

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, October 27, 1981

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 Larry Millison was not present).

The meeting was called to order at 8:30 a.m.

APPROVAL OF VOUCHERS

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

RESOLUTION NO. 81-83
TRICK OR TREAT DAY

The Commissioners agreed to sign Resolution No. 81-83 designating Saturday, October 31, 1981 as the County's official "Trick or Treat Day."

AUDIT OF COUNTY'S 1977 COMMUNITY DEVELOPMENT BLOCK GRANT
AUDIT OF KESSLER BUS LINES (TRANSPORTATION GRANT)

The Commissioners reviewed a memorandum dated October 16, 1981 from the Budget Officer requesting approval for the auditing firm of Wooden and Benson to conduct an audit of the County 1977 Community Development Block Grant for a fee in an amount not to exceed \$2,000. Reimbursement will be sought in the new CDBG Grant Application.

In addition, the Commissioners reviewed a memorandum from the Budget Officer dated October 15, 1981 recommending that Mr. Jeffrey N. Wood, CPA, be awarded the contract for the audit of Kessler Bus Lines for the fee of \$400 to be paid from grant funds.

Commissioner Arnold moved, seconded by Commissioner Sayre, to approve Wooden & Benson to conduct the audit of the 1977 Community Development Block Grant and Jeffrey N. Wood to conduct the audit of Kessler Bus Lines. All Commissioners present voted in favor.

CORRESPONDENCE

The Commissioners agreed to sign and forward the following pieces of correspondence:

1. To the Board of Public Works requesting the State's cooperation with the County in capital projects in terms of the County's planning process.
2. To Samuel Taylor, President of the NAACP, expressing congratulations for hosting the Maryland State Conference of NAACP on October 30-31, 1981.
3. To the Margaret Brent 1981 Woman of the Year and to the nominees for Woman of the Year expressing congratulations.
4. To The Honorable John M. Gott expressing congratulations for his appointment as County Commissioner of Calvert County.

CLEAN-UP CAMPAIGN

The County Administrator presented a memorandum dated October 1, 1981 from Mr. James Mora, Clean-Up Campaign Coordinator, presenting a summary of the Clean-Up Campaign and making certain recommendations.

BUDGET AMENDMENT NO. 82-17
COUNTY ADMINISTRATOR

The County Administrator presented the referenced Budget Amendment recommended for approval by the Budget Officer as follows:

Increase Account No. 1155-28510 (Uniforms and Miscellaneous) by \$5,000.

Decrease Account No. 2610-26912 (Reserve for Tax Delinquency) by \$5,000.

Commissioner Aud moved, seconded by Commissioner Sayre, to approve Budget Amendment No. 82-17 for the fabrication and installation of equipment in the animal warden van. All Commissioners voted in favor.

BUDGET AMENDMENT NO. 82-19
HOUSING AUTHORITY
PURCHASING AND LOGISTICS

The County Administrator presented the referenced Budget Amendment recommended for approval by the Budget Officer as follows:

BUDGET AMENDMENT NO. 82-19 (Cont'd.)

Increase Account No. 2141-1110 (Salary) in the amount of \$1,722 and Account No. 2141-31010 (Equipment) in the amount of \$2,500.

Decrease Account No. 2141-29810 (Operating Expenses) in the amount of \$4,222.

Commissioner Sayre moved, seconded by Commissioner Arnold, to approve the referenced Budget Amendment. All Commissioners voted in favor.

CONTRACT FOR MAINTENANCE OF RADIO EQUIPMENT

The County Administrator presented an Agreement by and between St. Mary's County Commissioners and St. Mary's County Sheriff's Department and Southern Maryland Communications for the provision of maintenance and service for radio equipment in vehicles for the St. Mary's County Sheriff's Department, Animal Warden and other County vehicles.

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

REQUEST FOR ADDITIONAL RADIO
SHERIFF'S DEPARTMENT

The County Administrator presented correspondence dated October 22, 1981 from the Sheriff's Department regarding the upgrading of the communications capability of the patrol officer and the Emergency Operations Center. \$12,000 had been budgeted for the purchase of four radios and because a State contract will reduce the price of each radio unit, five radios can be purchased at a cost not to exceed \$12,000.

The Commissioners gave their concurrence for the purchase of the additional radio.

SHERIFF'S DEPARTMENT OVERTIME

The County Administrator presented a request for overtime from the Sheriff's Department for the period beginning September 12 and ending October 9, 1981 in the amount of \$1,036.44. The Commissioners gave their concurrence.

POTOMAC GROUP AQUIFERS
EXPLORATORY WELL

The Commissioners reviewed correspondence from Tri-County Council dated October 21, 1981 stating that they have reviewed a proposal from Maryland Geological Survey for an exploratory well in St. Mary's County and requesting St. Mary's County's participation in this project at a 60% share (\$24,375). The Commissioners advised that this would be a matter of discussion at the Tri-County Commissioners' meeting to be held November 3.

METROPOLITAN WASHINGTON - COUNCIL OF GOVERNMENTS

The Commissioners presented correspondence dated October 16, 1981 from the Metropolitan Washington Council of Governments with an agreement between COG and St. Mary's County for the formal transfer of funds under the Emergency Medical Service Grant.

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

CHARLOTTE HALL TEMPORARY WATER SYSTEM

The County Administrator presented correspondence dated October 22, 1981 from Mr. John W. Lanier of Maddox and Associates, Inc. requesting use of the County's well at the Head Master's House at Charlotte Hall School property for a temporary water system for the residents and temporary construction needs on State-owned property. They propose to tie into the existing water line.

The County Administrator recommended that the County Engineer, John Norris, be appointed to negotiate with Maddox and Associates and to return the Board with a specific agreement.

RETIREMENT SYSTEM FOR SHERIFF'S DEPUTIES

The County Administrator advised that included in the 1982 Legislative Package is an item from the Sheriff's Department requesting a separate and distinct retirement system for the deputies. Mr. Cox stated that it was the recommendation of the Insurance Buyer's Council that the firm of Edward H. Friend and Co. be contacted to determine what the cost would be to the County to establish this system. Mr. Cox requested the Commissioners' endorsement to send a letter to this firm requesting a proposal. The Commissioners gave their concurrence.

EXECUTIVE SESSION

Present: Billye McGaharn, Senior Services Coordinator
Edward V. Cox, County Administrator

The Commissioners agreed to meet in Executive Session in order to discuss a matter of personnel. The Session was held from 9:20 a.m. to 9:45 a.m.

ROADSIDE HERBICIDE SPRAYING

Present: John D. Raley, Resident Maintenance Engineer
Don Cober, Landscape Technician, SHA
John Norris, County Engineer
Erik Jansson, Friends of the Earth

The Commissioners explained that the purpose of this meeting is follow-up to discussion held at their meeting of September 29, 1981 whereby Mr. Jansson expressed concerns regarding the health hazards of roadside herbicide spraying.

Mr. Jansson stated that his concerns are based on reports of increased cancer and birth defects which appear to be caused by the use of the chemicals 2D4, Round Up and other herbicides.

Mr. Cober explained that the chemicals used in the once-a-year herbicide spraying of 40 miles of County roads have been approved by U.S.D.A., E.P.A., Department of Agriculture, and State Highway Administration. He stated that the chemicals are short-lived and the cost factors in using the chemicals as opposed to manual labor is significant.

After discussion of other-areas of concern, including run-off into the waters possibly damaging the seafood crop, Commissioner Dean proposed:

1. That this matter be referred to the County's Environmental Committee;

2. That the Committee or some other source ascertain what quantities are being used annually in the County to try to weigh the relative amount of this program against the total being sprayed in our environment.

The Commissioners gave their concurrence to this proposal.

RESIDENT MAINTENANCE ENGINEER REPORT

Present: John D. Raley, Resident Maintenance Engineer

Mr. Raley appeared before the Commissioners to present his monthly maintenance report and to receive input as to additional areas of concern.

October 27, 1981

Page 346

HUD ASSISTANCE REPORT

Present: Joe Mitchell, Public Housing Coordinator
Frank Gerred, Director, Office of Planning & Zoning
John Lancaster, Chairman, Housing Authority

The referenced individuals appeared before the Commissioners to report on the meeting they attended with Housing and Urban Development officials in Washington, D.C. on October 15, 1981 and to request authorization to meet with State Department of Economic and Community Development officials in the near future.

Mr. Gerred gave the presentation that was given to HUD officials at the October 15 meeting which showed the current status of housing in the County and highlighted the impact on the County of the possible acquisition of the St. Mary's Garden Apartments by the Navy.

Mr. Mitchell pointed out that HUD officials had advised them that they would not be able to provide financial assistance to St. Mary's County for housing unless the Department of Defense put in writing that the Patuxent River Naval Air Station was a permanent fixture in St. Mary's County.

After the presentation and discussion, the Commissioners granted their approval for the referenced staff to attend a meeting with Department of Economic and Community Development officials and would report when a date was set for the meeting which Commissioners would be attending.

COUNTY ENGINEER'S ITEMS

Present: John Norris, County Engineer

GRANT APPLICATION - ST. GEORGE'S ISLAND CHANNEL DREDGING

Mr. Norris presented the Grant Application to be forwarded to the Department of Natural Resources for the referenced dredging project. Commissioner Arnold moved, seconded by Commissioner Sayre, to authorize Commissioner President Aud to sign said Application. All Commissioners voted in favor.

GRANT APPLICATION - BUSHWOOD WHARF AREA DREDGING

Mr. Norris presented the Grant Application to the Department of Natural Resources for the dredging project at Bushwood Wharf in the amount of \$25,000. Commissioner Sayre moved, seconded by Commissioner Arnold, to authorize Commissioner President Aud to sign said Application. All Commissioners present voted in favor.

COUNTY ENGINEER'S ITEMS (Cont'd.)

DRAFT CORRESPONDENCE TO CORPS OF ENGINEERS AND WATER
RESOURCES ADMINISTRATION

Mr. Norris presented draft correspondence addressed to the Army Corps of Engineers and the Water Resources Administration requesting that the dredging of the St. George's Creek channel be allowed in the Spring of 1982 as opposed to October 1 to December 15, 1981. The County is not able to obtain satisfactory bids during the October to December time frame because of the unavailability of contractors. The Commissioners requested Mr. Norris to prepare the letter in final form and return it to them for signatures.

ST. JEROME'S CREEK DREDGING

Mr. Norris reviewed a Memorandum to the File from Jay McGrath, Engineer in his office, advising that he had spoken to Jeff McKee of the Army Corps of Engineers who advised that the St. Jerome's Creek Dredging project would be bid this winter along with two dredging projects in Virginia as a single project. Bid opening will probably be in December with actual dredging being done in the Spring.

AGREEMENT TRANSFER ST. ANDREWS CHURCH ROAD TO SHA

Mr. Norris presented an Agreement by and between St. Mary's County and State Highway Administration transfer St. Andrews Church Road from Route 235 to Route 5 to SHA.

AGREEMENT TO TRANSFER SECTIONS OF STATE HIGHWAYS TO THE
COUNTY HIGHWAY MAINTENANCE SYSTEM

Mr. Norris presented an Agreement by and between State Highway Administration and St. Mary's County transfer the following sections of state highways to St. Mary's County:

1. Md. 235A from Md. 235 to Md. 860.
A total distance of \pm 0.05 mile.
2. Md. 249C from Md. 249 to Md. 861D.
A total distance of \pm 0.04 mile.
3. Md. 252 from Co. 394 (Claytons Marina Road) to Md. 5
A total distance of \pm 1.72 mile.
4. Md. 498 from Co. 323 (Lighthouse Road) to Md. 249.
A total distance of \pm 0.96 mile.
5. Md. 574 from Md. 235 to end SHA maintenance.
A total distance of \pm 1.34 mile.
6. Md. 860 from Md. 235 to Md. 235.
A total distance of \pm 1.36 mile.

COUNTY ENGINEER'S ITEMS (Cont'd.)

7. Md. 860A from Md. 235 to Md. 235 to Md. 235.
A total distance of \pm 0.08 mile.
8. Md. 861A from Md. 249 to Md. 259
A total distance of \pm 0.28 mile.
9. Md. 861B from Md. 249 to Md. 249.
A total distance of \pm 0.51 mile.
10. Md. 861C from Md. 249 to road end.
A total distance of \pm 0.08 mile.
11. Md. 861D from road end to 0.14 mile
southeast of Md. 249C to road end
.10 mile northwest of Md. 249C.
A total distance of \pm 0.24 mile.
12. Md. 861E from Md. 861A to road end.
A total distance of \pm 0.06 mile.
13. Md. 861F from Md. 861B to road end.
A total distance of \pm 0.07 mile.
14. Md. 863 from Co. 374 (Bauer Road)
to road end.
A total distance of 0.06 mile.
15. Md. 863 from Md. 5 to barricade.
A total distance of \pm 0.36 mile.
16. Md. 868F from Md. 234 to road end.
A total distance of \pm 0.57 mile.

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

ROAD RESOLUTION R 81-29

Mr. Norris presented the referenced Road Resolution renaming the following State Roads located in various Election Districts in the County:

Eighth Election District

State Route 235A to Old Route 235
State Route 860 to Old Route 235
State Route 860A to Old Route 235

COUNTY ENGINEER'S ITEMS (Cont'd.)

Sixth Election District

State Route 574 to Clarke's Landing Road

Fourth Election District

State Route 868F to Zack Fowler Road

Second Election District

State Route 861A to Russell Road
State Route 861A to Russell Road
State Route 861B to Tall Timbers Road
State 861C to Tall Timbers Road
State 861F to Tall Timbers Road
State 249C to Old Route 249
State Route 861D Old Route 249

First Election District

State Route 242 to Millers Wharf Road
State Route 863 to Bauer Court
State Route 863B to Jutland Lane

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

DRAINAGE DITCH - MD. RT. 245

Mr. Norris reviewed with the Commissioners correspondence from State Highway Administration dated October 21 declining the County's proposal that SHA fund the local portion of the proposed RC&D Storm Drainage project on Md. Rt. 245 along the County Governmental property and the Henderson property. SHA has indicated they would consider participating with Soil Conservation and St. Mary's County and the Town of Leonardtown in the funding to a limit. Mr. Norris requested authorization to request Soil Conservation Service to obtain cost estimates for the project and if necessary to execute the project agreements, while impressing upon the SHA their obligation in this project. The Commissioners gave their concurrence.

RENOVATION OF DISTRICT COURT

Mr. Norris presented the bid tally sheets for the referenced project and requested the Commissioners to acknowledge the lowest bidders as follows:

<u>Project No. 82-4-1 General Construction</u>	
Johnson Builders	\$13,998.00

COUNTY ENGINEER'S ITEMS (Cont'd.)

Project No. 82-4-2 Mechanical Systems
Taylor Plumbing \$19,245.00

Project No. 82-4-3 Electrical Systems
The lowest bidder is Elec Con Corporation in the amount of \$6,462; however, the Commissioners requested Mr. Norris to contact the County Attorney to determine if the bid could be awarded to the second lowest bidder, Owens Electric, in the amount of \$6,611 inasmuch as it is a local contractor.

Project No. 82-4-4 Interior Painting
Paul Dean & Sons \$3,880.00

Project No. 82-4-5 Carpeting and Resilient Flooring
Carpet Hut Interiors \$ 259.69 Base Bid
\$2,381.00 Alt. A
\$ 417.00 Alt. B

The Commissioners gave their concurrence to acknowledge the lowest bidder in each case except where indicated. Mr. Norris stated that the bids cannot be awarded until concurrence is received from the State and the execution by the State of the Lease Agreement. He stated that authorization was needed for Commissioner President Aud to sign said Agreement.

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

MAINTENANCE DEPARTMENT - ELECTRICAL AND MECHANICAL ASSISTANCE

Mr. Norris reported to the Commissioners that the County has expended large sums for electrical and mechanical work on County buildings through contracts. He recommended that the Commissioners give consideration to hiring someone with this capacity to cut down on these costs. After discussion, the Commissioners requested Mr. Norris to proceed to develop specifics for this position and return to them for direction.

STONEY RUN SUBDIVISION

Mr. Norris advised the Commissioners that the Irrevocable Letter of Credit on the referenced subdivision is due tomorrow, October 28, 1981 and requested authorization from the Commissioners to accept a Certified Check or Cashier's Check in the amount of \$2,000 for those minor work items which remain to be done. The Commissioners gave their concurrence.

COUNTY ENGINEER'S ITEMS (Cont'd.)ASPHALT PROJECTS

Mr. Norris advised the Commissioners of the status of the asphalt projects and requested authorization to include St. George's Church Road into the project. He stated that there is sufficient tonnage in the contact to do the work. The Commissioners gave their concurrence.

ST. CATHERINE'S SUBDIVISION

Mr. Norris advised that the Commissioners had provided funds for SHA to surface treat the roads in St. Catherine's Subdivision; however, they will not be able to do the work this fall. Therefore, the Commissioners agreed to give the roads a single application of surface treatment this fall and another application next year.

RESPONSE TO REQUEST FOR ACCESS ACROSS RAILROAD RIGHT-OF-WAY
LEONARD, JONES, KOPP AND BATES ASSOCIATES

Present: John Norris, County Engineer

In response to a request on October 13, 1981 by Jim Kenney, attorney representing the referenced individuals, for access across the railroad right-of-way near the intersection of St. Andrews Church Road and Md. Rt. 235, Commissioner Dean moved, seconded by Commissioner Arnold, to deny the request in that granting the request would not be in the best interest of public safety. All Commissioners present voted in favor.

REZONING HEARINGJOSEPH ABELL CLARKEZONE #81-0882

Present: Robert Taylor (on behalf of the applicant)
Frank Gerred, Director, Office of Planning & Zoning
W. G. Holley, representing Fair Board
Anita Meridith, Recording Secretary

Request to rezone 0.64 acres adjacent to Parcel 22, which is presently zoned C-2 (Green Acres Drive-In), from AR-2 to C-2. The property is described to be the balance of land from parcel 20 after taking out right-of-way by the State Highway Administration. The property is located along the eastern margin of Md. Rt. 5, south of Leonardtown on Tax Map 41, Block 14, Parcel 20 in the Third Election District.

The Commissioners conducted a public hearing of the referenced Application.

The complete record, tape and minutes are on file in the Office of Planning and Zoning.

October 27, 1981

Page 352

PUBLIC HEARING
TEXT AMENDMENTS TO THE ZONING ORDINANCE
ZONE #81-1263

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

53.08.7 - Change to provide that, in certain instances, a Home Occupation may be primarily concerned with over-the-counter wholesale or retail sales, subject to the review and approval process by the Board of Appeals.

The Commissioners conducted a public hearing on the referenced Text Amendment to the Zoning Ordinance.

The complete record, tape and minutes are on file in the Office of Planning and Zoning.

INDUSTRIAL REVENUE BONDS
MARYLAND ROCK INDUSTRIES

Present: Steve Nelson, General Manager, Maryland Rock
Warren Rich, Attorney
Paul J. Bailey, Attorney
Frank Gerred, Director, Office of Planning & Zoning
Robin Guyther, Assistant Planner

Representatives of Maryland Rock Industries appeared before the Commissioners to request endorsement and approval of their request that the County issue Industrial Revenue Bonds in the approximate amount of \$2,000,000 to be used in the development of their sand and gravel operation in Medley's Neck.

After discussion, the Commissioners requested Maryland Rock Industries representatives to submit a draft resolution which would contain the specific details of the issuance of the Industrial Revenue Bonds and would give consideration to the request upon receipt of this draft.

DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT
TRIP TO CANADA - MONTREAL AND TORONTO

Present: Frank Gerred, Director, Office of Planning & Zoning
Robin Guyther, Assistant Planner

Mr. Gerred presented a memorandum from the Department of Economic and Community Development regarding an industrial seeking tour to Montreal and Toronto, Canada November 15 through 20, 1981. A visit will be made to those companies in Canada that have expressed an interest in establishing U.S. facilities.

Mr. Gerred and Mr. Guyther showed a video tape prepared by NESEA which presented the benefits of working and living in St. Mary's County. Mr. Gerred stated that this tape could be taken on the Canadian tour and the County could make a similar

TRIP TO CANADA (Cont'd.)

tape of their own to be taken to Canada.

The Commissioners advised that they would respond later as to whether or not the County would participate in this tour.

NORTHERN REGIONAL LIBRARY

Present: Kitty Hurrey, Director, So. Md. Regional Library Assoc.
Dr. Robert Goldsmith, President, Library Board
Viola Gardner, Member
Charlotte Young, Member
Blanch Abernethy, Member

Mrs. Hurrey appeared before the Commissioners to advise them of plans to locate a bookmobile unit at the Charlotte Hall property as an interim measure until the Northern Regional Library is constructed, and therefore requested approval from the Board as to its location at the corner on Route 5 near the Head Master's House. Mrs. Hurrey explained that funds will not be needed this fiscal year; however, there will be a request in the 1982-83 Budget Request for approximately \$8,000 for operation of the bookmobile.

After discussion the Commissioners requested the County Administrator to work with Mrs. Hurrey and the Library Board of Trustees to determine the best location for the bookmobile.

TEMPORARY CONTRACT POSITION
CLERK TYPIST - OFFICE OF RECREATION AND PARKS

The Commissioners reviewed a memorandum from the Personnel Officer dated October 21, 1981 requesting approval to appoint Karen Settle to a temporary contract position in the Office of Recreation and Parks, effective October 27, 1981.

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

APPROVAL OF DEED
PROPERTY ADJACENT TO OAKVILLE LANDFILL

The County Administrator presented a Deed dated October 27, 1981 by and between the County Commissioners of St. Mary's County and Benjamin H. Burroughs, Jr., Walter B. Dorsey and John S. Weiner relative to property located on Md. Rt. 235 (adjacent to the Oakville Landfill) that was sold by the County at Public Auction on August 24, 1981.

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

LATE PAYMENT ON PROPERTY TAXES - PENALTY RATE

Present: Joseph P. O'Dell, Director of Budget and Data Services

Mr. O'Dell reviewed with the Commissioners his memorandum of October 15, 1981 in which he recommended a method of penalty for late payment of taxes and discounts for those who pay on time. He stated that he believed that the Commissioners had the ability in the law to set a penalty rate.

The Commissioners concurred with Mr. O'Dell's recommendations to discuss this matter at a future Board meeting which would include the County Attorney, County Treasurer, Director of Finance, and Supervisor of Assessments.

COUNTY ENGINEER'S OFFICE
APPROVAL OF VOUCHERS

The Commissioners gave their concurrence to approve the following vouchers from the County Engineer's office:

Voucher No. 039073 payable to Copenhaver Services for Estimate No. 1 for Project No. SM 82-1-3 (driveway entrances) in the amount of \$15,938.

Voucher No. 039072 payable to B. F. Asher for Estimate No. 6 for Rental Contract Services in the amount of \$16,056.93.

The meeting adjourned at 1:45 p.m.

(The Commissioners left the meeting to attend the dedication ceremonies at the Walden Counseling Center.)

Approved,


George R. Aud
President