

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, April 6, 1982

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

(Commissioner Millison was not present due to illness.)

The meeting was called to order at 9:10 a.m.

APPROVAL OF VOUCHERS

Commissioner Sayre moved, seconded by Commissioner Arnold, to approve payment of the bills as submitted by the Director of Finance. Motion unanimously carried.

ST. CLEMENT'S ISLAND POTOMAC MUSEUM
PLANS FOR 350TH ANNIVERSARY OF THE FOUNDING OF MARYLAND

Present: Louanne Bailey, Chairperson
Mike Smolek, Board Member
Jonathan Nelson, Board Member
Wade Blackistone, Board Member
Bob Kopel, Board Member
Gordon Malkie, Board Member
Michael Humphries, Director
Christine Clarke

The referenced representatives gave a slide presentation of the history of St. Clement's Island and an explanation of proposed improvements to the Island and Museum in preparation for the 350th Anniversary of the Founding of Maryland. A booklet pertaining to the project was also presented, a copy of which is on file in the Commissioners' Office. Mr. Humphries stated that the Museum Board of Directors is requesting the County Commissioners' endorsement of the concept of the project and also asked for the Commissioners' support in requesting greater state participation in the development of the project.

METROPOLITAN COMMISSION
GENERAL OBLIGATION BONDS

Present: Joseph P. O'Dell, Director, Budget and Data Services

Mr. O'Dell advised the Commissioners that the Metropolitan Commission is going out for General Obligation Bonds and upon the advice of our financial advisor, it is advisable for the County to use joint issue approach which would include the St. Mary's Hospital along with the Metropolitan Commission. Because the Metropolitan Commission is in the process of bidding a construction contract and the joint issue will delay their receipt of bond proceeds, they will have a cash flow problem. Therefore, Mr. O'Dell recommended, with the concurrence of the Director of the Metropolitan Commission, that the County enter into an agreement to advance the funds needed for approximately 60 days and that the Metropolitan Commission would pay the then existing market interest rates.

The Commissioners gave their concurrence, and Mr. O'Dell advised that he would prepare the appropriate Agreement for the Commissioners' signatures.

CORRESPONDENCE

Leonardtown Volunteer Fire Department

The County Administrator presented correspondence for the Commissioners' signatures addressed to the Leonardtown Volunteer Fire Department granting their request for an early release of their 1982 allocation and for their participation in the \$12,000 one-time loan program from the County. The Commissioners agreed to sign and forward said letter.

Southern Maryland Chain

The County Administrator presented correspondence to Elfreda Mathis, President, Southern Maryland Chain, Chapter-Elect of The Links, Inc., expressing congratulations on the acceptance of the Southern Maryland Chain to Links, Inc. The Commissioners agreed to sign and forward said letter.

BUDGET AMENDMENTS

The County Administrator presented the following Budget Amendments for the Commissioners' review and approval as recommended by the Director of Budget and Data Services, Mr. O'Dell.

No. 82-46
Planning and Zoning
Purchasing & Logistics

Increase: Acct. No. 1083-21310 (Contract Services) by \$2,569
Acct. No. 1083-31010 (Office and Communications Equipment)
by \$108;

Decrease: Acct. No. 1083-11140 (Salaries) by \$2,677.

No. 82-47
County Engineer

Increase: Acct. No. 1091-29816 (Undistributed Budget Allocation) by
\$21,500 and \$18,500;

Decrease: Acct. No. 2610-26912 (Reserve) by \$40,000.

No. 82-48
Budget and Data Services

Increase: Acct. No. 1093-11110 (Salaries, General) by \$1,154;
Acct. No. 1093-29810 (Undistributed Budget Allocation) by
\$6,856.

Decrease: Acct. No. 2610-26910 (Reserve) by \$8,000.

No. 82-49
Planning and Zoning
Purchasing and Logistics

Increase: Acct. No. 1141-31010 (Equipment) by \$521;

Decrease: Acct. No. 1141-31010 (Equipment) by \$521.

(Using savings in the Equipment Account to purchase filing cabinet in the Permits Office.)

Commissioner Sayre moved, seconded by Commissioner Aud, to approve Budget Amendment Nos. 82-46 through 82-49 as set forth above. Motion unanimously carried.

RESOLUTION R82-2
TAX EXEMPTION
JAMES M. BRISCOE

The County Administrator presented the referenced Resolution for the Commissioners' review and signatures allowing Mr. Briscoe tax exemption from the Special Taxing District for Spring Valley since he has been declared 100% disabled by the Veterans Administration and is exempt from state and local taxation on this property.

Commissioner Arnold moved, seconded by Commissioner Aud, to approve and sign said Resolution. Motion unanimously carried.

LETTER OF AGREEMENT
DEPARTMENT OF AGRICULTURE
MOSQUITO CONTROL

The County Administrator presented a Letter of Agreement from the Department of Agriculture for the Mosquito Control Program for FY '83.

Commissioner Dean moved, seconded by Commissioner Sayre, to authorize Commissioner President Aud to sign said Agreement. Motion unanimously carried.

APPOINTMENT
RECREATION AND PARKS BOARD

Commissioner Arnold moved, seconded by Commissioner Sayre, to appoint John Wood to the Recreation and Parks Board for a term to expire December 31, 1985. Motion unanimously carried.

REQUEST FOR WAIVER OF BUILDING PERMIT FEE
FAIR BOARD ASSOCIATION

The County Administrator presented correspondence from Mr. John F. Slade, III on behalf of the Fair Board requesting a waiver of building permit fee for the new 4-H building at the fair grounds in Leonardtown.

Commissioner Dean moved, seconded by Commissioner Sayre, to grant the waiver as requested. Motion unanimously carried.

ROAD RESOLUTION 82-9
MCINTOSH ROAD

Commissioner Arnold moved, seconded by Commissioner Dean, to approve and sign Road Resolution No. 82-9 as submitted by the County Engineer changing the name of Cloverhill McIntosh Road to McIntosh Road. Motion unanimously carried.

BOARD OF RECREATION AND PARKS
PROPOSED BY-LAWS

By correspondence dated March 26, 1982, the Director of Recreation and Parks forwarded a copy of proposed amendments to their By-Laws for the review and approval of the Commissioners.

After review and discussion, the Commissioners agreed to approve the proposed By-Laws for the Board of Recreation and Parks with the following amendment to Article V (a):

- a. To assist in the determination of all questions of general policies relating to parks and public recreation in St. Mary's County and in concert therewith serve as an advisory board to the Board of County Commissioners.

RESOLUTION NO. 82-3
ESTABLISHMENT OF LIABILITY INDEMNIFICATION PLAN

The County Administrator advised that, inasmuch as the Commissioners, as well as employees and volunteers performing government services on behalf of County Government, are subject to personal liability as individuals as well as representatives of the County, a Liability Indemnification Plan, with adopting Resolution, has been prepared for the Commissioners' review and signatures.

After review and discussion, Commissioner Arnold moved, seconded by Commissioner Aud, to adopt Resolution No. 82-3 and accompanying Liability Indemnification Plan. Motion unanimously carried.

INTRODUCTION OF NEW EMPLOYEES' ASSOCIATION OFFICERS

Present: Glenn Gass, President
Mary Jane Alvey, Vice-President
Rose Thompson, Second Vice-President
Jay McGrath, Second Vice-President
Tinka Buckler, Treasurer
Linda DeLozier, Corresponding Secretary
Cecelia Adams, Recording Secretary
Judith A. Mullins, Past Acting President

Ms. Mullins, Past Acting President of St. Mary's County Employees' Association, introduced the newly elected officers of the Association to the Commissioners. Mr. Gass advised the Commissioners of the proposed plans and programs of the Association and stated that they would like to work with the Commissioners during the year.

The Commissioners expressed their congratulations to the newly elected officers and advised that they would be willing to work with the Employees' Association.

PRESS CONFERENCE

Present: Matt Kaye, WKIK
Allyson Swaney, WPTX
Mike Stover, Enterprise

The regular monthly press conference was held at this time. A tape of the conference is on file in the Commissioners' office.

HEATING AND AIR CONDITIONING RENOVATIONS, PHASE II
PROJECT NO. SM 81-4-13 - COURTHOUSE

Present: John Norris, Jr., County Engineer

Mr. Norris presented the bid tally sheet for the referenced project and advised that Ralph's Climate Control was the lowest bidder. Mr. Norris recommended that the Commissioners award the contract pending the County Engineer's review of past work of the contractor. The Commissioners gave their concurrence.

PROJECT NO. SM 81-1-7
WILLOW RUN SUBDIVISION
BANK RUN GRAVEL

Present: John B. Norris, Jr., County Engineer

Mr. Norris presented the bid tally sheet for the referenced project and recommended awarding the bid to Base Company at a cost of \$3.00 per ton.

Commissioner Dean moved, seconded by Commissioner Aud, to accept the County Engineer's recommendation. Motion unanimously carried.

PROJECT NO. 81-1-7
WILLOW RUN SANITARY SEWER IMPROVEMENTS
ESTIMATE NO. 3

Present: John B. Norris, Jr., County Engineer

Mr. Norris presented Estimate No. 3 in the amount of \$49,065.98 payable to Earnshaw Brothers for the above referenced project. Commissioner Arnold moved, seconded by Commissioner Sayre, to authorize Commissioner President Aud to sign said Estimate. Motion unanimously carried.

CORRESPONDENCE TO DEPARTMENT OF NATURAL RESOURCES
RELOCATION OF OYSTERS - ST. GEORGE'S CREEK

Present: John B. Norris, Jr., County Engineer

Mr. Norris advised that he is forwarding correspondence to the Department of Natural Resources giving authorization to proceed with the relocation of oysters from within the dredging limits for the St. George's Creek/Potomac River channel. Local watermen will perform the relocation and be paid by DNR the going rate per bushel or per hour. St. Mary's County will reimburse DNR upon receipt of invoices for the cost of relocating the oysters.

CAMP COSOMA ROAD
WATERSHED SITE NO. 1

Present: John B. Norris, Jr., County Engineer

Mr. Norris advised the Commissioners that the State of Maryland has requested that the County give them a permit to tie Camp Cosoma Road into the road they have planned to build to the Lake No. 1 site at the watershed.

Mr. Norris stated that the road they plan to build is only twelve feet wide and suggested that the County grant the roadway to the State or have the County construct the road and bill the State.

The Commissioners agreed that the County construct the road under the County's rental contract and then turn the road over to the State.

ST. GEORGE'S ISLAND CHANNEL PROJECT

Present: John B. Norris, Jr., County Engineer

Mr. Norris advised that correspondence was received from the Army Corps of Engineers setting forth the County's financial responsibilities on the referenced project at a total cost of \$51,000. Mr. Norris requested concurrence from the Board to combine the Corps of Engineers', the federal, and the state projects and have the State of Maryland pick up the local share (\$51,000) plus the cost of dredging the additional area. The Commissioners authorized Mr. Norris to proceed to negotiate with the State regarding the above.

ASPHALT OVERLAY PROGRAM - FY'83
SURFACE TREATMENT SCHEDULE - FY'83
SLURRY SEAL PROGRAM - FY'83

Present: John B. Norris, Jr., County Engineer

Mr. Norris presented and reviewed with the Commissioners the above referenced programs and discussed estimated costs of the projects. Copies of the programs are on file in the Commissioners' Office.

LONGVIEW BEACH ROAD

Present: John B. Norris, Jr., County Engineer

Commissioner Arnold advised that he attended a Longview Beach Citizens Association meeting and there was discussion that the referenced road does not receive snow removal service and school buses do not go in there. It is not a County road; however, the property owners have had it asphalted. Commissioner Arnold requested Mr. Norris to attend the next meeting to talk to the citizens concerning the possibility of a Special Taxing District and to discuss what other possibilities exist for them.

FEDERAL HIGHWAY ADMINISTRATION
RE-EVALUATION STUDY

Present: John B. Norris, Jr., County Engineer

Mr. Norris advised the Commissioners that the County is in receipt of a \$10,000 grant from the Federal Highway Administration for a Re-Evaluation Study for the indexing of County roads. There are no county funds involved; however, the County must advise the Administration by April 15 if we are going to participate. The Commissioners gave their concurrence.

RETIREMENT CHECKS
VOLUNTEER FIREMEN

Present: Lloyd Goddard, Leonardtown VFD
Howard Cooper, Ridge VFD
William Huseman, Hollywood VFD
Edward Mosher, Hollywood VFD
Otis Wood, Hollywood VFD

The above-referenced volunteer firemen appeared before the Commissioners to receive their first retirement checks.

REZONING HEARING
ZONE #82-0013
TAKE-IT-EASY RANCH

Present: Irving Knott, Applicant
Frank Gerred, Director, Planning and Zoning
Anita Meridith, Recording Secretary

(Application to rezone approximately 222.82 acres, located on Take-It-Easy Ranch Road, Callaway, Second Election District, Tax Map 57, Block 6, Parcel 23, from AR, Agricultural-Residential, to CP, Camper Park.)

The Commissioners conducted a public hearing on the referenced project. The complete record, tape and minutes are on file in the Office of Planning and Zoning.

CIVIL ZONING VIOLATIONS

Present: Frank Gerred, Director, Planning and Zoning

Mr. Gerred presented and reviewed with the Commissioners a final draft of the Citation for Civil Zoning Violations. The Commissioners advised that they would give further review of the document and make a decision as to whether to proceed to adopt it at next week's meeting.

PRIVATE DRIVES

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

Mr. Gerred presented a copy of a memorandum dated March 31, 1982 addressed to the County Engineer pertaining to the matter of private drives suggesting that the County Commissioners address the issue for clarification as to its application. Included in the memorandum was a copy of the Commissioners' minutes of December 12, 1979 wherein the Commissioners agreed that the County would not have to inspect or approve plans for parking lots and driveway entrances in townhouse developments specifically when it is retained in private ownership as opposed to County ownership. Mr. Gerred stated it was his recommendation that this policy apply to any type of multi-family development or where public access is a generally approved parking lot.

After discussion, Commissioner Dean moved, seconded by Commissioner Arnold, to expand the policy set forth in the December 12, 1979 County Commissioner minutes, Page 470, to other multi-family developments as well as commercial and industrial developments, provided that there be in place in each specific instance a "bona fide and acceptable mechanism" for maintenance of those private areas. The determination of "bona fide and acceptable" should be made by the Planning Commission. In this instance, a homeowners' association is an "acceptable mechanism." Motion unanimously carried.

WILDEWOOD SUBDIVISION, NEIGHBORHOOD III, SECTION II
REQUEST FOR WAIVER OF 50 FOOT REQUIREMENT

Present: Frank Gerred, Director, Office of Planning and Zoning
Eddie Wettengel, Developer, Wildewood Subdivision

(Commissioner Dean did not participate).

Mr. Wettengel appeared before the Commissioners to request a waiver of the Road Ordinance requiring a 50 foot right-of-way in Wildewood Subdivision, Neighborhood III, Section II, and requested that it be a 40 foot right-of-way.

Commissioner Arnold moved, seconded by Commissioner Sayre, to grant the requested waiver as set forth above. Motion carried.

REZONING DECISION DISCUSSION
ZONE #81-1525 - L. JOSEPH MILLS

Present: Frank Gerred, Director, Office of Planning and Zoning
Anita Meridith, Recording Secretary

Having held a public hearing on March 16, 1982 on the referenced case, Commissioner Arnold moved, seconded by Commissioner Sayre, to request the County Attorney to prepare the appropriate Resolution approving the requested rezoning based on staff and Planning Commission's reports. Motion unanimously carried.

APPOINTMENT OF OILBURNER/REFRIGERATION MECHANIC
COUNTY ENGINEER'S OFFICE

The County Administrator presented a memorandum from the Personnel Officer dated April 6, 1982 recommending the appointment of George L. Hall to the position of Oilburner/Refrigeration Mechanic in the County Engineer's Office (Grade 9, on a one year contract basis) effective April 19, 1982.

Commissioner Arnold moved, seconded by Commissioner Sayre, to accept this recommendation. Motion unanimously carried.

APPROVAL OF MINUTES

Commissioner Dean moved, seconded by Commissioner Arnold, to approve the minutes as submitted of the Commissioners' meetings of: February 23, 1982, March 2, 1982, March 9, 1982, March 16, 1982, March 23, 1982 and the Special Meeting of March 26, 1982. Motion unanimously carried.

MORTGAGE REVENUE BONDS

Present: Joe Mitchell, Public Housing Coordinator
Dave Morgan, Economic Development Coordinator

Mr. Mitchell advised the Commissioners that, in addition to the mortgage money through the Community Development Administration to St. Mary's County in the amount of \$672,000, which will be available April 1, another tax exempt mortgage bond program is being made available. Mr. Mitchell went on to explain the program, cited the great demand in the County for this type of housing assistance and listed the limitations and restrictions of the program. He further stated that there will be a local contribution to pay for administrative fees for the bond.

During discussion, Mr. Mitchell offered several recommendations to alter some of the conditions and requested authorization for Commissioner President Aud to sign correspondence to State Department of Economic and Community Development agreeing to participate in the program, requesting an allocation of \$2,000,000 for St. Mary's County, and outlining the conditions and prerogatives the County would like to make.

Commissioner Dean moved, seconded by Commissioner Arnold, to authorize Commissioner President Aud to sign the referenced letter. Motion unanimously carried.

In closing, Commissioner Dean suggested that Mr. Mitchell look into the possibility that a portion of the administrative costs to be borne by the County be paid through a fee.

EXECUTIVE SESSION

Present: Christina Jackson
Mr. Jackson, her husband
Edward V. Cox, County Administrator

The Commissioners agreed to meet in Executive Session in order to discuss a matter of Personnel. The Session was held from 2:35 p.m. to 3:35 p.m.

WATERMEN'S ASSOCIATION

ST. MARY'S RIVER WATERSHED AND OTHER WATER CONCERNS

Present: Robert T. Brown, President, Watermen's Association
Michael Nelson, Department of Natural Resources
Melvin Beaven, Wildlife Administration
John Hall, Soil Conservation Service
Daryl DeCeaser, State Parks
Steve Bunker, Tri-County Council for Southern Maryland

Mr. Brown advised that the purpose of this meeting was to express concerns of the Watermen's Association relative to environmental matters in the St. Mary's River and the Wicomico River. Mr. Brown stated that there was concern regarding possible pollution from Watershed Project No. 1 into the St. Mary's River and from Gilbert Run and Zekiah Swamp into the Wicomico River.

With regard to the Wicomico River, all present agreed to work together to take measures to correct the situation and the Commissioners requested the Tri-County Council to monitor what is happening and to keep the Commissioners informed.

WATERMEN'S ASSOCIATION (Cont'd.)

With regard to Watershed Site No. 1, Mr. Brown requested that steps be taken to insure that no problems have been created at this site prior to beginning Site No. 2.

Mr. Nelson and Mr. Beaven assured Mr. Brown that Site No. 1 has caused no problems and discussion ensued as to the many benefits of the project.

After discussion, the Commissioners agreed to forward correspondence to the Department of Natural Resources expressing support and endorsement of the St. Mary's River Watershed Site No. 2.

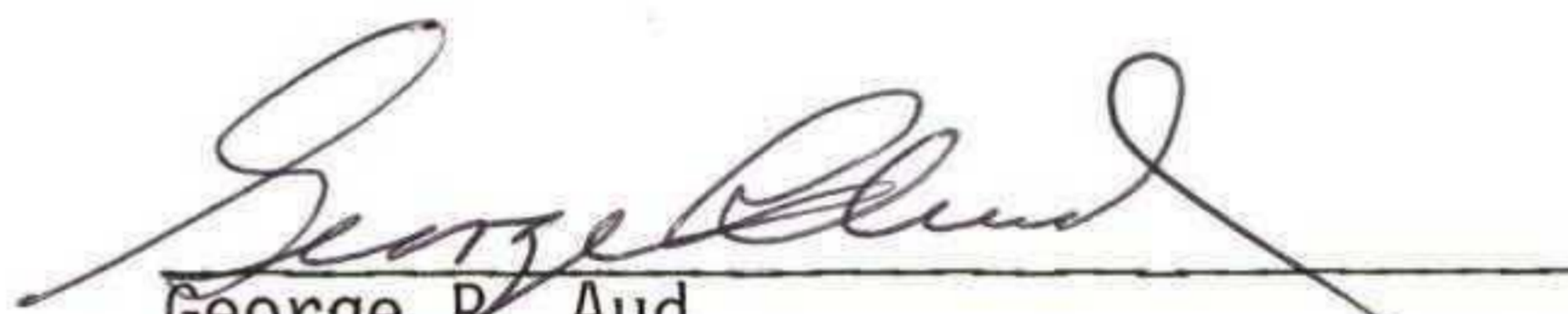
EXECUTIVE SESSION

Present: Paul Raley, Director, Purchasing and Logistics
Edward V. Cox, County Administrator

The Commissioners agreed to meet in Executive Session to discuss a matter of Personnel. The Session was held from 4:30 p.m. to 6:00 p.m.

The meeting adjourned at 6:00 p.m.

Approved,


George R. Aud
President