

BOARD OF COUNTY COMMISSIONERS' MEETINGTuesday, September 26, 1973

Present: Commissioner J. Wilmer Bowles, President
 Commissioner George R. Aud
 Commissioner J. S. Guy, Jr.
 H. D. McGlade, Director of Administration
 Judith A. Mullins, Recording Secretary

The meeting came to order at 9:30 a.m.

COMPREHENSIVE WATER AND SEWAGE PLAN

Present: Robert Willard, Planning Director
 Ray Robinson, member of Housing Authority

Commissioner Guy made a motion for the Commissioners to sign the Resolution adopting the Comprehensive Water and Sewage Plan, seconded by Commissioner Aud and made unanimous by Commissioner Bowles. Mr. Robinson took copies to be hand delivered to the State Department of Health.

READING OF MINUTES

The minutes of September 18, 1973 were read and corrected.

CONTRACT FOR COUNTY ENGINEER

Commissioner Aud made a motion to approve the contract for John Norris, County Engineer, for a three year term, at an annual starting salary of \$16,500, effective September 1, 1973, seconded by Commissioner Guy and made unanimous by Commissioner Bowles.

ECONOMIC DEVELOPMENT COMMISSION

Commissioner Aud made a motion that the EDC office be moved from the First National Bank Building to Leonard Hall Building No. 4, effective, midnight, October 31, 1973, seconded by Commissioner Guy and made unanimous by Commissioner Bowles. Mr. McGlade is to draft a letter to Mrs. Virginia Meads, Chairman, EDC, advising her of this move and that EDC meetings are to be held at the Control Center Conference Room, and arrangements for these meetings are to be coordinated with Mr. Otis Wood, Director, Civil Defense.

PROPERTY ROAD BOND - JAMES T. AND MARION C. TENNYSON

Commissioner Guy made a motion to approve the Property Road Bond for James T. and Marion C. Tennyson in the amount of \$9,600 for Section 3, Tenn-Wood Acres, Fourth Election District; said bond guaranteeing the construction of streets known as Marion Drive and Deer Lane according to County specifications and approved by the County Engineer. Commissioner Aud seconded the motion and was made unanimous by Commissioner Bowles.

WORK INCENTIVE PROGRAM - BOARD OF EDUCATION

Mr. McGlade presented a letter from Dr. King, Superintendent of Public Schools stating that application has been made and approved by the State Department of Education for an amendment to their Work Incentive Program to add air conditioning rental in the amount of \$120, which is fully funded from State funds. Dr. King requested the Commissioners' approval for this item as separate funding by the State and as an authorized expenditure of their 1973-74 budget.

Mr. McGlade stated that he and Mr. Harris Sterling, Finance Director, recommended approval contingent upon the fact that no county monies are involved. Mr. McGlade is to draft a letter to Dr. King giving approval and stating that it is a separate item and not part of his budget.

BILLS APPROVED

The following bills were unanimously approved by the County Commissioners:

Sheriff's Deputies for 68 hours at Ridge Carnival.

Mr. James Zimmerman, dated September 17, 1973 for use of front-end loader at the Oakville Landfill - \$120.

Delahay's Pile Driving Service, September 10, 1973, for completion of White Neck Wharf - \$7,460.

Jay McGrath (Engineers Office) mileage expenses for the month of September - \$9.20.

Judith Mullins, Compensatory Time for 25 hours.

INSTITUTE ON FEDERAL FUNDING - NATIONAL GRADUATE UNIVERSITY

The Commissioners approved that Mr. McGlade attend the institute on federal funding October 1 and 2. The fee will be \$125.

COUNTY FLAG FOR FIRE MUSEUM

Mr. McGlade presented a letter from the Fire Museum in Lutherville, Md. in which they request a St. Mary's County flag be donated to the museum for permanent display. Mr. McGlade is to have a letter written to the museum advising them where our flag had been obtained and the cost.

FDR BOULEVARD

Mr. McGlade presented a letter from the Metropolitan Commission in which Admiral Thurston B. Clark stated he

understood the County has plans to extend FDR Boulevard beginning at Great Mills Road. Mr. McGlade is to write a letter to Admiral Clark stating that the County has no plans for FDR Boulevard.

DELIVERY OF CHECKS TO FIRE DEPARTMENTS

Present: Harris Sterling, Finance Director

Harris Sterling gave each Commissioner checks to deliver to the fire departments in their districts, which is in accordance with the approved budget.

REIMBURSEMENT FOR OILING SCHEDULE

Present: Harris Sterling

The Commissioners unanimously approved payment to the State Highway Administration in the amount of \$50,000, which represents part payment for the County Oiling Schedule.

CASH DEPOSITS

Present: Harris Sterling

Mr. Sterling stated he is going to request bids for the investment of \$700,000 of General Funds and \$597,872.13 of Revenue Sharing Funds for 90 days.

ST. MARY'S COUNTY LIBRARY

Present: Harris Sterling

Mr. Sterling stated that the Library has requested an advance on their quarterly payment which is due October 1, 1973, in the amount of \$25,655. Mr. Sterling recommended that this advancement be made. The Commissioners agreed to the advancement; however, Mr. Sterling is to write a letter to the Library Trustees advising them that this is an exception.

RECREATION AND PARKS

Present: John Baggett, Director, Recreation and Parks

AMPHITHEATER AT GREAT MILLS - Mr. Baggett discussed the bids for this project and requested approval from the Commissioners to transfer funds in the amount of \$5,638.50 from his Capital Improvement Budget; \$4,812.50 from Nicolet Park and \$826 from the Charlotte Hall Military Academy proposal since neither project can be completed this fiscal year. This would be subject to receipt of \$16,915.50 from the State. Mr. Baggett recommended Melvin Construction, B & J Nursery and Owens Electric be awarded the contract and if state funds are not received, the contract would be null and void. Commissioner Guy made a motion to accept

Mr. Baggett's recommendation subject to receipt of \$16,915.50 from the Board of Public Works for cost overruns on the approved project and a new project (seeding for the amphitheater) and that awarding of the bids contain a provision that in the event the State does not approve the \$16,915.50 that the contract will be null and void. There is no obligation and responsibility on the parts of the County Commissioners. The contract is being awarded subject to the contractor agreeing to such contingencies, seconded by Commissioner Aud and made unanimous by Commissioner Bowles.

PATHWAY FOR WALKERS TO LEXINGTON PARK SCHOOL - Mr. Baggett presented a letter for Commissioner Bowles' signature to Dr. Robert E. King, Jr. requesting Dr. King to coordinate the placing of the pathway with Mr. Baggett so that it would fit into any future development Recreation and Parks may do at this site. Commissioner Guy made a motion that this letter be sent, seconded by Commissioner Aud and made unanimous by Commissioner Bowles, subject to funding by the Board of Education.

GRAVES PROPERTY - Mr. Baggett stated the option for this property runs out the end of the week. When the survey by Lorenzi, Dodds and Gunnill was made on this property, it was a non-descriptive deed, and with verbal agreement from the neighbors, markers were placed where there were no markers. Mr. Baggett said the surveyor was of the opinion a written agreement was needed from the neighbors for this; however, Mr. Weiner informed Mr. Baggett it was not needed.

Commissioner Bowles stated that in order for the plat to be legal and binding, it must be signed by adjoining property owners and this must be done on or before settlement. Mr. Baggett said he would take care of this.

REZONING DECISION - J. W. BOWLES

Present: John Bailey, Attorney representing J. W. Bowles
H. D. McGlade
Bob Willard, Planning Director

(Commissioner Bowles disqualified himself and did not participate in the discussion or decision.)

John Bailey came before the County Commissioners to represent J. W. Bowles for the rezoning of property located on Peggs Road, Eighth Election District, Lexington Park. Public Hearing was held by the Planning Commission on said application on August 27, 1973 and Public Hearing by the County Commissioners on September 5, 1973.

Mr. Bailey stated that at the last meeting with the Commissioners the Technical Review Committee had not made recommendations to the Commissioners; and, therefore, action

was deferred pending the Committee report to the Planning Commission. The Committee made its report to the Planning Commission September 10 and Mr. Bailey presented a letter from Robert Willard which indicates what the Planning Commission would like to occur on this property. Mr. Bailey stated that the Planning Commission gave their approval for the rezoning and he requested the approval of the County Commissioners.

Commissioner Aud made a motion that the property located on Peggs Road, Eighth Election District, Lexington Park be rezoned from "Agricultural" to "Commercial". A letter will be written to John Bailey verifying in writing the rezoning and the provisions as outlined in Mr. Willard's letter. Commissioner Guy seconded the motion.

RILEY BROTHERS - REZONING DECISION

Present: Robert Willard, Planning Director

Commissioner Guy made a motion that the property owned by Riley Brothers, Inc., Eighth Election District, located in the Spring Valley Subdivision, fronting on Peggs Road be changed in zoning from Agricultural to Commercial category. This property was subject to a public hearing on July 23, 1973 and that the rezoning would be subject to the restrictions and conditions developed by Robert Willard, Planner and approved by the Planning Commission. Those restrictions and conditions are included in a letter on file in the Commissioners' Office. Commissioner Aud stated the motion should state that the public hearing was before the Planning Commission and there was a public hearing held August 29 before the County Commissioners. Commissioner Guy accepted the amended motion. Commissioner Aud seconded the motion and Commissioner Bowles made it unanimous.

BOARD OF EDUCATION

Present: Dr. Robert King, Jr., Superintendent
Stanley Schrader, Board of Education
James Raley, Board of Education
John Norris, County Engineer

Dr. King came before the Commissioners to bring them up-to-date on the situation concerning walkers to Town Creek Elementary School. The Board of Education is sending a letter to Mr. Morris Rannels, State Coordinator of Safety and Transportation, Maryland State Department of Education. After reviewing the draft of this letter, Commissioner Guy commented that the recommendations by a traffic engineer may cost \$100,000, when it may only take a couple of thousand dollars for bussing these children. Mr. Schrader said this same situation exists in other school areas and their problems, too, would have to be worked out. Commissioner Guy mentioned that Esperanza Middle School gets out earlier than

Town Creek Elementary and could some students from Esperanza act as patrols for Town Creek. Dr. King stated that finding someone responsible for this may be a problem and there may be some parental objection.

The Commissioners made suggestions to Dr. King for inclusion in the letter to Mr. Rannels, copy of which will be forwarded to this office.

SCHOOL CONSTRUCTION PROGRAM - Mr. James Raley presented the Commissioners with the Local Board of Education Current and Five Year Program Request; also a Resolution to be signed by the Commissioners, copies of which are on file in the Commissioners' Office. The State requires the School Construction Program to be submitted annually by the Board of Education. Commissioner Guy asked how school sites are chosen and James Raley said at a location where schools are needed. Dr. King said racial makeup in the community must be considered or bussing would be enforced to maintain a racial balance. Commissioner Aud stated that he felt schools should be in areas where the County wanted development and not in areas where development is not desired.

Discussion took place concerning development in the northern part of the County and the proposed moratorium of development in that area by the Planning Commission. John Norris said there are 700 lots under consideration for the northern section of the County. Commissioner Guy mentioned the rate of growth in the County and he has heard it may be greater than people think it is and all information should be pieced together so the County does not get itself in a bind.

The Commissioners will review the Program, after which time they will make a decision as to signing the Resolution.

BUILDING PERMIT PROBLEM - ALEX SCHUST

Present: Alex Schust
 Sunny Schust
 Oliver Guyther, Attorney
 Ernest Bell, Attorney (Planning Commission)
 Joseph Weiner, County Attorney

Mr. Schust came before the Commissioners to explain his difficulties in obtaining a building permit. He stated he had purchased a parcel of land from Mr. Oliver Guyther and had a percolation test on this property which did pass. He said he was aware that another parcel of land from the same tract was sold to someone else. The Health Department would not issue a health certificate because they determined that he is in an illegal subdivision, because two parcels of land on the same tract are considered a subdivision. Mr. Schust stated that Ernest Bell, Attorney to the Planning Commission, forwarded a letter to Mr. Joseph Gough, Chairman, Planning Commission, which stated that it appeared to him that if Mr. Schust was

able to obtain a satisfactory percolation test that he would be entitled to a building permit, and that he should not be held legally accountable as buyer for a transfer of property, but the seller should be penalized. On September 18, Robert Willard forwarded a memorandum to John Norris, County Engineer, authorizing the issuance of a building permit, but Mr. Schust stated he still has not received his permit.

Mr. Guyther said that Mr. Schust should have his building permit issued to him and he said he would pay the penalty for the illegal subdivision. Mr. Guyther referred to a case heard by Judge Bowen (Steuart Petroleum v. St. Mary's County) where he decided the County would have to issue a building permit as long as the percolation test passed, and the Health Department could not interfere with the County's function.

At this time, Dr. Marek was requested to attend the meeting to give the Health Department's view of the situation.

Mr. Weiner was of the opinion that Mr. Schust should be issued a building permit if he could get Health Department approval.

When Dr. Marek arrived at the meeting, Commissioner Bowles apprised him of the situation and asked why the permit was not issued. Dr. Marek stated that the Health Department's subdivision regulations have not been complied with. He said it is State Health Department's view that two or more lots on a tract of land constitutes a subdivision and there are a number of things one has to meet for approval; platting the land and recording the plat. Until this is done, it is the Health Department's opinion that a health permit should not be issued. Dr. Marek stated he would like to review all the information in this case and if all the stipulations in the subdivision regulations have been complied with then the Health Department would have no objections.

Dr. Marek is to meet with Walter Raum of the Health Department and Oliver Guyther, after which time the Commissioners will make a decision about the issuance of the building permit to Mr. Schust.

At the conclusion of the meeting, Oliver Guyther requested the Commissioners to take into consideration whether the permit is issued the opinion of Judge Bowen.

SUBDIVISION VIOLATIONS

Present: Joseph Weiner, County Attorney
Ernest Bell, Planning Commission Attorney
John Norris, County Engineer

A discussion was held as to subdivision violations and the

conclusion was that more thought and study should be given to this matter before any decision could be made.

WILLOW RUN PROJECT BONDS (HOUSING AUTHORITY)

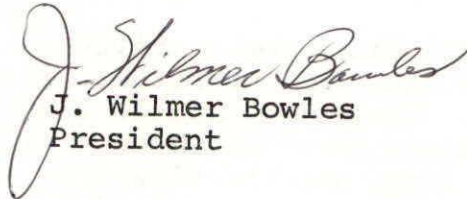
Present: Joseph Weiner, County Attorney
Ernest Bell, Planning Commission Attorney
John Norris, County Engineer

Commissioner Bowles requested John Norris to confer with Mr. Weiner and Mr. Bell to resolve the road bond question relating to this project.

REIMBURSEMENT FOR DAMAGE TO PROPERTY

The Commissioners approved reimbursement to Wayne McLeod, California, Maryland, for two heifers that were killed by dogs; one in the amount of \$200 and one in the amount of \$263 - for a total of \$463, pending signatures being obtained by Paul Raley on the forms.

The meeting adjourned at 5:30 p.m.


J. Wilmer Bowles
President