

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, August 2, 1983

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. Spalding, Recording Secretary

The meeting was called to order at 9:15 a.m.

APPROVAL OF VOUCHERS

Commissioner Millison moved, seconded by Commissioner Arnold, to approve payment of the bills, with the exception of Voucher No. 000439 payable to The Belvedere. Motion unanimously carried.

Commissioner Aud moved, seconded by Commissioner Arnold, to approve payment of Voucher No. 000439. Commissioner Millison abstained. Motion carried.

JOINT USE OF INDIVIDUAL WELL

Present: David Long (property owner, Benswood Rd. California)
Dr. William Marek, Deputy Health Officer

Mr. Long appeared before the Commissioners to request assistance in resolving a situation whereby the Health Department will not allow him and his son joint use of a well on their property. He explained the events that led to today's meeting, stating that his son purchased 73½ acres on Benswood Road in California and subdivided it into three parcels: one 6½ acres, one 4 acres, and the remaining 63 acres. The smaller parcels had percolation tests, were approved, and subsequently septic systems were placed on each lot. Mr. Long stated that a dug well was placed on one lot to serve his trailer and when his son made application to the Health Department to use the existing well, it was denied.

Dr. Marek explained that the problem arose with the definition of "community" for source of water supply in this case. He stated that a community well is one that is not an individual well, which can only serve one property and must meet certain Metropolitan Commission standards and other specifications.

In discussing the situation, Commissioner Dean advised that he has been working with the Metropolitan Commission, Health Department and Office of Planning and Zoning to develop a policy regarding the joint use of an individual well. He stated that it was his opinion that it would be cost effective and would pose no health problems. A maximum number of houses to be served by the well would be set and there would be a requirement for periodic testing of the water every couple of months and then quarterly. Commissioner Dean further stated that the policy needs to be finalized and recommended that it be prepared for review by the Board at their next meeting in two weeks, August 16.

The Commissioners agreed to this suggestion and advised Mr. Long that this would help him and others in the same situation.

NURSING HOME BUILDING COMMITTEE
CERTIFICATE OF NEED

Present: George Smith, Director, Nursing Home
Dan Caper, Chairman, Nursing Home Building Committee
Joseph Tolson, Chairman, Nursing Home Board
Lou Huber, Consultant
Peter Lambert, Administrator, St. Mary's Hospital

The referenced individuals appeared before the Commissioners to request the Commissioners' approval to apply for a Certificate of Need for a new 140-bed comprehensive care nursing home facility to be located in front of the present building. Mr. Capper explained that the Committee, after reviewing the financial feasibility, has recommended the new construction and that the present nursing home building be converted to domiciliary care. He stated that the deadline for submission of the application is Monday, August 8.

Mr. Huber discussed the financial aspects of the project and stated that the new nursing home would create a positive cash flow and further stated that the total concept--hospital, nursing home and domiciliary care-- is in keeping with an entire compendium of care on that site.

After discussion, Commissioner Dean moved, seconded by Commissioner Millison, that approval be granted for the submission of the application for Certificate of Need for the construction of a 140-bed nursing home facility, and that Commissioner President Aud to be authorized to sign all related documents, and that the Commissioners can give additional review of the project during the process. Motion unanimously carried.

LIBRARY BOARD OF TRUSTEES

Present: Robert Goldsmith, President, Library Board
Blanche Abernethy, Library Board
Robert Novotny, Library Board
Carolyn Stolhand, Library Board
Charlotte Young, Library Board
Katherine Hurrey, Director, So. Md. Regional Library Assoc.
Mary Wood, Librarian

The referenced individuals appeared before the Commissioners to request consideration for adequate funding to furnish the Leonardtown Library when it is moved to the Armory. Mr. Goldsmith submitted a handout setting forth the facts pertaining to the purchase of furniture and indicated that the cost would be approximately \$60,000-\$65,000. He stated that they had been informed that there would not be enough funds remaining after the site work and lighting has been completed for the purchase of the needed furniture. Mr. Goldsmith pointed out that the furniture should be purchased as part of one bid in order to obtain the best price and to assure matched finishes.

The Commissioners advised that they will review the project with the County Engineer and Director of Budget & Data Services and will respond to the Trustees' request.

OFFICE OF COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) Coastal Zone Management Contract

The County Administrator presented a Contractual Agreement by and between the Department of Natural Resources, Coastal Resources Division, and St. Mary's County by which the County will aid DNR in implementing the goals and objectives of the Coastal Zone Management Act of 1972 and the Md. Coastal Zone Management Program for period July 18, 1983 through June 30, 1984.

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

2) SUPPLEMENTAL AGREEMENT
CONTROL AND ERADICATION OF JOHNSONGRASS

The County Administrator presented the referenced Supplemental Agreement with the Maryland Department of Agriculture and St. Mary's County for the control and eradication of Johnsongrass.

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

3) CLEARINGHOUSE PROJECTS

a) Project No. 83-7-873
Patuxent Park West Apartments

The County Administrator presented the referenced clearinghouse project and recommended that it be forwarded to the State with Comment #2-- that the project is not inconsistent with this agency's plans, programs or objectives; however that the site plan and other processes must be approved by the County. The Commissioners gave their concurrence.

b) Project No. 83-7-873
Procedures for Md. Intergovernmental Review and
Coordination Process

The County Administrator presented the references clearinghouse project and recommended that it be forwarded to the State with Comment #1-- that the project is not inconsistent with this agency's plans, programs or objectives. The Commissioners gave their concurrence.

4) COASTAL RESOURCES ADVISORY COUNCIL

Commissioner Aud moved, seconded by Commissioner Dean, to appoint Robin Guyther, Planner, Office of Planning & Zoning, as Alternate member to the Coastal Resources Advisory Council. Motion unanimously carried.

5) ZONING AMENDMENT RESOLUTION NO. Z83-12
ZOHD 83-0379 - NEWTON NECK

(Requesting that Tax Map 47, Block 5, Parcel 268, in the Third Election District of St. Mary's County containing approximately 9.46 acres be rezoned from R-1, Rural-Residential to the Historic District classification.)

The County Administrator presented the referenced Zoning Amendment Resolution for the Commissioner's review and approval. Commissioner Millison moved, seconded by Commissioner Sayre, to approve and sign Zoning Amendment Resolution No. Z83-12. Motion unanimously carried.

INNOVATIVE SEWAGE DISPOSAL SYSTEMS

Present: Dr. William Marek, Deputy Health Officer
Walter Raum, Director, Environmental Hygiene
Dane Bauer, State Health Dept., Office of Environmental Programs
Jack Holthaus, " " " " " " "
Larry Petty, Director, Metropolitan Commission
Frank Gerred, Director, Office of Planning & Zoning

Dr. Marek opened the meeting by stating that the Health Department was charged with the responsibility by the Commissioners to develop proposals for pilot innovative and alternative sewage disposal systems and estimated costs. He stated that there are four systems that have potential as innovative and alternative systems for St. Mary's County.

By way of a handout and a visual presentation, Mr. Raum described the four systems and their estimated costs. He stated that it is proposed that there be six of each type of system installed and monitored for a two-year period to determine if they are successful. The cost will be approximately \$132,000.

During discussion the following points were raised for consideration:

1. Minimum number of each of the four trial systems in order to have a valid experiment.
2. The selection of the lots to receive the systems, whether for failing systems, new construction and/or those lots that had received percolation approval under old regulations, but after 1972 could not meet the requirements.
3. A fair selection process from those individuals who meet the established criteria would then have to be developed and a determination by whom the selection should be made, perhaps by a Lottery.
4. Financing the installation of the systems--what will be the total financial commitment by the County?

In conclusion, it was agreed that another meeting be scheduled in two-week's time to give consideration to the above issues and the County Engineer, Director of Planning and Zoning and the Economic Development Coordinator be present in order for there to be a concentrated government effort on this matter.

GRANT APPLICATIONS
RECREATION AND PARKS

Present: John V. Baggett, Director, Recreation and Parks

Mr. Baggett presented the following grant applications for the Commissioners' review and approval:

- 1) For the construction of a multi-use hard surface court at the Fifth District Park. He stated that he plans to go out on bids on this project along with the hard surface courts at Laurel Grove and Dorsey Park.
- 2) For playground equipment at the Fifth District Park. He stated that this project had been closed out and no funds remain; therefore, it will be necessary to transfer funds from another account. If approved by the Board, a Budget Amendment will be prepared and submitted.

Commissioner Dean moved, seconded by Commissioner Sayre, to approve and authorize Commissioner President Aud to sign the referenced Grant Applications as presented by the Director of Recreation and Parks and further to approve the transfer of funds as requested. Motion unanimously carried.

EXECUTIVE SESSION

Present: John V. Baggett, Director, Recreation and Parks
Edward V. Cox, County Administrator

At the request of Mr. Baggett, Commissioner Sayre moved, seconded by Commissioner Arnold, to meet in Executive Session in order to discuss matters of Personnel and land acquisition. Motion unanimously carried. The session was held from 1:15 p.m. to 1:35 p.m.

PROCLAMATION NO. 83-
PRIDE IN TOBACCO WEEK

Present: Johnny Wood
Wayne Swann
Francis Hewitt

The Commissioners presented the referenced Proclamation designating the week of August 1-7, 1983 as Maryland Pride in Tobacco Week in St. Mary's County.

REDISTRICTING PROPOSAL

Present: Al Gough, Redistricting Board
James Boyd, " "
Lou Clements, " "
Sterling Tennison " "

(Francis J. Russell, Chairman of the Redistricting Board, was unable to attend.)

On behalf of the Redistricting Board, Mr. Gough presented correspondence to the Commissioners setting forth recommendations for the St. Mary's County Commissioner Districts. He stated that inasmuch as public hearing were held and no opposition received, the recommendations are as follows:

First Commissioner District - First, Second and Ninth
Election District

Second Commissioner District - Third and Sixth Election
District

Third Commissioner District - Fourth, Fifth and Seventh
Election District

Fourth Commissioner District - Eighth Election District

The Commissioners accepted the proposal from the Redistricting Board, thanked the members for their time and effort in this endeavor, and advised that they would prepare the appropriate Resolution formally accepting the Redistricting Plan.

ENFORCEMENT OF HUCKSTERS' LICENSE REQUIREMENT

Commissioner Aud apprised the Commissioners of the fact that certain individuals have been coming into the County and selling tools, furniture and other wares from the back of a truck or van to the detriment of the County's established merchants who pay taxes and support the community. Inasmuch as St. Mary's County residents are required to obtain licenses for this type of selling, Commissioner Aud recommended that the Sheriff's Office be requested to look into this situation and ensure that proper licenses are obtained. Also, Commissioner Aud suggested stricter requirements should be established to deter out-of-county merchants from such activity. After discussion, the Commissioners agreed to request the Sheriff to more closely enforce existing legislation.

ROLFE ROAD

Commissioner Sayre presented a Memorandum of Offer from Thomas Brooke Bryan by which he is offering to the County a 12-foot strip along the easterly side of Rolfe Road for the purpose of widening the road contingent upon the property owners agreeing to the following:

1. That the road name be changed from Rolfe Road to South River Road.
2. That a turn around be constructed at the end of the road at the expense of the residents of Klomans Subdivision and South Potomac Shores Subdivision (who signed the referenced Memorandum of Offer) and/or the Board of County Commissioners.

The Commissioners agreed to forward the Memorandum of Offer to the County Engineer's Office for review and to prepare a recommendation to the Board.

JAIL STUDY REPORT

Commissioner Dean suggested that inasmuch as the engineering firm of Mosley-Henning Associates has completed its study of the county jail, that the report be formally presented to the Board and representatives of the criminal justice system. The County Administrator was directed to make arrangements for this meeting.

EXECUTIVE SESSION

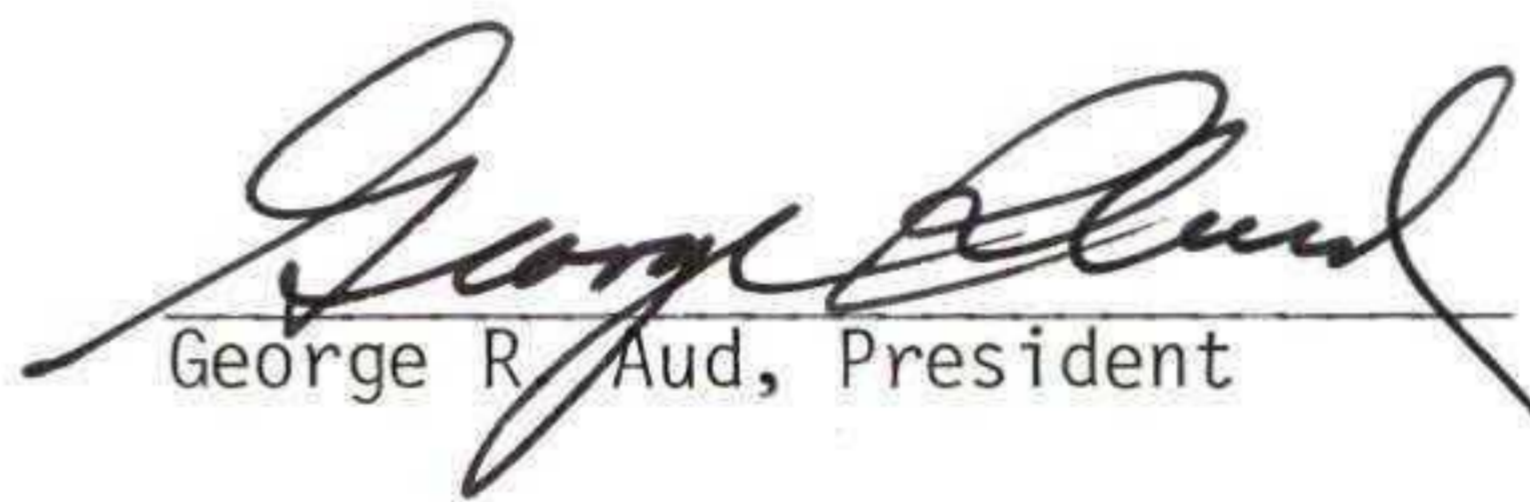
Present: Edward V. Cox, County Administrator

Commissioner Dean moved, seconded by Commissioner Aud, to meet in Executive Session in order to discuss a matter of Personnel (consideration of appointments to Boards, Committees and Commissions). The Session was held from 2:30 p.m. to 3:30 p.m.

ADJOURNMENT

The meeting adjourned at 3:30 p.m.

Approved:


George R. Aud, President