

BOARD OF COUNTY COMMISSIONERS' MEETING

February 14-15, 1979

Wednesday, February 14, 1979

Present: Commissioner George R. Aud, President
Commissioner Richard D. Arnold
Commissioner Ford L. Dean
Commissioner David F. Sayre
Commissioner Larry Millison
Edward V. Cox, County Administrator
Judith A. Mullins, Recording Secretary

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

READING AND APPROVAL OF MINUTES

The minutes of the County Commissioners' meeting of January 31, 1979 were read. Commissioner Dean moved, seconded by Commissioner Aud, to approve the minutes as read. 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 Millison moved, seconded by Commissioner Dean, to approve payment of the bills, as submitted. All Commissioners voted in favor. Commissioner Aud stated that he abstained from any bills involving Van Hoozier Motors and Suburban Chrysler-Plymouth for the remainder of his term of office.

EMERGENCY OPERATIONS CENTER REPORT

Relative to a study started approximately two years ago, the County Administrator referred to the report on the operation of the Emergency Operations Center as a result of this study. The review concluded with the report that there was need for some additional studies of the communications systems. Mr. Cox stated that technical assistance will be given by the Law Enforcement Assistance Administration, which will be gin tomorrow.

Responding to an inquiry from the Commissioners, Mr. Cox stated that the Commissioners should determine whether to have a separate communications system for the Maryland State Police when they move to their new office or should it remain as is with one system. The Commissioners concurred that all calls should continue to come in at one location.

OVERTIME - SHERIFF'S DEPARTMENT

The County Administrator presented a request for overtime for the deputies in the Sheriff's Department of the period beginning January 6, 1979 to February 2, 1979 as follows:

Sheriff's Department deputies	-	\$884.19
CID Unit Deputies	-	\$240.48

Commissioner Dean moved, seconded by Commissioner Sayre to approve payment for overtime as requested. All Commissioners voted in favor.

CLEARINGHOUSE PROJECT NO. 79-2-815
MARINE ANIMALS DISEASE INVESTIGATIONS

The County Administrator presented the referenced clearinghouse project 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. 79-1-811
SEVENTH DISTRICT VOLUNTEER FIRE DEPARTMENT
FmHA LOAN - ENLARGING AND REFURBISHING OF PRESENT FIRE STATION

The County Administrator presented the referenced clearinghouse project 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.

PERMANENT STATUS - DORIS HAMMETT

The County Administrator presented a memorandum from the Personnel Officer stating that according to her Supervisor, Doris Hammett, Switchboard Operator, has satisfactorily completed her six-month probationary period and therefore has recommended that she be placed on permanent status. The Commissioners gave their concurrence.

ADDENDUM TO LEASE AGREEMENT - ST. JAMES KENNELS

The County Administrator presented the Addendum to the Lease Agreement by and between Pamela P. Sawyer and Walter W. Sawyer, III and the Board of County Commissioners of St. Mary's County extending the terms for lease arrangement for the County's use of the St. James Kennels as a holding facility. Commissioner Dean moved, seconded by Commissioner Arnold, to approve and sign said addendum. All Commissioners voted in favor.

C & P TELEPHONE COMPANY
EASEMENT OVER RAILROAD RIGHT-OF-WAY
LAUREL GROVE-MORGANZA ROAD

The County Administrator presented the Easement Agreement by and between the County Commissioners of St. Mary's County, Southern Maryland Electric, Cooperative, Inc., and C & P Telephone Company allowing the C & P Telephone Company to cross the railroad right-of-way at Laurel Grove-Morganza Road.

The Commissioners unanimously agreed to sign said Agreement.

APPOINTMENT
COMMISSION ON AGING

Commissioner Arnold moved, seconded by Commissioner Sayre to reappoint David Hammett to the Commission on Aging for a term to expire December 31, 1982. All Commissioners voted in favor.

CHESAPEAKE BAY LEGISLATIVE ADVISORY COMMISSION

The County Administrator presented a letter to Chesapeake Bay Legislative Advisory Commission for the Commissioners' review and signatures designating Walter Raum, Environmental Health Officer, as the County's representative to said Commission. The Commissioners agreed to sign and forward said letter.

BOARD OF HEALTH

Present: Joseph E. Bell, II, County Attorney

The County Commissioners inquired of the County Attorney the level of authority the Commissioners enjoyed sitting as a local Board of Health. Mr. Bell read from Article 43, Section 45 of the Annotated Code of Maryland which describes the authority and responsibilities of local Boards of Health. Examples were mentioned by the Commissioners in which local residents found difficulty with Health Department regulations and interpretations. Mr. Bell suggested conferring with the local officials on the individual cases and then going up the chain of command to the ultimate point of the General Assembly where legislation regarding Health Department is enacted.

SOCIAL SERVICES - OFFICE SPACE

Present: Eric Bromley, Chairman, Social Services Board
Joseph E. Bell, II " " "
Renee Dixon, " " "
Sean Bishop, " " "
Evelyn Holland, " " "
Cdr. Richard A. Boyer, " " "
Joseph Carter, Director, Social Services
Richard Buckler, Finance Officer, Social Services

Mr. Bromley, speaking on behalf of the Social Services Board, advised the Commissioners of the inadequate housing for the Office of the Department of Social Services because of the increased functions of this Department. Social Services is presently housed in three separate locations and paying rent for each location.

Mr. Bell advised that the State has agreed to do one of two things:

1. They would seek to provide adequate office space;
2. Have the County construct an office building on the Leonard Hall property that the State would lease for 20 years as a minimum.

After discussion of the office space needs, the Commissioners agreed that a Commissioner member will meet with the Social Services Board to discuss this matter more thoroughly, as requested by the Social Services Board.

CEDAR LANE APARTMENTS (HOME FOR THE ELDERLY)

Present: F. Elliott Burch, Sr.
Mr. Dotson

Mr. Burch stated that \$50,000 had been budgeted for the Home for the Elderly and Nursing Home combined and that the Home for the Elderly has a need for funding in order to increase the size of the parking lot. He stated that because many of the residents have their own cars, because of staff parking and because of the opening of the clinic, parking space is inadequate.

The Commissioners stated that they were sympathetic to their need depending on the cost of the construction of the addition to the parking lot and requested cost figures to be submitted to the Commissioners for review and determination.

PINEY POINT LIGHTHOUSE

Present: Mr. George Gatteau, Potomac River Assoc.
 Mr. Jack Witten, Potomac River Assoc.
 John Baggett, Director, Recreation and Parks

The referenced individuals from the Potomac River Association appeared before the Commissioners to ascertain the status of the County's acquisition of the Piney Point Lighthouse property which has been declared surplus by the Federal government. Mr. Witten recommended that the county give living rights to a custodian at the caretaker's house on the lighthouse property for the purpose of security.

Commissioner Dean stated that the County has expressed an interest in acquiring this property and has submitted an application to GSA requesting it as an historical site.

In conclusion, the Commissioners directed Mr. Baggett to contact the Congressional delegation requesting their assistance in getting the project moved forward.

REZONING CASE NO. ZA 78-167ARTHUR MIRFIELD

Present: Frank Gerred, Director, Land Use and Development
 Jeff Poley, Zoning/Subdivision Administrator
 James Kenney, attorney for applicant
 Albert Focer, witness for applicant
 Charles Dellison, Jr., witness for applicant
 J. Spence Howard, witness for applicant
 Mr. Simmons, President, Greenview Knolls Citizens Assoc.
 Margaret Dyson, opponent
 Mary Joe Smith, "
 Tom Dobry, "
 Jan Kristoferson, "
 Dennis Roderick, "
 James S. LoTurco, "
 Mrs. James LoTurco "
 Allen S. Hamden, Attorney for opposition
 Linda Raley, Recording Secretary (LUD)

Application was made by Arthur Mirfield to have approximately 22.95 acres, located on Chancellors Run Road, Eighth Election District, rezoned from R-2, Low Density Urban Residential, to R-15, Townhouse and Garden Apartments.

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

(Commissioners Aud and Millison did not participate in the hearing because of possible conflict of interest.)

The County Commissioners recessed at 5:00 p.m.

Thursday, February 15, 1979

The meeting reconvened at 9:10 a.m.

HISTORIC DISTRICT PROPOSAL

Present: Al Kessler
Roger Chandler

The referenced individuals appeared before the Commissioners to present a petition with more than 400 signatures on behalf of the Citizens in Opposition to a Historic District. Mr. Kessler stated the citizens are opposed to the proposal by the Historic District Commission to create a historic district of 8,000 acres in the area of St. Mary's City. They felt it was unnecessary and unwarranted. Therefore, it was requested that the Board of County Commissioners deny any amendments to the Zoning Ordinance for the establishment of a historic district as proposed.

The Commissioners advised that they would make a statement on this issue once both points of view have been presented to them.

ALLEGED ZONING VIOLATION
SAND AND GRAVEL OPERATION

Present: Frank Gerred, Director, Land Use and Development
Jeff Poley, Zoning/Subdivision Administrator

Mr. Gerred stated that his office had been made aware of a possible zoning violation by the sand and gravel mining operation at Breton Bay, and there were two issues involved.

1. The fact that there is a buoy in the bay without Corps Engineers' approval; however, a permit has been applied for.

2. And that it appeared that the operation of the sand and gravel mining was in violation of the Conditional Use. One of the conditions is that no more than 45 acres can be mined at one time and it has been alleged that they are mining more than 45 acres.

Mr. Gerred stated that if satisfactory documentation cannot be provided through a regular inspection that arrangements would be made for aerial photographs to be taken in order to obtain a more definitive answer. Mr. Gerred advised that once this determination is made, he will inform the Commissioners of the outcome.

DUALIZATION OF RTE. 235
(HOLLYWOOD AREA)

Present: John Norris, County Engineer

Mr. Norris presented coorespondence from the Department of Transportation requesting the county to accept the appraised value in

the amount of \$1450 for property adjacent to the railroad right-of-way in connection with SHA's acquisition of land for the dualization of Rte. 235 in the Hollywood area.

The Commissioners unanimously gave their concurrence to accept the \$1450 appraised value.

REQUEST FOR PLACEMENT OF HISTORICAL MARKER

Present: John Norris, County Engineer

Mr. Norris presented correspondence from The National Society of the Descendants of Lords of the Maryland Manors requesting placement of an historical marker on the north side of Jones Wharf Road for Old Fenwick Manor. The Commissioners gave their concurrence.

PUBLIC WORKS AGREEMENT ADDENDUM
HELEN ESTATES SUBDIVISION SECTION 2

Present: John Norris, County Engineer

Mr. Norris presented the Public Works Agreement Addendum by and between Israel Z. Swarey and Ezra Swarey, extending the deadline for completion of streets and roads in Helen Estates Subdivision, Section 2, from February 23 to September 15, 1979. The Commissioners unanimously agreed to accept said Addendum upon the recommendation of the County Engineer.

DRIVEWAY ENTRANCE PERMITS

Present: John Norris, County Engineer

Mr. Norris stated that the County has been issuing driveway entrance permits along with the issuance of building permits and there are a number of them that are corporate or personal and the work should have been completed. He stated that approximately 90% of them are by developers. Mr. Norris recommended that the Commissioners forward correspondence to these developers giving them until the first of July to complete them. After discussion, the Commissioners gave their concurrence.

REFORESTATION OF OLD LANDFILL AT ST. ANDREWS

Present: John Norris, County Engineer

Mr. Norris presented correspondence from the Maryland Forest Service recommending reforestation of the old landfill at St. Andrews and setting forth the cost to do this. Also mentioned was the presence of methane gas created at the landfill and recommended a method of alleviating this problem. The Commissioners gave their concurrence to proceed with the reforestation of the landfill.

CONSULTANT SERVICE CONTRACT
(DALE CROPPER)

Present: John Norris, County Engineer

Mr. Norris presented a one-year Consultant Service Contract with Dale Cropper for the purpose of obtaining easements for certain Commissioner-designated county projects; ie, St. John's Road, Spring Valley Road, Millstone Landing Road and possibly Chancellors Run Road. The Commissioners agreed to sign said contract.

REQUEST FOR REDUCTION OF BOND
PARK HALL ESTATES SUBDIVISION

Present: John Norris, County Engineer

Mr. Norris presented correspondence from the developer of Park Hall Estates, William A. Chapman, requesting a reduction of his surety account for the streets in Park Hall Estates from \$32,000 to \$20,000. With the amount of work left to be done, and upon the recommendation of the County Engineer, the Commissioners agreed to approve the requested reduction in the surety account at First National Bank.

SNOW REMOVAL

Present: John Norris, County Engineer

Mr. Norris commented on the recent snow removal operation and requested the press's cooperation in announcing the hazards of children playing with sleds in the streets when the snow removal trucks are in the area.

COURTHOUSE RENOVATION PROJECT

Present: John Norris, County Engineer

The County Engineer explained the current status of the courthouse renovation project and requested authorization to amend the current contract to include additional work necessitated by changing conditions or affected by future work in other areas of the building. In general, the work involved are architectural, sheet metal, and mechanical items. The most significant change included relocation of the entrance to the Register of Wills office and creation of the Treasurer's Office in space currently occupied by the mechanical equipment room, part of the men's restroom and the Sheriff's property storage room. Also requested was a restroom facility in the Clerk of the Court's office.

The Commissioners concurred and limited the cost to an additional \$10,000. Mr. Norris further explained that he was still attempting to obtain proposals to replace the flooring in the main corridor and that this cost is not included in the \$10,000 limitation.

With respect to the next phase of the project, Mr. Norris explained the necessity for providing heating and air distribution to the second level and the need to separate the second floor from the same heating zone as the first floor. He further explained that there was general concurrence among the Judge, Juvenile Master and State's Attorney for an office layout as shown to the Commissioners. Mr. Norris indicated that a two-pipe system under a separate zone would be run at the ceiling level of the first floor and up to the second floor to new fan coil units. The air handler serving the State's Attorney's space would be eliminated.

The Commissioners generally concurred with the project contingent upon approval of all involved parties to the proposed layout.

CLOSING OF VALLEY ROAD

Present: Keith Fairfax, Spring Valley Civic Assoc.
John Norris, County Engineer

Mr. Fairfax, on behalf of the Spring Valley Civic Association, presented a paper setting forth several observations of problems that would be encountered with the impending closing of Valley Road by the owner. In addition, Mr. Fairfax submitted several recommendations showing alternatives if the road is kept open until certain things can be done or if the road must be closed. Mr. Fairfax suggested a meeting with the owner of the road, a county representative and himself to discuss the above. The Commissioners gave their concurrence and authorized the County Engineer to be the County's representative.

PROCLAMATION NO. 79-11
FEBRUARY - AMERICAN HEART CAMPAIGN MONTH

Present: John LeForte

The Commissioners presented the referenced Proclamation proclaiming the month of February as American Heart Month.

PROCLAMATION NO. 79-10
VOCATIONAL EDUCATION WEEK

Present: Will Dohrman
George Sullivan
FBLA representatives
FHA "
FFA "
VICA "

The Commissioners presented the referenced Proclamation proclaiming the week of February 11-17, 1979 as Vocational Education Week.

STATE'S ATTORNEY'S OFFICE
VICTIM ADVOCATE PROGRAM

Present: Neal Myerberg, State's Attorney

Mr. Myerberg appeared before the Commissioners to discuss his office's interest in pursuing the Victim Advocate Program, which is a regional (Southern Maryland) program with funding in the amount of \$60,000 from federal government (LEAA) with the County's share at 6.5%.

Mr. Myerberg explained the program and the seven step procedure that must be followed and that his office is ready to proceed.

After discussion of the program, the Commissioners expressed concurrence with the proposed Victim Advocate Program and authorized Commissioner President Aud to sign a letter to the Governor's Commission on Law Enforcement and the Administration to Justice expressing the county's interest. Mr. Myerberg was directed to contact the Budget Officer regarding the grant for this program.

ST. GEORGE'S BEACH SUBDIVISION

Present: John Baggett, Director, Recreation and Parks

Commissioner Dean discussed with the Commissioners certain lots owned by the County in St. George's Beach Subdivision (Lot 1-9 in Block 1 and Lots 10 and 11 in Block 5) and the fact that someone had inquired whether the county was interested in disposing of Lots 10 and 11 in Block 1. Mr. Baggett stated that the lots had originally been purchased for the purpose of recreational land; however, because it is so close to Swann's in Piney Point that it was his opinion that the property is no longer needed, but this decision has to be made by the Recreation and Parks Board.

The Commissioners agreed that if the property was not being used, it should be put back on the tax rolls and requested Mr. Baggett to obtain a recommendation from his Board.

PINEY POINT PROPERTY - PUBLIC NUISANCE

Commissioner Dean referred to correspondence received from Mr. Peter Hilder of Piney Point in which was related a problem with unsafe and unhealthy conditions relative to vacated property in Piney Point.

The Commissioners directed the County Administrator to obtain reports from the Health Department and Fire Marshal concerning the property described by Mr. Hilder, after which the matter will be reviewed by the County Commissioners for further action. Also, the County Administrator was directed to correspond with the property owner to see if voluntary efforts could remove the hazard.

STORAGE OF COUNTY RECORDS

Commissioner Dean advised the Commissioners that the County records Committee has inquired as to the possibility of finding suitable storage area for old county documents, and suggested that the Commissioners give consideration to this request. The Commissioners agreed to look into this matter.

CHANCELLORS RUN ESTATES SUBDIVISION

The Commissioners discussed the three issues raised by Attorney Jim Kenney and Joe Horton, developer of Chancellors Run Estates Subdivision, relative to a request for certain waivers to the county's Road Ordinance and Sedimentation Control Ordinance.

After discussion, it was the concurrence of the Board that because of the fact that this plan was in process prior to the adoption of the Road Ordinance and because the urban section requirement had been waived previously:

1. The developer be allowed 20 foot paved roads with six foot grass shoulders.
2. However, the drainage problem will have to be resolved by the applicant and County Engineer and be acceptable to the neighboring property owners involved.
3. With regard to the sight distance problem, the Commissioners will not waive this item, but recommend that the developer obtains a easement from the property across the road to correct the sight distance deficiency.

PROPOSED RESOLUTION

CASH IN LIEU OF LAND DEDICATION FOR PARK SITES

The Commissioners reviewed the proposed resolution relative to cash in lieu of land dedication for park sites. Commissioner Dean offered the amendment that fee would not be collected for the first three lots of a minor subdivision to which all Commissioners agreed and directed the staff to prepare the resolution in final form for adoption next week.

WICOMICO SHORES

Commissioner Dean stated that inasmuch as Frank Gerred was appointed by the Commissioners as the County's liaison person with regard to the Wicomico Shores project, that it would be important for the Commissioners to receive a status report as to the revitalization of this project as was worked out with the bankruptcy court. The Commissioners concurred and directed that Mr. Gerred prepare such a report.

STATE PARK PLAN FOR ST. MARY'S COUNTY

The Commissioners discussed the referenced plan as presented by Bernie Fowler and Clara Wooddy at their meeting of January 3, 1979 and agreed to make a decision and offer comments at their meeting of February 21, 1979.

EXECUTIVE SESSION

The Commissioners agreed to meet in Executive Session in order to discuss matters of personnel (appointments). The Session was held from 3:15 a.m. to 4:10 p.m.

COMMISSIONER-MEMBER APPOINTMENTS

The Commissioners unanimously agreed on the following Commissioner-member appointments to serve on the various Boards, Committees and Commissions:

Tri-County Council

Commissioner Aud
Commissioner Millison
Commissioner Arnold

Nursing Home Board

Commissioner Dean

Hospital Board

Commissioner Sayre

Region II Board (LEAJ)

Commissioner Aud

Social Services Board

Commissioner Sayre

Planning Commission

Commissioner Dean

Mental Health Advisory Committee
and Alcoholism Council

Commissioner Arnold

There will be no specific appointments to the following Boards; however, Commissioner Aud will serve as liaison member:

Metropolitan Commission
Airport Committee
Electrical Examiners Board
Recreation and Parks Board

MEETING OF THE BOARD OF HEALTH

Present: Dr. William Marek, County Health Officer

Dr. Marek requested that the Board of County Commissioners meet as the Board of Health and that several matters be discussed that have been brought to his attention.

Polio Situation - With regard to the polio situation in the Amish community of St. Mary's County, Dr. Marek brought the Commissioners up to date, giving the history of the matter and the circumstances that brought the situation to the County. The immunization program started in the Amish and Menonite community, which was very successful and was extended to a five-mile radius of the area. A public clinic was held at Mechanicsville School where approximately 2800 people were immunized and an open clinic at the Health Department with 50 to 100 people being immunized each day. There have no cases of paralytic polio reported in the County.

The Commissioners expressed their concern and requested to be kept informed as to any further developments.

Health Department Matters - Dr. Marek stated that certain accusations have been made regarding the Health Department and he would like the opportunity to respond. He stated that the Health Department has tried to conduct each and every event that they participate in a fair and equitable manner in accordance with the health laws as written and requested the Commissioners to provide him with specifics with regard to any problems relating to the Health Department and they would respond with factual answers. He stated that the Health Department is willing to work with the Commissioners.

The Commissioners expressed the opinion that they did not have a problem with any individuals in the Health Department, but several matters had been brought to their attention by the public concerning several Health Department matters. Among the areas brought to Dr. Marek's attention were failing septic systems, sampling of tidewaters, and restaurant inspection.

With regard to the legislation proposed by Commissioner Sayre, Dr. Marek stated he had no objection to a Commission being formed to evaluate the operation of the Health Department, but felt the entire Department should be evaluated rather than just environmental health and also that he was of the opinion that a representative from the State Health Department should be able to be on this Commission.

The Commissioners thanked Dr. Marek for meeting with them to discuss these matters and advised that a decision has not yet been made on any legislation at this time; however a decision will be made within a week in order for it to be sent to Annapolis.

The meeting adjourned at 5:30 p.m.

Approved,


George R. Aud, President

February 15, 1979

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