

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, April 1, 1980

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

(Commissioner Vice-President Larry Millison was not present at the beginning of the meeting.)

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

RESOLUTION NO. 80-23
HOME OWNERSHIP DEVELOPMENT PROGRAM
(THE WINSTON CORPORATION)

Commissioner Aud moved, seconded by Commissioner Sayre, to adopt and sign Resolution No. 80-23 endorsing construction by Winston Corporation in Land O' Lakes Subdivision and that permanent financing will be provided by the Home Ownership Development Program of the Community Development Administration. All Commissioners voted in favor.

RESOLUTION NO. 80-27
CIVIL DEFENSE MUTUAL AID AGREEMENTS

Commissioner Aud moved, seconded by Commissioner Dean, to approve and sign Resolution No. 80-27, "Civil Defense Mutual Aid Agreements." All Commissioners voted in favor.

BUDGET AMENDMENT NO. 80-41

As recommended by the Budget Officer, Commissioner Dean moved, seconded by Commissioner Aud and unanimously approved to approve Budget Amendment No. 80-41 as follows:

Increase Account No. 1730-2131 (Non-public Transportation) by \$26,068; Account No. 1610-2201 (Jail Medical) by \$8,000; and Account No. 1610-2341 (Jail-Food) by \$7,000.

Decrease Account No. 2610-26910 (Reserve for Contingency) by \$25,802; Account No. 1061-2131 (Contract Services-Legal) by \$5,000 and Account No. 1610-1111 (Jail Salary) by \$10,266.

ALCOHOL FUEL PROJECT

The County Administrator advised the Commissioners that Lt. Governor Bogley has agreed to chair a meeting to get all state and county resources united in the presentation of the alcohol fuel project application to the Federal Economic Development Administration.

ENGINEERING ASSOCIATE IV
COUNTY ENGINEER'S OFFICE

The County Administrator presented a memorandum from the Personnel Officer dated March 26 requesting authority to hire Phillip Shire to the position of Engineering Associate IV, Grade 10, County Engineer's Office, effective April 14, 1980. Mr. Shire is a CETA employee in the Planning and Zoning Office.

Commissioner Aud moved, seconded by Commissioner Arnold, to hire Phillip Shire as set forth above. All Commissioners voted in favor.

REQUEST FOR APPROVAL TO FILL POSITION
ASSISTANT PLANNER - OFFICE OF PLANNING AND ZONING

Commissioner Dean moved, seconded by Commissioner Sayre, that in accordance with the memorandum from the Personnel Officer dated March 21, 1980, to authorize the filling of the Assistant Planner position in the Office of Planning and Zoning which will be vacated due to the resignation of Jerry Smith, effective April 18; that said position be properly advertised. This position is under a Coastal Zone Management Grant. All Commissioners voted in favor.

MAINTENANCE FOREMAN POSITION
RECREATION AND PARKS OFFICE

In accordance with a memorandum dated March 31, 1980 from the Personnel Officer, Commissioner Dean moved, seconded by Commissioner Arnold, to hire Francis D. Gibson to the position of Maintenance Foreman, Grade 8, in the Recreation and Parks Office, effective April 14, 1980. All Commissioners voted in favor.

CORRESPONDENCE TO MR. HALDEMAN
CEDAR COVE, SECTION I (AICUZ)

The Commissioners agreed to sign and forward correspondence to Mr. Haldeman, Attorney for Westinghouse Corporation, concerning

Cedar Cove, Section I, relative to the Air Installation Compatible Use Zone (AICUZ).

MOSQUITO CONTROL PROGRAM

The County Administrator presented an Agreement by and between St. Mary's County and the Department of Agriculture, Mosquito Control Program, setting forth the County's budget request for the Mosquito Control Program.

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

CLEARINGHOUSE PROJECT NO. 80-CHU-14
INTERIM USE OF PORTION OF POWER PLANT SITE FOR ENVIRONMENTAL
EDUCATION PROGRAM

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.

Commissioner Sayre moved, seconded by Commissioner Arnold, to accept this recommendation. All Commissioners voted in favor.

CLEARINGHOUSE PROJECT NO. 80-4-966
DRAFT HEALTH SYSTEMS PLAN

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.

Commissioner Dean moved, seconded by Commissioner Sayre, to accept this recommendation. All Commissioners voted in favor.

SHERIFF'S DEPARTMENT OVERTIME

In accordance with a previous request by Sheriff Somerville, the Commissioners agreed to authorize additional funds in the amount of \$2500 to cover payment of overtime requests for the remaining fiscal year; said funds to be taken from unexpended salary account funds.

Further, the Commissioners agreed to approve payment of overtime for the period beginning February 2, 1980 and ending February 29, 1980 as follows: \$243.10 regular deputies; and \$68.58 for CID deputies.

REQUEST FOR WAIVER OF FEES
ST. PETER CLAVER'S CHURCH

The County Administrator presented correspondence from Rev. Francis Walsh, Pastor of St. Peter Claver's Church, requesting a waiver of zoning permit fees for the renovation and addition to the church hall.

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

REIMBURSEMENT FOR TOWING AND STORAGE FEE

In response to correspondence from Attorney Walter Dorsey, Commissioner Aud moved, seconded by Commissioner Arnold, to reimburse Mary Mattingly Pfeiff for her claim of damages for detention of her motor vehicle and costs incurred. All Commissioners voted in favor, subject to non-opposition by Sheriff Somerville.

JOHNSONGRASS PROGRAM

The County Administrator presented a request by the Department of Agriculture for the purchase of a pick-up truck to be used for the Johnsongrass Program, for which the State will provide 50% of the cost.

Commissioner Aud moved, seconded by Commissioner Sayre, to approve the purchase with a 50%-50% cost sharing with the State. All Commissioners voted in favor.

DUKEHART CREEK ROAD

Present: John D. Raley, Resident Maintenance Engineer
John Norris, County Engineer

Commissioner Arnold moved, seconded by Commissioner Sayre, to change the name of Muddy Creek Road to Dukehart Creek Road in the Seventh District. All Commissioners voted in favor.

RESIDENT MAINTENANCE ENGINEER REPORT

Present: John D. Raley, Resident Maintenance Engineer
John Norris, County Engineer

Mr. Raley requested an advance from the County of already budgeted funds in the amount of \$200,000 in order to correct the

cash flow problems of the State created by the slowness in gas taxing revenue returns.

The Commissioners gave their concurrence.

SURFACE TREATMENT PROJECT

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

Mr. Raley advised the Commissioners that he would like to begin the patching surface treatment program and therefore requested funds that will be in the FY '81 budget in order to begin.

The Commissioners advised that they will respond at a later date.

ENCUMBRANCE VOUCHERS

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

SOUTHERN MARYLAND ELECTRIC COOPERATIVE
66 KV TRANSMISSION LINE - HOLLYWOOD TO ST. ANDREWS CHURCH ROAD

Present: Richard McCoy, SMECO
Charles Wibel, SMECO
Al Gough, SMECO
John Norris, County Engineer
Frank Gerred, Director, Planning and Zoning

Mr. McCoy explained that a public hearing was conducted by SMECO on January 16, 1980 on the referenced project at which various alternate routes were presented to the public. He stated that a large number of comments have been received from the public as a result of this hearing and as a result of these comments, another alternate route, combining some of the previous routes was chosen. He stated that SMECO wanted to take the least objectionable route in which fewer properties and houses would be taken.

Mr. McCoy stated that this proposed route (No. 6) has been approved by the Board of Directors of Southern Maryland Electric and it will now be presented to the State Highway Administration. If SHA does not object to the proposed route, Mr. McCoy stated that a surveyor would be hired to do the surveying, after which negotiations will begin for the acquisitions of the rights-of-way.

The Commissioners expressed their appreciation for the presentation and concurrence with the proposed Route No. 6.

EVERGREEN PARK SUBDIVISION

Present: Ben Burroughs, Lot Owner
John Norris, County Engineer
Frank Gerred, Director, Planning and Zoning

Mr. Burroughs explained to the Commissioners that in 1973 he purchased 13 lots in the Evergreen Park Subdivision and further explained the history of the subdivision stating that in 1952 the County accepted a Deed for the right-of-way.

Mr. Burroughs proposed to pave according to county specifications the county-owned road in Evergreen Park at his expense provided that at the completion of the paving, the county accept the roadway into its Maintenance System.

The Commissioners agreed to accept the proposal by Mr. Burroughs to accept the roadway into the County Highway Maintenance System upon completion of the paving, provided that it meets county road specifications.

ECONOMIC IMPACT FEES

Present: Frank Gerred, Director, Planning and Zoning
Edward V. Cox, County Administrator

The Commissioners were informed of certain administrative problems related to the payment of the Economic Impact Fee liens on property which require the payment at the time of transfer of title or receipt of building permit, whichever occurs first. Problems has arisen because settlement attorneys have overlooked the Economic Impact Fee liens on property, and more than one transfer of property can occur without the payment of the Economic Impact Fee.

The Commissioners were asked to approve the staff's recommendations related to a case where the Economic Impact Fee Agreement was executed and recorded prior to the principal of the Agreement owning the property. Therefore, in the title search the Economic Impact Fee lien on the property could not be related to the principal of the Economic Impact Fee Agreement who no longer resides in the County; and who transfers a lot to another person without paying the Economic Impact Fee. The new owner of the lot has applied for a building permit and upon doing so was charged with \$200 to satisfy the Economic Impact Fee lien. The staff recommended that because it should not be the obligation

of the current owner, the fee should be waived. The Commissioners accepted the staff's recommendation provided that the principal of the Agreement be sought for the payment of the Economic Impact Fee.

Other problems related to the administration of the economic impact fee were discussed and the Commissioners requested that the Director of Planning and Zoning work with attorneys to develop resolution of the problems.

PITCH-IN PROGRAM
PROJECT NO. 80-5-1

Present: John Norris, County Engineer

Mr. Norris presented the bid tally sheet for the referenced project and recommended that the contract be awarded to the lowest bidder, Edward Bailey, B & B Maintenance, as follows: Item 1A - \$237.00, Item 1B - \$175.00, Item 2A - \$500, Item 2B - \$210.00

Commissioner Dean moved, seconded by Commissioner Sayre, to accept Mr. Norris' recommendation. All Commissioners voted in favor.

LUKE BARNES ROAD

Present: John Norris, County Engineer

Mr. Norris advised the Commissioners for their information, that a petition requesting road improvements was received from the residents living on Luke Barnes Road, which is a gravelled private road in the Redgate area.

GOLDEN BEACH SPECIAL TAXING DISTRICT

Present: John Norris, County Engineer

Mr. Norris advised the Commissioners that the petition from residents in Golden Beach requesting establishment of a Special Taxing District has been received. He stated that the appropriate percentage has been received and the majority are in favor of the contiguous lot method of assessment. Mr. Norris stated that the public hearing on the Ordinance can now be advertised and the Ordinance approved and signed by the Commissioners by May.

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ESSEX SOUTH

Present: John Norris, County Engineer

Mr. Norris advised the Commissioners that Lorenzi, Dodds and Gunnill has submitted a request for a grading permit for lots adjacent to the Dubinok property in Essex South Subdivision. He further advised that he received a reply from the County Attorney advising that litigation would be probably against St. Mary's County if a construction permit were issued which directed the surface water flow in an unnatural manner or to the land of others. Mr. Norris advised the Commissioners that this was a sump area and there was no natural outflow. He stated that the County would probably be involved in a litigation no matter what decision was made.

LARRY DAY AND ASSOCIATES
MILLSTONE LANDING ROAD
PROJECT NO. 76-1-10

Present: John Norris, County Engineer

Mr. Norris presented the final payment for engineering and design costs for Millstone Landing Road in the amount of \$833.50 payable to Larry Day and Associates.

Commissioner Arnold moved, seconded by Commissioner Dean, to approve said payment. All Commissioners voted in favor.

PUBLIC WORKS AGREEMENT
WILDEWOOD SUBDIVISION, NEIGHBORHOOD 2, CLUSTER NO. 1, PLAT 1

Present: John Norris, County Engineer

Mr. Norris presented the Public Works Agreement by and between Paragon Builders and St. Mary's County guaranteeing the construction of roads in Wildewood Subdivision, Neighborhood 2, Cluster No. 1, Plat 1, Eighth Election District to December 20, 1981.

The Commissioners unanimously gave their concurrence to authorize Commissioner President Aud to sign said Public Works Agreement. All Commissioners voted in favor.

PROJECT NO. SM 80-1-5
ASPHALT OVERLAY CONTRACT

Present: John Norris, County Engineer

Mr. Norris presented the contract and appropriate bonding for the asphalt overlay program with Dean Construction Company

previously approved by the Commissioners. The Commissioners gave their concurrence for Commissioner President Aud to sign said contract.

ROAD RESOLUTION NO. R80-15

Present: John Norris, County Engineer

As recommended in correspondence dated February 19 from State Highway Administration, Mr. Norris presented the referenced Road Resolution designating as one-way in a westerly direction the service road that is located along the north side of Md. Rt. 246 between the Midway Drive and Essex Drive intersections.

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

ST. JEROMES CREEK DISPOSAL AREA

Present: John Norris, County Engineer

Mr. Norris advised the Commissioners that correspondence was received from the Corps of Engineers dated March 10, 1980 regarding local responsibility relative to the dredging of St. Jeromes Creek. Mr. Norris stated he would request the Corps of Engineers to be more specific especially with respect to county costs of the project and stated he would return at a later date to update the Commissioners on the project.

PRESS CONFERENCE

Present: Matt Kaye, WKIK
Richard Polk, Enterprise

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

COMMISSION ON AGING

Present: Billye McGaharn, Senior Services Coordinator
Neal Beauchamp, Architect

GRANT AMENDMENT PROCESS - Mrs. McGaharn requested concurrence from the Board of County Commissioners for a change in procedures relating to the submission of amendments to existing approved grants. From time to time the County is notified of supplemental funds

available which require an amendment to the existing grant application in order to obtain same. Mrs. McGaharn requested that instead of appearing each time before the Commissioners with the amended application caused by the availability of supplemental funds, she be permitted to forward the amendment to the State for concurrence, with the Commissioners having final approval at the time of the Notification of Grant Award. The Commissioners discussed their preference for following the established grant approval process and requested that the process continue to be followed at this time.

TITLE V - Mrs. McGaharn presented the Commissioners with documentation related to the State's decision to declare St. Mary's County ineligible for Title V funding. The Commissioners discussed at length the details of recent correspondence from the State Office on Aging related to the Title V Grant Application and the County's compliance with the State's directive. The Commissioners requested Mrs. McGaharn to prepare a packet of information including the original Title V Application and in chronological order all amendments thereto up to the present. In addition, the Commissioners requested Mrs. McGaharn to prepare draft correspondence for their signatures in response to the State's position on the County's ineligibility for Title V funding.

Mr. Beauchamp encouraged the Commissioners to approve a feasibility study for Building No. 2 at Leonard Hall, which is proposed as a Senior Service Center. The study would address the structural soundness and square footage capacity of the building.

ST. CLEMENTS SHORE SEWER LINE PROJECT

Present: John Norris, County Engineer
Harry Knight, Metropolitan Commission
Steve King, Metropolitan Commission

Mr. Norris explained to the Commissioners that the purpose of this meeting was to review the project and related facts with regard to the road prior to the Metropolitan Commission's public hearing next Monday.

Mr. Knight stated that the project is eligible for federal and state grant with the local share being 3 3/4% since it is an inovative collection system.

The Commissioners expressed their concern that they do not want another situation as occured during the installation of the sewer line on Mattapany Road and discussed with the representatives from the Metropolitan Commission the responsibility of restoration of roads.

Mr. Norris advised that the potential for a situation similar to Mattapan Road does exist and that the contractor would probably damage the entire width of the roadway and not just the trench area. He further stated that Environmental Health Administration has made no commitment to do the restoration of the road for its entire width which was the same problem that exists on Mattapan Road.

Commissioner Dean expressed the belief that the road should be completed in kind to its existing width and its existing surface (smooth and level) and that the corrugated metal pipe that is deteriorated should be replaced either by the project or if necessary with County funds.

Additional discussion ensued concerning permanent versus temporary repairs of the trench and the necessity for complete restoration of the entire width of the roadway. It was decided that representatives from Environmental Health Administration, Metropolitan Commission, County Engineer and County Commissioners meet at the site to discuss the method and means of financing the restoration.

INDUSTRIAL SITE PLAN
CDSP #80-1440 - HERBERT REDMOND
ST. MARY'S INDUSTRIAL PARK

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

Mr. Gerred reviewed with the Commissioners the referenced site plan and that Mr. Redmond is requesting approval of this site plan to construct an industrial wood treatment plant located on lots 15, 17 and 18 at the St. Mary's Industrial Park in Hollywood.

Mr. Gerred presented a memorandum from his office dated April 1, 1980 indicating that the Site Plan has been reviewed by all Technical Evaluation Committee agencies and has met all requirements of the Ordinance. He stated that Environmental Health has submitted correspondence regarding the safety aspects of the plant.

After discussion, Commissioner Dean moved, seconded by Commissioner Arnold, to approve Site Plan No. 80-1440 for lots 15, 17 and 18 at the St. Mary's Industrial Park as recommended by the Planning Commission and Office of Planning and Zoning. All Commissioners voted in favor.

McDONALDS RESTAURANT PROPOSAL

Present: Arthur "Buck" Briscoe, Director, EDC
Paul Olsen, McDonald Corporation
Richard Brigden, McDonald and Co.
Peter Miller, Bond Counsel, McDonalds
Mary Salisbury, Chairman, EDC
Joseph E. Bell, II, County Attorney

(Commissioner Millison did not participate in this discussion.)

Mr. Olsen explained that the purpose of this meeting was to request the County's endorsement and participation of an application by McDonald's Corporation in the issuance of revenue bonds for the financing of a proposed McDonalds Restaurant to be located in Charlotte Hall.

After discussion, the Commissioners expressed the opinion that they looked favorable to this project; however, they had questions as to the nature and extent of the County's liability and degree of involvement in processing the bond material and therefore requested the County Attorney to ascertain the answers to these questions prior to making a decision.

ST. MARY'S ART ASSOCIATION
REQUEST FOR FUNDS

Present: Mrs. Connie Petty, President, Art Association
Betty Bare
Linda Miller
Christine Polk

The referenced members of the Art Association appeared before the Commissioners to request funds for the next fiscal year in the amount of \$2,000. Mrs. Petty submitted a Financial Overview and Financial Statement to the Commissioners setting forth their expenses and income.

The Commissioners reminded the Art Association members that when funds were allocated to them for FY 1979-1980 that this would be the last time in that they hoped the Association would become self-sufficient.

Mrs. Petty explained the necessity of receiving the funds this year for advertisement.

In conclusion, the Commissioners stated they would review this request and make a decision after the public hearing on the budget.

BAY INTERCEPTOR COMMITTEE

Present: J. Frank Raley, Jr., Chairman
Harry Knight, Metropolitan Commission
Al Bingman, NAS
Mike Shephard, State Planning
Jack Andrews, St. Mary's College
John Hall, IV, Soil Conservation
Mike Kilpatric, Economic & Community Development

Mr. Raley explained to the Commissioners that during the process of reviewing the initial purpose of the Committee which was to develop recommendations for a policy for sewer line hookups to the public to the new Bay Interceptor Line to St. Mary's City, another problem had arisen. He stated that it was discovered that the Pine Hill Run Treatment Plant was close to capacity and that it would be necessary to expand the plant. Mr. Raley stated that Metropolitan Commission has applied for a grant to expand the plant from the current three million gallons per day capacity to four and a half million gallons per day. Mr. Gerred presented project population figures to the Commissioners indicating that by 1985 the Pine Hill Treatment Plant will have reached its peak capacity.

Mr. Knight indicated to the Commissioners that funding for the grant would be as follows: 75% - Federal, 12½% - State, and 12½% - County.

Discussion ensued as to commitments to the Navy and to the College for use of the Treatment Plant and Commissioner Millison expressed concern of the possibility of a moratorium on hookups which he felt would not be fair to the residents of that area.

After additional discussion as to alternative methods of funding the expansion of the plant, the Commissioners thanked the Committee for the work they have done and requested that they continue with the plant expansion aspect as well as their original purpose for being established.

Mr. Raley stated that the Committee will keep the Commissioners informed and will issue a final report to them at the conclusion of the project.

MOBILE HOME HARDSHIP CASE NO. 80-1987

Present: Frank Gerred, Director, Planning and Zoning

Mr. Gerred presented the referenced Mobile Home Hardship case and stated that it was the recommendation of the Committee that a

waiver be granted. The Commissioners gave their concurrence.

RC&D ROADSIDE EROSION CONTROL PROJECT

Present: John Norris, County Engineer
John Hall, IV, Soil Conservation Service

Mr. Hall presented the Agreement by and between State Highway Administration, County Commissioners and St. Mary's Soil Conservation District for the RC&D Roadside Erosion Control project at a total cost of \$193,000, with the County's commitment in the amount of \$42,469.

Commissioner Dean moved, seconded by Commissioner Sayre, to approve and sign said Agreement. All Commissioners voted in favor.

HOLLYWOOD SHORES SPECIAL TAXING DISTRICT

Present: John Norris, County Engineer

Mr. Norris presented the Ordinance for the creation of a Special Taxing District for the improvement of roads in the Hollywood Shores Subdivision. He explained that he had received negative responses from several property owners representing approximately 30 lots. He indicated that all of the allegations concerning duplicity of the signatures on the petitions has been resolved and those that conflicted were not counted as part of the voting majority. He further advised that he was unable to verify the authenticity of the signatures but felt that the majority of the property owners were anxious for the Board to establish the Special Taxing District.

Commissioner Dean moved, seconded by Commissioner Arnold, to adopt and sign the Ordinance establishing the Special Taxing District. All Commissioners voted in favor.

DESTRUCTION OF OYSTER BEDS
CEDAR POINT HOLLOW

Commissioner Sayre requested, and the Board concurred, that a letter be drafted to the Department of Natural Resources relative to the destruction of oyster beds in the Chesapeake at Cedar Point Hollow from the Naval Air Station to Point No Point by clammers from the Eastern Shore and to request permanent buoys be placed in that area so that the clammers could not come within that area.

APPROVAL OF MINUTES

Commissioner Dean moved, seconded by Commissioner Arnold, to approve the minutes of the Commissioners' meeting of March 18, 1980 as amended. All Commissioners voted in favor.

Commissioner Dean moved, seconded by Commissioner Arnold, to approve the minutes of the Commissioners' meeting of March 26, 1980 as submitted. All Commissioners voted in favor.

The meeting adjourned at 5:05 p.m.

Approved,


George R. Aud
President

