

BOARD OF COUNTY COMMISSIONERS MEETING

Wednesday, August 30, 1978

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

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

The meeting was called to order at 9:00 a.m.

READING AND APPROVAL OF MINUTES

The minutes of the County Commissioners' meeting of Wednesday, August 23, 1978 were read. Commissioner Jarboe moved, seconded by Commissioner Parlett to approve the minutes as read. 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 Jarboe moved, seconded by Commissioner Millison to approve payment of the bills as submitted. All Commissioners present voted in favor.

REVENUE SHARING - STATEMENT OF ASSURANCES

Present: Harris Sterling, Director of Finance

As recommended by the Director of Finance, Commissioner Jarboe moved, seconded by Commissioner Millison, to authorize Commissioner President McKay to sign the Revenue Sharing Statement of Assurances for the period of October 1, 1978 to September 30, 1979. All Commissioners present voted in favor.

ENVIRONMENTAL STUDY COMMITTEE  
BOARD OF EDUCATION

The County Administrator presented a request from the County Engineer for the Commissioners' concurrence that he serve on the Environmental Study Committee with the Board of Education.

Later in the meeting, after discussion with the County Engineer as to the amount of time this would require, the Commissioners generally concurred that he serve as long as it did not interfere with the County's Road Program.

GUARDRAIL RELOCATION REQUEST  
PAUL BENNETT (ST. ANDREWS CHURCH ROAD)

The County Administrator presented a memorandum from the County Engineer relative to a request from Mr. Paul Bennett on St. Andrews Church Road for the relocation of the guardrail in front of his property. The County Engineer advised that SHA policy for removal of guardrails is that it is the expense of the property owner.

This matter was discussed later in the meeting with the County Engineer and in view of the fact that Mr. Bennett has had difficulty with the Health Department in obtaining perc tests, it was recommended that the County Attorney determine whether the County has any obligation for relocation of the guardrail and whether the cost can be negotiated with the property owner.

CLEARINGHOUSE PROJECT NO. 79-8-192  
OPTIMUM WEATHERSTATION DEMONSTRATION PROJECT

The County Administrator presented the above-referenced clearinghouse project for the Tri-County Community Action Committee and recommended that it be forwarded to the State with the comment that it is not inconsistent with this agency's plans, programs or objectives. The Commissioners gave their concurrence.

CLEARINGHOUSE PROJECT NO. 79-8-142  
COASTAL ZONE IMPACT PROGRAM FUNDS

The County Administrator presented the above-referenced clearinghouse project for the Commissioners' review and approval and recommended that it be forwarded to the State with the comment that it is not inconsistent with this agency's plan, programs, and objectives. The Commissioners gave their concurrence.

QUIT CLAIM DEED  
LEGERTON LANE - TOWN CREEK SUBDIVISION

The County Administrator presented the Quit Claim Deed by and between County Commissioners of St. Mary's County and Edward L. Florance, which corrects an error in the field survey that was prepared for Legerton Lane in the Town Creek Subdivision. Commissioner Parlett moved, seconded by Commissioner Millison, to approve said Deed. All Commissioners present voted in favor.

ROAD RESOLUTION NO. 77-8  
GOLDEN BEACH ROAD

On behalf of the County Engineer, the County Administrator presented Road Resolution No. 77-8 posting Golden Beach Road at 40 miles per hour from intersection with All Faith Church Road for a distance of 2.7 miles. Commissioner Parlett moved, seconded by Commissioner Jarboe, to approve said Road Resolution. All Commissioners present voted in favor.

OVERTIME FOR SHERIFF'S DEPARTMENT

The County Administrator presented a request for overtime payment to certain deputies in the Sheriff's Department for a total of 30 hours in the amount of \$244.57, which is within the policy by the County Commissioners for overtime for this department. Commissioner Jarboe moved, seconded by Commissioner Parlett, to approve said request for overtime payment. All Commissioners present voted in favor.

COMMISSION FOR WOMEN  
ANNUAL REPORT AND RECOMMENDATIONS

Present: Sally Johnson, Chairman  
Evelyn Holland  
Dorothy Barclift  
Kathy Ritter  
Elvare Gaskin

The above representatives of the Commission for Women presented to the Commissioners its first annual report which covers all meetings and action items from the Commission's organization in November 1976 to date. Each of the above members spoke on the progress and plans being made with each of the Task Forces which they chair.

Included in the Annual Report were the following recommendations:

1. An expansion of the Commission members from seven to eleven members;
2. Representatives on the Commission should include interested men;
3. A realistic budget which should include fees for members to attend meeting, conferences, seminars; mileage in attending, postage, printing; and monies to purchase publications (approximately \$1300);
4. Office space within County space with a CETA employee to handle clerical duties.

The Commissioners advised that since expansion of members would necessitate a change in the law, this would be an item of discussion during the Legislative Package process. With regard to the other recommendations, the Commissioners advised that consideration would be given these requests and a determination made as to the most feasible way in handling them.

DISABLED PERSONS REVIEW BOARD  
(ADULT PROTECTIVE SERVICES LAW)

Present: Joseph Carter, Director, Social Services  
Vivian Ripple, Adult Supervisor, Social Services

Mr. Carter explained to the Commissioners that the Adult Protective Services Law requires the establishment of a Disabled Persons Review Board in

each County, which would review guardianship cases for those individuals who because of physical or mental disabilities require assistance in providing for their daily needs. The Review Board is to consist of nine members:

1. A professional representative of local Department of Social Services;
2. Two physicians, including one psychiatrist;
3. Local Commission on Aging representative;
4. Professional representative of local nonprofit social service organization;
5. An Attorney;
6. Two lay individuals; and
7. A Public health nurse.

Mr. Carter inquired that in view of the composition of the Board, whether the Department of Social Services should pursue the selection of individuals to serve on this Board. The Commissioners replied that they would probably want to appoint the lay individuals; however, they would give consideration to this matter and respond to Mr. Carter in the near future.

ACQUISITION OF SITES FOR TECH CENTER HOUSE CONSTRUCTION

Present: Marvin Joy, Superintendent of Schools  
Will Dohrman  
George Sullivan, Principal, Tech Center

The above individuals appeared before the Commissioners to discuss possible land acquisition for future sites for the house constructed by Tech Center students. The Commissioners agreed to meet in Executive Session to discuss this matter. The Session was held from 11:25 a.m. to 11:45 a.m.

PURCHASING/PROCEDURES  
BOARD OF EDUCATION

Present: Marvin Joy, Superintendent of Schools  
Henry Kanowicz, Director of Business Administration  
Joey Friend, Assistant in Purchasing  
Will Dohrman  
All Kessler, Patuxent Business Machines  
Richard Weeks, Weeks Photography

Mr. Friend distributed copies of the purchasing guidelines used by the public school system and in compliance with policies of the Board of Education of St. Mary's County, and explained the process to the Commissioners. He stated that the following process is followed:

1. Bidding documents prepared;
2. Copies of specifications mailed to prospective bidders;
3. Advertisement of bid in local newspaper;
4. When bids are opened, they are evaluated in terms of specifications;
5. Bid is awarded.

Discussion ensued as to the preparation of specifications, with the Commissioners advising that there has been concern expressed that the specifications are prepared with specific brands in mind. Mr. Friend and Mr. Joy explained that specifications are written stating a brand name or equivalent and when bid is awarded durability and maintenance are main factors. Mr. Kessler and Mr. Weeks commented on their concerns with the School's bidding process and expressed the hope that local businessmen be given consideration.

In conclusion, Mr. Joy stated that he felt strongly about dealing locally and that he would appreciate any suggestions the Commissioners may have.

(Commissioner Dean entered meeting - 1:00 p.m.)

EXPIRED PERSONAL ROAD BOND

CAL-ACRES SUBDIVISION, SECTION II (PATUXENT BEACH ROAD)

Present: Ed Long, developer  
John Norris, County Engineer

In response to a request by the County Commissioners concerning his expired personal road bond, Mr. Long appeared before the Commissioners to discuss the status of the construction of the streets and roads in Cal-Acres Subdivision, Section II. He explained the roads are almost completed and that he has encountered difficulty in getting the contractor out there to finish up the job.

After discussion, Commissioner Jarboe moved, seconded by Commissioner Parlett to extend the personal bond until November 1, 1978 in order to allow Mr. Long to complete the roads in Cal-Acres Subdivision, Section II. All Commissioners voted in favor.

ROAD BONDING

WATERVIEW COURT - ST. INIGOES LANDING SUBDIVISION

Present: John Norris, County Engineer

Mr. Norris advised the Commissioners that the referenced subdivision has a Certificate of Deposit (No. 2340) with the First National Bank of St. Mary's with the date of September 7, 1978. Correspondence has been received from First National stating that the bank will renew the Certificate of Deposit in the amount of \$18,000 for a period of two years on its maturity date of September 7, 1978; that it be renewed as two separate Certificates, one for \$12,600 and one for \$5,400 in order to facilitate payments for the roadwork in two

stages. Commissioner Jarboe moved, seconded by Commissioner Parlett to approve extending the Certificates of Deposit as mentioned above. All Commissioners voted in favor.

LAND O'LAKE SUBDIVISION, SECTIONS 2A and 2B

Present: John Norris, County Engineer

Mr. Norris stated that the Assignment of Funds Agreement for the referenced subdivision has an expiration date of this date, August 30, 1978 with Mercantile Mortgage Company. In talking with the County Attorney and subsequently to the President of Mercantile Mortgage Company, in order to protect the County, Mercantile Mortgage Company is agreeable for a extension. The streets are in the process of being paved; however, the paperwork has not been completed. Therefore, in accordance with the County Attorney's recommendation and conversation with Mercantile Mortgage Company, Mr. Norris presented a letter to Mercantile for the Commissioners' review and signature, stating that the Commissioners concur with the extension. Mr. Norris stated that if the developer has not responded regarding necessary paperwork by September 12, he would return to the Commissioners with a recommendation for a "Stop Work Order." The Commissioners agreed to sign and forward said letter.

EXPIRING ROAD BONDS

Present: John Norris, County Engineer

In continuing discussion from last week's meeting regarding the County making claim on any letter of credit, cash agreement or corporate bond if proper documents have not been submitted by developer, the Commissioners agreed that Mr. Norris notify the developer and surety 60 to 90 days prior to the expiration of letter of credit, corporate bond, assignment of funds, or cash agreement, that proper documentation must be in the County Engineer's Office 10 days prior to the expiration date and if not, the County would make claim on these funds.

ACQUISITION OF LAND  
RECREATION AND PARKS

Present: John Baggett, Director, Recreation and Parks

The Commissioners agreed to meet in Executive Session in order to discuss a matter of land acquisition. The Session was held from 2:10 p.m. to 2:45 p.m.

DISCUSSION  
REZONING CASE NO. 78-125  
LEONARD REBARCHICK

Present: Frank Gerred, Director, Land Use and Development  
Jim Kenney, attorney for applicant

At this time the Commissioners continued last week's discussion concerning the above-referenced rezoning case, and discussed again the protection of the adjacent property with a proper buffer. In order to allow

time for additional questions to be answered the Commissioners agreed to continue discussion at next week's meeting.

REZONING DISCUSSION

CASE NO. 78-113 - SAMUEL BAILEY, JR. (D.J.'S)

Present: Frank Gerred, Director, Land Use and Development  
 Oliver Guyther, attorney for applicant  
 Mike Harris, " " "  
 Samuel Bailey, Jr., applicant  
 other interested citizens

Having conducted a public hearing on August 16, 1978 on the referenced rezoning case, the Commissioners commenced discussion on the findings of fact of this matter. After discussion, there appeared to be general agreement that a mistake had been made originally in zoning and that the property be rezoned to commercial, however, there was some question what category (CL, C-1, or C-2) it should be rezoned to. The following question was raised by Commissioner Dean for the County Attorney: "Is there sufficient zoning case law in Maryland that would give the legislative body of this county the authority to assess the particular factors in this particular case and conclude that it could be rezoned based on these factors to C-1 without establishing a precedent that would mandate that the Commissioners would have to subsequently approve any and all future commercial rezoning applications along the highway?" The Commissioners agreed to continue discussion at next week's meeting.

COUNTRY LAKES, SECTION I - EXPIRED ROAD BONDING

Present: Ben Burroughs, Jr., developer  
 Oliver Guyther, attorney  
 John Norris, County Engineer

In response to a request by the Board of County Commissioners to discuss expired road bonding for Section I of Country Lakes, Mr. Burroughs and Mr. Guyther appeared before the Commissioners to explain the status.

Mr. Guyther gave the history of the personal road bond and that he would like to see the matter worked out in a fair and cooperative manner. He stated there remains approximately Three-quarter of a Million Dollars of work to be done in Section I, which contains approximately 7 miles of road; of which four will be completed this construction season.

Mr. Guyther proposed that Section I be delineated into three stages, whereby they would agree to comply with the Zoning Ordinance as to bonding for each stage. There would be no transfer of title to any of the property in the stages and no building permits until the proper bonding required by the Ordinance is dealt with. Mr. Guyther stated he would develop these stages in writing and submit them to the County by September 15 and will complete Stage One by November 1 of this year.

The Commissioners indicated concurrence with this proposal and advised that they will take formal action upon receipt of the Development Stages.

MEETING WITH ATTORNEY CONCERNING PATUXENT RIVER

Commissioner Jarboe brought the Commissioners up to date on the meeting with Attorney David Fleischaker and the three Boards of County Commissioners on August 28 at which two important items were discussed:

1. The question whether to settle this matter out of court, continue negotiations, or to continue in court.

2. Bill Johnson from Calvert County suggested filing a Riparian Act suit for the Southern Maryland against the upriver jurisdictions.

Commissioner Jarboe stated the above should be items of discussion at the next tri-county Commissioner meeting on September 20.

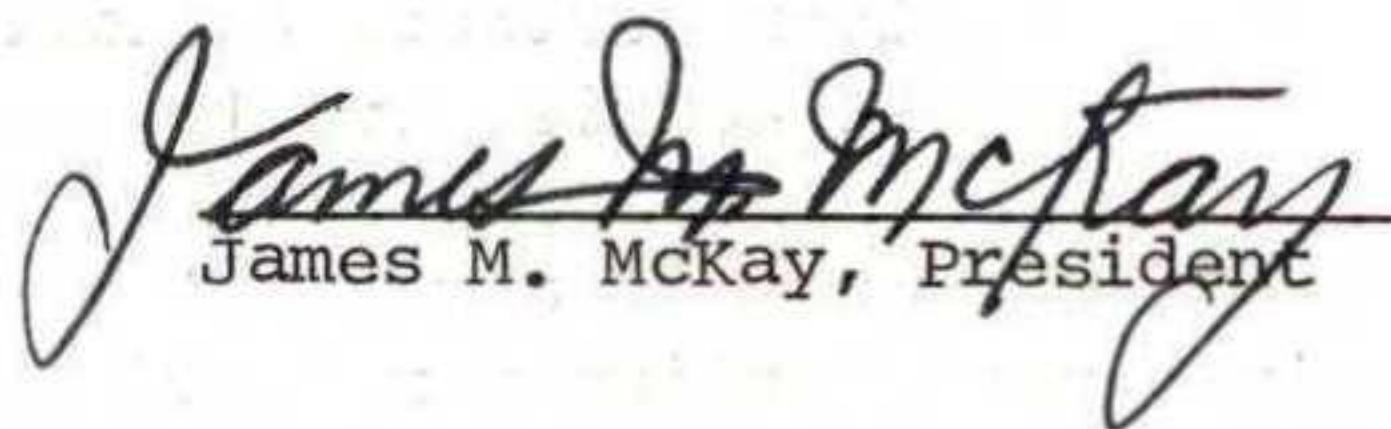
COMMISSION ON AGING

AMENDED TITLE III GRANT AND TITLE V GRANT

On behalf of the Senior Services Coordinator, the County Administrator presented the Amended Title III Grant for Transportation Aid Project and Title V Grant for Renovation of Drill Hall project for the Commission on Aging. Commissioner Millison moved, seconded by Commissioner Parlett, to approve and authorize Commissioner President McKay to sign said grants. All Commissioners voted in favor.

The meeting adjourned at 5:10 p.m.

Approved,

  
James M. McKay, President