

BOARD OF COUNTY COMMISSIONERS' MEETINGMay 11-12, 1977Wednesday, May 11, 1977

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 was called to order at 8:45 a.m.

READING AND APPROVAL OF MINUTES

The minutes of May 4-5, 1977 were read and corrected. Commissioner Jarboe made a motion to approve the minutes as corrected, seconded by Commissioner Dean. All Commissioners voted in favor.

ENCUMBRANCE VOUCHERS

Present: Mary Lou Norris

Mrs. Norris, on behalf of the Director of Finance, presented the encumbrance vouchers for the Commissioners' review and approval. Commissioner Dean made a motion to approve payment of the bills, as submitted, seconded by Commissioner Jarboe. All Commissioners voted in favor.

CETA PROGRAM

Present: Nace Fresco, Personnel Officer

Mr. Fresco explained to the Commissioners the new CETA Program which will begin approximately the first of June and is designed for one-year's duration. He stated that unlike the current program, the Federal Government's contributions to the County's share of the participants Retirement Program must be paid back if the participant does not remain employed with the County. After discussion, the Commissioners gave general agreement to the policy; however, at the time Mr. Fresco returns to the Commissioners with the contracts for these new CETA positions, a formal motion will be made at that time.

LETTER TO NATO DEFENSE COLLEGE

The County Administrator presented a letter addressed to the NATO Defense College concerning a Spring visit by the College next spring. The Commissioners agreed to sign and forward said letter.

ROAD RESOLUTION NO. 77-28

On behalf of the County Engineer, the County Administrator presented Road Resolution No. 77-28 posting the following streets in the Sandgates area, Sixth Election District, at 25 miles per hour: Allison Drive, Cleveland Street, and Ridge Road.

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

ROAD RESOLUTION NO. 77-29

On behalf of the County Engineer, the County Administrator presented Road Resolution No. 77-29 posting Red Barn Road, Second Election District, at 25 miles per hour. Commissioner Parlett made a motion to adopt said Road Resolution, seconded by Commissioner Jarboe. All Commissioners voted in favor.

ROAD RESOLUTION NO. 77-30

On behalf of the County Engineer, the County Administrator presented Road Resolution No. 77-30 posting Fisher Road, First Election District, at 25 miles per hour. Commissioner Parlett made a motion to adopt said Road Resolution, seconded by Commissioner Dean. All Commissioners voted in favor.

ROAD RESOLUTION NO. 77-31

On behalf of the County Engineer, the County Administrator presented Road Resolution No. 77-31 posting E peranza Drive, Eighth Election District, at 25 miles per hour. Commissioner Parlett made a motion to adopt said Road Resolution, seconded by Commissioner Millison. All Commissioners voted in favor.

ECONOMIC IMPACT FEE AGREEMENTST. MARY'S INDUSTRIAL PARK, INC. - SECTION II

The County Administrator presented the Economic Impact Fee Agreement by and between St. Mary's Industrial Park, Inc., by Joseph S. Mattingly, President, and the Board of County Commissioners of St. Mary's County setting forth the method of payment of the Economic Impact Fee for St. Mary's Industrial Park, Section II.

Commissioner Dean made a motion to accept and authorize Commissioner President McKay to sign said Economic Impact Fee Agreement, seconded by Commissioner Jarboe. All Commissioners voted in favor.

CLEARINGHOUSE PROJECT NO. 77-4-1066
WASTEWATER TREATMENT PLANT IMPROVEMENT

The County Administrator presented the above-referenced Clearinghouse project with comments from Walter Raum, Director, Environmental Hygiene, stating that additional information is required before this agency can complete its review. The Commissioners agreed that the project be forwarded to the State with Mr. Raum's comments.

MATTAPANY ROAD

Present: Polly Barber, Director, St. Mary's City Commission
Gen. Hogaboom, St. Mary's City Commission
Jane Perkinson, St. Mary's City Commission
Dean Reynolds, St. Mary's College
Ed Geiger, St. Mary's College
Robert May, Rogers and Veith Architectural Firm
John Norris, County Engineer
Frank Gerred, County Planner

The above persons appeared before the Commissioners to discuss the approach to St. Mary's College and St. Mary's City Commission via Mattapany Road.

General Hogaboom explained the planning and input by the various involved agencies regarding the upgrading of the road and stated that differences exist in the plans of the St. Mary's City Commission and St. Mary's College relative to Mattapany Road and that there needs to be consensus and agreement.

Concern was expressed by Dean Reynolds that the upgrading of Mattapany Road would delay the installation of the sewer line. Mr. Norris stated that there could be upgrading of the road without interfering with the construction of the sewer line; however, that extensive planning would delay the sewer construction and possibly cause the loss of the federal funds for this purpose.

After much discussion, it was agreed that a committee be established consisting of a representative from St. Mary's City, St. Mary's College, State Highway Administration, the County's Economic Development Coordinator and the County Planner and County Engineer to resolve the Mattapany Road planning differences and, further, that the sewer line should be installed without delay.

COMMUNITY FOOD AND NUTRITION PROGRAM

Present: Melanie Gibson, TCCAC
Duane Yoder, TCCAC

The above persons appeared before the Commissioners to explain the Community Food and Nutrition Program in the tri-county area, which is funded by the Community Services Agency and is under the Tri-County Community Action Committee. There is a nutrition aide for each county, who will assist in improvement of nutritional level, in obtaining food stamps, etc. Mrs. Gibson also mentioned the possibility of a trial program for food buying clubs.

Another area discussed was the proposed cannery in Pomfret, Charles County, which should be operating by July 17. Canning facilities will be available for people to bring their own produce in and have it canned in jars under supervision.

The Commissioners thanked them for their presentation and commended them on their plans and progress.

AICUZ MAPS

Present: Jamie Raley

Prior to taking the tour of subdivisions that may be impacted by Article 21 of the St. Mary's County Zoning Ordinance, the Commissioners reviewed the AICUZ maps with Jamie Raley.

WATERSIDE DRIVE

Present: Mr. L. W. Burgess

Mr. Burgess appeared before the Commissioners to explain several points concerning Waterside Drive, a county road, as it affects his property and that of his neighbor, Mr. Hyde. Mr. Burgess presented several documents demonstrating his points and requested the Commissioners to take immediate action to correct the problem which he described. The Commissioners agreed to look into the matter further and thanked Mr. Burgess for his presentation.

The meeting recessed at 12:17 p.m.

Thursday, May 12, 1977

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 reconvened at 9:40 a.m.

PRESERVATION OF PATUXENT RIVER

As a result of a special meeting of the Tri-County Council on Saturday, May 7, regarding the preservation of the Patuxent River and possible litigation related thereto, the Commissioners discussed the various alternatives for commitment of funding for legal action if necessary against the State and others concerning the pollution of the River.

After discussion, Commissioner Dean agreed to draft a letter to Tri-County Council explaining the County's commitment of funding to the cause of legal action for the protection of the Patuxent River and setting forth the County's funding limitations. The letter should also indicate that the funding should be divided equally among the three counties.

Commissioner Jarboe agreed to draft a letter to EPA spelling out St. Mary's County's position on the Patuxent River Plan and stating that the Commissioners have objections to certain portions of the plan.

SEDIMENT CONTROL PLAN

Commissioner Jarboe informed the Commissioners that at a recent Junior Women's Club Meeting it was mentioned that much of the pollution of the Patuxent River is lack of enforcement of the County's Sediment Control Plan. Therefore, Commissioner Jarboe recommended that a meeting be scheduled on a Wednesday afternoon with the County Engineer, Soil Conservation, and the RC&D to discuss the Plan and Ordinance and its implementation. Those invited to attend should present a synopsis of the Sedimentation Control Program and a status report of how the Plan is functioning in St. Mary's County and whether or not there are any needed areas of improvement. The County Administrator should make the necessary arrangements for this meeting.

EDC MEMBER ON ST. MARY'S CITY COMMISSION

Commissioner Dean presented letters to St. Mary's City and the legislative delegation apprising them of Economic Development Committee's request that a member of that Committee be appointed to the St. Mary's City Commission. The Commissioners agreed to sign and forward said letters.

ST. PETER CLAVER PROPERTY

Commissioner Jarboe agreed to draft a letter to the Chancellor in Washington, D. C. expressing the County's interest in certain portions of the St. Peter Claver property for park use and to determine if they are interested in parting with some of the land.

WINTER ROAD DAMAGE

Inasmuch as the winter of 1976-77 has caused extensive and unusual damage to St. Mary's County roads, and

Inasmuch as repairs of this damage will cause significant over-expenditures of the Highway Maintenance Account and extensive additional surface treatment, and

Inasmuch as additional extensive drainage work must be done in order to avoid the possibility of similar unusual damage during another winter,

Therefore, Commissioner Jarboe made a motion:

1. That up to a maximum of \$119,000 anticipated over-expenditure in the Highway Maintenance Account be funded from the Reserve for Contingency at the end of the 1977 fiscal year;

2. That the proposed 1978 fiscal year budget be amended to include \$285,000 for surface treatment of the approximately 54 miles of county roads damaged by the severe '76-'77 winter, and \$150,000 for drainage work to be done on the balance of the County roads, and

3. That the County Engineer be instructed to proceed with preliminary action to insure that as much of the aforementioned work can be completed during the present construction season.

Commissioner Dean seconded the motion; all Commissioners voted in favor.

OVERTIME POLICY - COUNTY ENGINEER'S INSPECTION SERVICES

Present: John Norris, County Engineer

The County Engineer informed the Commissioners that relative to the areas of the asphalt overlay program and road reconstruction it is necessary for his inspectors to incur overtime in support of the contractor because of the long and varied hours worked. After discussion of some specifics the Commissioners granted the County Engineer the authority to authorize overtime usage for inspection services to support contractors on asphalt overlay and road reconstruction projects without seeking prior Commissioner approval each occasion; further that whenever possible, the inspection service costs should be charged to appropriate project accounts.

HISTORIC DISTRICT COMMISSION

Commissioner Jarboe raised the question of appointment of members to the Historic District Commission. It was agreed that the Office of Land Use and Development assemble a packet of pertinent information on the background of the Historic District Commission, including state laws, and present same to the Commissioners for discussion.

CLEARINGHOUSE PROJECT NO. 77-4-1135
VA HOUSING FEASIBILITY ON CEDAR COVE

The County Administrator presented the above-referenced clearinghouse project and the Commissioners agreed that it be forwarded to the State stating that the project is not inconsistent with this agency's plans, programs or objectives.

REZONING HEARING
CASE NO. 77-01
CARROLL ROGER BUSSLER

Present: Carroll Roger Bussler, applicant
 Mr. and Mrs. Daniel W. Wood
 Robert Miedzinski
 Mrs. Bussler
 Jamie Raley, Office of Land Use and Development

Application was made by Carroll Roger Bussler to have approximately two acres located on the east side of Md. Rt. 5 just north of Leonardtown, Third Election District, rezoned from AR-2 agricultural residential to C-2, commercial.

The secretary read the Notice of Public Hearing.

Mr. Bussler presented the Receipts for Registered letters from property owners within two hundred feet of subject property.

If rezoning is granted, Mr. Bussler indicated he intends to use the property for an auto service center.

After discussion, the secretary read the recommendation of the Planning Commission as contained in a memorandum dated May 4, 1975, which is as follows: "The Planning Commission recommends that the rezoning of this property from AR-2 to C-2 be granted. Justification for same is as follows: (a) the property adjacent was recommended for rezoning and has already commercial use thereon; (b) there has been a population increase in the immediate area; (c) there is a demonstrated need for the change; (d) there is a demonstrated need for the use which is proposed for the property if rezoning is granted; (e) findings of fact were found in the staff report and is made part of the justification."

Mr. and Mrs. Daniel W. Wood, adjacent property owners, and Mr. Robert Miedzinski spoke in support of the rezoning request.

Commissioner McKay inquired if anyone present wished to speak for or against the rezoning request; hearing none the hearing was closed.

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

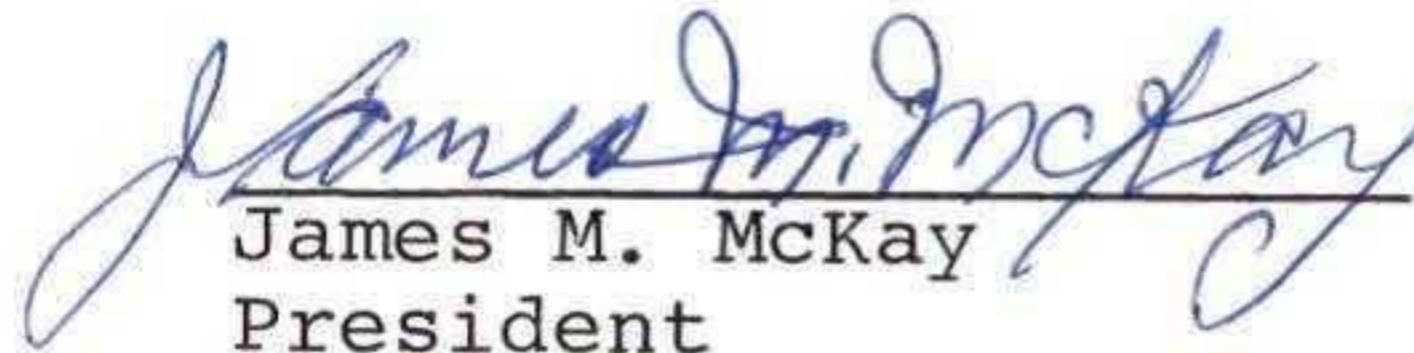
LEXINGTON PARK SCHOOL PARK

At the recommendation of John Baggett, Director, Recreation and Parks, Commissioner Dean made a motion to award the bid for the color finish and planning lanes for the Lexington Park School Park to Long Fence Company in the amount of \$2,550; and further to award the bid to Long Fence Company in the amount of \$3,985 for the galvanized chain link fence, seconded by Commissioner Jarboe. All Commissioners voted in favor.

Commissioner Parlett made a motion to award the asphaltting of the park entrance road and tennis court to Dean Construction Company in the amount of \$31,437, seconded by Commissioner Dean abstaining.

The meeting adjourned at 12:30 p.m.

Approved,


James M. McKay
President