

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, June 11, 1985

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

CALL TO ORDER

The meeting was called to order at 10:35 a.m.

APPROVAL OF MINUTES

Commissioner Dean moved, seconded by Commissioner Arnold, to approve the minutes of the Commissioners' meeting of Tuesday, June 4, 1985. Motion carried.

APPROVAL OF BILLS

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

PUBLIC HOUSING PROGRAM

Present: Joseph Mitchell, Director, Economic & Community Development  
Dennis Nicholson, Housing and Community Development Coordinator

Mr. Mitchell and Mr. Nicholson appeared before the Commissioners to present the Certificate of Participation in the Public Housing Homeownership Program which had been presented by the Secretary of the Department of Housing and Urban Development last week. St. Mary's County was selected as one of 16 jurisdictions throughout the nation to participate in the homeownership program.

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) BUDGET AMENDMENTS

The County Administrator presented the following budget amendments recommended for approval by the Budget Director with justifications as indicated:

No. 85-91  
Office on Aging

Justification: Final cost associated with Senior Center funds relative to prior fiscal year's encumbrance against grant records.

No. 85-92  
Personnel

Justification: To meet additional advertising costs for county positions

Commissioner Dean moved, seconded by Commissioner Arnold, to approve and authorize Commissioner President Aud to sign said Budget Amendments.



2) LEXINGTON PARK STORM DRAINAGE TAXING DISTRICT  
DAVCO FOODS

The County Administrator presented correspondence dated June 7, 1985 from George Sparling, Attorney for Davco Foods, Inc. advising that Davco Foods, Inc. has agreed to pay \$4,000 toward the study of the Lexington Park Storm Drainage Taxing District and requesting the Commissioners' concurrence.

Commissioner Dean moved, seconded by Commissioner Sayre, to accept the terms of the letter of June 7, 1985 from George Sparling, Attorney for Davco Foods, Inc. and further to authorize Commissioner President Aud to countersign said letter. Commissioner Millison abstained. Motion carried.

3) RIGHT OF PRIOR ENTRY  
(ROBERT AND ANNA YATES - PROPERTY IN COLTON POINT

The County Administrator advised that Mr. and Mrs. Robert Yates purchased property at a tax sale, and the County has been attempting since February 1982 to remove the cloud on the title by negotiation and civil court process. The property owners desire to go on the property to make certain improvements at their personal risk, without liability to county government. Therefore, Mr. Cox presented a Right-of-Entry Agreement granting unto Robert Edward and Anna Lois Yates a temporary right of entry for the purpose of clean up, maintenance and repair until such time as the cloud on the title is removed and property title is transferred or until July 1986 whichever occurs first.

Commissioner Dean moved, seconded by Commissioner Arnold, to approve and sign the Right of Prior Entry as presented by the County Administrator. Motion carried.

4) LEONARDTOWN VOLUNTEER FIRE DEPARTMENT  
REQUEST FOR ADDITIONAL FUNDS FOR STANDBY GENERATOR

The County Administrator presented correspondence dated May 31, 1985 from the Leonardtown Volunteer Fire Department requesting consideration for additional funds towards the purchase of a standby generator and standby fuel. Although each volunteer fire department is allocated \$20,000, Leonardtown Fire Department explained its cost of \$30,000 and requested additional funds.

After discussion the Commissioners agreed to respond that they would be happy to provide the \$20,000 allocation; however, the overage will be considered at a later time.

5) COOPERATIVE REIMBURSEMENT AGREEMENT

The County Administrator presented the Title IV-D Cooperative Reimbursement Agreement by and between Department of Human Resources of the State of Maryland and the St. Mary's County Commissioners through the State's Attorney's office for the period July 1, 1985 through June 30, 1986. Total project cost is \$71,318.83.

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

DEPARTMENT OF PUBLIC WORKS

Present: John Norris, Director

1) SOLID WASTE PERMIT

Mr. Norris advised that correspondence dated May 31, 1985 was received from the State Department of Health and Mental Hygiene advising that the county's permit (No. 82-18-07-02A) expires May 31, 1985 and that the evaluation process may be delayed.



Mr. Norris requested authorization for Commissioner President Aud to sign correspondence to the State Health Department stating that the County anticipates and expects the evaluation of the landfill to be based on the terms of the current permit and not the new regulations. He stated that the difference would be significant dollar-wise to the County.

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

2) REPLACEMENT OF BULKHEAD AT TALL TIMBERS

Mr. Norris presented an Application to be submitted to the Department of Army Corps of Engineers for the replacement of existing bulkhead along private property to provide additional shore erosion protection at Tall Timbers.

Commissioner Arnold moved, seconded by Commissioner Millison, to approve and authorize Commissioner President Aud to sign said Application. Motion carried.

3) ADDENDUM TO GRADING PERMIT  
VILLAGE SHOPPING CENTER

Mr. Norris presented an Addendum to the Grading Permit by and between Benjamin H. Burroughs Jr. and the Board of County Commissioners for property at Village Shopping Center in Charlotte Hall.

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

4) REQUEST FOR INSTALLATION OF INTERSECTION LIGHT

Mr. Norris advised that a request for the installation of an intersection light at Md. Rt. 243 and Bull Road going into Breton Bay Subdivision and requested the Board's concurrence to have it installed.

Commissioner Aud moved, seconded by Commissioner Arnold, to authorize the installation of the intersection light. Motion carried.

5) SURFACE TREATMENT PROGRAM

Also Present: Joseph O'Dell, Budget Director

Mr. Norris explained to the Commissioners that the surface treatment contract was nearing completion and that Montgomery Construction Co., the contractor, had to withhold a request for payment at the County's request as the project was budgeted for FY '86. Mr. Norris explained that each year the county bids a surface treatment contract with the work commencing in the Spring to allow the contractor ample time to perform the work in warm weather and to provide the County with the most competitive proposal. Each fiscal year an accounting transaction is required to provide funding to pay the contractor and Mr. Norris requested the Commissioners to authorize payment to the contractor.

After discussion it was agreed that the Budget Director prepare a Budget Amendment for approval at next week's meeting transferring funds from another project to this contract account without exceeding budget authority.

EXECUTIVE SESSION

Present: John Norris, Director, Department of Public Works  
Edward V. Cox, County Administrator

Commissioner Aud moved, seconded by Commissioner Arnold, to meet in Executive Session in order to discuss a matter of property acquisition. The Session was held from 11:30 a.m. - 11:50 a.m.



COMMENDATION  
CHOPTICON HIGH SCHOOL GIRLS' SOFTBALL TEAM  
CLASS "B" CHAMPIONS

Present: Girls' Softball Team and staff of Chopticon High School

The Commissioners presented a Commendation to the Girls' Softball team of Chopticon High School for their accomplishments in athletic competition.

LAW ENFORCEMENT CONCERNS  
SEVENTH DISTRICT

Present: Philip Schmitz, Spokesperson for Colton Point Residents  
Colton Point Residents  
Sheriff Wayne Pettit  
Lt. Eugene Pellillo  
Lt. James Plunkert, MSP  
Capt. Bucher, MSP  
Lt. Harry Batchelor, Natural Resources Police  
Joseph Mattingly, State's Attorney's Office  
Other law enforcement officials

Commissioner Aud moved, seconded by Commissioner Arnold, to meet in Executive Session in order to discuss the distribution of police forces to cope with public safety emergencies (Article 24, Section 4-210(9)).

Representatives of the Colton Point area of the County appeared before the Commissioners in Executive Session to express their concerns over recent acts of vandalism and theft occurring in their neighborhood and to request assistance to curtail these activities. Law enforcement officials explained some of the measures contemplated to correct this situation. This part of the Executive Session was held from 1:05 p.m. to 1:50 p.m.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator  
Sheriff Wayne Pettit  
Lt. James Plunkert  
Joseph Mattingly, State's Attorney's Office  
Lt. Batchelor, Natural Resources Police  
Other law enforcement officials

The Commissioners continued in Executive Session with the above individuals in accordance with Article 24, Section 4-210(9). This part of the Executive Session was held from 1:50 p.m. to 2:20 p.m.

TOURISM PROMOTION OF SOUTHERN MARYLAND

Present: Gary Hodge, Director, Tri-County Council  
Joseph Mitchell, Director, Economic & Community Development

Mr. Hodge appeared before the Commissioners to show the 30-second commercial for the promotion of tourism in Southern Maryland. The film presents the history and attractions of the southern Maryland area. Mr. Hodge advised that the State Department of Economic & Community Development along with the three Boards of County Commissioners (Charles, Calvert and St. Mary's) provided funds to produce the commercial and it is Tri-County Council's intent to get maximum exposure of the film.

The Commissioners expressed their appreciation of the film and thanked Mr. Hodge for his efforts in getting it produced.



JOINT MEETING WITH PLANNING COMMISSION  
CHESAPEAKE BAY CRITICAL AREA DEVELOPMENT PLAN PROPOSAL

Present: Frank Gerred, Director, Office of Planning & Zoning  
Robin Guyther, Planner, OPZ  
William A. Guy, Planning Commission  
James Spence, "  
Jack Bohanan, "

Representatives of the Office of Planning and Zoning presented to the Commissioners the proposed Chesapeake Bay Critical Area Plan for the purpose of preparing for the public hearing scheduled for July 8 at 7:30 p.m. at Thomas Stone School. Mr. Gerred presented by way of visual aids a synopsis of the variety of proposals contained in the plan and pointed out on a map of the three types of development areas within the Critical Area as proposed by the Commission. The three types of development are: Intensely Developed, Limited Development and Resource Conservation. Mr. Gerred pointed out that the proposal will be submitted at the public hearings after which the Critical Areas Commission will take comments received into consideration and develop a final set of regulations to be submitted to the legislators.

After Mr. Gerred's the County Commissioners, Planning Commission members and members of the public in attendance discussed various viewpoints with the understanding that prior to July 8 an official county position will be formulated.

PRESS CONFERENCE

Present: Judy Landau, WPTX/WMDM Radio  
Matt Kaye, WKIK Radio  
Mike Stover, Enterprise

The Commissioners conducted a Press Conference to explain in general terms the concerns expressed by the residents of Colton Point and the assurances given by law enforcement officials and the County Commissioners to seek solutions. Also discussed was the background for the Executive Session and the seeking of understanding with members of the media to protect the identities of the participants so that further harm or damaged property could be avoided.

ZONE #84-1221 - ESSEX SOUTH EAST  
(DARCHAP, INC.)

Commissioner Dean stated that during consideration of the referenced rezoning case, the Commissioners made a decision to deny the application and requested the County Attorney to prepare the appropriate Resolution. Commissioner Dean stated that a question was raised during the discussion; whether the property owner must give the property that was the subject of this recent rezoning to the County that he volunteered to give in 1978 when the PUD was approved by the County Commissioners the there was an offer by the owner of the property to give the property that was the subject of this recent rezoning to the County.


EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator

Commissioner Aud moved, seconded by Commissioner Dean to meet in Executive Session in order to discuss a matter of Personnel. The Session was held from 4:20 to 5:10 p.m.

ADJOURNMENT

The meeting adjourned at 5:10 p.m.

Approved,  
  
George R. Aud  
President