

BOARD OF COUNTY COMMISSIONERS' MEETING

Wednesday, September 19, 1979

Present: Commissioner George R. Aud, President  
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

The meeting was called to order at 9:15 a.m.

APPROVAL OF VOUCHERS

Commissioner Millison moved, seconded by Commission Sayre, to approve payment of the vouchers as submitted by the Director of Finance. All Commissioners voted in favor, with Commissioner Aud abstaining on Voucher No. 27628, payable to Suburban Chrysler Plymouth.

MARYLAND INDUSTRIAL LAND ACT

Present: Michael Lofton, Dept. of Economic and Community Dev.  
Arthur "Buck" Briscoe, Director EDC  
Herb Graham, potential tenant  
Joe Gough, President, First National Bank

Mr. Lofton appeared before the commissioners to explain the Maryland Industrial Land Act whereby a county can apply for a loan from the Department of Economic and Community Development for industrial building shells.

Mr. Briscoe explained that there are three prospective tenants for these buildings; medical supply, structural steel, and a dress factory.

After discussion of the application process and concerns expressed by the Commissioners with regard to the risk that the County would be exposed, Mr. Gough suggested that the County advertise in local papers to see if any private firms are interested in constructing a shell building for potential tenants and in the meantime have an evaluation made of these tenants.

After discussion, Commissioner Dean concurred with Mr. Gough's recommendation and further suggested that the County concurrently initiate the application process and if a private firm does not come forth with a proposal for a building that is suitable nor affordable, then the Commissioners would have to make a decision whether to proceed further. Commissioner Dean stated that information be compiled with regard to the three prospective tenants such as financial statements, proforma projections of their businesses, and cost determinations for the loan and leases.



The Commissioners gave their concurrence and recommended that the Budget Officer work with the Director of the Economic Development Commission to develop the information and return with a proposal to the Commissioners.

RESIDENT MAINTENANCE ENGINEER

Present: John D. Raley, Jr., Resident Maintenance Engineer  
John Norris, County Engineer  
Joe O'Dell, Budget Officer

Mr. Raley reviewed the road and drainage problems that the Commissioners had reported to him at their meeting of September 5 and explained the progress that has been made and which projects have been completed.

Gasoline Situation - Mr. Raley stated that he had been notified by the State that he must cut back on the use of gasoline and he advised the Commissioners that with the amount of work that needs to be done, his department has been using a large amount. The Commissioners advised Mr. Raley that, if necessary, they would draft a letter to the Governor supporting him.

County Maintenance Deficit - Mr. Raley referred to a letter from Mr. Caltrider of the Department of Transportation concerning the county's deficit maintenance account. The Commissioners directed that the Budget Officer prepare correspondence to Mr. Caltrider that this problem would not occur if his accounting process was done in a timely fashion.

Road Problems - In conclusion, the Commissioners reported several areas of concern with regard to road drainage, traffic lights and other road problems and Mr. Raley advised that he would report on these matters in two weeks.

VICTORY BAPTIST CHURCH SCHOOL

Present: Rev. Fawley  
Frank Gerred, Director, Planning and Zoning

Rev. Fawley appeared before the Commissioners to advise that he has received verbal approval from the Fire Marshal with regard to the operation of the Victory Baptist Church School in the trailers located at Victory Baptist Church. He stated that the school has been operating for approximately two weeks.



Mr. Gerred advised that Rev. Fawley has still not received Health Department approval for the operation of the school and therefore the Permits Office cannot issue a Certificate of Occupancy. He further stated that if the school is operating without a Certificate of Occupancy the County will have to close the school down.

Commissioner Millison suggested the possibility that the County sit as the Board of Health to make a decision on this matter if the situation at the school does not create a health hazard.

The Commissioners directed Mr. Gerred to contact the Health Department to determine exactly what needs to be done in order to receive approval and if the matter cannot be worked out, have Mr. Raum of the Health Department appear before the Commissioners next week to discuss the situation.

FARMETTES - ZONING ORDINANCE AMENDMENT

Present: Alberta Hayden  
Frank Gerred, Director, Planning and Zoning

Mrs. Hayden appeared before the Commissioners to express her concerns with regard to the text amendments to the Zoning Ordinance with regard to farmsteads. She stated that because of the newly amended provision, the road servicing her property and the back property could also be used to service a number of other parcels of property thereby increasing the traffic by her house. Mr. Gerred advised that there was a problem concerning the adjacent property owner in that the plat for his subdivision was illegally recorded in that it was not stamped by the Office of Land Use and Development.

After discussion, the Commissioners stated that they would take this matter under advisement and directed the Director of Planning and Zoning to ascertain from the County Attorney whether or not the farmette provision in the Zoning Ordinance can supersede the requirement in state law that there would be no subdivision of land without going through the subdivision approval process.

(Commissioner Dean left meeting - 11:15 a.m.)

URBAN MASS TRANSPORTATION ACT GRANT

Present: Frank Gerred, Director, Planning and Zoning  
Miss Walsh, Assoc. of Retarded Citizens  
Mr. Donahue, Mental Health Clinic

Mr. Gerred presented a Grant Application to be submitted to the Dept. of Transportation for the purchase of two buses for joint use by the Mental Health Clinic, Association for Retarded Citizens, Developmental Center and Walden-Sierra House.



Commissioner Millison moved, seconded by Commissioner Sayre, to approve said grant in that it is consistent with the County's planning for transportation.

PRESS CONFERENCE

Present: Joseph Norris, WKIK

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

(Commissioner Dean returned at 11:30 p.m.)

MARYLAND VETERANS HOME

Present: Senator McNulty, Chairman, Md. Vet. Home Commission  
Mrs. Browning, Md. Vet. Home Commission

Senator McNulty appeared before the Commissioners to advise that the Maryland Veterans Home Commission was interested in acquiring an additional 50 acres of property at the Charlotte Hall School Site so that all phases of the Home could be at one location. He explained the development process of the home and that it would eventually be a 500-bed home and would make available a large number of jobs for countians.

The Commissioners reviewed the plans of the school site and advised that in a week's time the County would identify the additional property and would forward a letter of intent after next week's meeting.

(Commissioner Millison left meeting - 1:30 p.m.)

STEUART INDUSTRIAL SITE PLAN NO. 79-174

Present: Jack Goodman, Steuart Investment Co.  
Frank Gerred, Director, Planning and Zoning

Mr. Gerred explained the application for the Steuart Site Plan for three tanks to hold 268,000 barrels of asphalt each. He stated that the Planning Commission recommended approval of the Site Plan.

After discussion of the various permits required, Commissioner Aud moved, seconded by Commissioner Dean, to approve Site Plan No. 79-174. All Commissioners present voted in favor.

(Commissioner Dean left meeting - 1:50 p.m.)



ACCOUNT TRANSFER  
OFFICE OF PLANNING AND ZONING

The County Administrator presented an Account Transfer for the Office of Planning and Zoning for computer billing for the period of July 5, 1978 through July 31, 1979 as follows: Decrease Account No. 2610-26912 (Reserve for Contingency) in the amount of \$3,578 and Increase Account No. 1083-2131 (Contract Services) by like amount. Commissioner Arnold moved, seconded by Commissioner Sayre, to approve said transfer. All Commissioners voted in favor.

CLEARINGHOUSE PROJECT NO. 80-8-287 and 80-8-288  
COASTAL ENERGY FACILITY IMPACT PLANNING/  
COASTAL ZONE MANAGEMENT PLANNING

The County Administrator presented the referenced clearinghouse projects and recommended that they 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. 80-9-297  
SOTTERLY RESTORATION, PHASE I

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.

ADDENDUM TO PUBLIC WORKS AGREEMENT  
HELEN ESTATES, SECTION II

On behalf of the County Engineer, the County Administrator presented the Addendum to the Public Works Agreement by and between Swarey Builders and the Board of County Commissioners of St. Mary's County extending the deadline for completion of roads in the Helen Estates Subdivision, Section II, from September 15, 1979 to September 15, 1980. The Commissioners gave their concurrence to approve said Public Works Agreement.



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COMMISSION ON AGING  
URBAN MASS TRANSPORTATION ACT

Present: Billye McGaharn, Senior Services Coordinator  
Roger Boh, Rotary Club

Captain Boh appeared before the Commissioners as representative of the Rotary Club, applicant agency, to obtain the Commissioners' concurrence for the purchase of a 15 passenger van under the Urban Mass Transportation Act grant. The grant is coordinate with other agencies and organizations including the Commission on Aging. After discussion, Commissioner Aud moved, seconded by Commissioner Arnold to approve the grant in that it is consistent with the County's planning for transportation. All Commissioners present voted in favor.

In addition, Mrs. McGaharn requested a commitment from the Board that she may include in her next year's budget the required operation amount. The Commissioners gave their concurrence.

NATO DEFENSE COLLEGE VISIT

The County Administrator advised that the NATO Defense College visit to St. Mary's County will be October 10 with a dinner at the Officers' Club on the Naval Air Station.

METROPOLITAN COMMISSION

By correspondence dated September 13, 1979, the Metropolitan Commission requested the Board of County Commissioners' approval for the creation of a new Secretary/Receptionist position, effective October 1, 1979. The Commissioners gave their concurrence.

(Commissioner Millison returned to the meeting - 2:00 p.m.)

WATERSHED PROJECT - BANK ACCOUNT

The County Administrator presented correspondence from the Department of Agriculture concerning the bank account with regard to the St. Mary's River Watershed project. The Commissioners requested that Mr. John Hall of Soil Conservation Service appear before the Commissioners to discuss this matter and to provide an update for the Watershed project.

PROPERTY REVIEW TASK FORCE

The County Administrator advised that all appointees have accepted and have agreed to serve and therefore inquired if the Commissioners desired to meet with them to give them their direction.



Commissioner Arnold recommended that there be two more appointments made to this Task Force and therefore moved, seconded by Commissioner Millison to appoint James Dobry. Three Commissioners voted in favor, with Commissioner Sayre abstaining.

Further, Commissioner Aud moved, seconded by Commissioner Sayre, to appoint Connie Huggins to the County-Owned Property Inventory Task Force. Four Commissioners voted in favor.

In conclusion, the Commissioners agreed that once all appointments have been made, that the Task Force should meet with the Commissioners.

(Commissioner Dean returned to the meeting - 2:30 p.m.)

FAIR ASSOCIATION  
REQUEST FOR SECURITY AT FAIR

The County Administrator presented correspondence from the Fair Association requesting security coverage by the County Sheriff's Office for the County Fair from September 27 through September 30.

After discussion, Commissioner Dean moved, seconded by Commissioner Sayre to authorize the payment to the Sheriff's Department for security at the St. Mary's Fair in an amount not to exceed \$1200. Three Commissioners voted in favor with Commissioners Millison and Arnold voting against. Commissioner Millison stated for the record that it should be noted that the lowest the deputies can be paid according to the pay scale is \$7.75 per hour.

COMMISSION ON AGING  
NOTIFICATION OF GRANT AWARD INTERIM - TITLE III B

The County Administrator presented the Interim Notification of Grant Award for the Commission on Aging Title III-B for FY 1980 in the amount of \$7,940. The Commissioners agreed to authorize Commissioner President Aud to sign said NGA.

RIDGE VOLUNTEER FIRE DEPARTMENT

The County Administrator reviewed correspondence with the Commissioners from the Ridge Volunteer Fire Department expressing concern about the proposed Port St. Mary's Development planned for Kitts Point on the subject of fire protection.

The Commissioners directed that correspondence be forwarded to the Fire Department stating that the Commissioners are aware of the situation.



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EXECUTIVE SESSION

Present: Joseph E. Bell, II, County Attorney  
Frank Gerred, Director, Planning and Zoning

The Commissioners agreed to meet in Executive Session in order to discuss a matter of pending litigation. The Session was held from 2:35 p.m. to 3:00 p.m.

(Commissioner Millison left meeting at 3:00 p.m.)

HOLLYWOOD SHORES SPECIAL TAXING DISTRICT

Present: John Norris, County Engineer  
Rolland Campbell, President, Hollywood Shores Civic Assoc.

Mr. Campbell appeared before the Commissioners to discuss the petition from the property owners at Hollywood Shores and to review the plans for the road improvements.

PROJECT NO. 77-1-11  
NURSING HOME ACCESS ROAD  
ESTIMATE NO. 2

Present: John Norris, County Engineer

Upon the recommendation of the County Engineer, the Commissioners approved payment of Monthly Estimate No. 2 payable to Dean Construction Co. in the amount of \$13,239.90 for the referenced project.

HIGHWAY MAINTENANCE ACCOUNT

Present: John Norris, County Engineer

Upon the recommendation of the County Engineer, the Commissioners approved payment of Voucher No. 27756 payable to State Highway Administration in the amount of \$516,411.47 representing the balance due on the Highway Maintenance Account.

TANNERS CREEK COURT CASE  
PAYMENT FOR SUBPOENAS

Present: John Norris, County Engineer

The Commissioners approved payment to the following individuals for appearance in court for the county in the Tanners Creek Court Case:

Voucher No. 27739 - Ray Louis DeVault - \$ 84.60

Voucher No. 26638 - J. Spence Howard - 180.60

Voucher No. 27740 - Robert Trautman - 115.80



PROJECT NO. 76-7-1  
SPRING VALLEY ROADS PROJECT  
ESTIMATE NO. 7

Present: John Norris, County Engineer

Upon the recommendation of the County Engineer, the Commissioners approved payment of Voucher No. 27488 payable to B. F. Asher in the amount of \$11,853.50 for Estimate No. 7 for the referenced project.

PROJECT NO. 79-1-4  
CONTRACT RENTAL SERVICES  
ESTIMATE NO. 11

Present: John Norris, County Engineer

The Commissioners approved payment of Voucher No. 27731 for Estimate No. 11 in the amount of \$34,006.50 payable to B. F. Asher Company for Contract Rental Services as recommended by the County Engineer.

ACCEPTANCE OF DEED  
RED HILL SUBDIVISION, SECTION III

Present: John Norris, County Engineer

Mr. Norris presented a Deed dated December 21, 1977 by and between Cecil Q. and Betty L. Williamson and the Board of County Commissioners accepting the streets and roads in Section III of Red Hill Subdivision. The Commissioners agreed to approve and accept said Deed.

ACCESS ROAD TO ST. MARY'S COUNTY AIRPORT

Present: John Norris, County Engineer

Mr. Norris requested authorization from the Board to utilize the remaining square yardage in the surface treatment contract to sealcoat the Airport access road and parking area. The Commissioners gave their concurrence.

PITCH - IN PROGRAM

Present: John Norris, County Engineer

Mr. Norris stated that the Pitch-In Program contract terminates at the end of September and he recommended that the program not be continued and that the barrels be removed. The Commissioners gave their concurrence.



NAVAL AIR STATION  
ALCOHOL STILL

Present: John Norris, County Engineer

Mr. Norris advised that the Naval Air Station has made a request to borrow the County's alcohol still during Energy Conservation Week. The Commissioners gave their concurrence.

RENTAL OF PAN AT ST. ANDREWS LANDFILL

Present: John Norris, County Engineer

Mr. Norris requested authorization to use the same contractor at the same rate of \$40 per hour to rent the pan from Wayne Clarke in order to excavate material at the St. Andrews Landfill at a cost not to exceed \$5,000. The Commissioners gave their concurrence.

DRIVEWAY ENTRANCE PERMIT

Present: John Norris, County Engineer

Mr. Norris presented a list of driveway entrance permits issued in 1977, were given to 1978 to build and still have not been built to date. He stated that some of these companies are now out of business but corporate bond or cash posted to the County still exists. Therefore, Mr. Norris recommended that these companies be put on notice and that the County Attorney will be securing those funds for the county to perform the work. The Commissioners gave their concurrence.

FENWICK MANOR SUBDIVISION

Present: John Norris, County Engineer

For the Commissioners' information, Mr. Norris advised that the county received the maintenance bond for the asphalt contract, B. F. Asher Company, guaranteeing the asphalt material for a period of two years from the date of installation and Mr. Norris stated he would now release the asphalt contractor from any further responsibility and accept the pavement.

The Commissioners concurred with this action.

(Commissioner Millison returned to the meeting 3:45 p.m.)



EAST ESSEX TOWNHOUSE PROJECT  
DRAINAGE PIPE INSTALLATION

Present: John Norris, County Engineer

The County Engineer stated that the developer of the East Essex Townhouse Project has advised on August 29 that he is desirous of proceeding with the proposal to increase the size of storm drainage through his property to handle the drainage in that area in Lexington Park. Mr. Norris stated that the cost to the county will be approximately \$37,000. Mr. Finnicom, the developer, has agreed to pay the County the difference between cost of installation of a 48 inch pipe and the 72 inch pipe needed by the County.

The Commissioners agreed to commit the County up to \$37,000 and authorize The Ballard Company under existing contract arrangements to design the project to give proper line and grade.

ST. MARY'S COUNTY AIRPORT GRANT AGREEMENT

Present: John Norris, County Engineer

Mr. Norris presented a letter for Commissioner President Aud's signature addressed to Federal Aviation Administration outlining the specifics of what is expected of the County regarding improvements at the County Airport. The Commissioners gave their concurrence to authorize Commissioner President Aud to sign said letter.

PROPOSED REVISION - ROAD ORDINANCE

Present: John Norris, County Engineer  
Dan Ichniowski, Highway Engineer

Mr. Norris and Mr. Ichniowski presented the proposed revisions to the Road Ordinance for the Commissioners' review. The Commissioners agreed to discuss these revisions at next week's meeting.

COOPERS CREEK DREDGING PROJECT

Present: John Norris, County Engineer

Mr. Norris presented the plans and title sheet for the referenced project and requested the Board's concurrence for authorization for Commissioner President Aud to sign same. The Commissioners gave their concurrence.



MARVIN FRANZEN - TOWN CREEK FARM SUBDIVISION

Commissioner Dean discussed the pending Equity No. A-7701 Board of County Commissioners vs. Marvin Franzen regarding Lots 11 and 12 in Town Creek Farm Subdivision. He stated that he has learned that all violations in this matter have been satisfied and met and therefore, moved, seconded by Commissioner Arnold, that the County Commissioners direct the Assistant County Attorney, Joseph Densford, to do whatever is necessary to withdraw the equity action. All Commissioners voted in favor.

EXECUTIVE SESSION

The Commissioners agreed to meet in Executive Session in order to discuss matters of personnel. The Session was held from 4:25 p.m. to 4:45 p.m.

HISPANIC AFFAIRS WEEK

The Commissioners agreed to sign and forward a letter to Dorita Down, Chairman, Governor's Commission on Hispanic Affairs recognizing the week of September 9-15 as Hispanic Affairs Week.

PERSONNEL ITEMS

Commissioner Dean moved, seconded by Commissioner Arnold to appoint Mrs. Phebe Barth to the position of Youth Services Coordinator, Grade 11, effective October 1, 1979; further to hire Arthur C. Shepherd to the position of Recreation Coordinator, Grade 10, effective October 1, 1979; further to appoint the following individuals as Correctional Officers in the Sheriff's Department: William Rustin, Evaughn Lennon, John Raines, and Lestremayne Young, effective October 1, 1979; and further to hire the following individuals to the position of patrolman in the Sheriff's Department effective October 1, 1979: Rodney Brooks, Robert Hall, George Gibson, and Debra Lee.

In addition, Commissioner Dean moved, seconded by Commissioner Sayre, to accept the recommendation of the Personnel Officer as set forth in a memorandum dated August 9, and approve the following reclassifications in the County Engineer's Office to be effective October 1, 1979:

Walter Wise, Highway Engineer IV, Grade 15 to Resident Maintenance Engineer - Grade 16



John O. Thompson, Engineer Associate, IV, Grade 10, to  
Engineering Associate, V, Grade 13;

Michael Mattingly, Highway Inspector, Grade 10, to Engineer  
Associate, V, Grade 13.

All Commissioners voted in favor.

CEDAR COVE  
SUPPLEMENTAL DEVELOPMENT AGREEMENT

Upon review of the proposed Development Agreement for Cedar  
Cove that had been prepared by the County and Westinghouse  
Corporation, Commissioner Dean moved, seconded by Commissioner  
Arnold, that the Board of County Commissioners accept and sign  
the Supplemental Agreement for Cedar Cove. All Commissioners  
voted in favor.

The meeting adjourned at 5:00 p.m.

Approved,

  
George R. Aud, President