

BOARD OF COUNTY COMMISSIONERS' MEETING

Wednesday, March 14, 1979

Present: Commissioner Larry Millison, Vice-President
Commissioner Richard D. Arnold
Commissioner Ford L. Dean
Commissioner David F. Sayre
Edward V. Cox, County Administrator
Judith A. Mullins, Recording Secretary
(Commissioner Aud was not present.)

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

READING AND APPROVAL OF MINUTES

The minutes of the County Commissioners meeting of March 7, 1979 were read. Commissioner Arnold moved, seconded by Commissioner Sayre, 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 Arnold moved, seconded by Commissioner Sayre to approve payment of the bills as presented. All Commissioners present voted in favor.

ROAD RESOLUTIONS

R-79-19, R-79-20, R-79-21

On behalf of the County Engineer, the County Administrator presented the following Road Resolutions for the Commissioners' review and approval:

R-79-19 - Designating the following streets in Friendly Pines Subdivision as Stop Streets:

1. Stop Sign on Circle Drive as it intersects with Lee Drive;
2. Stop Sign on Lee Drive as it intersects with Nancy Drive.

R-79-20 - Designating Holly Oaks Drive as a Stop Street as it intersects with Md. Rt. 234 in Holly Oaks Subdivision;

R-79-21 - Designating Donna Drive as a Stop Street as it intersects with Golden Beach Road in Rustic Hills Subdivision.

Commissioner Sayre moved, seconded by Commissioner Arnold, to approve and authorize Commissioner President to sign the referenced Road Resolutions. All Commissioners present voted in favor.

WETLANDS LICENSE
ST. GEORGE'S CREEK

The County Administrator presented correspondence from the Board of Public Works enclosing Wetlands License No. 79-082 for construction of bulkhead at St. George's Creek in Piney Point. Commissioner Sayre moved, seconded by Commissioner Dean, to approve and sign said Wetlands License. All Commissioners present voted in favor.

CLEARINGHOUSE PROJECT NO. 79-3-948
NUTRITION FOR THE ELDERLY (ST. MARY'S COUNTY)

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.

GRANT AGREEMENT
RESURFACING OF ST. MARY'S COUNTY AIRPORT

The County Administrator presented a Grant Agreement by and between St. Mary's County and State Aviation Administration of the Maryland Department of Transportation whereby the State will pay \$23,928 towards cost of project for resurfacing the runway at St. Mary's County Airport. The Commissioners gave their concurrence to approve and sign said Agreement.

CETA PROGRAM AGENTS

The County Administrator presented correspondence from the Personnel Officer regarding Program Agents under the Comprehensive Employment Training Act and recommending that the County continue as they have in the past and not become Program Agents.

Commissioner Dean moved, seconded by Commissioner Sayre, to accept the Personnel Officer's recommendations. All Commissioners present voted in favor.

ACCEPTANCE OF DEED
CAL ACRES, SECTION II

On behalf of the County Engineer, the County Administrator presented a Deed dated January 15, 1979 by and between Cal Acres Inc. and County Commissioners of St. Mary's County accepting Elm-brook Drive and Lakeview Drive in Cal-Acres Subdivision Section II, into the County Highway Maintenance System.

Commissioner Dean moved, seconded by Commissioner Arnold, to accept said Deed. All Commissioners voted in favor.

LETTER TO CORPS OF ENGINEERS

The County Administrator presented correspondence for the Commissioners' review and signatures addressed to the Army Corps of Engineers making formal application for a 107 Program Study of the channel between St. George's Island and Piney Point. The Commissioners agreed to sign and forward said letter.

DRAFT LETTER TO U.S. CONGRESSIONAL DELEGATION

The County Commissioners reviewed draft correspondence to the U.S. Congressional Delegation expressing the County's concern of the proposed reduction in impacted aid for education to St. Mary's County. The Commissioners agreed to have the letter typed in final form for their signatures and forwarded to the Congressmen.

LEASE AGREEMENT - MOTOR VEHICLE ADMINISTRATION

The County Administrator presented a five-year lease agreement by and between the County Commissioners of St. Mary's County and the Maryland Department of Transportation Motor Vehicle Administration for office space in the Alcoholic Beverage Board Room at the Governmental Center, two days a week for \$100 per month.

The Commissioners reviewed the lease and directed the County Administrator to negotiate the lease payment upward.

REGIONAL LIBRARY FACILITY

Present: Kitty Hurrey, Director, So. Md. Regional Library Assoc.
Lance Finney, State Specialist in Library Facilities

Mrs. Hurrey gave a slide presentation concerning the Southern Maryland Regional Library Association, its operation, services, future services, goals and needs.

Mrs. Hurrey and Mr. Finney displayed a survey plat of the Charlotte Hall School property, pointing out the site the Library Association would like to have the Regional Library Center located. Mrs. Hurrey requested that the County designate this site as the location of the Regional Library Center, and stated that a decision is needed prior to the paperwork being submitted to the Board of Public Works for construction money next year.

The Commissioners advised that a committee has just been appointed to look at possible uses of the Charlotte Hall School property and this request would be reviewed by this Committee. A decision will be rendered by the Commissioners no later than May 31.

ECONOMIC DEVELOPMENT COMMISSION

Present: Mary Salisbury, Chairman, EDC
Ward Miller, Economic Developer Coordinator
Carl Loffler, EDC Member

The referenced individuals appeared before the Commissioners to recommend that funds be set aside by the County for the installation of water and sewer lines to industrial sites in the County in order to attract industry. Funds would be made available when such a need arose and the proposal would be submitted to the Commissioners for consideration. Mr. Loffler suggested the amount of \$1,000,000 be set aside in a special account for this purpose and let it draw interest. He stated that having water and sewer available would attract businesses and would bring a definite return to the County.

The Commissioners stated the proposal was worthwhile looking into and should be reviewed by the Metropolitan Commission and Budget Officer.

MARYLAND DAY CELEBRATION

Present: Polly Barber, St. Mary's City Commission
Elaine Smith, " " " "

The referenced individuals from the St. Mary's City Commission appeared before the Commissioners to invite them to the Maryland Day ceremonies on Sunday, March 25 at St. Mary's City, and ask that they be co-hosts. The Commissioners expressed their appreciation for the invitation and advised they would make every effort to attend.

PROCLAMATION NO. 79-23
NATIONAL GIRL SCOUT WEEK

Present: Mary Ruth Horton, Girl Scout Leader
Angela Weiland, Brownie
Cynthia Horton, Junior
Janeen Kelly, Senior

The Commissioners presented the referenced proclamation proclaiming March 11 through March 17, 1979 as Girl Scout Week in St. Mary's County.

PRESS CONFERENCE

Present: Sunny Schust, Enterprise
Dave Fox, WKIK
Ingrid Buehler, Beacon
Florence Ballangee, Beacon

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

LEGISLATIVE PACKAGE ITEMS

The County Administrator reviewed with the Commissioners the Legislative Package items with action taken on each as follows:

HB 646 - Alcoholic Beverage Board - The Commissioners concurred that it be submitted as revised.

HB 1707 - Airport Committee - The Commissioners concurred that it be submitted as requested.

HB 1708 - Commission for Women - The Commissioners concurred that it be submitted as requested.

HB 1709 - Licensed Master Electrician - The Commissioners concurred that it be submitted as requested.

HB 1710 - Licensed Master Electrician - The Commissioners voted three to one in favor of submitting the bill as requested, with Commissioner Millison voting against.

HB 1711 - Budgetary & Fiscal Procedures - The Commissioners concurred to submit it as requested.

HB 1712 - Youth Commission - The Commissioners concurred to submit it as amended.

HB 1728 - School Buses - Commissioners Dean and Sayre voted to submit bill as previously submitted. Commissioners Millison and Arnold agreed that it be submitted with a request for ten buses with one additional for handicapped.

HB 1730 - Economic Impact Fee - The Commissioners concurred that it be submitted as previously requested.

HB 1779 - Retirement Program - The Commissioners concurred that it be submitted as requested.

HB 1803 - County Commissioner Membership Requirements - The Commissioners agreed to submit as follows:

Airport Committee	as requested plus HB 1707
Board of Electrical Examiners	as requested
Metropolitan Commission	as requested
Recreation and Parks	Delete Youth Commission requirement

HB 1804 - Executive Sessions - The Commissioners concurred that it be submitted as requested.

HB 1805 - State's Attorney - The Commissioners agreed to submit this legislation with the following revisions:

1. Do not delete private practice intent
2. Insert "staff"; delete "secretaries, Legal Assistants."
3. Insert "as mutually determined by State's Attorney and County Commissioners."

HB 1102 - Open Space Funds - The Commissioners agreed to submit the bill as presented to them.

The above actions by the Board of County Commissioners on each legislation will be submitted to the Legislative Delegation for action.

COMMERCIAL INVENTORY TAX

Present: Carol Kenney, Direcot, Chamber of Commerce
Bert Fenwick
Wayne Swann
Other businessmen in the County

The referenced individuals appeared before the Commissioners to discuss the possibility of the County eliminating the Commercial Inventory Tax over a three year period, hopefully beginning this year.

A letter was submitted by the Chamber of Commerce stating that approximately \$400,000 per annum is generated from the commercial inventory tax and listing the detriments, such as restrictive to new businesses; regressive to existing businesses; creates inequities within various categories of business; the tax is ultimately passed on to the consumer; places locals businesses in the position of being non-competitive with neighboring counties; and places a hardship on businesses during slow periods.

Several of the County's businessmen spoke in opposition to this tax and requested the Commissioners consideration for eliminating it.

Commissioner Millison cited several large expenditures the Commissioners may be faced with in the near future and that if the tax were eliminated, this money would have to be replaced through another source.

After discussion, Commissioner Millison requested that the Taxpayers' Association, Farm Bureau and other groups to present their comments concerning the elimination of this tax in writing so that it would be on record and requested the Chamber of Commerce to gather whatever information possible from other counties that have eliminated this tax and submit this to the Commissioners for review. In conclusion,

Commissioner Millison requested that if those present had any suggestions of ways for the County to save money to present those in writing.

CHANCELLOR'S RUN ESTATES (DRAINAGE)

Present: Mr. and Mrs. Joseph Heard

Mr. and Mrs. Heard appeared before the Commissioners to express their concern of the flow of storm water from the Chancellor's Run Estates project in that the developer is requesting to have the water drain onto their property. Commissioner Dean explained that Mr. Horton, the developer was advised that he could not alter the flow of the water onto the Heard property without first obtaining approval from the Heards.

CHANCELLOR'S RUN ROAD RECONSTRUCTION

Present: Mr. and Mrs. Joseph Heard

Mr. and Mrs. Heard expressed concern over the reconstruction of Chancellor's Run Road in that it is proposed that 20 feet of their property will be taken.

Commissioner Dean explained that the County is planning on having two twelve foot lanes, plus shoulders and adequate drainage ditch because the road cannot accomodate the traffic it now has in a safe manner. He further stated there would be a public informational meeting to present the general alignment.

After discussion, the Commissioners agreed to have John Norris meet with them to discuss this matter and the previous matter concerning Chancellor's Run Estates drainage.

WICOMICO SHORES

Present: Frank Gerred, Director, Land Use and Development
William Chapman, Trustee for Wicomico Shores

In response to a request by the Commissioners, Mr. Gerred appeared before the Commissioners to report that there is compliance with the reorganization plan for Wicomico Shores Subdivision as ordered by the Bankruptcy Court. Mr. Chapman also reported that thus far the present lot owners are cooperating and pledged that he will work with governmental agencies to comply with the approved development plan.

EMERGENCY OPERATIONS CENTER

Present: Otis Wood, Director, EOC

Mr. Wood advised the Commissioners that in his current budget there are funds for the position of Deputy Director and that he had

plans to retire and would do so July 1, and work part time in order to train the new Deputy Director. He stated that the Federal Government requires 12 weeks of training in two-week periods. Mr. Wood mentioned the various programs in which he is coordinator and offered to remain as overall coordinator.

The Commissioners agreed to advertise and fill the position of Deputy Director of the Emergency Operations Center, Grade 12.

LIGHT RESCUE VEHICLE
LEXINGTON PARK RESCUE SQUAD

Present: Otis Wood, Director, EOC

Mr. Wood presented the bid tally sheet for the purchase of the light rescue vehicle for the Lexington Park Rescue Squad. After review of the bids, Commissioner Dean moved, seconded by Commissioner Arnold, to award the bid to Springfield Equipment Company (alternate bid) in the amount of \$23,371.15 (\$10,000 - County; \$10,000 - State; \$3,371.15 - Lexington Park Rescue Squad) for the purchase of said rescue vehicle; source of funds to be determined by Budget Officer. All Commissioners present voted in favor.

MOBILE HOME PARK TAX ARREARAGES

Present: Joseph P. O'Dell, Budget Officer

Mr. O'Dell reviewed the list of outstanding taxes due from Mobile Home Parks totalling \$49,897.38 and stated he had done a four year analysis of these arrearages. He stated that in his opinion the reasons for the arrearages is the fact that there is no law enforcement capability under existing legislation and no means of forcing collection. Mr. O'Dell thought perhaps this could be done through a Resolution adopted by the Commissioners.

The Commissioners agreed to present the problem to the County Attorney for comment and direction.

RESERVE FOR CONTINGENCY

Present: Joseph P. O'Dell, Budget Officer

Mr. O'Dell stated that the Reserve for Contingency for Fiscal 1978-79 was set at \$220,000, with \$20,000 of that amount in an Escrow Account for Unemployment Compensation. As of this date the balance of the Reserve for Contingency is \$24,343 and that it was apparent that the County will spend out of the General Fund what has been budgeted.

Mr. O'Dell recommended, that in order to insure that the County does not over-expend in any account, that he review the encumbrance vouchers on Tuesdays which would give more control in the bill paying process.

The Commissioners gave their concurrence with this recommendation.

SUMMER ARTS FESTIVAL

Present: Joseph O'Dell, Budget Officer

Mr. O'Dell reported that he had reviewed the budget proposal submitted last week by the Summer Arts Festival representatives and submitted a memorandum dated March 8, 1979 recommending that the County appropriate \$16,000 rather than the \$30,000 requested. He pointed out areas that could be decreased. After review and discussion of Mr. O'Dell's recommendations, Commissioner Dean moved, seconded by Commissioner Sayre, to accept the recommendation of the Budget Officer and fund the Summer Arts Festival in the amount of \$16,000 county funds in FY 1980. All Commissioners voted in favor, with Commissioner Millison stating that he is voting this year for the \$16,000 but will not be in favor of appropriating funds next year unless there is exclusive local hiring.

BOARD OF EDUCATION'S SUIT AGAINST STATE

Present: Marvin Joy, Superintendent of Schools

Mr. Joy appeared before the Commissioners to brief them on the suit joined by St. Mary's County against the State of Maryland concerning the state's method of funding for education and the fact that it is unconstitutional. He advised that the trial has been set for February 1980.

TAXPAYERS' ASSOCIATION

VACANCY IN PLANNING AND ZONING OFFICE

Present: Claude Jarboe
Ed Curley
Charles Mattingly
Webster Bell

The referenced members of the Taxpayers' Association appeared before the Commissioners to request that they thoroughly investigate the need to fill the vacancy created by the resignation of Dan Raley, Chief, Permits Section, prior to making a decision and that it was the Taxpayers' Associations opinion that the Office of Land Use and Development is overstaffed now and is not needed.

In addition, the Taxpayers' Association requested the Commissioners' consideration for a reduction of the tax rate for the next budget year.

VACANCIES IN OFFICE OF PLANNING AND ZONING

Present: Joseph M. Gough, Chairman, Planning Commission

Mr. Gough explained to the Commissioners the recent deterioration of staff services to the Planning Commission and stated that he believed the cause for the recent service failure was lack of staff and encouraged the Commissioners to fill the two vacant positions (Chief, Permits Section and Recording Secretary) as soon as possible in the Planning and Zoning Office. Mr. Gough suggested that perhaps a change in the fee schedule could help pay for these positions.

The Commissioners discussed this matter with Mr. Gough and thanked him for his comments.

Later in the meeting, the Commissioners discussed the referenced positions and agreed not to make a decision until the full Board of County Commissioners is present.

REZONING DECISION DISCUSSION

REZONING CASE NO. 78-167

ARTHUR MIRFIELD

(Commissioner Millison did not participate in the discussion in that he did not participate in the rezoning hearing because of possible conflict of interest.)

Having conducted a public hearing on February 14, 1979 on the application of 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 Commissioners commenced discussion on this matter.

After discussion, the Commissioners concurred with the findings of fact and justifications denying this rezoning request as set forth in a paper presented by Commissioner Dean and agreed to forward said paper to the County Attorney for drawing up of the appropriate resolution for adoption by the Board of County Commissioners.

REZONING DECISION DISCUSSION

CASE NO. 78-129

CHARLES ELDER/LARRY EDWARDS

Having conducted a public hearing on February 28, 1979 on the application of Charles R. Elder and Larry Edwards to have approximately three-tenths of a mile from the County line, Fifth Election District, rezoned from AR-2, Agricultural Residential to C-2 Commercial, the Commissioners commenced discussion on this matter.

After discussion, Commissioner Arnold moved, seconded by Commissioner Millison, to approve this rezoning request, and further

to approve the findings of fact and justification as prepared and presented by Commissioner Dean and submit same to the County Attorney for preparation of the appropriate Resolution for adoption by the Board of County Commissioners. All Commissioners voted in favor.

The meeting adjourned at 5:10 p.m.

Approved,


George R. Aud, President

March 14, 1979
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