

BOARD OF COUNTY COMMISSIONER'S MEETING

September 8-9, 1976

Wednesday, September 8, 1976

Present: Commissioner James M. McKay, President
Commissioner Ford L. Dean
Commissioner J. Patrick Jarboe
Commissioner Larry Millison
Commissioner John K. Parlett
Edward V. Cox, County Administrator
Judith A. Mullins, Recording Secretary

The meeting came to order at 8:45 p.m.

READING AND APPROVAL OF MINUTES

The minutes of September 1-2, 1976, were read and corrected. Commissioner Parlett made a motion to approve the minutes as corrected, seconded by Commissioner Jarboe. All Commissioners voted in favor.

ENCUMBRANCE VOUCHERS

Present: Harris Sterling, Director of Finance

Mr. Sterling presented the encumbrance vouchers for the Commissioners' review and approval. Commissioner Dean made a motion to approve the bills as submitted, seconded by Commissioner Jarboe. All Commissioners voted in favor.

CLEARINGHOUSE PROJECT
SOUTHERN MARYLAND TRI-COUNTY COMMUNITY ACTION
(FOOD AND NUTRITION PROGRAM)

The County Administrator presented the above-referenced clearinghouse project and stated that both the Department of Social Services and the Commission on Aging had indicated that the project is not inconsistent with their plans and attached comments in regard to possible overlap of services. The County Administrator recommended that this application be approved and submitted to the State. The Commissioners concurred.

WIN EMPLOYEE

The County Administrator presented a memorandum from the Personnel Officer regarding a subsidized position of janitor at Leonard Hall and the Control Center to assist the present janitor under the WIN Program. The contract would be a full time grant for a period of nine months with the requirement of a commitment by the County to give consideration to placing this individual in a position if one becomes available.

Commissioner Parlett made a motion that the County participate in the WIN Program for the employment of a janitor at Leonard Hall and Control Center and authorize Commissioner President McKay to sign appropriate documents, seconded by Commissioner Dean. All Commissioners voted in favor.

ROAD RESOLUTIONS

R 77-6 - Villa Road - The County Engineer's Office submitted the referenced Road Resolution rescinding Road Resolution No. 76-19 and posting Villa Road at 40 miles per hour. Commissioner Dean made a motion to approve said Resolution, seconded by Commissioner Parlett. All Commissioners voted in favor.

R 77-7 - Seventh Election District - The County Engineer's Office submitted the referenced Road Resolution designating stop streets at the following intersections in the Seventh Election District:

1. Stop Sign on Robert Lacey Road at its intersection with Abell Road;
2. Stop Sign on Golden Thompson Road at its intersection with Hatchet Thicket Road;
3. Stop Sign on Arnold Road at its intersection with Hatchet Thicket Road;
4. Stop Sign on Foley Mattingly Road at its intersection with Hatchet Thicket Road;
5. Stop Sign on Gerard's Cove Road at its intersection with Abell Road.

Commissioner Dean made a motion to approve said Resolution, seconded by Commissioner Parlett. All Commissioners voted in favor.

ZONING APPROVAL PRIOR TO RECORDATION OF A DEED

The Director of Land Use and Development has submitted a proposed resolution related to the recordation of deeds and a proposed requirement that said recordation process would be subject to the Zoning Administrator's review so that all deeds recorded would be reviewed for zoning requirements to avoid further problems if and when building permits are sought. The County Administrator was directed to obtain comment from the County Attorney subsequent to his review of the proposed resolution. After receipt of the County Attorney's opinion, the Commissioners will discuss the proposal in detail.

ROAD PROBLEM - MEDLEY'S NECK AREA

Commissioner Parlett advised that a Mr. Farrell had contacted him with regard to a situation involving a county road going through his property in the Medley's Neck area. The road has been there for approximately 15 years and is in the County Highway Maintenance System; however, Mr. Farrell was desirous of having the road moved back off his property line. Commissioner Parlett recommended that this matter be referred to the County Attorney for his legal opinion. The Commissioners concurred.

SOUTHERN MARYLAND DRUG ABUSE PROGRAM

Present: Dr. Pat Hawkins, Director

Dr. Hawkins appeared before the Commissioners as requested to receive a determination from the Board as to the interim use of the Charlotte Hall School property for a residential treatment center. Dr. Hawkins explained that she and Mr. Ken Sola have met with the Charlotte Hall School Committee and the Board of Trustees of Charlotte Hall. The Charlotte Hall School Committee has voiced no opinion on the interim use and has indicated that it is a decision to be made by the Board of County Commissioners. The Board of Trustees also has not voiced an opinion on the matter but seems to prefer that the decision first be made by the Board of County Commissioners to which they would probably add their concurrence. Dr. Hawkins further stated that an official application for conditional use has been made but that the advertisement procedure cannot be initiated until a determination is made by the Board of County Commissioners for the interim use. The majority of the Commissioners indicated that they found the proposed interim use acceptable contingent upon the outcome of a public informational meeting of the residents in the area of the Charlotte Hall School property and concurrence by the Board of Trustees as required by the Option Agreement.

Commissioner Dean made a motion that the Commissioners authorize Southern Maryland Drug Abuse Program to move forward with the Board of Appeals to schedule a conditional use hearing for the proposed residential treatment center facility at Charlotte Hall School and that the Commissioners will concurrently conduct a public informational meeting for the residents of the Charlotte Hall community prior to making a final decision on the request, seconded by Commissioner Jarboe. Four Commissioners voted in favor, with Commissioner Millison voting against stating that he is opposed to any resolution that in any way will establish a tri-county residential drug abuse center at Charlotte Hall.

ECONOMIC DEVELOPMENT ADMINISTRATION - PUBLIC WORKS PROGRAM

Present: Bob Roberts, EDA
Rich Harris, EDA
Jerry McKinney, Tri-County Council

Mr. Roberts of the Federal Economic Development Administration appeared before the Commissioners to explain the general goals and requirements of the recently enacted Public Works Program. Mr. Roberts indicated that the funding level for the State of Maryland would be between Fifteen and Thirty Million Dollars, but that all of the eligibility requirements have not yet been finalized. The principal basis for eligibility is the unemployment status of the local jurisdiction. Mr. Roberts distributed documents which explained the point system to be used for determining eligibility and the projects which are approvable.

After some discussion the Commissioners agreed to further investigate the County's eligibility for the Public Works Program and directed the staff to review the documents distributed by Mr. Roberts and to gather the necessary information.

REZONING HEARING

CASE NO. 76-5

JEREMY GILLAM - OLIVER GUYTHER

Present: Oliver Guyther, Applicant
Jeremy Gillam, Applicant
Robin Guyther, Spokesman for Applicants
Joseph Garner, Zoning Technician
Pat Sauter, Opponent
Gary Duckett, Opponent
Tom McNutt, Opponent
James E. Shewbridge, Opponent
Debbie McGowan, Opponent

(Commissioner McKay stated that he was excusing himself from participating in this rezoning hearing because he had had conversations with the applicant relative to a possible agreement as to the use of part of the property if the rezoning application was approved, and therefore would be a definite conflict.)

(Commissioner Millison excused himself from participating in that this was a rezoning application for a shopping center, which may be a conflict of interest.)

Application was made by Jeremy J. H. Gillam and Oliver R. Guyther to have a parcel of land containing approximately 29 acres, located on Maryland Route 5, approximately 1/4 mile north of Oaks Cooksey Swamp Road, Fifth Election District.

The secretary read the Notice of Public Hearing.

Robin Guyther, on behalf of the applicants, gave a presentation as to the reasons for the rezoning request and submitted the following exhibits:

Exhibit 1 - Return Receipts of Certified Letters to property owners within 200 feet of subject property;

Exhibit 2 - Aerial photograph of area;

Exhibit 3 - Chart showing growth rate of County and Fifth District;

Exhibit 4 - Fiscal Impact Chart;

Exhibit 5 - Letter from J. Merton Jarboe and Howard S. Carpenter.

Several citizens from the Indian River Estates Subdivision spoke in opposition to the rezoning; among the reasons being: increased traffic, safety factor, opposition to having shopping center within view of their homes, possibility of decreased value of their homes because of close proximity to shopping center.

After hearing proponents and opponents comments, Commissioner Vice-President Parlett, presiding over the meeting in the absence of Commissioner McKay, inquired if anyone else wished to speak for or against this rezoning application; hearing none, the rezoning hearing was closed.

A tape of the hearing is on file in the Commissioners' Office.

Thursday, September 9, 1976

Present: Commissioner John K. Parlett, Vice-President
Commissioner Ford L. Dean
Commissioner J. Patrick Jarboe
Commissioner Larry Millison
Edward V. Cox, County Administrator
Judith A. Mullins, Recording Secretary

(Prior to the Commissioners beginning their regular session, they met with the County Engineer at the Fairgrounds property to view what work has been done and what work needs to be done.)

The meeting came to order at 9:00 a.m.

PORTNEY'S OVERLOOK - ACCEPTANCE OF ROADS

Present: John Norris, County Engineer

The County Engineer presented the Deed dated July 28, 1976, by and between Oliver Guyther and Betty M. Guyther and the Board of County Commissioners of St. Mary's County for the acceptance of Chesapeake Drive and View Court in the subdivision known as Portney's Overlook.

Commissioner Jarboe made a motion to accept the Deed for Chesapeake Drive and View Court, seconded by Commissioner Millison. All Commissioners present voted in favor.

ACCEPTANCE OF MAYPOLE ROAD INTO THE CHMS

Present: John Norris, County Engineer

The County Engineer discussed correspondence from the County Attorney regarding the circumstances surrounding the matter of the acceptance of Maypole Road into the County Highway Maintenance System. The County Attorney in a letter dated August 26, 1976, stated that the actual construction of this road by State Highway Administration and the Agreement signed by property owners and the general public use of the road demonstrates the County's recognition of Maypole Road as a public roadway. Based on these circumstances, it was the County Attorney's opinion that Maypole Road be formally accepted into the County Highway Maintenance System by the Board of County Commissioners.

Commissioner Dean made a motion that the County formally accept into the County Highway Maintenance System all of the remaining portion of Maypole Road from the intersection with the existing Maypole Road to Friendship School Road; this acceptance being based on the fact that SHA has maintained the road since October 1971, the County received petitions from property owners and acted based on that petition and the County contracted for and paid for construction of that road, seconded by Commissioner Jarboe. All Commissioners present voted in favor.

GOLDEN BEACH - DRAINAGE PROBLEM - HEATER PROPERTY

Present: John Norris, County Engineer

The County Engineer discussed with the Commissioners the flooding problem existing on the Heater property, Lot 400 at Golden Beach. Mr. Norris explained that several attempts had been made to correct the problem but no satisfactory solution has been reached. Mr. Norris discussed the possibility of re-opening the outfall ditch which lies between Lots 361 and 362

and questioned what authorization must be obtained from adjoining property owners and in addition, what is the responsibility of the County in this matter.

The Commissioners directed the County Engineer to contact the property owners of Lots 361 and 362 to ascertain if they would be willing to allow re-opening of the outfall ditch.

(Commissioner McKay entered the meeting at 9:35 a.m.)

LEONARD HALL RENOVATIONS

Present: John Norris, County Engineer

The County Engineer inquired of the Commissioners if they had any directions to give the Building Committee in order to proceed with the work at Leonard Hall. After some discussion, the Commissioners indicated that they prefer that the architect be instructed to proceed with the bidding of the site work but on a limited basis to include only the water and sewer and central electrical work and to postpone for the present the finalized roadway system and parking areas. The purpose of dividing the site work improvements is to make available a larger sum of allocated funds for the building renovation. The Commissioners also expressed general concurrence with the space allocations as presented by the consultants for the interior of building No. 1.

ROAD RESOLUTIONS

Present: John Norris, County Engineer

The County Engineer's Office submitted the following Road Resolutions for the Commissioners' review and approval:

R-77-1 - White Point Road - posting White Point Road (County Route No. 243) at 40 miles per hour; and that County Route No. 245 (also known as White Point Road) be posted at 30 miles per hour.

Commissioner Dean made a motion to accept said Road Resolution, seconded by Commissioner Jarboe. All Commissioners voted in favor.

R-77-2 - White Point Road - designating County Route 243 (White Point Road) as a Stop Street at its intersection with County Route 245 (also known as White Point Road).

Commissioner Dean made a motion to accept this Road Resolution, seconded by Commissioner Parlett. All Commissioners voted in favor.

R-77-3 - Mill Pond Road - renaming County Route 3206 located off Clarks Mill Road to Mill Pond Road in compliance with a petition of the majority of property owners.

Commissioner Dean made a motion to approve said Road Resolution, seconded by Commissioner Jarboe. All Commissioners voted in favor.

ACQUISITION OF RIGHT-OF-WAY - GOLDEN BEACH ROAD

Present: John Norris, County Engineer
Joseph Ernest Bell, II, County Attorney

Based on the opinion of the County Attorney, the Commissioners agreed to discuss the acquisition of property for the reconstruction of Golden Beach Road in Executive Session. The Session was held from 11:15 to 11:30 a.m.

✓ TOWN CREEK SEWER LINE

Present: Commander John R. Baals
Mike Marlay, Metropolitan Commission
Harry Knight, Metropolitan Commission
Dr. Marek, Health Department
Concerned citizens from Town Creek

Commander Baals, representing a group of citizens from the Town Creek area, appeared before the Commissioners to express concerns related to the installation of a line by the Metropolitan Commission in the Town Creek area and consequent costs to the property owners. Various issues were discussed by Commander Baals and the Commissioners, the apparently most troublesome one being a lack of sufficient notification by the Metropolitan Commission, and therefore a lack of preparation on the part of the citizens. Mr. Marlay agreed with the notification concerns of the citizens and apologized on behalf of the Metropolitan Commission, but stated that this project had been discussed and publicized since 1967. The Commissioners and the Metropolitan Commission representatives agreed with the Town Creek citizens that a better public relations effort was needed both on the part of the county government and the Metropolitan Commission in particular prior to the initiation of projects in various neighborhoods.

Commissioner McKay requested that Commander Baals work with the County staff to present his handwritten comments in a final typed form so that the comments could become part of the official record, to which Commander Baals agreed.

The citizens thanked the Commissioners for their openness and expression of concern.

ASSESSMENT OFFICE SPACE

Present: Mr. William Lawrence, Supervisor of Assessments
Mr. J. Kevin Mueller, Deputy Director,
Department of Assessment and Taxation
Mr. Joseph Szabo, Assistant State Supervisor,
Department of Assessment and Taxation

The above persons appeared before the Commissioners to discuss office space needed by the Assessment Office in the Court House and discussed the possibility of switching offices with the State's Attorney. At this point the Commissioners made a visit to the Assessment Office and State's Attorney's Office to appraise the situation.

Mr. Mueller agreed that there would have to be some renovation to both the area being moved to and the area being moved from by the Assessment Office to make the trade serviceable and agreed that the State would consider reimbursing the County for the cost of the renovations involved.

Mr. Mueller advised that the GSA has been authorized to seek out rental space outside the Court House to house the Assessment functions. The Commissioners expressed surprise that the State had gone so far as to authorize the General Services Administration to seek space outside the Court House and requested Mr. Mueller to halt that process until such time as the County had the opportunity to try to seek suitable space for the Assessment Office.

STATUS OF SUBDIVISION BONDING IN THE COUNTY

Present: John Norris, County Engineer
Joseph Ernest Bell, II, County Attorney

At this time the County Engineer reviewed the bonding information that he presented to the Commissioners at last week's meeting which includes:

- A. Subdivision Bonds for action by the County Attorney;
- B. Subdivision Bonds recommended for disposition by the County Attorney;
- C. Subdivision Bonds on which construction is progressing;
- D. Subdivision Bonds requiring action with input from the Board of County Commissioners.

It was agreed that the County Attorney would appear before the Commissioners for a half hour each week to discuss Items A and B and present his recommendations.

The County Engineer will return to the Commissioners with the remaining items to obtain input from the County Commissioners.

SENIOR CITIZENS CENTER

Present: M's. "Billye" McGaharn, Executive Secretary,
Commission on Aging

M's. McGaharn presented the application for a Federal Assistance Grant for a Senior Citizens Center which would be for a mobile type of equipment. The grant is in the amount of \$7,500 on a 75-25 sharing basis, with the County's share being a soft match.

In discussing the Senior Citizens Center, M's. McGaharn mentioned the possibility of using one of the Charlotte Hall School buildings as a temporary site, with the intention of seeking a more permanent site on a long-range basis.

Commissioner Millison made a motion to authorize M's. McGaharn to proceed with the filing of the grant application for the Senior Citizens Center, seconded by Commissioner Dean. All Commissioners voted in favor.

HELIPAD AT HOSPITAL

The County Administrator advised the Commissioners that bids have been received and recorded for the construction of the proposed helipad and that the bids are slightly above the amount of money provided by the EMS Grant. Accordingly, the Commissioners next week will have to decide either to scale down the project to keep it within the grant amount or to increase the County's contribution to cover the amount above the grant. The Commissioners expressed general agreement that the project should not be scaled down and that next week when the bids are considered, they will make a decision about the amount needed as the increased County's contribution.

EMERGENCY RADIO TOWER AND SHED

The County Administrator advised that the Leonardtown Board of Appeals turned down the County's application for a variance and exception for the purpose of the installation of the tower and shed in close proximity to the Control Center. Instead, the Town has urged the County to enter into a five-year lease with Radio Station WKIK for use of its tower and to run a line from the WKIK tower to the Control Center. The State reluctantly is willing to enter into this lease agreement but preferred the tower location at the Control Center because of the problems involved with a tower so far removed from the Control Center. The County Administrator recommended to the Commissioners that the Town Board of Appeals be contacted to see if there was an opportunity to re-investigate this issue with the hope that the Board of Appeals' decision could be changed, to which the Commissioners agreed.

LETTER TO JACK WITTEN RE ATTORNEY FOR STEUART CASE

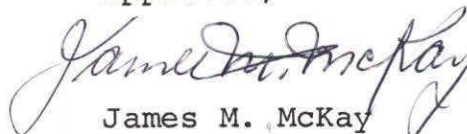
Commissioner Dean presented a letter for the Commissioners' signatures addressed to Mr. Jack Witten in response to Mr. Witten's presentation last week regarding assistance for the County Attorney in the Steuart Investment Company's tank expansion court case. The Commissioners agreed to sign same.

LETTER TO MR. WALDSCHMITT

Commissioner Dean presented a letter for the Commissioners' signatures addressed to Mr. Waldschmitt who had appeared at the Commissioners' public hearing on the update of the Zoning Ordinance regarding the proposed Article 21 of the Zoning Ordinance. The Commissioners agreed to sign same.

The meeting adjourned at 12:30 p.m.

Approved,



James M. McKay
President