

BOARD OF COUNTY COMMISSIONERS' MEETING

Wednesday, August 2, 1978

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

(Commissioner McKay was not present at the beginning of the meeting.)

The meeting was called to order at 8:50 a.m.

READING AND APPROVAL OF MINUTES

The minutes of the County Commissioners' meeting of July 26, 1978 were read and corrected. Commissioner Jarboe moved, seconded by Commissioner Dean, to approve the minutes as corrected. All Commissioners present 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 moved, seconded by Commissioner Jarboe, to approve payment of the bills, as submitted. All Commissioners present voted in favor.

APPROVAL OF LOAN TO HOUSING AUTHORITY

In that federal funds are late in being forwarded to the Housing Authority, Commissioner Jarboe moved, seconded by Commissioner Dean, to approve Voucher No. 19046 in the amount of \$15,381.78 representing a loan to the Housing Authority in order to take care of quarterly payment to the bank for the interest on bonds, until receipt of federal funds in approximately two weeks. All Commissioners present voted in favor.

APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

ECONOMIC DEVELOPMENT COMMISSION - Commissioner Dean moved, seconded by Commissioner Jarboe, to reappoint Eugene Kopp to the Economic Development Commission for a term to expire June 30, 1981. All Commissioners present voted in favor.

JOHNSONGRASS COMMITTEE - Commissioner Dean moved, seconded by Commissioner Jarboe, to reappoint the following individuals to the Johnsongrass Committee for terms to expire June 30, 1979: R. Johns Dixon, Vernon Saunders, Aloysius Raley, Douglas T. Bowles, James R. Owens, Tommy Bradburn and Franklin Hewitt. All Commissioners present voted in favor.

PLUMBING BOARD - Commissioner Dean moved, seconded by Commissioner Jarboe, to reappoint Vernon Saunders and James T. Tennyson to the Plumbing Board for terms to expire June 30, 1981. All Commissioners present voted in favor.

TRANSPORTATION COMMITTEE - Commissioner Dean moved, seconded by Commissioner Jarboe, to reappoint the following individuals to the Transportation Committee for terms to expire July 1, 1979: James Marsh, James Mora, Fred Pumphrey, Carolyn Sieffert and Joe Cullison. All Commissioners present voted in favor.

PUBLIC WORKS AGREEMENT - C & P TELEPHONE COMPANY
PATUXENT PARK SUBDIVISION

On behalf of the County Engineer, the County Administrator presented the Public Works Agreement by and between Chesapeake and Potomac Telephone Company of Maryland and Loffler Construction, Inc. and St. Mary's County for the extension of Bunker Hill Road in the Patuxent Park Subdivision.

Commissioner Dean moved, seconded by Commissioner Jarboe to approve said Public Works Agreement. All Commissioners present voted in favor.

ECONOMIC IMPACT FEE AGREEMENT
SOTTERLY MANOR, SECTION TWO

The County Administrator presented the Economic Impact Fee Agreement by and between Kenneth W. Sumner and the Board of County Commissioners of St. Mary's County setting forth the method of payment of the economic impact fee for 24 lots in Section Two of Sotterly Manor Subdivision. Commissioner Dean moved, seconded by Commissioner Jarboe, to accept said Economic Impact Fee Agreement. All Commissioners present voted in favor.

ECONOMIC IMPACT FEE AGREEMENT
RESUBDIVIDED SECTION OF NORTH INDIAN CREEK ESTATES SUBDIVISION

The County Administrator presented the Economic Impact Fee Agreement by and between Oliver R. Guyther and the County Commissioners of St. Mary's County setting forth the method of payment of the economic impact fee for six additional lots in the resubdivided section of North Indian Creek Estates Subdivision. Commissioner Dean moved, seconded by Commissioner Jarboe, to accept said Economic Impact Fee Agreement. All Commissioners present voted in favor.

LEONARD HALL SIDEWALK

Upon the recommendation of the County Engineer, Commissioner Jarboe moved, seconded by Commissioner Millison to award the contract to J.A. Norris in the amount of \$1700 for the installation of the sidewalk at Leonard Hall as required by the lease agreement by and between the County and the Leonard Hall School. All Commissioners present voted in favor.

LEONARDTOWN BY-PASS

The Commissioners reviewed correspondence from the Leonardtown Commissioners regarding the proposed Leonardtown By-pass, in which they agreed that a Systems Plan Report should be initiated subject to a public hearing and concurrence from local officials. The County Commissioners agreed with this position and directed the County Administrator to draft correspondence to the State for Commissioner President McKay's signature setting forth this position and forwarding a copy of the Leonardtown Commissioners' letter.

COST OF LIVING ADJUSTMENTS
GRANT AND CETA EMPLOYEES

The County Administrator reviewed with the Commissioners a memorandum from the Personnel Officer dated July 26, 1978 and recommended that since the grant sources of funds have taken into account cost of living increases for those employees salaried by grants, those employees should receive as other county employees the 3% cost of living increase effective July 1. In regard to CETA employees, the County Administrator presented a copy of the legal requirements of the CETA Program demonstrating that salary adjustments normally given to the county employees must be awarded to CETA employees even though the salary adjustment places certain CETA employees above the federal \$10,000 ceiling and is the local jurisdictions financial responsibility. The Commissioners agreed that the affected CETA employees should receive the 3% cost of living increase effective July 1, 1978 and directed that a report be prepared as soon as possible demonstrating the full effect of the federal regulations.

RAILROAD RIGHT-OF-WAY EASEMENT AGREEMENT

The County Administrator presented a right-of-way Easement Agreement by and between Southern Maryland Electric and St. Mary's County to provide access across the county-owned railroad right-of-way in the Chancellors Run Road area.

Commissioner Jarboe moved, seconded by Commissioner Millison, to authorize Commissioner President McKay to sign said right-of-way easement agreement, contingent upon review and approval by the County Engineer. All Commissioners present voted favor.

(Commissioner McKay entered meeting - 10:00 a.m.)

PRESENTATION OF NEWLY FORMATTED COUNTY CODE

Present: Joseph E. Bell, Chairman)
 John William Quade) Codification Review Committee
 Charles Mander)
 Harry Richman, General Code Publishers

Mr. Bell explained to the Commissioners the process of the Codification Review Committee in developing the newly formatted St. Mary's County Code, which began in the Spring of 1975. The completed Code was prepared by

General Code Publishers and legalized by the recently adjourned Maryland General Assembly.

Mr. Richman stated that the facilities of General Code Publishers will be available to the County in keeping the Code current and update.

The Commissioners thanked everyone involved in the preparation of the Code.

COMMISSION ON AGING
FEDERAL HATCH ACT

Present: Agnes C. McGaharn, Senior Services Coordinator

Mrs. McGaharn presented an informational memorandum dated July 11, 1978 from the Federal Administration on Aging which she received yesterday regarding Federal Hatch Political Activities Act which prohibits political activity for those employees whose principle source of employment is dependent upon federal funds. Mrs. McGaharn solicited the Commissioners cooperation in resolving the matter and offered possible solutions. The Commissioners directed the County Administrator to work with Mrs. McGaharn to resolve this issue.

Later in the meeting, the County Administrator returned to the Commissioners with the recommendation that the Commissioners make no adjustments in the grant supporting the Commission on Aging activities; endorse Mrs. McGaharn's right to be a candidate; and authorize a formal request to the Civil Service Commission for a ruling as to the applicability of the Act to Mrs. McGaharn.

The Commissioners concurred with the recommendation.

TITLE VII GRANT - NUTRITION PROGRAM

Present: Agnes C. McGaharn, Senior Services Coordinator

Regarding the Title VII Nutrition Program Grant in the amount of \$68,572 presented by Mrs. McGaharn at last week's meeting and approved by the Commissioners, Mrs. McGaharn stated she had made some budgetary changes in the grant and wanted to present it to the Commissioners. The Commissioners directed Mrs. McGaharn to have the amended grant reviewed by the Budget Officer prior to making a decision.

LETTER TO STATE OFFICE ON AGING
MAINTENANCE OF EFFORT - TITLE VII

Present: Agnes C. McGaharn, Senior Services Coordinator

Mrs. McGaharn presented a draft of a letter to the State Office on Aging in response to a July 27, 1978 letter regarding the Maintenance of Effort for the Title VII Grant and the ratio for St. Mary's County's effort for funding.

The Commissioners concurred that this letter be forwarded to the State by Mrs. McGaharn.

SCHOLARSHIP RECIPIENTS

Present: Eloise Pickrell
Scholarship recipients

At this time, Eloise Pickrell introduced to the Commissioners the recipients of the St. Mary's County Commissioner scholarships.

PRESS CONFERENCE

Present: Jack Kershaw, Enterprise
Ingrid Buehler, Beacon
Florence Ballangee, Beacon
Dave Fox, WKIK

The regular twice-monthly press conference was held at this time. A tape of the conference is on file in the Commissioners' office.

REZONING HEARING

CASE NO. 78-125

LEONARD S. REBARCHICK

Present: Leonard S. Rebarchick, applicant
Jim Kenney, attorney for applicant
Frank Gerred, Director, Land Use and Development
Joyce Nelson, Recording Secretary

At this time the Commissioners conducted the rezoning hearing on the application of Leonard S. Rebarchick (Case No. 78-125) to have approximately ten acres of property located on Md. St. Rt. 235, Eighth Election District rezoning, from R-1, Rural Residential, to C-2, Commercial.

The complete record and tape of the proceedings are on file in the Office of Land Use and Development.

1978 UPDATE/COMPREHENSIVE WATER AND SEWER PLAN

Present: Frank Gerred, Director, Land Use and Development
Steve King, Metropolitan Commission
Harry Knight, " " " "

After review of the changes in the water and sewer categories for the Comprehensive Water and Sewer Plan, Commissioner Jarboe moved, seconded by Commissioner Parlett, that the 1978 update of the Comprehensive Water and Sewerage Plan for St. Mary's County be adopted by the Board of County Commissioners of St. Mary's County. All Commissioners voted in favor.

MD. RT. 5 AND MD. RT. 244

Relative to previous discussion concerning the poor condition of Rt. 244, Commissioner Parlett stated that Mr. Meehan of the State Highway Administration has agreed to meet with the Commissioners at the site, on Rt. 244 and Rt. 5, on August 10 at 3:00 p.m.

LETTER TO MARK IV ASSOCIATES - SPRING VALLEY ROAD

In response to correspondence from Mark IV Associates which was discussed at last week's meeting, Commissioner Jarboe presented a letter for the Commissioners' review and signatures setting forth the county's position on the matter.

HEALTH MAINTENANCE ORGANIZATION/INDEPENDENT PRACTITIONERS' ASSOCIATION (HMO/IPA)

Commissioner Jarboe presented correspondence from Dr. Tiller relative to HMO/IPA System being made available to county employees and stated he would prepare a response requesting more specific details.

BUILDING PERMIT REVIEW PROCESS

Present: Frank Gerred
Dan Raley
Dan Guenther
Pete Breck

Relative to the proposals presented by the Building Permit Review Committee at last week's meeting including the recommendation for the creation of the position of Expeditor, the Commissioners expressed support of the concept and requested Mr. Gerred to return to the Commissioners with a specific proposal in writing setting forth the method of implementation and who would be able to perform this task within the County work force. In addition, the Commissioners requested Mr. Gerred to consider training a back-up person in the Land Use Office and in the various agencies involved in this process and further, to review the Metro Mail System in order to make sure that this would not be a stalling factor.

SPECIAL TAXING DISTRICTS FOR SUBSTANDARD ROADS IN SUBDIVISIONS
SPRING VALLEY ROAD
ROADS IN GOLDEN BEACH

Relative to previous discussions concerning proposed special taxing districts for the referenced roads, Commissioner Jarboe advised the Commissioners that concerning Spring Valley Road with the estimated costs from John E. Harms Associates, the tax would be \$240 per house for 15 years if the current policy is followed and if the County relieves them of the burden of interest payments it would be \$123.95. With regard to Golden Beach roads that are in need of work, Commissioner Jarboe stated that the estimated cost as received by the County Engineer's Office is \$100,000.

Commissioner Jarboe stated that these two projects should be treated

separately from all other potential taxing districts, because in these two instances the County had created some of the problem in that we had required inadequate bonding and had inadequate inspection, etc. He stated that the county could absorb the interest cost either by paying the interest or funding both of these construction projects in the next year. If this could be done, the design could be done by this winter and construction in 1979.

Commissioner Jarboe stated he would prepare a proposed amended policy for the Commissioners' review.

EXPIRED ROAD BONDING
BIRCH MANOR, SECTION ONE

Present: Hugh Allston, developer
Jim Kenney, attorney
John Norris, County Engineer

Mr. Norris reviewed with the Commissioners items that needed to be done on the referenced subdivision, such as adjustment to shoulders, top soil, seeding and pipes the full width of the shoulders. The County Engineer's office will have an inspector at the site to indicate what needs to be done. In addition, Mr. Allston will look into the possibility of having this section added to the Escrow Agreement for Section IV of this subdivision.

EXPIRED ROAD BONDING
GILLENS GROVE, SECTIONS THREE AND FOUR

Present: Hugh Allston, developer
Jim Kenney, Attorney
John Norris, County Engineer

Mr. Allston stated that the only work that has not been done was the road to a lot that will not perc and the blacktopping of Helen Court. After discussion, Commissioner Parlett moved, seconded by Commissioner Jarboe, to extend the personal bond to November 1, 1978 in Gillens Grove Subdivision for the completion of Helen Court. All Commissioners voted in favor.

EXPIRED ROAD BONDING
FENWICK MANOR, SECTIONS I, II AND III

Present: Hugh Allston, developer
Jim Kenney, Attorney
John Norris, County Engineer

Mr. Allston reviewed with the Commissioners the problems surrounding this subdivision stating that VA will no longer settle on these houses because the road bond has expired. He stated that he was prepared to blacktop the roads, but did not think it was wise to blacktop with all the construction going on. He further stated that he did not think he could obtain another irrevocable letter of credit since he had already obtained other letter of credits.

After discussion, Commissioner Dean moved, seconded by Commissioner

Parlett to extend the personal bond on Sections 1, 2, and 3 in Fenwick Manor Subdivision for a period of six week's from this date, such time to be used to effect a Cash Agreement to guarantee the construction of the streets in this subdivision when the subdivision is built out. All Commissioners voted in favor.

TALL TIMBERS BULKHEAD

With regard to last week's discussion of the taxing of the property owners for the extension of the Tall Timbers bulkhead, Commissioner Dean moved, seconded by Commissioner Jarboe that the County would be agreeable to extend the payback period unless there was some adverse financial impact on the County in doing so, and that the Budget Officer and Director of Finance be requested to determine if there is an impact. All Commissioners voted in favor.

PARTIAL PAYMENT # 4
PROJECT NO. SM 78-1-4
ASPHALT OVERLAY PROGRAM

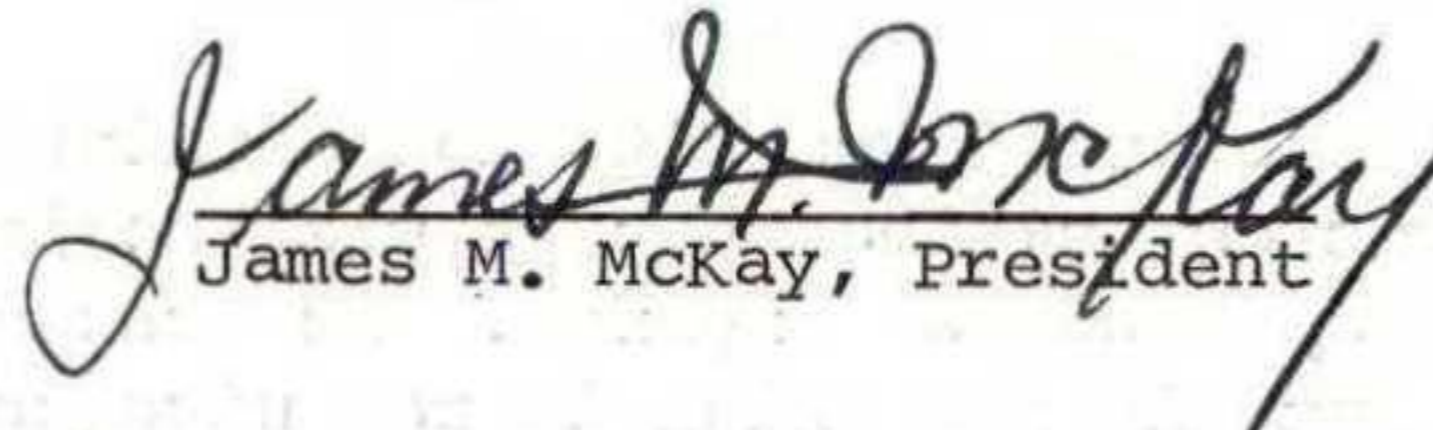
On behalf of the County Engineer, the County Administrator presented Monthly Estimate No. 4 payable to B.F. Asher in the amount of \$75,522.63, for the asphalt overlay program in the Third, Fifth and Seventh Districts, which has been reviewed and recommended for payment by the County Engineer. Commissioner Jarboe moved, seconded by Commissioner Parlett, to approve payment of Monthly Estimate No.4. All Commissioners voted in favor.

PERMITS AND LICENSE INSPECTOR

The County Administrator stated that the position of Permits and License Inspector in the Office of Land Use and Development has been advertised, interviews held and it was the recommendation that Mr. James C. Prebble be hired to fill this position at Grade 9, effective August 7, 1978. Commissioner Jarboe moved, seconded by Commissioner Parlett to accept this recommendation. All Commissioners voted in favor.

The meeting adjourned at 4:10 p.m.

Approved,


James M. McKay, President