

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, January 15, 1974

Present: Commissioner J. Wilmer Bowles, President
Commissioner J. S. Guy, Jr.
Commissioner George R. Aud
Edward V. Cox, Chief Clerk
Judith A. Mullins, Recording Secretary

The meeting came to order at 9:45 a.m.

READING OF MINUTES

The minutes of January 8, 1974 were read and corrected.

APPROVAL OF MINUTES

Commissioner Aud made a motion to approve the minutes of November 27 and 30, 1973, seconded by Commissioner Guy and made unanimous by Commissioner Bowles, who signed same.

Commissioner Aud made a motion to approve the minutes of December 4, 1973, seconded by Commissioner Guy and made unanimous by Commissioner Bowles, who signed same.

OPTION AGREEMENT TO PURCHASE LEONARD HALL

Present: Joseph Weiner, County Attorney

Commissioner Aud made a motion that the Commissioners sign the Option Agreement, effective February 15, 1974, to purchase property known as Leonard Hall in accordance with the terms and conditions set forth in the written option, copy of which is on file in this office. Commissioner Guy seconded the motion and Commissioner Bowles made it unanimous. All Commissioners signed the Option Agreement.

FINANCIAL DISCLOSURE BILL

Present: Joseph Weiner, County Attorney

Commissioner Bowles requested Mr. Weiner to determine the requirements in accordance with the law under the Financial Disclosure Bill for elected and appointed officials of the County. Mr. Weiner will develop this information and report to the Commissioners on this subject by the first week in February.

RESOLUTION FOR ROAD POLICY - December 11, 1973

Present: Joseph Weiner, County Attorney

Mr. Weiner gave the opinion that it would be necessary to hold a public hearing on the December 11, 1973 Road Policy. John Norris, County Engineer will be requested to develop the necessary advertisement for the hearing.

CEDAR COVE PROJECT

Present: Mr. Barry Barsness, representing USA Partnership
(owner of property)
Mr. Joseph Weiner, County Attorney

Mr. Barsness presented the Commissioners with a booklet entitled Petition for Rezoning - 1973, St. Mary's County, Maryland - Cedar Cove Support Document.

BARTON-ASCHMAN GENERAL AGREEMENT (FOR PLANNING AND ENGINEERING SERVICES)

The Commissioners reviewed the above letter of Agreement dated December 20, 1973, and discussed same with Mr. Cox. Commissioner Guy made a motion that the Commissioners sign the Agreement with Barton-Aschman outlining a Scope of Services, Project Assistance and Payment Schedule and that the Commissioners except in Section V, seconded paragraph, last sentence relating to the payment of interest on any unpaid invoices at the end of 60 days. Commissioner Aud seconded the motion and Commissioner Bowles made it unanimous.

BARTON-ASCHMAN RAILROAD RIGHT-OF-WAY AGREEMENT

The Commissioners reviewed and discussed the above Agreement with Mr. Cox. Barton-Aschman agree to define the right-of-way requirements for any proposed new alignment due to the dualization of Route 235 and identify and evaluate alternative routings for a new railroad right-of-way. Their study will define the cost, land use, and environmental implications. The results of the study will be forwarded to the County Commissioners in 25 copies. Mr. Cox stated that one point not set forth in the Agreement is that Barton-Aschman would be working in cooperation with SMECO; however, Mr. Cox stated he has discussed this with Mr. Wiles of Barton-Aschman, who agreed it should be included.

Commissioner Guy made a motion to sign the Agreement outlining the Scope of Services for the railroad right-of-way study to be performed by Barton-Aschman with the following exceptions:

1. That Page 4, second paragraph, last sentence under Method of Payment relative to payment of interest on the invoices be deleted;

2. That an addendum be attached outlining the cooperation with SMECO in developing the information required under this Agreement.

Commissioner Aud seconded the motion and Commissioner Bowles made it unanimous.

BILLS APPROVED

The following bills were approved by the Commissioners:

Leonard Harding, Jr. for wiring at Lexington Park Health Department Building - \$965.00;

Tri-County Printing & Advertising Co. for 40 Official Commendations - \$53.75;

John Norris, County Engineer, November and December 1973 mileage - \$70.60;

Dale Cropper, Engineering Inspector, mileage for December 1973 - \$11.80;

Judith A. Mullins, for four hours overtime - \$27.04.

PINEY POINT RECREATIONAL AREA

Commissioner Guy made a motion to approve the signing of the Application requesting a \$25,000 grant from Program Open Space for the Piney Point recreational area. Commissioner Aud seconded the motion and Commissioner Bowles made it unanimous and signed same.

(Commissioner Aud left the meeting.)

LIBRARY BOARD OF TRUSTEES

Commissioner Bowles made a motion to appoint Mrs. George W. Gardner, Maddox, to the Library Board of Trustees for a five year term, expiring January 1, 1979, effective immediately. This appointment fills the vacancy created by the expiration of Dr. Robert King's term.

RESOURCE CONSERVATION AND DEVELOPMENT BOARD

Commissioner Bowles made a motion to select James K. Raley, Avenue, Md. to the R C & D Board to replace G. Bradford Reeves and James Owens, Hermanville, as his alternate to replace James K. Raley. Commissioner Guy seconded the motion.

TRI-COUNTY YOUTH SERVICES BUREAU

Ed Cox recommended James McCleaf to fill the vacancy on the Youth Services Bureau created by the resignation of Charles Ridgell for an indefinite term. Commissioner Bowles and Guy accepted Mr. Cox's recommendation subject to Mr. Cox contacting Mr. McCleaf to see if he would be willing to serve.

PEP PROGRAM

Present: Harris Sterling, Finance Director

Mr. Sterling presented a memorandum to the County Commissioners concerning the reimbursement of unused funds from the PEP Program (Detention Officers) - Department of Employment Security. The Program was started in November 1971 and terminated September 25, 1972. State funds received under the Program grant was \$17,378.00 and the County's share of 10% was \$1,737.00 making the total Program in the amount of \$19,115.80. Salaries were expended in the amount of \$14,497.91 and in-kind contributions in the amount of \$2,277.29 totalling \$16,775.20 leaving a balance to be reimbursed in the amount of \$2,340.60. Mr. Sterling said these funds were placed in the General Fund as received and the balance was transferred to the Surplus Account as of June 30, 1973. Since the balance was closed out into the surplus as of June 30, 1973, Mr. Sterling said it would be necessary to charge the above amount to the Contingency Fund.

Commissioner Guy made a motion to accept Mr. Sterling's recommendation as set forth in his memorandum of January 14 and reimburse to the Department of Employment Security the amount of \$2,340.60. Commissioner Bowles seconded the motion.

(Commissioner Aud returned to the meeting.)

NURSING HOME PROJECT

Present: Chauncey Karstens, Nursing Home Board

Mr. Karstens came before the Commissioners to inform them that Cross and Adreon, Architects for the Nursing Home Project delivered the five sets of drawings and specifications; and Mr. Karstens requested permission from the Commissioners to forward them to the appropriate state and federal agencies. The Commissioners granted this permission.

HERMANVILLE ROAD BIDS

Present: John Norris, County Engineer
Joseph Weiner, County Attorney

John Norris submitted a list of irregularities which exist in all of the bids that were opened for the reconstruction of Hermanville Road. Mr. Norris said these irregularities were of a technical nature and the County would have the authority to waive them if they felt it was in their best interest. The technicality which would have to be waived in the low bid (McGuire & Rolfe) would be the provision of a bid bond in lieu of a certified or cashier's check. Mr. Norris stated that because of the closeness of the bids, the County has received fair and just proposals and that rebidding the project could potentially cause problems in the field because the contractor would have to reduce his normal profit margin, which he would

try to recoup in the execution of the project, ie, short cuts, extra work, etc. Mr. Norris said that if the bid were awarded today, it could be awarded in March. Mr. Weiner advised the Commissioners that they had the legal authority to accept the low bid without regards to the technical irregularities pointed out by Mr. Norris.

Commissioner Guy made a motion to accept the bid of McGuire and Rolfe in the amount of \$237,505.40, contingent upon verification by Harris Sterling, Finance Director, of the amount of the bid, seconded by Commissioner Aud and made unanimous by Commissioner Bowles.

VOUCHERS APPROVED

Commissioner Guy made a motion to approve Vouchers No. 6744 through 6952, dated December 3, 1973 through December 28, 1973, seconded by Commissioner Aud and made unanimous by Commissioner Bowles.

REZONING HEARING - JAMES MANNING MCKAY (FILE No. 0016)

Present: Robert Willard, Planning Director
Joseph Weiner, County Attorney

Application was made by James Manning McKay to have property located in the Eighth Election District, containing 2.049 acres of land located on Hewitt Road and Route 235 in Lexington Park rezoned from "Agricultural" to "Commercial" category.

The secretary read the Notice of Public Hearing and Petition for Change in Zoning.

Also included in the file is a plat of the subject property.

Robert Willard read the letter dated January 14 from the Planning Commission in which it was stated that at the request of Mr. McKay, the case is to be deferred until a later date. The Planning Commission agreed to this deferment.

Neither Mr. McKay, nor Briscoe and Kenney, Attorneys, were in attendance to present the case. Commissioner Guy inquired if anyone present wished to speak for or against this project. There were no proponents or opponents.

Since there were neither proponents or opponents and no one representing the applicant for the property to be rezoned, the hearing was recessed and the record will be left open for anyone who would care to comment in writing or in person at some future reconvening of the hearing. File No. 0016 is being left open for rezoning of property having been advertised, consisting of 2.049 acres.

REZONING HEARING - DONALD E. GARNER - (FILE No. 0017)

Present: Robert Willard, Planning Director
Joseph Weiner, County Attorney

Application was made by Donald E. Garner to have property in the Second Election District, containing 5.75 acres of land, located on Lot #6 of the Waughs Garden Spot Subdivision, on the St. George's River rezoned from "Agricultural" to "Commercial" category.

Included in the file are the property description, copy of the plat and a letter of petition for rezoning from Donald E. Garner.

Robert Willard read the letter from the Planning Commission dated January 14, 1974 in which it states that Mr. Garner decided to withdraw his application for rezoning at this time.

Due to Mr. Garner's withdrawal, County Commissioners' File No. 0017 will be closed.

FAMILY SUBDIVISION - THOMAS H. EWELL

Present: Robert Willard, Planning Director
Joseph Weiner, County Attorney

Commissioner Bowles explained that the County Commissioners' only involvement with family subdivisions is the desire of the family to keep the road leading through it a private street. The plan, concept layout, road width, etc. are matters for the Planning Commission and the Planner to make a determination on. Once the plat has been approved by the Planning Commission, it would then be brought before the County Commissioners for an exception on the roads. However, if the family wishes to make it a public road, there would be no exception. The Commissioners cannot acknowledge the road until the Planning Commission acknowledges the plan.

Mr. Willard said that the Planning Commission rejected the subdivision because the Commission was against family subdivisions and private roads; however, if the County Commissioners gave approval, the Planning Commission would request that no trailers be put in that area. There are already two trailers on the property and Mr. Willard stated the owners plan to put additional trailers on it.

Mr. Willard is to contact Mr. Ewell and advise him of the Planning Commission's recommendations.

JAY LAURENCE MILLISON REZONING - File No. 0005

Present: Joseph Weiner, County Attorney

Mr. Weiner suggested that Commissioner Guy make an on-site investigation of the property in question to determine the location and size of the cemetery. Commissioner Guy agreed to do this tomorrow.

LIAISON BETWEEN SMECO AND COUNTY COMMISSIONERS

Present: Bob Mitchell, SMECO
Charles Wible, SMECO

Mr. Mitchell stated that SMECO has created a new position, Director of Personnel and Public Relations and he is in that position. He said SMECO is hoping to be able to have a good rapport with the County Commissioners. Mr. Mitchell requested the Commissioners to contact him if necessary.

Commissioner Bowles said the Commissioners would be glad to work with SMECO in any way possible and that this relationship would be of benefit to the County Commissioners and SMECO.

MAURICE DIXON TRAILER PARK - PARK HALL

Present: Oliver Guyther, Attorney representing Mr. Dixon

Mr. Guyther came before the Commissioners and reviewed the history of the problems with Mr. Dixon's proposed trailer park since April 1970. Mr. Guyther expressed concern that the 1973 update of the Comprehensive Water and Sewer Plan did not indicate a change of category from S-5 to S-3 in the property in question.

Commissioner Bowles stated that the County is about to begin work on the annual update of the Comprehensive Water and Sewage Plan and asked Mr. Guyther if he would be willing to have this proposal considered in the annual update. Mr. Guyther stated that unless Mr. Bingley of the State Health Department is informed by letter or Resolution that this property has been approved and is compatible with the Comprehensive Water and Sewage Plan, nothing would be done by the State Health Department.

Commissioner Guy stated that the Public Notice for the Hearing held December 14, 1970 does not specifically relate to Maurice Dixon's trailer park or change of category and the easiest and quickest way would be to bring a specific proposal for the Maurice Dixon Trailer Park and develop advertisement necessary to hold a public hearing in order to effect the change. Mr. Guyther agreed that this is what he would do.

LOW-INCOME HOUSING CRISIS

Present: Dr. Patrick Jarboe, Housing Authority
Dr. William Marek, Health Department
Walter Raum, Health Department
Joseph Carter, Department of Social Services
Joseph Weiner, County Attorney

Dr. Jarboe came before the Commissioners to inform them of the low-income housing situation for the poor people in St. Mary's County and to request help and advice. He stated that several things have transpired over the last few weeks that have brought the issue to a crisis proportion. The project being built for the Housing Authority on Norris Road is at least two months from completion. Around Christmas time, the tenants at Patuxent Heights, Lexington Park, were advised that they had to be out of their homes by February 15. Dr. Jarboe stated the Housing Authority has received many applications for low-cost housing; however, some do not qualify, and those who do qualify will need interim housing until completion of the project. Dr. Jarboe said that the Patuxent Heights project is being torn down and one side of a duplex is being demolished while families are still living on the other side.

Mr. Carter stated a survey was made of the occupants of Patuxent Heights to determine the type of problem they would be encountering. There are 73 units of Patuxent Heights occupied, and of these, 13 family units had made their own plans. Since that time, an additional 14 units have been able to move out, reducing the original figure to 46. Of the 46, 18 had applied for public housing, reducing the figure to 28; five more appeared marginal cases and were advised to apply, reducing the figure to 23. Because of their family situation, two could be eliminated reducing the figure to 21 with no plans.

Dr. Jarboe stated he had requested assistance from HUD and said they had no funds or suggestions how to handle the situation on an interim basis.

Mr. Carter stated they felt that they had a responsibility and they were trying to make every effort to resolve some of the problems. They considered this a crisis situation because of the number of families involved. Various agencies were contacted requesting financial or material assistance. He stated the deadline is Friday and they have received no response. Social workers have been assisting families in looking for homes and making application for the housing project. Trailer parks have been contacted and only one or two spaces are available. They have been running a newspaper ad urgently requesting anyone with housing for rent to contact them. Mr. Carter stated he contacted Social Services Administration in Baltimore and was informed they have no funds for assistance in relocation.

Dr. Jarboe stated the Housing Authority has been negotiating with Center Gardens for a lease and not getting anywhere. One of the reasons for this is that Center Gardens has raised their rent to \$160 and they are asking for one month's rent in advance for deposit.

Dr. Jarboe requested the Commissioners to acknowledge that this is a crisis and perhaps contact HUD, the Governor and Senators for suggestions. Dr. Jarboe also suggested that someone from the Commissioners' staff be appointed to pull all efforts together to search out different possibilities and advice.

Dr. Jarboe stated that HUD declared certain areas as disasters after Hurricane Agnes, and perhaps something similar could be done in this situation.

Dr. Jarboe stated the Housing Authority planned to ask the landlord of Patuxent Heights to extend the time of eviction.

Commissioner Bowles asked Dr. Jarboe how long of an extension of time would he request. Dr. Jarboe stated 60 days. Commissioner Guy stated that 90 days would be more realistic and Dr. Jarboe agreed. Commissioner Guy stated the extension of time should be requested, setting forth the time and then they should work to encourage HUD to expedite completing the project.

Dr. Marek stated that Article 43 gives the Department of Health injunction powers and he and Walter Raum visited the area to determine if a nuisance did exist as described in Article 43. Dr. Marek called the Attorney General and was informed that if legal action was indicated in the matter, he would have the power; however, the Attorney General would rather it be conducted on a local level. Dr. Marek stated that the Attorney General mentioned that if there were county ordinances with regards to demolition and permits were necessary, that this would be a mechanism for halting progress. He stated that under the definition of "nuisance" that this situation would fall within it, and if it was so desired by the County Commissioners that the Attorney General's Office, with proper documentation of what is going on, would be willing to get involved.

Dr. Jarboe stated that if the Commissioners write to HUD and inform them of the lack of units available, the Housing Authority would like to change their existing contract to state 50 new constructions instead of 50 existing units. He stated that they had written to HUD with this request and has had no response. Dr. Jarboe stated that Mr. Clapp, Area Director, is the person to contact with HUD and Mr. Leonard Elenowitz, Director, is the one to contact at the Department of Economic and Community Development.

Dr. Marek stated that from the Health Department's point of view, that there is a potential health hazard both physical and mental.

Commissioner Bowles stated the Commissioners would be willing to do anything they could to help and as quickly as possible, including making contact with the above people.

SURETY BOND - STATE'S ATTORNEY

Commissioner Guy made a motion to sign and authorize a surety bond in the amount of \$5,000 for John Bailey, State's Attorney, seconded by Commissioner Aud and made unanimous by Commissioner Bowles.

The meeting adjourned at 5:30 p.m.

J. Wilmer Bowles 2/26/74
J. Wilmer Bowles
President