissioner Aud, to sign and forward said Grant Application for Non-Urbanized Area Public Transportation Program. All Commissioners voted in favor.

APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Commissioner Arnold moved, seconded by Commissioner Aud, and unanimously carried, to make the following appointments with terms as indicated:

<u>Tri-County Community Action Committee</u> William Heimer	Term to Expire December 31, 1984
<u>Mental Health/Alcoholism Advisory Council</u> Gaines Steer	June 30, 1984
<u>Library Board of Trustees</u> Blanche Abernathy	December 31, 1986

PROPOSED RESOLUTION
PRECIOUS METAL - GEM DEALERS

As a follow up to last week's discussion the County Commissioners reviewed the designation of the Sheriff's Department as the County's chief law enforcement agency with regard to precious metals and gem dealers.

During discussion, Commissioner Millison suggested that the State Police take on this responsibility rather than add additional duties to the Sheriff's Department.

Discussion ensued as to the Sheriff's Department's involvement with traffic safety and it was agreed to table this matter until next week's meeting in order to give additional review to both of these duties.

ROAD RESOLUTION R-81-23
PATUXENT KNOLLS SUBDIVISION

On behalf of the County Engineer, the County Administrator presented the referenced Road Resolution designating the following streets as Stop Streets in Patuxent Knolls Subdivision:

1. Guenther Drive as it intersects with County Oak Road;
2. Jarrell Drive as it intersects with County Oak Road;
3. Douglas Circle as it intersects with Daniel Circle;
4. Richard Circle as it intersects with Daniel Circle;
5. Daniel Circle at both intersections with Therese Circle;
6. Daniel Court as it intersects with Therese Circle;
7. Therese Circle as it intersects with County Oak Road;
8. Ann Circle as it intersects with County Oak Road;
9. Dogwood Circle at both intersections with County Oak Road;
10. Birch Circle as it intersects with County Oak Road;
11. Claire Circle as it intersects with County Oak Road;
12. Holly Drive as it intersects with Golden Beach Road;
13. "Old" Golden Beach Road as it intersects with Golden Beach Road

Commissioner Millison moved, seconded by Commissioner Arnold, to approve and authorize Commissioner President Aud to sign said Road Resolution. All Commissioners voted in favor.

ROAD RESOLUTION NO. 81-24 - HAVILAND ROAD

On behalf of the County Engineer, the County Administrator presented the referenced Road Resolution renaming Tippett's Road (County Rt. 361) to Haviland Road, First Election District.

Commissioner Millison moved, seconded by Commissioner Arnold, to approve and authorize Commissioner President Aud to sign said Road Resolution. All Commissioners voted in favor.

ZONING AMENDMENT RESOLUTION NO. 81-10
GEORGE AND DAVID ADAMS - ZONE #81-0117

Having conducted a public hearing on April 14, 1981 and held a discussion session on the referenced zoning amendment application, Commissioner Arnold moved, seconded by Commissioner Sayre, to approve and sign Zoning Amendment No. 81-10, George and David Adams, ZONE #81-0117, granting said request. All Commissioners voted in favor.

CORRESPONDENCE TO BOARD OF EDUCATION

The County Administrator presented correspondence prepared by the Budget Officer to the Board of Education expressing confirmation of the Revised Board of Education Budget for FY '81 and '82. The Commissioners agreed to sign and forward said letter.

BUDGET AMENDMENT NO. 81-53
COUNTY ENGINEER'S OFFICE

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

Increase Account No. 2091-61220 (St. Jerome's Creek) by \$19,000;

Decrease Account No. 2091-61020 (St. George's Creek) by like amount.

Commissioner Dean moved, seconded by Commissioner Millison, to approve the referenced Budget Amendment 81-53. All Commissioners voted in favor.

OVERTIME PAYMENT REQUEST FOR SHERIFF'S DEPARTMENT

Commissioner Dean moved, seconded by Commissioner Arnold, to approve payment of overtime for the period of April 25, 1981 through May 22, 1981 as follows: \$1,198.22 (Regular Deputies); \$87.12 (CID Deputies). All Commissioners voted in favor.

CONSTANT YIELD TAX RATE

Present: Joseph P. O'Dell, Budget Officer

Mr. O'Dell explained that during the budget process, it was announced in the papers and at the Budget Hearing about the Constant Yield Tax Rate and that the County would be setting their Tax Rate at 2:00 P.M. on this date. He stated that the Commissioners have met the requirements of the Annotated Code.

RESOLUTION 81-44

TAX RATE FOR HOLLYWOOD SHORES SPECIAL TAXING DISTRICT

Present: Joseph P. O'Dell, Budget Officer

Commissioner Dean moved, seconded by Commissioner Aud, to approve the referenced Resolution setting the tax rate for the Hollywood Shores Special Taxing District in the sum of \$89.55 per lot for fifteen years beginning July 1, 1981. All Commissioners voted in favor.

RESOLUTION NO. 81-45

TAX RATE FOR GOLDEN BEACH SPECIAL TAXING DISTRICT NO. 1

Commissioner Dean moved, seconded by Commissioner Aud, to approve the referenced Resolution setting the tax rate for Golden Beach Special Taxing District No. 1 at \$80.40 annually per lot for fifteen years beginning July 1, 1981. All Commissioners voted in favor.

RESOLUTION NO. 81-46

TAX RATE FOR GOLDEN BEACH SPECIAL TAXING DISTRICT NO. 2

Commissioner Millison moved, seconded by Commissioner Aud, to approve the referenced Resolution setting the tax rate for Golden Beach Special Taxing District No. 2, at \$48.90 annually per lot for fifteen years beginning July 1, 1981. All Commissioners voted in favor.

RESOLUTION NO. 81-48

1981-82 OPERATING AND CAPITAL BUDGET AMOUNTS
AND PROPERTY TAX RATE

Commissioner Millison moved, seconded by Commissioner Aud, to approve Resolution 81-48 approving the County's Operating Budget in the amount of \$22,281,748 and the Capital Budget in the amount of \$4,928,000 and the County's property tax rate assessed at \$1.99 per \$100.00 of assessed valuation. All Commissioners voted in favor.

FINANCIAL ADVISORY SERVICES
COUNTY AND HOSPITAL BOND ISSUE

Present: Joseph P. O'Dell, Budget Officer

Mr. O'Dell reviewed with the Commissioners the memorandum dated May 25, 1981 from the Financial Advisory Review Committee (O'Dell, Cox, Sterling, Lambert and Beavans) recommending approval of the firm of Alex Brown & Son for financial advisory services at a cost of \$3,000 for the County Bond Issue. He advised that a decision would be made at a later date for the hospital bond issue.

The Commissioners gave their concurrence.

PROMOTIONAL PROCEDURES FOR THE SHERIFF'S DEPARTMENT

Present: Edward V. Cox, County Administrator
Gerda Manson, Personnel Officer

Mrs. Manson presented a memorandum dated May 22, 1981 to the Commissioners setting forth the proposals by the FOP with regard to promotional procedures for the Sheriff's Department and the staff's recommendations on each of these proposals.

With the exception of Item No. 2, Written Test, the Commissioners gave their concurrence with the staff's recommendations as set forth in the May 22, 1981 memorandum. With regard to Item No. 2, the Commissioners directed the County Administrator to develop a written test using examples from other jurisdictions and making it applicable to St. Mary's County.

STANDARD PAY SCALE FOR FISCAL YEAR 1982

Commissioner Dean moved, seconded by Commissioner Millison, to adopt the Standard Pay Scale for Fiscal Year 1982, which reflects the 6% cost of living increase for County employees authorized by the FY 81-82 Budget approved by Resolution 81-48. All Commissioners voted in favor.

DELAY OF MERIT INCREASE
GLENN GASS - COUNTY ENGINEER'S OFFICE

The County Administrator presented a memorandum dated May 25, 1981 from the Personnel Officer requesting approval to delay the anniversary date of any employee by the amount of time on leave without pay. Mr. Gass returned to duty on May 18, 1981 after an absence from the County service of eight months and ten days in order to complete his Civil Engineering Degree Program. His Anniversary date will be delayed accordingly. The Commissioners gave their concurrence and stated that this proposal should be included in the next update of the Personnel Manual.

REQUEST FOR AUTHORITY TO FILL SECRETARY I POSITION
PERSONNEL OFFICE

The County Administrator presented a memorandum dated May 26, 1981 from the Personnel Officer requesting authority to fill the Office Secretary I, Grade 7, Position in the Personnel Office, which is needed because of the elimination of the CETA Training Administrator position in the Personnel Office effective August 1, 1981.

The Commissioners agreed to table this matter until next week's meeting.

MARYLAND HOLIDAY SCHEDULE

Commissioner Dean recommended and the Board concurred that an item be submitted in next year's legislative package for a state-wide bill to align Maryland holidays with the Federal Government.

STATE DEVELOPMENT TASK FORCE

Present: Frank Gerred, Director, Office of Planning and Zoning

Mr. Gerred advised that he had read the provisions of the State Development Task Force policies and recommended that the Commissioners take an official stand and follow up with written comments. Mr. Gerred pointed out the items that should be commented on. Commissioner Dean commented on the vagueness and generalities of the policies and stated that he was interested in knowing how the State was going from the general to the specific and by what process these policies will be implemented. The Commissioners requested Mr. Gerred to attend the State Development Task Force meeting on their behalf and to ask the questions posed by Commissioner Dean as the answers would influence the Commissioners' written responses.

CARVER ANNEX BUILDING

Present: Frank Gerred, Director, Office of Planning and Zoning

With regard to the request by Mrs. Nolan and Mr. Williams for use of the Carver Annex building for a clothing manufacturing business, Mr. Gerred advised that in accordance with the County's Zoning Ordinance - Aircraft Overflight Area - this type of business would be prohibitive. Mr. Gerred stated that he would be willing to work with these individuals and obtain appropriate information to assist them with a MIDFA loan or some other type of state or federal assistance programs and to help them find another location.

The Commissioners gave their concurrence.

AGRICULTURAL ZONING

Present: Frank Gerred, Director, Office of Planning and Zoning

Mr. Gerred presented the Farm Bureau's recommendations regarding Agricultural Zoning for their review and advised that he would return at a later date to obtain direction from the Commissioners with regard to this matter.

AQUAFOODS INTERNATIONAL, INC.
REQUEST FOR ADDITIONAL GROUNDWATER

Present: Jack Witten
Kitty Barnes
Mary Janssen
Fred McCoy
Frank Gerred, Director, Office of Planning and Zoning

Mrs. Barnes advised that the purpose of this meeting was to explain to the Commissioners the difficulties encountered with the Water Resources Administration in trying to have a public meeting conducted on the application by Aquafoods International, Inc. for additional groundwater, as well as to explain the possibility of future groundwater shortage in St. Mary's County.

Mrs. Barnes explained that the Water Resources Administration had conducted a public meeting at Piney Point Elementary School at which citizens of the area raised several concerns. However, the Water Resources Administration agents indicated that the public meeting would have no bearing on the final decision by the Water Resources Administration and that there were no provisions for a public hearing because the State Administrative Procedures Act and the Water Resources Administration procedures were not in agreement concerning public hearings. The Water Resources Administration has made the determination that an Adjudicatory Hearing must be held and that only those citizens who had given written notice will be allowed to participate and offer testimony. Mrs. Barnes explained that the cost is prohibitive in obtaining legal and scientific assistance to participate in such a hearing. She also stated that the State appears to be making citizen participation more difficult and almost impossible.

Mr. McCoy advised the Commissioners that the citizens of the area were concerned because of the lack of information concerning the further extraction of groundwater and its possible effects on the wells of the citizens. He explained the various aquifers and provided some geological information.

In light of the above concerns, Mr. Witten made the following requests:

1. That the County request the State that any hearing on the Aquafoods permit be delayed until such time as the soon-to-be published results of the U.S. Geological Study on aquifers is available;

2. That the County request the State to conduct a public hearing rather than an Adjudicatory Hearing in order to allow a broader based community input;

3. That the County request our local legislative delegation to review the State's Administrative Procedures Act in order to make easier, not more difficult, citizen participation in the State's decisions;

4. That the County Technical Evaluation Committee review the application by Aquafoods in order to provide alternatives for precautions to safeguard citizens' interests;

5. That the County request the State to provide stricter monitoring procedures on the extraction of water from large wells such as Aquafoods, Steuart, Harry Lundeborg School, etc.

The Commissioners thanked the participants for their presentation and indicated they would make a decision on this matter at a later time.

The meeting adjourned at 4:15 P.M.

Approved,


George R. Aud
President