

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, March 18, 1980

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 9:20 a.m.

AWARDING OF BIDS
AUTOMOBILES FOR SHERIFF'S DEPARTMENT

The County Administrator presented the bid tally sheet for the purchase of two automobiles for the Sheriff's Department. Commissioner Aud moved, seconded by Commissioner Arnold, to award the bid to Ritter Chevrolet in the amount of \$14,476.80. All Commissioners voted in favor.

REQUEST FOR PROTECTION OF PROPERTY - OCEAN HALL

The County Administrator presented correspondence from Dr. James Carroll Boyd requesting that he be allowed to construct a fence along the southern border of the public wharf at Bushwood in order to protect his property from trespassers. Commissioner Aud stated that he and Commissioners Arnold and Sayre went to the property to view the problem, and Dr. Boyd would like to have the property delineated in order to erect the fence. There would be no cost to the County.

The Commissioners agreed that the County Attorney should be directed to prepare an appropriate Agreement for review by the Board.

WAIVER OF FEES
ST. CLEMENT SHORES WASTE WATER TREATMENT FACILITY

The County Administrator presented a request from the Metropolitan Commission dated March 10, 1980, to waive the fees for the St. Clement Shores Wastewater Treatment Facility - Contract No. 2-1-5.

Commissioner Sayre moved, seconded by Commissioner Millison, to grant the fee waiver. All Commissioners voted in favor.

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REQUEST FOR AUTHORITY TO HIRE
PATROLMAN - SHERIFF'S DEPARTMENT

As recommended by the Personnel Officer in a memorandum dated March 4, 1980, Commissioner Aud moved, seconded by Commissioner Dean, to hire Albert R. Babcock to the position of Patrolman, Grade 11, in the Sheriff's Department, effective March 24, 1980. All Commissioners voted in favor.

REQUEST FOR AUTHORITY TO FILL VACANCY

The County Administrator presented a memorandum from the Personnel Officer dated March 17, 1980, requesting authority to fill the vacancy for the position of Programs Manager, Housing Authority, Grade 13, created by the resignation of Gloris Jackson, effective April 11, 1980.

The Commissioners gave their concurrence.

REQUEST FOR AUTHORITY TO FILL VACANCY
CLERK-STENOGRAPHER - RECREATION AND PARKS

The County Administrator presented a memorandum from the Personnel Officer dated March 17, 1980, requesting authority to fill the position of Clerk-Stenographer, Office of Recreation and Parks, Grade 6, created by the resignation of Deborah Parsons, effective March 28, 1980.

The Commissioners gave their concurrence.

MARYLAND DEPARTMENT OF TRANSPORTATION HIGHWAY BONDS

The County Administrator presented correspondence dated March 13, 1980, from the Maryland Department of Transportation authorizing the County to participate in Department of Transportation Highway bonds in the amount of \$1,570,000.

Commissioner Dean moved, seconded by Commissioner Arnold, to approve and authorize Commissioner President Aud to sign the appropriate documents for the County's participation in the Highway Bond in the amount of \$1,570,000. All Commissioners voted in favor.

AGREEMENT
FIFTH DISTRICT ELEMENTARY SCHOOL FACILITY

The County Administrator presented an Agreement by and between the Board of Education, Board of Recreation and Parks and

the St. Mary's County Commissioners for joint use of the land and facilities at the Lettie Marshall Dent Elementary School for the Fifth District Park.

Commissioner Sayre moved, seconded by Commissioner Arnold, to approve and authorize Commissioner President Aud to sign said Agreement. All Commissioners voted in favor.

RESIDENT MAINTENANCE ENGINEER REPORT

Present: John D. Raley, Jr., Resident Maintenance Engineer

Mr. Raley presented his twice-monthly report to the Commissioners with regard to road and drainage situations in the County and received additional input from the Commissioners as to other areas of concern.

WILDEWOOD NEIGHBORHOOD THREE
CLUSTER NO. ONE

Present: Eddie Wettengel, Developer
Frank Gerred, Director, Planning and Zoning

Mr. Wettengel appeared before the Commissioners to obtain clarification as to whether the Commissioners would make the same interpretation as they gave for private streets in Townhouse Districts for streets in PUD's where there is single family detached homes.

After discussion of the above and Mr. Wettengel's correspondence dated March 10, 1980 to the Commissioners, the Board agreed with the concept of design flexibility for PUD's. The Commissioners directed that the County Engineer meet with Mr. Wettengel in order to work out the details.

TEXT CHANGES TO ZONING ORDINANCE

Present: Frank Gerred, Director, Planning and Zoning

SIZE OF SIGNS - Having conducted a public hearing on February 26, 1980 on a proposed text change to the Zoning Ordinance relative to size of signs (Article 5, Section 58.08), Commissioner Aud moved, seconded by Commissioner Arnold, to direct the County Attorney to develop the Resolution to amend said Article to allow for 200 foot signs in place of the present 100 foot requirement. Four Commissioners voted in favor with Commissioner Dean abstaining stating that the building where he is employed is going to erect a

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sign and therefore would be inappropriate for him to vote on this change because it may be construed as voting on it to accommodate a wish of the owner of the building where he works.

CONCEPT DEVELOPMENT PLAN REQUIREMENT - Having conducted a public hearing on February 19, 1980 on an amendment to the Zoning Ordinance for Article 5, Section 51.02.4, Concept Development Plan, the Commissioners commenced discussion. After discussion, Commissioner Millison moved, seconded by Commissioner Arnold to approve deletion of the concept plan requirement. At the request of Commissioner Sayre, the motion was tabled until next week in order to give time for further review.

REZONING DECISION DISCUSSION
MARY O. CALLAWAY - ZA NO. 79-261

Present: Frank Gerred, Director, Planning and Zoning
Anita Meredith, Recording Secretary

Having conducted a public hearing February 19, 1980 on the referenced zoning application, the Commissioners commenced discussion.

After discussion, Commissioner Dean moved that the C-2 zoning request be denied and that the County Attorney be instructed to draft the appropriate Resolution to that effect. The motion died for lack of a second.

Commissioner Arnold moved to grant the C-2 zoning with the provision that the necessary steps be taken to amend the Comprehensive Plan to make it comply with all the regulations and that the County Attorney prepare the appropriate documents. Commissioner Sayre seconded the motion.

During discussion of Commissioner Arnold's motion, Commissioner Sayre withdrew his second and Commissioner Millison seconded the motion. Three Commissioners voted in favor with Commissioner Dean voting against and Commissioner Sayre abstaining.

REZONING DECISION DISCUSSION
JOSEPH D. WEINER (HERMANVILLE ESTATES)
ZA NO. 79-26

Present: Frank Gerred, Director, Planning and Zoning
Anita Meredith, Recording Secretary

Having conducted a public hearing on February 26, 1980, on the application of Joseph D. Weiner, the Commissioners commenced discussion.

During discussion, it was the concensus of the Board that the decision be withheld for a week in order to give more time for review.

PROCLAMATION NO. 80-19
TALL CEDARS OF LEBANON WEEK

Present: Bricie Elliott

The Commissioners presented the referenced Proclamation proclaiming the week of March 16-22, 1980 as Tall Cedars of Lebanon Week.

PROCLAMATION NO. 80-20
1980 DICENNIAL CENSUS

Present: Jean Campbell, League of Women Voters
Evelyn Arrington, Bureau of Census

The Commissioners presented the referenced Proclamation proclaiming April 1, 1980 as Census Day.

Mrs. Campbell and Mrs. Arrington presented each of the Commissioners with a Census Kit and in closing the Commissioners expressed their gratitude to Mrs. Campbell and the League of Women Voters for assisting the County with the Full Count Program.

HOMEOWNERSHIP DEVELOPMENT PROGRAM

Present: Joseph Mitchell, Housing Coordinator
Ed Cooke, The Winston Corporation

The above-referenced individuals appeared before the Commissioners to inform the Commissioners of the Homeownership Development Program and its advantages to County citizens in that homes could be provided at lower than current market interest rate mortgages. The Commissioners agreed to endorse Mr. Cooke's participation in the Program and to adopt the necessary Resolution indicating local government approval.

SECTION 8 - ADDITIONAL UNITS

Present: Joe Mitchell, Housing Coordinator

Mr. Mitchell requested approval from the Commissioners for an application to HUD for an additional 27 subsidized leased units in St. Mary's County. The Commissioners agreed with the proposal and approved the submission of the application.

ALCOHOL FUEL PROGRAM

The Commissioners considered the request from Mr. Witten, the County's Program Coordinator, for an additional employee to be paid at the same rate as the other employees in the same Program: \$7.00 per hour. The Commissioners directed that a Personal Services Contract be drawn up for the employment of Rick Whites at the pay rate of \$7.00 per hour.

ENCUMBRANCE VOUCHERS

Commissioner Millison moved, seconded by Commissioner Dean to approve payment of the bills as submitted by the Director of Finance. All Commissioners voted in favor.

APPROVAL OF MINUTES

Commissioner Arnold moved, seconded by Commissioner Dean, to approve the minutes of the County Commissioners' meeting of March 11, 1980, and the Special Meeting of March 13, 1980. All Commissioners voted in favor.

PARTIAL PAYMENT FOR RENOVATION OF MARGARET BRENT GYMNASIUM

Present: John Norris, County Engineer

Mr. Norris presented Voucher No. 30377 in the amount of \$6,201 payable to Johnson Builders for the referenced project. Commissioner Arnold moved, seconded by Commissioner Sayre, to approve payment of said voucher. All Commissioners voted in favor.

DREDGING OF SOUTHERN PRONG OF ST. JEROMES CREEK

Present: John Norris, County Engineer

Mr. Norris presented a grant application in the amount of \$25,000 for the dredging of the Southern prong of St. Jeromes Creek. After discussion Commissioner Arnold moved, seconded by Commissioner Sayre, to approve and authorize Commissioner President Aud to sign said Grant Application. All Commissioners voted in favor.

PUBLIC WORKS AGREEMENT ADDENDUM

Present: John Norris, County Engineer

Mr. Norris presented the Addendum to the Public Works Agreement by and between Chapman Development Company and the Board of County Commissioners of St. Mary's County extending the deadline for the completion of roads in Park Hall Estates Subdivision.

The Commissioners unanimously agreed to accept and authorize Commissioner President Aud to sign said Addendum. All Commissioners voted in favor.

ACCEPTANCE OF DEED
FENWICK MANOR SUBDIVISION

Present: John Norris, County Engineer

Mr. Norris presented a Deed dated November 30, 1979 by and between Hugh Allston, Jr., and County Commissioners of St. Mary's County accepting Parcels 1 through 6 in Fenwick Manor Subdivision into the County Highway Maintenance System.

The Commissioners unanimously agreed to accept said Deed.

INSTALLATION OF SECURITY LIGHT
INTERSECTION OF ROUTE 5 AND WILLOWS ROAD
INTERSECTION OF ROUTE 5 AND WHIRLWIND ROAD

Present: John Norris, County Engineer

Mr. Norris presented correspondence from Southern Maryland Electric setting forth the costs for the installation of security lights at the referenced intersections; total costs being \$347.64. The Commissioners unanimously agreed to approve the installation of said lights.

APPROVAL OF VOUCHER
ENGINEERING SERVICES FOR HEATING SYSTEM AT COURTHOUSE

Present: John Norris, County Engineer

Mr. Norris presented Voucher No. 30199 payable to D. Brooks Cross in the amount of \$3,225.62 for engineering services provided for heating system at the Courthouse. The Commissioners unanimously approved payment of said voucher.

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STORM WATER MANAGEMENT POND
DISCOVERY SUBDIVISION

Present: John Norris, County Engineer

As a follow up to previous discussion as to the determination as to whose responsibility it was for the maintenance of the Storm Water Management Pond in Discovery Subdivision, Mr. Norris advised that a decision was pending.

The Commissioners agreed to defer a decision on the matter until a later meeting.

ST. CLEMENTS SHORE SEWER LINE PROJECT

Present: John Norris, County Engineer

Mr. Norris advised the Commissioners that the Metropolitan Commission will be conducting a public hearing on the installation of the sewer line at St. Clements Shores. The Commissioners directed that the Metropolitan Commission appear before them prior to this hearing to discuss the project in order to avoid the inconvenience of impassable roads as occurred at Mattapany Road.

PUBLIC HEARING
HOLLYWOOD SHORES SPECIAL TAXING DISTRICT FOR
RECONSTRUCTION OF SUBSTANDARD ROADS

Present: John Norris, County Engineer
Dan Ichniowski, Assistant Engineer
Harold Cunningham, Property Owner
Nelda Thomas, Property Owner
Other property owners

The Commissioners conducted a Public Hearing for the Establishment of a Special Taxing District for the Construction of Roads and Drainage in the Hollywood Shores Subdivision and to receive public comment on the petition by residents of the Subdivision and the proposed Ordinance.

Mr. Ichniowski advised that to date 135 out of 239 contiguous lot owners have agreed to the Special Taxing District, representing the appropriate percentage (56½) of property owners.

Several property owners made queries of the County Engineer relative to the contiguous lot proposal and the establishment of percentages.

After receiving input from the property owners, the Commissioners advised that the record in this matter will remain open for an additional ten days prior to a decision being made. A copy of the Public Hearing Notice and complete record of the matter is on file in the County Engineer's Office.

TITLE V - SENIOR CENTER PROGRAM
COMMISSION ON AGING

Present: Terry Barry-Cole, State Office on Aging
Valerie Zimkus, State Office on Aging
Robert Thompson, State Office on Aging
Billye McGaharn, Senior Services Coordinator

Representatives of the State Office on Aging appeared before the Commissioners to explain their recent decision to withdraw Title V Grant funds from St. Mary's County in the amount of approximately \$7,000 because of non-compliance of said grant's requirements. Ms. Cole explained that unless a facility was available as a senior center either by ownership or by a lease of at least 15 years duration (possibly ten years) the County does not qualify for Title V Grant funds. The County's application for a Title V feasibility study will not be awarded because in the judgment of the Office on Aging such a study is not needed. The Commissioners asked if the non-award of grant funds was based solely on the county's inability to meet the requirements. Ms. Cole responded that the reason for the non-award of the Title V Grant funds was because the County could not meet the requirements.

1980 LEGISLATIVE PACKAGE
REVIEW OF PRINTED BILLS

As a follow up to previous discussion at the Commissioners' meeting of March 4, 1980, the County Administrator reviewed with the Commissioners proposed 1980 legislation affecting St. Mary's County. Action taken by the County Commissioners on each of the bills is as follows:

<u>Bill No.</u>	<u>Description</u>	<u>Support</u>	<u>No Position</u>	<u>Amend</u>
HB 42	Youth Commission	X		
382	Concealed Weapons		X	
423	Gasohol-Alcohol Plant Fund	X		
754	TRICA	X		
1417	Sewerage Permits			X
1559	Board of Education Categories	X		
1560	Scholarships	X		
1561	Health Department			X L.94
1562	Hospital Appropriations	X		

1980 LEGISLATIVE PACKAGE (Continued)
REVIEW OF PRINTED BILLS

<u>Bill No.</u>	<u>Description</u>	<u>Support</u>	<u>No Position</u>	<u>Amend</u>
1563	Alcohol Fuel			X L.82
1564	Oyster Seed Areas			X
1565	Ordinance			X L.114
1566	Electrical Bond	X		
1567	Recreation & Parks Board			X L.121
1568	Hospital Bonds			X
1576	Alcohol Bev. Class B License		X	
1926	School Bus - over 10 years	X		
1935	Special Police Officers		X	
2031	Gaming Devices	X		
931	St. Mary's City Bill	X		
SB 680	Controlled Dangerous Substance		X	
946	Performance Bond \$20,000	X		
920	Power Plant Siting	X		
38	Garnishment		X	

The County Administrator advised the Commissioners that he will now forward correspondence to the Legislative Delegation setting forth the above action taken by the Board.

CEDAR COVE, SECTION I

Present: Frank Gerred, Director, Planning and Zoning
Pete Breck, Owner of three lots

Mr. Breck advised the Commissioners that he had requested two building permits for two lots he owns in Section I of Cedar Cove and was advised by the Permits Office that a "Stop Work Order" has been processed against the subdivision. He stated that he did not feel that the "Order" should affect him in that he was an individual owner and not the developer of Cedar Cove.

The County Administrator advised the Commissioners that the reason for the "Stop Work Order" was the fact that the developer is not in compliance with the Public Works Agreement in that an Addendum for bonding has not been received.

The Commissioners agreed to address this issue at next week's meeting.

HOUSE BILL 931
ST. MARY'S CITY COMMISSION

Commissioner Dean presented a proposed letter to be forwarded to the Legislative Delegation relative to House Bill 931 which limits the land acquisition program of the St. Mary's City Commission to a total of 700 acres rather than the current 1200 acres. Commissioner Dean's letter recommends that no action be taken this year, but that an inventory be made as to specifically what is needed by St. Mary's City for their project and that the matter be taken care of in the 1981 Legislative Session.

Commissioners Aud and Dean were in agreement to sign the letter. The Commissioners later learned of a new agreement among the legislators and agreed not to forward the letter.

CERTIFICATION LIST OF ELIGIBLES FOR
FIRE DEPARTMENT/RESCUE SQUADS RETIREMENT SYSTEM

The County Administrator presented the referenced Certification List for the Commissioners' approval and signatures prior to the list being returned to the individual departments or squads for posting for review and appeal period.

The Commissioners agreed to approve and sign said Certification List.

CEDAR COVE SUBDIVISION, SECTION I
AIR INSTALLATION COMPATIBLE USE ZONE

In response to previous discussion with Westinghouse Corporation, developer of Cedar Cove, and their correspondence of March 11, 1980 relative to the Air Installation Compatible Use Zone (AICUZ), the Commissioners agreed to direct the County Administrator to draft a letter setting forth the following decisions:

1. That the AICUZ lines in Section I of Cedar Cove not be moved nor changed.

2. That the building permits be released on the lots in question after there is effected a revised Public Works Agreement with appropriate bonding in place.

The Commissioners requested that the letter be prepared for the full Board's signatures and Commissioner Millison requested that the letter be reviewed by the Navy prior to the Commissioners signing and forwarding it.

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BUDGET REVIEW

Present: Joseph O'Dell, Budget Officer

The Commissioners reviewed with the Budget Officer the proposed 1980-1981 Budget and made certain adjustments to the Budget Officer's recommendations. The final recommended budget will now be prepared and presented for signature by the Board of County Commissioners at next week's meeting.

The meeting adjourned at 5:30 p.m.

Approved,



George R. Aud
President