

BOARD OF COUNTY COMMISSIONERS' MEETING

Wednesday, February 28, 1979

Present: Commissioner George R. Aud
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 8:45 a.m.

READING AND APPROVAL OF MINUTES

The minutes of the County Commissioners' meeting of February 14-15, 1979 were read and corrected. Commissioner Dean moved, seconded by Commissioner Sayre, to approve the minutes as corrected. All Commissioners voted in favor.

The minutes of the County Commissioners' meeting of February 22, 1979 were read. Commissioner Aud moved, seconded by Commissioner Dean, 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 Dean moved, seconded by Commissioner Arnold, to approve payment of the bills as submitted. All Commissioners voted in favor. Commissioner Aud abstained on Voucher No. 22037 payable to Suburban Chrysler Plymouth.

NAVAL AIR LOGISTICS CENTER

Present: Ray Boyce, NALC, NAS

Mr. Boyce appeared before the Commissioners to explain the environmental impact assessment of 150 families moving into the area and to request the Commissioners to sign a letter of endorsement as to the impact to the Commander of Naval Aviation Logistics Center.

The Commissioners reviewed the proposed letter and stated they would make a decision after more details are obtained.

APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Commissioner Millison moved, seconded by Commissioner Arnold to make the following appointments with terms as indicated:

Electrical Examiners BoardTerm to Expire

Joseph W. Forbes	December 10, 1982
Roderick B. O'Neil	December 10, 1982
Thomas B. Clark, Jr. (reappt.)	December 10, 1982
Kirk Sterling (reappt.)	December 10, 1982

Economic Development Commission

Francis J. Russell	June 30, 1980
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Emergency Medical Service Council

John Erly	December 31, 1981
John W. Levy	December 31, 1981
Peter Ralph Woodburn	December 31, 1981

Energy Conservation Coordinating Committee

Otis Wood	December 31, 1979
Paul Raley	December 31, 1979
Charles Smallwood	December 31, 1979
Dave Morgan	December 31, 1979
William Butler	December 31, 1979

Library Board of Trustees

Mrs. George W. Gardner (reappt.)	January 1, 1984
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Metropolitan Commission

Col. Edward LeFaivre (reappt.)	December 31, 1981
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Human Relations Commission

Rev. Glen Linbaugh (ministerial rep.)	June 30, 1981
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Recreation and Parks Board

Mrs. Erva Davis (reappt.)	January 1, 1983
Mrs. Judy Roa (reappt.)	January 1, 1983
Mrs. Mary Ruth Horton (reappt.)	January 1, 1983
Stanley Scharder (reappt.)	January 1, 1983
Brent Thompson	January 1, 1983

Walden Advisory CommissionTerm to Expire

K. Andrew Bailey (reappt.)	December 31, 1981
Joe Cippolloni (reappt.)	December 31, 1981
Betsy Barley (reappt.)	December 31, 1981
Harry Lancaster, Jr.	December 31, 1981

Tri-County Youth Services Bureau

Glenn A. Larnerd (reappt.)	December 31, 1980
Sarah Fenner Boyd	December 31, 1980

Zoning Board of Appeals

Donald Insley (alternate) (reappt.)	December 31, 1981
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CITIZENS FOR PROGRESS

The County Administrator presented correspondence for County Commissioner approval to be forwarded to the State Department of Education requesting reimbursement to the County of funds advanced to Citizens for Progress for an educational program. The Commissioners authorized Commissioner President Aud to sign same.

SNOW DAYS - OVERTIME

The Commissioners reviewed a proposed policy relative to the payment to those employees called to duty on snow days when normal government operations are closed.

After some discussion, the Commissioners adopted a policy that those employees not called to duty on normal work days because of snow conditions will be granted administrative leave with pay. Those employees called to duty on such days will be paid at the rate of time and a half for hours worked.

REQUEST FOR CARRYOVER OF SICK LEAVE
STATE'S ATTORNEY'S OFFICE

By memorandum dated February 27, 1979 from the Personnel Officer, a request was submitted by Neal Myerberg, State's Attorney, to allow Carolyn Hanson, who has recently been hired as Legal Assistant in his office, to carry over her 294.11 hours of accrued sick leave from the State to the County. After review and discussion, it was the concurrence of the Board to deny this request.

FISCAL CLERK POSITIONS
FINANCE OFFICE AND TREASURER'S OFFICE

Having followed the County's normal hiring procedures of advertising, testing and interviews for the referenced positions, the Personnel Officer submitted a memorandum dated February 27, 1979 stating it was the recommendation of the Director of Finance to hire

Joanne Yates for the position of Fiscal Clerk II, Grade 7, in the Finance Office and the recommendation of the Treasurer to hire Jannette Norris in the position of Fiscal Clerk II, Grade 7, in the Treasurer's Office.

Commissioner Arnold moved, seconded by Commissioner Sayre, to accept the above-referenced recommendations. All Commissioners voted in favor.

COMPLETION OF PROBATIONARY PERIOD
COUNTY ENGINEER'S OFFICE

The County Administrator presented a memorandum dated February 27, 1979 from the Personnel Officer stating that Howard Adams, Nancy Hutson and Cindy Pilkerton, all with the County Engineer's Office, have satisfactorily completed their six-month probationary periods as of February 21, 1979, and it was the recommendation of their supervisor that they be given permanent status.

Commissioner Arnold moved, seconded by Commissioner Millison, to grant this request. All Commissioners voted in favor.

RESOLUTION NO. 79-18
SUBDIVISION OF LAND: MONEY IN LIEU OF
LAND DEDICATION FOR PARK SITES

Having reviewed the referenced document prepared by the Director of Recreation and Parks, Commissioner Dean moved, seconded by Commissioner Millison, to approve and sign Resolution No. 79-18 entitled "Subdivision of Land: Money in Lieu of Land Dedication for Park Sites," effective this date; however, this does not apply to any subdivision that has not received concept plan approval. All Commissioners voted in favor.

ECONOMIC IMPACT FEE AGREEMENT
CARTHAGENA CREEK SUBDIVISION

On behalf of the Office of Land Use and Development, the County Administrator presented the Economic Impact Fee Agreement by and between Carthagenia Joint Venture and the County Commissioners of St. Mary's County, Maryland setting forth the method of payment of the Economic Impact Fee for five lots in Section One of Carthagenia Creek subdivision in the Second Election District. Commissioner Dean moved, seconded by Commissioner Aud, to approve said Agreement. All Commissioners voted in favor.

CONDITIONAL USE FEE WAIVER

The Commissioners reviewed a memorandum from the Zoning/Subdivision Administrator relative to a Conditional Use Application by James Walter Miles which had been improperly administered by the Permits Office with a consequent double charge to the applicant. Request was made to waive the application fee since the applicant was not responsible

for the error.

Commissioner Dean moved, seconded by Commissioner Arnold, to grant this request. All Commissioners voted in favor.

MONTHLY FINANCIAL REPORT

The County Administrator recommended to the Commissioners that rather than the voluminous pages of print outs they receive each month, the Budget Officer and Director of Finance will prepare a monthly financial report giving a month-to-month progress report as to the overall financial status of the County. A half hour will be set aside each month for the Budget Officer and Director of Finance to appear before the Commissioners to go over the report and ask the Commissioners for management decisions. The Commissioners gave their concurrence.

MOBILE HOME HARDSHIP CASES NOS. 8-13, 78-16, 78-18

The Commissioners reviewed the referenced Mobile Home Hardship Cases and the recommendations of the Hardship Evaluation Committee and agreed to defer action on these cases until more information is received.

The Commissioners requested the County Administrator to prepare a package of information regarding mobile home hardship cases, including a copy of the resolution setting forth the criteria for waiver of the mobile home regulations for hardship cases and the establishment of the Hardship Evaluation Committee. It was also suggested that the Committee appear before the Commissioners to explain the philosophy behind this program.

STATE DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT

Present: Mike Kilpatrick, DECD
Mary Salisbury, Chairman, EDC

Mr. Kilpatrick appeared before the Commissioners to explain the various programs offered by the State Department of Economic and Community Development and available services they provide.

The Commissioners queried Mr. Kilpatrick as to types of industry the county should seek out and the expansion of any existing industry in the county such as seafood. In response to a question from Commissioner Sayre regarding the problem of having channels dredged to aid the seafood industry, Mr. Kilpatrick advised that his Department could assist in the preparation of economic justifications which the Corps of Engineers requires before accepting any project over which they have control.

In addition, Commissioner Millison requested the State Department of Economic and Community Development's assistance with regard to the transfer of 150 families to the Patuxent River Naval Air Station.

TRANSPORTATION PLAN - PHASE III

Present: Jerry McKinney, Executive Director,
 Tri-County Council
 Fred Pshyke, Transportation Planner, TCC
 Frank Gerred, Director, Land Use & Development

Mr. McKinney and Mr. Pshyke appeared before the Commissioners to discuss exploration of the possibility of implementing the Southern Maryland Transportation Program. The purpose of this meeting was to keep the Commissioners informed of the progress of the plan, recommend a direction, obtain concurrence from the Board or alternatives and to advise the Commissioners of the changes in available federal assistance.

By way of a chart, Mr. Pshyke reviewed such areas as improvement of existing services, provision of additional services and available and recommended funding from federal, state and local agencies.

In closing, Mr. Gerred advised that since the previous Board of County Commissioners appointed a Transportation Committee, it was his recommendation that this Committee review the Program and submit recommendations and suggestions to the Commissioners.

HICKS SUBDIVISION
DISTRICT COURT CASE NO. 4378CV796

Present: John Pleisse, Attorney

Mr. Pleisse, Attorney on behalf of the County, on the referenced matter advised the Commissioners that the bonding company has forwarded a check in the amount of \$1600 representing full amount of the bond on the Hicks Subdivision. Mr. Pleisse inquired if the Commissioners wished to pursue this matter further with the developer for any further deficit.

It was the concurrence of the Board that a Default Judgment be filed against Mr. Hicks but not for any dollar amount and that the Judgment be held in reserve.

SEPTIC PROBLEM - TURNER PROPERTY IN COUNTRY LAKES

Present: Mrs. Joan Turner
 Walter Raum, Health Dept.
 Dr. Marek, County Health Officer

Mrs. Turner appeared before the Commissioners to discuss the severe septic problem at her home in Country Lakes which she went to settlement on in June of 1977.

She stated that the house has two septic systems and sewage keeps backing up into the house every week. Four different pumps have been put on the septic system because of over use, and water use has been restricted by her family in order to try to alleviate some of the

problem. She stated that the ground is unsuitable for any percolation and felt that the responsibility for correcting the situation lies with the Health Department. Mrs. Turner stated that an engineering firm has looked at the problem and suggested that some tests be taken to determine if the property is suitable for a mound sewage disposal system. Because of condition of soil, and underground water and over-ground water, this method may not work.

Mr. Raum stated that the property did pass the soils evaluation tests and water tables were checked and there is a subsurface drainage problem now which was not present at the time the tests were done. He stated there are two alternatives in trying to resolve this situation; either a holding tank, which is not the most practical or the mound system. He stated that this site was one of the locations chosen by the Environmental Committee for a trial mound system. Mr. Raum also mentioned the possibility of a point of discharge at this one location which would call for chlorination and maintenance.

Commissioner Millison stated it should be determined why this situation happened and how to prevent it happening in the future. He further stated that a determination should be made as to how to help Mrs. Turner with this problem.

Dr. Marek advised that his office will gather the necessary information for the Commissioners as to how and when this property was given approval by the Health Department.

Mrs. Parisol stated that the groundwater situation has caused many problems for her house which was built by Swarey Brothers, also in that the foundation is shifting, the center of the house is pulling away and the driveway keeps washing completely out.

The Commissioners recommended that an inspector visit the site and report back to the Commissioners.

REZONING HEARING

CASE NO. ZA 78-129

CHARLES R. ELDER & LARRY EDWARDS

Present: Charles R. Elder, Applicant
 Larry Edwards, "
 James Kenney, Attorney for Applicant
 Ben Burroughs, Witness for applicant
 Francis X. Wood, SMECO
 Frank Gerred, Director, Land Use & Development
 Peggy Childs, Recording Secretary

Application was made by Charles R. Elder and Larry Edwards to have approximately .6585 acres of property located on Md. Rt. 5, approximately three tenths of a mile from County line, Fifth Election District, rezoned from AR-2, Agricultural Residential to C-2 Commercial.

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

STATUS OF EXPIRED ROAD BONDS

Present: John Norris, County Engineer

Mr. Norris presented and reviewed with the Commissioners the Status Report on the Expired Road Bonds (Personal). After discussion, it was the concurrence of the Board that the County Engineer advise and bond holders of the estimated value of the work to be done on each subdivision and that they must obtain acceptable surety in that amount by June 1, 1979.

ENTRANCE ONTO COURTHOUSE DRIVE

Present: John Norris, County Engineer

Mr. Norris stated that his office has a request for an entrance onto Courthouse Drive from the Klear property who would like to install corrugated metal pipe rather than the reinforced concrete pipe as required by the Road Ordinance. Mr. Norris explained that reinforced concrete pipe is required by adjoining jurisdictions and had a longer life which would result in a lower maintenance cost to St. Mary's County. Mr. Norris further explained that the adjoining property, Mr. Conelly, has submitted a request for an entrance permit and is being required to install concrete curbing and gutter, sidewalks and underground storm drainage system. Mr. Norris suggested that whatever action the Commissioners take be applied to both the Klear property and Conelly property.

After discussion, Commissioner Millison moved, seconded by Commissioner Arnold, to grant a variance to the Road Ordinance at the Klear and Conelly properties onto Courthouse Drive and allow the installation of corrugated metal pipe. Four Commissioners voted in favor with Commissioner Dean voting against stating he recommended the installation of the concrete pipe because it was in his opinion longer lasting and is a requirement of the Ordinance.

ESSEX SOUTH SUBDIVISION DRAINAGE PROBLEM

Present: Michael Sholtis, Morris Drive
Mrs. Englert, Lee Drive
Mr. Gagliardi, Essex Drive
Mr. Brown, Essex Drive
John Norris, County Engineer

The referenced residents of the Essex South Subdivision appeared before the Commissioners to discuss the drainage problem that exists in their neighborhood and to ascertain how it may be resolved.

Mr. Sholtis explained the problem in his area and that he dug a ditch behind his property which has helped alleviate the problem somewhat. He stated that the problem was created, in his opinion, when St. Mary's Square was constructed and the drainage water was re-routed. He stated that it would require a piece of equipment going in

there and digging a five to six foot ditch which would alleviate the problem in the northern end of the subdivision. The County Engineer concurred in this recommendation and stated it would cost approximately \$1,000 and it would necessitate a transfer of funds by the Budget Officer if the Commissioners concurred in performing this work. After discussion the Commissioners gave their approval.

Mrs. Englert went on to explain the problem in her area of Essex South stating that water from Essex Drive and Morris Drive comes down over her property. She stated that there is a blacktopped ditch on Mr. Hewitt's property and there is soil on top of it hindering the drainage. The Commissioners advised Mrs. Englert that they would be meeting with their attorney and the County Engineer later that day to discuss in detail the drainage problem and the County's responsibility with respect thereto. In addition, Mrs. Englert asked about the status of the roads and repair work that was necessary or required to be performed.

Mr. Norris advised that there are funds coming from the settlement with the developer of Essex South and road work in Essex South is scheduled for this Spring. The County is in the process of seeking bidders for a rental contractor to take care of some of the subdivisions roads where the County has taken the developer to court and made settlement.

COMMUNITY COLLEGE ADVISORY BOARD

Present: H. Edwin Cole, Chairman
 Dr. James Carsey, President, Charles Co. Community College
 Mr. Karsten, Center Director, Community College in St. Mary's

The referenced individuals appeared before the Commissioners to report on the success of the Community College Program in St. Mary's last school year and to discuss the plans for next year. Mr. Carsey stated that they plan to operate the community college program the same this year as last year with total estimated full time equivalents at 200. As last year, they are requesting \$15,000 from the County. Mr. Carsey stated that they have been negotiating with the State Board of Community Colleges and there is a verbal commitment of \$20,000 which will reduce the County's amount to \$130,000. A specific budget request will be submitted to the Budget Officer. The Commissioners advised that they would take this request into consideration and advise in the near future of their decision.

DRAINAGE PROBLEM (MRS. HEATER)
HOLMES ROAD AND WATERVIEW DRIVE - GOLDEN BEACH

Present: John Norris, County Engineer

Mr. Norris advise the Commissioners of the severe drainage problem at the referenced property and stated there are two things that had hampered solving the problem;

1. The level of the tide;

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2. A property owner did not want to give easements to solve the drainage problem;

Mr. Norris stated the he had been advised by Mrs. Heater that the property owner has moved and if the present property owners are in agreement steps should be taken to alleviate this problem which will cost approximately \$12,000 to \$14,000.

The Commissioners agreed to make a decision in two weeks.

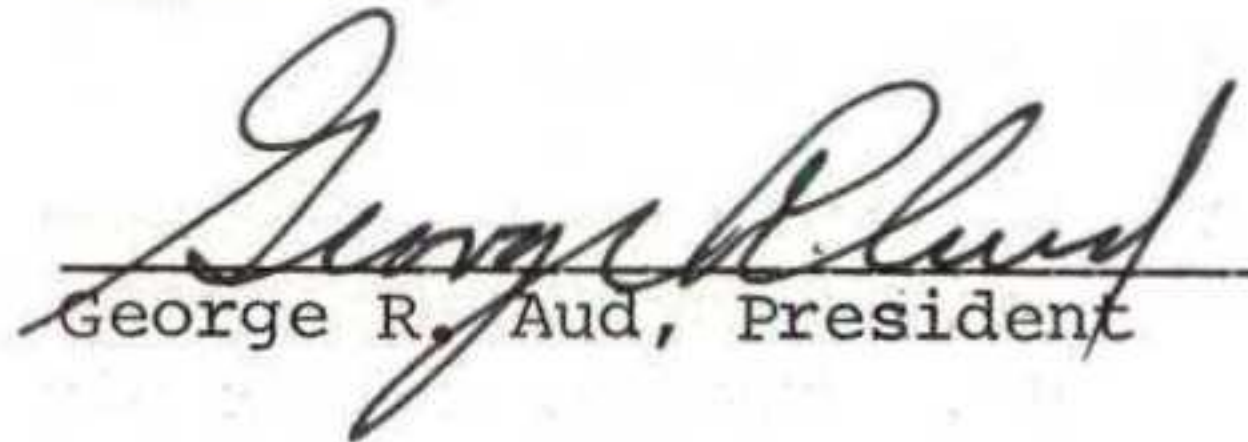
DRAINAGE PROBLEM - PINEY POINT

Present: John Norris, County Engineer

Commissioner Sayre advised Mr. Norris of a drainage problem that had been brought to his attention by a resident of the Piney Point housing at the location of the Piney Point Sewage Disposal site. Mr. Norris was directed to look at the situation and report back to the Commissioners.

The meeting adjourned at 4:35 p.m.

Approved,


George R. Aud, President