

BOARD OF COUNTY COMMISSIONERS' MEETINGTuesday, November 20, 1973

Present: Commissioner J. Wilmer Bowles, President
 Commissioner J. S. Guy, Jr.
 Commissioner George R. Aud
 H. D. McGlade, Director of Administration
 Judith A. Mullins, Recording Secretary

The meeting came to order at 9:45 a.m.

READING OF MINUTES

The minutes of November 13, 1973 were read and corrected.

APPROVAL OF MINUTES

Commissioner Aud made a motion to approve the minutes of October 9, 1973, seconded by Commissioner Guy and made unanimous by Commissioner Bowles who signed same.

Commissioner Bowles called to the attention of the Board that the minutes of August 29, 1973 had been approved at the meeting of October 31, 1973 and signed by him as President. However, these minutes should have been signed and approved by Commissioners Aud and Guy as Commissioner Bowles was not present at that meeting. Commissioner Aud made a motion to sign and approve the minutes of August 29, 1973, seconded by Commissioner Guy. Commissioners Aud and Guy signed same.

RESOLUTION NO. 73-34 - CENTER GARDENS TAX ABATEMENT

Commissioner Aud made a motion to sign and approve Resolution No. 73-34 - Center Gardens Tax Abatement, seconded by Commissioner Guy and made unanimous by Commissioner Bowles.

RESOLUTION NO. 73-35 - CENTER GARDENS TAX CREDIT - 1973-1974

Commissioner Aud made a motion to sign and approve Resolution No. 73-35 - Center Gardens Tax Credit - 1973-1974, seconded by Commissioner Guy and made unanimous by Commissioner Bowles.

SUBDIVISION REGULATIONS

Present: Joseph Marion Gough, Chairman, Planning Commission

Mr. Gough stated that at the work session of the Planning Commission held Thursday, November 15, it was decided that the Commissioners should be requested to take some steps in the development of new subdivision regulations and hire someone to update and revise the existing regulations. Mr. Gough was of the opinion that Mr. Demetriou's office would be the appropriate

organization to do this since they are the ones doing the Land Use Plan; however, it could be someone else. Mr. Gough stated there is \$2,000 budgeted for the review of these regulations, but this would be useless without revision of the regulations. Mr. Gough said the cost for this would be approximately \$18,000. He further stated the Planning Commission could not do its job properly without these revisions. Commissioner Bowles stated that the revision of the subdivision regulations was planned as the next step and would be in the next budget year because HUD's budget year with State Planning is a six month term; September through March.

PAYMENT OF LEGAL SERVICES TO HOUSING AUTHORITY

Mr. McGlade presented a letter from Joseph D. Weiner, County Attorney, in response to our letter of November 2 in which we requested a legal opinion concerning the payment of legal services employed by the Housing Authority during the past year. Mr. Weiner stated that he felt the County Commissioners are not legally obligated to pay this bill and it is discretionary whether or not they wish to expend County money for this purpose.

NURSING HOME ADDITION BILLS

Mr. McGlade presented correspondence from Chauncey Karstens, Chairman, Building Committee, Nursing Home Board, in which he discussed payment to architects, Cross & Adreon, for professional services in the amount of \$9,270.44. Letter dated October 30, 1973 from Mr. Karstens recommended that Cross & Adreon not be paid for the work that had been done. Letter dated November 3, 1973 from Mr. Karstens recommended that Cross & Adreon be paid. Letter dated November 5 from Mr. Karstens stated that it is his opinion that the invoice, as submitted by Cross & Adreon dated November 2, 1973 indicating 70% completion on the plans and specifications should be honored immediately.

"YEAR 2000" SERIES

Mr. McGlade presented a letter from James A. Kenney, St. Mary's College, stating it is the college's intention to include a written presentation by Mr. Angelos C. Demetriou of a theoretical Master Plan for St. Mary's County as part of the "Year 2000" Series.

Commissioner Guy made a motion to allow Mr. Demetriou to include his presentation, seconded by Commissioner Aud and made unanimous by Commissioner Bowles.

RECREATION AND PARKS

Present: John Baggett, Director

RECREATION AND PARKS PROJECTS FOR 1974-75 FISCAL YEAR - Mr. Baggett stated that under the amendment of the Open Space Law, his department must submit a list of projects to be accomplished in the 1974-75 fiscal year to the Department of Natural Resources by December 1, 1973, and each December 1 thereafter. Mr. Baggett submitted a fact sheet listing existing facilities, known existing and future subdivisions that could have a significant impact on parks, list of proposed development and land to be purchased. The Commissioners will review the lists and make recommendations to Mr. Baggett next week.

RADAR SITE - Mr. Baggett requested permission to spend \$740 for modification to the radar site for use as a maintenance shop. This expenditure would be for the installation of an overhead door and a new gate. Mr. Baggett said there is \$2,000 in his budget under Maintenance of Facility for contract work. Mr. Sterling verified that this money is available in Mr. Baggett's budget. Commissioner Guy made a motion to authorize John Baggett to expend \$625 for an overhead door and \$115 for a new gate for a total of \$740 for the maintenance shop at the radar site. Said monies are to be taken from the Maintenance Facility of Mr. Baggett's budget. Commissioner Aud seconded the motion and Commissioner Bowles made it unanimous.

AREA EXTENSION AGENT

Present: John Lancaster, County Extension Agent
Don R. Miller, Area Extension Agent

Mr. Lancaster introduced Mr. Don Miller, newly appointed Area Extension Agent, Community Resource Development, Maryland Cooperative Extension Service. He will provide C & RD Program support for Charles and Calvert Counties and will occupy the position formerly held by Mr. Dan Donnelly. He will be responsible for horticulture programs on a temporary basis.

WILLIAM E. BALL - PERMANENT STATUS

John Baggett forwarded recommendations to the Commissioners that William E. Ball, Maintenance man with Recreation and Parks be given permanent status under the merit system. Commissioner Guy made a motion to accept Mr. Baggett's recommendation, seconded by Commissioner Bowles, and Commissioner Aud made it unanimous.

PUBLIC SALE OF 1966 VOLKSWAGON BUS

Mr. McGlade stated that at a public sale held November 19, 1973, Mr. R. B. Henderson, Lexington Park, was the highest bidder

for the 1966 Volkswagon Bus, Serial Number A1831441 in the amount of \$200. Commissioner Aud made a motion to award the bid to Mr. Henderson, seconded by Commissioner Guy and made unanimous by Commissioner Bowles.

ST. MARY'S COUNTY DEVELOPMENTAL CENTER FOR THE MENTALLY RETARDED

Present: Dr. Richard Martin
 Jean Brylawski, President
 Helen Hautzenroder, Director
 Joseph Weiner, County Attorney

Mrs. Brylawski presented a letter dated November 20, from the Developmental Center requesting to be included in the Commissioners' annual legislative request authorizing them to provide local funds for construction of the Center. The County share for the construction of the new Center is \$140,000.

Commissioner Guy explained to the Board what occurred at the last meeting with the parents and that it was suggested at that time that the Senator and Delegates should be invited to the Center to get first-hand knowledge of the situation. Commissioner Guy also suggested that they ask the architect if the figure given should be higher to reflect inflation.

Dr. Martin inquired as to the use of revenue sharing funds. He stated that their program is not involved with the Board of Education but with the Board of Health and funding is received from the State Department of Mental Hygiene and, therefore, Revenue Sharing may possibly be appropriated for this health facility. Commissioner Bowles said if there is a way to use revenue sharing for this project, it will be done. Commissioner Bowles added that if legislation is passed and the money is budgeted, the Finance Office would require a construction and need schedule.

Mrs. Brylawski stated that construction is to begin in Spring and they hope to have the children in by January 1975.

AIRPORT MANAGEMENT

Present: Bob Morazes (former manager of St. Mary's Airport)

Mr. Morazes stated that he felt the Airport would benefit by a county paid manager so that the Airport would be county owned and county operated. He said he would be willing to provide these services. Mr. Morazes presented a job description and a letter of intent to be Airport Manager. He said his long-range plans would be to promote the industrial park at the Airport and make the Airport pay its way.

A meeting will be arranged with the County Commissioners and the Airport Commission within the next two weeks to discuss the management of the Airport.

DOG WARDEN

The Commissioners agreed that the Dog Warden should report to the Control Center to pick up all dog calls and all calls are to be referred to the Control Center. Wayne DeLozier, Dog Warden, is to submit a monthly report to the Commissioners' Office.

STEUART PETROLEUM BUILDING PERMIT

Present: Joseph D. Weiner, County Attorney
 Michael Davis, Attorney (Weiner and Davis)
 John Norris, County Engineer

Mr. Norris said he had been consulting with Mr. Weiner and Mr. Davis concerning Building Permit No. 6173 issued to Steuart Petroleum. Mr. Davis said it was his opinion (and Mr. Weiner concurred) that unless a material misrepresentation had been made on the building permit application that the Commissioners would be without authority to revoke the permit. He said he was advised by Mr. Norris that there was not a material misrepresentation (being defined as a statement of fact that is untrue). He said there is no statement on the application that is false. Mr. Norris said there may be some incomplete information but nothing that is not true.

Mr. Davis said if Mr. Norris' office had been told that this was a pad preliminary to the construction of a refinery, then more information would be needed on the application; however, this was not furnished to his office, but whether or not it had to be furnished is questionable because it is Steuart's position that they applied for a concrete pad only and not for the refinery and, therefore, the rest of it should not be considered. Mr. Davis said the \$2,000 fee for a 78,000 square foot pad is an estimate and, in his opinion, a gross over-estimate, but whether it is a false statement is certainly questionable.

Mr. Davis said it was his opinion that the permit is valid for what was requested, which is a concrete foundation. Mr. Norris said the definition of concrete foundation should be clarified and Steuart would have to have a grading permit for that foundation before construction, which is set forth in the building permit ordinance dated November 1, 1973.

Commissioner Aud said a decision would have to be made by the State whether what is going on the pad is real or personal property. Mr. Davis said if it cannot be removed without material destruction, the Court would probably consider it realty.

At this time discussion took place as to the definition of "structure" in the County Code. The question was raised whether both real and personal property required a building permit. Also would the County Code take precedence over State

law. The County Code does not define whether it has to be real or personal property, only that a building or structure requires a building permit. Mr. Weiner stated in the event that construction was begun on top of the pad without application for a building permit, the Commissioners may want to take court action in order that the fees be paid and the permit be acquired.

Messrs Weiner, Davis and Norris are to develop a draft of a letter to Steuart and report to the Commissioners later today.

NURSING HOME BOARD

Present: Chauncey Karstens, Chairman, Building Committee
Beth McCoy
Virginia Thomas, Director
Dr. J. Roy Guyther
Harris Sterling, Finance Director

Mr. Karstens and other members of the Nursing Home Board came before the Commissioners to give a status report of the Nursing Home addition and renovation. Mr. Karstens explained that they had decided to omit the two isolation rooms in the new addition, but were told by HEW that one must be included. This will add another \$8,000 or \$9,000 to the cost of the project. If both rooms are included, it would be \$12,000 additional. Mr. Karstens stated that the architect, Cross & Adreon, has submitted a statement dated November 2 for services rendered in the amount of \$9,270.44, and he has indicated 70% completion rather than 75% as previously indicated by him when he invoiced the County Commissioners. 75% would mean that plans and specifications were drawn up but this has not been done. Mr. Karstens said Mr. Adreon will do nothing more until his contract and invoice are honored.

Mr. Sterling reported on what has been paid to date to Mr. Adreon - \$11,347.62.

Mr. Karstens stated that the estimated total cost of the Nursing Home project is \$528,000. \$117,735 has been received from private gifts, \$60,468 would come from the State, and \$175,000 from Hill-Burton funds for a total of \$353,203. There is \$100,000 in the Capital Improvement budget for the Nursing Home and, therefore, an additional estimated figure of \$74,797 is needed from public local funds.

Commissioner Aud indicated there is a possibility of additional Hill-Burton funds being made available.

Mr. Karstens recommended that Mr. Adreon's invoice dated November 2 in the amount of \$9,270.44 be honored. Mr. Karstens also recommended that authorization be given to spend \$200 to prepare an updated cost estimate for all planned work in the format necessary for submittal to the State and HEW in support of a request to be made for an allocation of additional

grant funds. This estimate is to be prepared and delivered in ten days.

Commissioner Aud made a motion to accept Mr. Karstens recommendations, seconded by Commissioner Guy and made unanimous by Commissioner Bowles.

Mr. McGlade and Mr. Karstens are to develop a letter to Mr. Adreon setting forth the above.

COMMISSION ON AGING

Present: Joseph Carter, Chairman, Commission on Aging

Mr. Carter presented a letter dated November 9 from the Maryland Commission on Aging which stated funds were provided to the State of Maryland to implement nutrition programs for residents 60 years of age and over. Mr. Carter said 42 meals would be served a day, five days a week at one location. There are two goals in mind; nutrition and socialization. On Friday, November 16, the Commission on Aging met and approved this program with the following possibilities for the county to participate:

1. That a local tri-county agency, such as Community Action Committee, write the proposal and administer it for the three counties;

2. As suggested by Charles County, that a County could be designated as the single county to administer for the three counties;

3. Delegation to a local agency;

4. Do not participate. Should one county not wish to participate, the other counties would get the money and would be able to operate with that much money in their county.

Mr. Carter stated that the County's share is 10%, approximately \$2800 for the first year. This may possibly be in-kind.

Commissioner Guy said he had talked to Jim Simpson, President, Charles County Commissioners, and Charles County was considering possibility number 3. They are attempting to set up the program in a school cafeteria and purchase the service from the Board of Education. They do not want to see another tri-county agency.

Mr. McGlade is to work with Mr. Carter and contact Charles and Calvert Counties to see what procedure they are going to use.

LETTER TO STEUART PETROLEUM

Present: John Norris, County Engineer
Michael Davis (Weiner and Davis)

John Norris presented a draft of a letter to be forwarded to Steuart Petroleum informing them that Building Permit No. 6173 is valid. The letter states that the permit is issued for the sole purpose of a foundation pad for processing and utility area. Prior to any construction of the foundation pad, a grading permit would have to be applied for as required by the Sediment Control Ordinance.

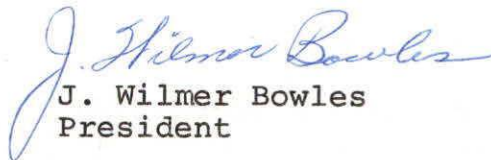
The Commissioners approved the letter and same is to be signed by Mr. Norris, Attorneys Weiner and Davis and by Commissioner Bowles. Said letter is on file in the Commissioners' Office.

NEW EMPLOYEE - ENGINEER'S OFFICE

Present: John Norris

John Norris recommended to the County Commissioners that Teresa O. Schaeffer be hired as Clerk Typist B (salary: Grade 5 Base - \$5715) in the County Engineer's Office, effective 9:00 a.m., November 20, 1973. Commissioner Aud made a motion to accept Mr. Norris' recommendation, seconded by Commissioner Guy and made unanimous by Commissioner Bowles.

The meeting adjourned at 5:15 p.m.


J. Wilmer Bowles
President