

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, September 25, 1984

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. Spalding, Recording Secretary

(Commissioner Larry Millison was not present due to illness.)

CALL TO ORDER

The meeting was called to order at 9:05 a.m.

APPROVAL OF MINUTES

Because of lack of time the minutes of Tuesday, September 18, 1984 will not be approved until next week's meeting.

APPROVAL OF BILLS

Commissioner Aud moved, seconded by Commissioner Sayre, to approve payment of the bills as submitted. Motion carried.

PRESENTATION OF TAX CHECK
C & P TELEPHONE COMPANY

Present: Alfred Mattingly

On behalf of the C & P Telephone Company, Mr. Mattingly appeared before the Commissioners to present a check in the amount of \$377,602.93 for property taxes.

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) METROPOLITAN COMMISSION
BONDING FOR TREASURER

The County Administrator presented correspondence dated September 19, 1984 from the Metropolitan Commission advising that Mary Ann Murray, Fiscal Specialist/Treasurer has resigned as of September 28, and that Larry Petty, Director, has been appointed to serve as Treasurer on an interim basis. Commissioner approval is needed for the bonding for Mr. Petty.

Commissioner Arnold moved, seconded by Commissioner Dean, that the St. Mary's County Board of Commissioners approve the Continental Insurance Company as surety for the bonding specified in Section 113-1.E. of the Public Local Laws of St. Mary's County, in the amount of \$25,000, to be issued to Larry K. Petty as to the duly appointed Treasurer of the St. Mary's County Metropolitan Commission, effective September 28, 1984. Motion carried.

(Commissioner Aud left meeting - 9:25 a.m.)

2) WICOMICO SHORES COUNTRY CLUB

The County Administrator reminded the Commissioners of the group of county officials appointed by the Board to work with the investors of Wicomico Shores Country Club to help salvage that community. He stated that as a result of meetings, it was suggested that the Commissioners prepare correspondence to the Public Services Commission requesting favorable consideration to the application by Chaptico Water and Sewer Company for an interim rate while investigation continues concerning the

settlement of a long term rate. The Commissioners agreed to sign and forward the letter to the Public Service Commission as recommended.

3) GRANT AGREEMENT
ST. MARY'S COUNTY AIRPORT

The County Administrator presented five copies of the Grant Agreement with Federal Aviation Administration for the St. Mary's County Airport Project--land acquisition, easements; widening and extension of runway safety area. Total project is the amount of \$274,181; FAA share - \$247,181.

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

4) CLEARINGHOUSE PROJECT
MD 84-8-913
LEXINGTON RETREAT ASSOCIATES LIMITED PARTNERSHIP
FmHA RURAL RENTAL HOUSING

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; however, it must receive county planning and zoning approvals.

The Commissioners gave their concurrence.

5) PERSONNEL

The County Administrator presented the following items of personnel for the Commissioners' review and approval:

a) Fiscal Clerk Position
DECD

Memorandum dated September 20, 1984 from Personnel Officer requesting authority to fill the part-time Fiscal Clerk position at a Grade 7 because of additional duties, and if so, recommending that Brenda Hewitt be appointed to that position. (The position was initially established at a Grade 6.) Ms. Hewitt is currently a Grade 8 and has requested a change to the lower grade position.

Commissioner Arnold moved, seconded by Commissioner Sayre to accept the Personnel Officer's recommendations as set forth above. Motion carried.

b) Clerk Typist Position
Office of Children and Youth

Memorandum dated September 24, 1984 requesting authority to refer a list of eligible candidates to the Youth Services Coordinator to replace Bernice Nelson, who has submitted her resignation effective October 1, 1984.

The Commissioners gave their concurrence.

c) Fiscal Clerk Position
Department of Economic & Community Development

Memorandum dated September 25, 1984 from Personnel Officer requesting authority to fill the Fiscal Clerk III, Grade 8, position which will be vacated by Brenda Hewitt's reassignment to a part-time position.

Commissioner Sayre moved, seconded by Commissioner Arnold, to approve this request. Motion carried.

d) Janitor III Position

Memorandum dated September 24, 1984 requesting authority to fill the Janitor III position vacated by the resignation of Gregory Ridgell on September 14, 1984.

Commissioner Arnold moved, seconded by Commissioner Sayre, to approve this request. Motion carried.

5) APPOINTMENT
EMERGENCY MEDICAL SERVICES COUNCIL

Commissioner Sayre moved, seconded by Commissioner Arnold, to appoint Harry Koehler to the EMS Council for a term to expire December 31, 1987. Motion carried.

(COMMISSIONER AUD RETURNED - 9:40 A.M.)

7) BUDGET AMENDMENT NO. 85-21
COUNTY ENGINEER

The County Administrator presented the referenced Budget Amendment recommended for approval by the Budget Director with the following justification: Extra Work Order concerning Lexington Park Storm Drainage Project. Tentative approval subject to identification of funding source. First reviewed by Commissioners on 7/24/84.

Commissioner Dean moved, seconded by Commissioner Sayre, to approve and authorize Commissioner President Aud to sign said Budget Amendment. Motion carried.

8) PARENT RESOURCES FOR EMPLOYMENT PROGRAM

The County Administrator advised that a grant proposal for the referenced project was submitted by the Office of Children and Youth to the Southern Maryland Private Industry Council and was approved in July. Signed contract was received September 13. Formal approval by the Board is requested.

Commissioner Aud moved, seconded by Commissioner Arnold, to approve the grant for the Parents Resources for Employment Program. Motion carried.

(COMMISSIONER AUD AND MR. COX LEFT MEETING TO GO TO BALTIMORE BOND SALE. COMMISSIONER DEAN PRESIDED OVER THE MEETING.)

OFFICE OF PLANNING & ZONING

Present: Frank Gerred, Director, OPZ

1) AGRICULTURAL LAND PRESERVATION DISTRICTS

ALPD #84-0375 - EDWARD MONOHAN
ALPD #84-0134 - ROBERT JARBOE
ALPD #80-1948 - CAROL WATHEN

Mr. Gerred advised that although the Commissioners had previously approved the sale of the easements for the referened ALPD's, because of change in the State regulations, reapproval by the Board must be established. The Agricultural Land Preservation Committee and the Planning Commission have recommended reapproval.

Commissioner Arnold moved, seconded by Commissioner Sayre, to reapprove the referenced applications for the sale of easements. Motion carried.

2) ALPD # 84-0702
OLIVER R. GUYTHER
(BELVEDERE FARM)

Mr. Gerred advised that Mr. Guyther had previously submitted the referenced application which had been turned down by the State because it did not meet the State's requirements in that it did not have sufficient percentage of Class 1, 2 and 3 soils, cropland and woodland. The application has now been resubmitted, eliminating some Class 4 soil areas and waterfront areas. Mr. Gerred questioned the State's excluding those areas in that it would leave the productive farm exposed to potential adjoining development and recommended that a letter be forwarded to the State pointing this out.

The Commissioners agreed to approve the ALPD application and that Mr. Gerred prepare correspondence for Commissioner President Aud's signature regarding better protection of agricultural production in these type of cases.

3) ZONING ORDINANCE VIOLATION
VIOLATION #82-1216

Mr. Gerred advised that correspondence from an individual setting forth difficulties in receiving a final electrical hookup. Mr. Gerred advised that there may be two violations of the Zoning Ordinance; (a) the builder did not request a Certificate of Occupancy and (b) the electrician did not perform the final inspection. Mr. Gerred requested authorization to take legal action in this case. The Commissioners gave their concurrence.

4) STSP 82-0268
STEVEN SALVAGE

Mr. Gerred advised that the referenced Industrial Site Plan, which had been approved by the Commissioners on September 11, 1984, was resubmitted to the Planning Commission on September 24 in order to amend the application to add a non-iron recycling site at Steven Salvage. The Planning Commission has recommended approval.

Commissioner Arnold moved, seconded by Commissioner Sayre, to approve the amended site plan as requested. Motion carried.

PUBLIC HEARING
ROAD NAME CHANGE
COLEMAN ROAD TO PARLETT-MORGAN ROAD

Present: John Norris, County Engineer

The Commissioners conducted a public hearing for the purpose of renaming Coleman Road (County Route 3422) to Parlett Morgan Road, located off of Route 6, in the Fifth Election District.

Commissioner Dean inquired if anyone present wished to speak for or against the road name change.

Commissioner Arnold noted for the record that the Morgans and Parletts are the two largest property owners on that road, there does not appear to be any objections in that area that the road be renamed.

Hearing no other comments, the public hearing was closed. The Commissioners will make a decision in two weeks.

PROJECT SELF-SUFFICIENCY
U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Present: Joseph Mitchell, Director, Dept. of Economic & Community Dev.

Mr. Mitchell advised that on Friday, September 21 it was learned that St. Mary's County will be 1 of 78 communities across the nation to participate in the Project Self-Sufficiency Program. The program will provide housing, training, counseling and placement assistance in order to help break the poverty syndrome.

PATUXENT PARK WEST
DIVERSIFIED HOUSING CONCEPT

Present: Joseph Mitchell, Director, ECD
Frank Gerred, Director, OPZ

Mr. Mitchell advised that the developers of Patuxent Park West, Laskin and Curley, have submitted a proposal to the County for a diversified housing project and need the Commissioners' approval of the concept. Farmers Home Administration has given tentative approval of the concept to build within this project a section for families of limited income.

Mr. Gerred went on to explain the concept of mixed types and prices of housing which gives the community a good economic mixture and has proven to be an acceptable process throughout the country.

After some discussion, the Commissioners agreed to defer a decision on the approval of the concept until a later date.

EXECUTIVE SESSION

Present: John Norris, County Engineer

Commissioner Arnold moved, seconded by Commissioner Sayre, to meet in Executive Session with the County Engineer in order to discuss a matter of litigation. The Session was held from 10:45 a.m. to 11:05 a.m.

PROCLAMATION NO. 84-52
NATIONAL CRIMINAL PREVENTION MONTH

Present: Lt. Richard Stuff
Cpl. John Simms
Col. Travers

The Commissioners presented the referenced Proclamation designating the Month of October as National Criminal Prevention Week in St. Mary's County.

PROCLAMATION NO. 84-
NATIONAL ADULT DAY CARE WEEK

Present: Jim Mahoney
Ellen Hewitt

The Commissioners presented a Proclamation designating September 23-29, 1984 as National Adult Day Care Week in St. Mary's County.

PROCLAMATION NO. 84-
KNIGHTS OF COLUMBUS TOOTSIE ROLL MONTH

Present:

The Commissioners presented the referenced Proclamation designating October as Knights of Columbus Tootsie Roll Month for Mentally Retarded Citizens in St. Mary's County.

OFFICE OF COUNTY ENGINEER ITEMS

Present: John Norris, County Engineer

1) LEONARDTOWN CRITICAL AREA TREATMENT PROJECT
PROJECT NO. SM 85-4-2

The County Engineer advised that he is in receipt of a letter of commitment from SHA indicating that they will participate in 1/2 of the local share of funding for the referenced project, which is \$10,750. Mr. Norris went on to explain the timetable for completion of the project and indicated that it may be possible for St. Mary's County's funding to come from next fiscal year's budget. Soil Conservation Services has been requested to use this timetable, and if not a source of funds for the local match would have to be determined.

2) LEXINGTON PARK STORM DRAINAGE PROJECT
SHANGRI-LA DRIVE

The County Engineer requested concurrence to increase the value of the referenced project by \$2500 to \$3000 in order to put in additional lane on Shangri-La Drive. The Commissioners gave their concurrence.

3) SCHEDULING OF PUBLIC HEARING
SPECIAL TAXING DISTRICT
KATHY CIRCLE - GOLDEN BEACH

Mr. Norris requested the Board's concurrence to hold a public hearing on the establishment of a Special Taxing District for the improvements of Kathy Circle, Golden Beach Subdivision to be held October 16, 7:30 p.m. at White Marsh Elementary School. The Commissioners gave their concurrence.

4) STREET LIGHT CHANGE ORDER
SHANGRI-LA DRIVE, LEXINGTON PARK

Mr. Norris presented Change Order No. 2 for an amendment to the Street Lighting Contract for the addition of a light at the High's Store on Shangri-La Drive in Lexington Park. The cost will be an additional annual charge of \$90 and a monthly charge of \$7.50.

Commissioner Sayre moved, seconded by Commissioner Arnold, to authorize Commissioner President Aud to sign said Change Order. Motion carried.

5) TALL TIMBERS SHORE EROSION CONTROL DISTRICT
DNR FEASIBILITY REPORT

The County Engineer presented the Feasibility Report from the Department of Natural Resources which will be presented at the public hearing on September 28. The Commissioners discussed temporary repairs to the bulkhead that would not be supported by DNR funds. The Commissioners agreed that St. Mary's County would not be able to provide the loan for the temporary work and that responsibility would be left with the individual property owner upon establishment of the taxing district, the capital project cost would be distributed to the residents of the taxing district utilizing DNR interest-free over a 25-year period.

6) PUBLIC WORKS AGREEMENT
COUNTRY LAKES SUBDIVISION

The County Engineer presented a Public Works Agreement by and between Benjamin H. Burroughs, Jr., trading as Country Lakes Partnership, and the County Commissioners of St. Mary's County guaranteeing the completion of East Winston Drive and West Winston Drive, Sections 2 and 3 of Country Lakes Subdivision by July 1, 1985. Letter of Credit is in the amount of \$30,000.

Commissioner Arnold moved, seconded by Commissioner Sayre, to authorize Commissioner President Aud to sign said Public Works Agreement. Motion carried.

7) ADDENDUM TO PUBLIC WORKS AGREEMENT
COUNTRY LAKES SUBDIVISION, SECTION I

The County Engineer presented a Public Works Agreement by and between Benjamin H. Burroughs, Jr and the Board of St. Mary's County Commissioners extending the deadline for completion of certain roads in Country Lakes Subdivision, Section I from October 1, 1984 to December 1, 1984 and reducing the Personal Bond from \$350,000 to \$150,000.

Commissioner Arnold moved, seconded by Commissioner Sayre, to authorize Commissioner President Aud to sign said Addendum. Motion carried.

8) ADDENDUM TO PUBLIC WORKS AGREEMENT
WOODLAND SUBDIVISION, SECTION II

The County Engineer presented an Addendum to the Public Works Agreement entered into by and between Julius J. Finnacom and Hal Edwin Cole and the Board of St. Mary's County Commissioners extending the deadline for the completion of roads from October 1, 1984 to October 1, 1985.

Commissioner Arnold moved, seconded by Commissioner Sayre, to authorize Commissioner President Aud to sign said Addendum. Motion carried.

9) STATUS OF PUBLIC WORKS AGREEMENT
HOLLY HILLS, NEIGHBORHOOD III
CEDAR COURT, SECTION I

The County Engineer advised that the bonds were due on the referenced roads September 1, 1984. The work has been completed and acceptable and the Public Works Agreement will be released.

10) HELEN FARMETTES - SECTIONS A AND B
PUBLIC WORKS AGREEMENT

The County Engineer advised that the completion of the referenced projects are secured by a corporate bond in the amount of \$34,000 and will be due October 1, 1984. He stated that he is awaiting return of an Addendum to extend the completion to July 1, 1985.

Commissioner Arnold moved, seconded by Commissioner Sayre, to accept the Addendum and authorize Commissioner President Aud to sign same upon receipt of same. Motion carried.

11) WILDEWOOD BOULEVARD
WHITE OAK PARKWAY
WILDEWOOD SUBDIVISION
PUBLIC WORKS AGREEMENTS

Mr. Norris advised the Commissioners that Wildewood Boulevard and White Oak Parkway are secured by corporate bonds and the Public Works Agreements will come due October 1, 1984. He stated that he has requested the developer to complete the roads and turn them over to the County for the following reasons:

- a) For installation and enforcement of traffic control devices;
- b) For Winter/Snow Maintenance;
- c) For a Bypass lane because of occupancy of condominiums.

Mr. Norris stated that the developer has requested a one-year extension in order to complete the roads, and he is in disagreement with this request because of the above-mentioned items. If the extension is not granted, the developer must complete the roads or the bond must be called.

In conclusion the Commissioners requested the secretary to contact the developer in order to ascertain his reasons for requesting the extension and to invite him to appear before the Board at next week's meeting to explain his position.

12) WILDEWOOD PARKWAY
WILDEWOOD SUBDIVISION
PUBLIC WORKS AGREEMENT

The County Engineer advised that the referenced Public Works Agreement will come due October 1, 1984. The work is basically complete; however, a decision needs to be made concerning the need for a guardrail over the stream crossing. Mr. Norris advised that he will be looking into this. If there is a need for the guardrail, then the Letter of Credit will have to be called or a reduced amount posted for the installation of the guardrail. The Commissioners gave their concurrence.

13) GRADING AGREEMENT ADDENDUM
PERMIT NO. 83-17
RFG&F BUILDING SITE

The County Engineer presented an Addendum to the Grading Agreement entered into by and between Robert F. Gabrelcik and the Board of County Commissioners of St. Mary's County extending the deadline for the completion of the required work for the RFG&F Building Site to October 1, 1985.

Commissioner Arnold moved, seconded by Commissioner Sayre, to authorize Commissioner President Aud to sign said Grading Agreement Addendum. Motion carried.

14) 84 LUMBER COMPANY
GRADING PERMIT NO. 83-14

The County Engineer advised that the Grading Agreement will be due October 1, 1984 and is now awaiting an Addendum. Authority is request for Commissioner President Aud to sign said Addendum upon receipt of same.

Commissioner Sayre moved, seconded by Commissioner Arnold, to authorize Commissioner President Aud to sign said Addendum. Motion carried.

15) LEXWOODS
GRADING PERMIT NO. 83-19

The County Engineer advised that the Grading Permit with Harkins Associates will come due October 1, 1984 and that there will be a meeting regarding this later today and it will probably be recommended that the Agreement be extended. If so, Mr. Norris advised that he will return with a recommendation to the Board.

16) McELWEE-SCARBOROUGH CONSTRUCTION COMPANY
GRADING AGREEMENT ADDENDUM
GRADING PERMIT NO. 83-4

The County Engineer presented an Addendum to the Grading Agreement by and between McElwee-Scarborough Construction Company and the Board of County Commissioners for St. Mary's County extending the deadline for the completion of the required work at the Fenwick property on Hermanville Road, Lexington Park to November 1, 1984.

Commissioner Arnold moved, seconded by Commissioner Sayre, to authorize Commissioner President Aud to sign said Addendum. Motion carried.

17) VALLEY DRIVE EXTENDED

The County Engineer advised that neither the Public Works Agreement nor the Grading Agreement are complete as required by the October 1 deadline. The survey requested by the Board indicated that the

construction for the storm drainage system is on Mrs. Bonner's property and not within the easements provided. The Board directed that the bonds be called if the work on Spring Valley Drive required by the Public Works Agreement is not completed by October 1 and if additional easement is not obtained or the drainage system is not relocated to the easement area.

ZONING AMENDMENT RESOLUTION NO. Z84-20
RICHARD C. MANSON - ZONE #83-1225

Commissioner Arnold moved, seconded by Commissioner Sayre, and motion carried to approve and sign the referenced Zoning Amendment DENYING the application for the following reasons:

- 1) There has been no evidence to show the additional need for commercial property in the area.
- 2) No proposed use for the property was presented indicating the rezoning request is speculative.
- 3) The commercial use of the property may be changed or expanded under existing regulations for non-conforming uses.

RESOLUTION NO. 84- 27
GENERAL OBLIGATION BONDS
AWARD OF BIDS

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

Present in Baltimore: George R. Aud, President, County Commissioners
Edward V. Cox, County Administrator
David Funk, Piper & Marbury
Sam Ketterman, Alex Brown & Sons

Via a telephone call from the offices of Piper & Marbury in Baltimore, Md., the County Administrator, Edward V. Cox, and President of the Board of County Commissioners, George R. Aud, presented the following bids for the sale of General Obligation Bonds (Public Facilities Bonds of 1984) in the amount of \$1,700,000:

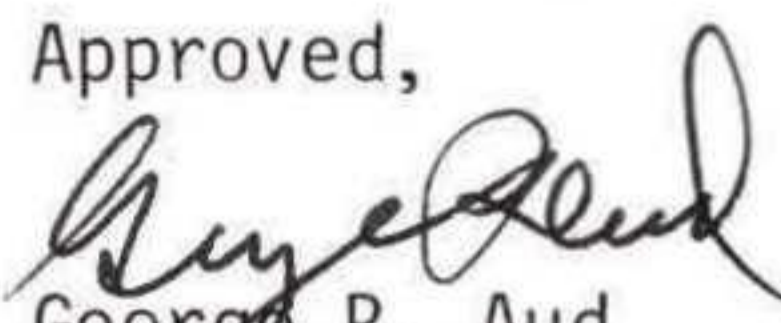
<u>Bidder</u>	<u>Total Net Interest Cost</u>	<u>Effective Rate of Interest</u>
Baker & Watts	\$1,585,620	9.4862
Alex Brown	1,586,405	9.490906
Northern Trust	1,574,288.05	9.418415

It was recommended that the Commissioners award the bid to the lowest bidder, Northern Trust.

Commissioner Arnold moved, seconded by Commissioner Sayre, to award the bid to Northern Trust as recommended.

ADJOURNMENT

The Commissioners adjourned the meeting at 12:45 p.m.

Approved,

George R. Aud
President