

BOARD OF COUNTY COMMISSIONERS' MEETING

Wednesday, June 7, 1978

Present: Commissioner James M. McKay, President
Commissioner Ford L. Dean
Commissioner J. Patrick Jarboe, M.D.
Commissioner John K. Parlett
Edward V. Cox, County Administrator
Alice V. Bailey, Recorder
(Commissioner Millison absent due to illness)

The meeting was called to order at 8:55 a.m.

READING AND APPROVAL OF MINUTES

The minutes of May 31, 1978 were read. Commissioner Parlett made a motion to approve the minutes as read, seconded by Commissioner Jarboe. All Commissioners voted in favor.

ENCUMBRANCE VOUCHERS

Present: Harris Sterling, Director of Finance

Mr. Sterling presented the encumbrance vouchers for the Commissioners' review and approval. Commissioner Jarboe made a motion to approve payment of the bills as submitted, seconded by Commissioner Parlett. All Commissioners present voted in favor of the motion.

OVERTIME FOR DEPUTY SHERIFF'S CARNIVALS

The County Administrator presented correspondence from Sheriff Somerville stating that the fire departments have requested that the County provide deputy sheriffs' at these functions. The Sheriff requested approval for the use of the deputies as well as the funds necessary to accomplish this request.

Commissioner Parlett made a motion to approve the use of the deputy sheriff's at the carnival functions as well as the necessary funding, seconded by Commissioner Jarboe. All Commissioners present voted in favor of the motion.

APPOINTMENTS TO MENTAL HEALTH TASK FORCE

Commissioner Jarboe made a motion to appoint Dr. H. Joseph Miller, Mrs. Elizabeth Sally Raley, Dr. Richard Martin, Mr. Brent Sharf, Mrs. Sylvia Briscoe, Reverend Richard Simpson and Mrs. Susan Kahle to serve on the Mental Health Task Force, seconded by Commissioner Parlett. All Commissioners present voted in favor of the motion.

COMMUNITY COLLEGE CONTRACT

The County Administrator presented the revised Contractual Agreement with reference the Community College. He stated that there was an amendment to add in Section A Paragraph One "Under the auspices of Charles County Community College". Commissioner Jarboe made a motion to authorize the President of the

Board to sign the Amended Contractual Agreement, seconded by Commissioner Parlett. All Commissioners present voted in favor of the motion.

LOWER BAY FERRY LINK

The County Administrator presented correspondence for signature by the Board with regard to the lower Chesapeake Bay ferry link for the transportation of people and cargo. This correspondence is to request study funds from the State Department of Economic and Community Development. After considerable discussion it was decided to table this item in order for the Commissioners to look into the matter further.

PUBLIC WORKS AGREEMENT AND BOND - MOUNT PLEASANT SUBDIVISION

On behalf of the County Engineer, the County Administrator presented Public Works Agreement dated June 7, 1978, with appropriate bonding, by and between Thomas E. Downs and Patricia G. Downs, his wife, Individuals and The St. Mary's County Commissioners guaranteeing the construction of streets and roads in the Mount Pleasant Subdivision, Section 4, Seventh Election District.

Commissioner Parlett made a motion to accept the Public Works Agreement and bonding on Mount Pleasant, seconded by Commissioner Dean. All Commissioners present voted in favor of the motion.

OVERTIME REQUEST DEPUTY SHERIFF'S

The County Administrator presented on behalf of Sheriff Somerville an over time list representing work performed by the Deputy Sheriff's for the period starting April 28, 1978 to May 26, 1978 in the amount of \$157.16 for twenty and one half hours.

Commissioner Parlett made a motion to approve the request as submitted, seconded by Commissioner Jarboe. All Commissioner present voted in favor of the motion.

EMERGENCY REPAIRS TO AIR CONDITIONING SYSTEM AT EOC

The County Administrator presented to the Commissioners for their approval bids on the repairs of the Emergency Operations Center's air conditioning system. He stated these repairs were needed because of water damages and recommended the bid received from Hancock Refrigeration in the amount of \$7,292 be awarded. He also stated that there would need to be a contingency fund transfer in the amount of \$3,646 to account number 1092-60620. He also stated that the Federal Government has committed to share 50% of the total bid.

Commissioner Dean made a motion to award the bid to Hancock Refrigeration in the amount of \$7,292 and to approve the fund transfer, seconded by Commissioner Parlett. All Commissioners present voted in favor of the motion.

ELM'S PROPERTY LEASE AGREEMENT WITH MD. DEPT. OF NATURAL RESOURCES

The County Administrator presented a Lease Agreement by and between the Maryland Department of Natural Resources and the Board of County Commissioners for the use of the Elm's Property as a public, non-profit environmental

education center. The County Administrator stated that this agreement has been reviewed by the County Attorney and had given his approval.

Commissioner Dean made a motion to authorize the President to accept on behalf of the County the Lease Agreement dated June 7, 1978 between the County Commissioners and the Maryland Department of Natural Resources for a portion of the land known as the "Elm's Property", seconded by Commissioner Jarboe. All Commissioners present voted in favor of the motion.

POSITION AVAILABLE - MERIT - TELEPHONE OPERATOR

On behalf of the Personnel Officer, the County Administrator stated that there was a position open for "Telephone Operator" and that authorization to advertise was needed by the Board in order to start the hiring process. After discussion, Commissioner Jarboe made a motion to authorize the Personnel Officer to commence with the advertisement of the position available of Telephone Operator at a Grade 5, Base, seconded by Commissioner Parlett. All Commissioners present voted in favor of the motion.

CITIZENS APPRECIATION NIGHT

The County Administrator informed the Commissioners that arrangements for the Citizens Appreciation Night have been set for June 29, 1978 at the Mechanicsville Fire House. He also informed the Commissioners that Speaker John Hanson Briscoe has agreed to be the guest speaker for the occasion.

CLEARINGHOUSE PROJECT 78-5-1160 1979 WORK PLAN - SOUTHERN MARYLAND TRI-COUNTY COMMUNITY ACTION

The County Administrator presented the above Clearinghouse Project, and after discussion the Board authorized Mr. Cox to forward the Project Summary Notification Review stating that this agency has determined "The project is not inconsistent with this agency's plans, programs or objectives".

REQUEST FOR PROPERTY TAX EXEMPTION - DISABILITY - MR. GILLETTE

The County Administrator stated that a letter was received from Mr. Joseph V. Gillette requesting a reimbursement of personal property tax previously paid as well as exemption from future taxes. After discussion Commissioner Dean requested that this matter be brought to the attention of the County Attorney for his review and determination.

PATUXENT BEACH ROAD - MR. TOM AQUINO

Mr. Aquino appeared before the Commissioners to state that the Patuxent Beach Road and Dick Clarke Road were in need of immediate attention. He stated that water drainage was not adequate and the water was draining on his property. He also stated that there were severe pot holes and that the signing in this particular area was not sufficient. He also stated that there was a littering problem in the vicinity of Town Creek Marina.

After a brief discussion the Commissioners thanked Mr. Aquino for apprising them of these problems and stated that the Board would be in contact

with County Engineer and Director of Recreation and Parks with regard to the problems he had cited.

SAYSF CHAPEL ROAD

Present: Bing Gardner
Pastor T. Davidson

Mr. Gardner and Pastor Davidson appeared before the Board to request that the present name of Rue's Purchase Road be changed to SAYSF Chapel Road. The reasoning behind this request is that, at one time the road was named SAYSF Chapel Road and now that it has been reverted back to Rue's Purchase Road that many people are unfamiliar with the present naming and it is placing an inconvenience to people that are trying to get to the facilities at the SAYSF Chapel. After discussion the Board stated that they would try and come to an equitable solution within two weeks. Mr. Gardner and Pastor Davidson were in agreement that they would not mind if the road sign were in both names.

PRESS CONFERENCE

Present: Jack Kershaw, Enterprise
Sunny Schust, Enterprise
Ingrid Buehler, Beacon
Dave Fox, WKIK
Paula Smith, WPTX

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

REZONING HEARING - ZA 78-119 LESLIE L. GOULD

This Rezoning Case was continued for one week due to the fact that Attorney James A. Kenney III was unable to attend. Mr. Leslie L. Gould did offer into evidence his testimony and a tape of the continuation is in the office of Land Use and Development.

COUNTY ENGINEER - EXECUTIVE SESSION

The Commissioners agreed to meet in Executive Session in order to discuss property acquisition. The session was held from 1:30 p.m. to 2:10 p.m.

D.J.'S ONE STOP - FLOYD WILLIAMS

Present: Mr. Floyd Williams

Mr. Williams presented the County Commissioners with a bill for services rendered by his attorney in reference the prosecution of D.J.'s One Stop in the amount of \$7,760.00 and stated that since the County would not prosecute he did, and had won and was of the opinion that the County should pay the legal fees connected therewith. Also, Mr. Williams was of the opinion that a Court Order had been signed stating that the tanks, signs, gas and go were to be removed within 45 days, and requested the Commissioners to take immediate action. After some discussion the Commissioners stated that

they would discuss this matter with the appropriate parties and will be in touch with Mr. Williams.

RECREATION AND PARKS - AWARDING OF BIDS TRASH COLLECTION - WHARVES

Present: John Baggett, Director, Recreation and Parks

Mr. Baggett presented Bid Tally Sheets for trash collection at the wharves. Mr. Baggett stated that the lowest bidder was Trash Masher and Co. in the amount of \$1,476.00 for locations at Piney Point, Smith Creek, Chaptico, Bushwood, Colton Point, River Springs, White Neck Creek and Forest Landing Ramp and recommended that the bid be awarded.

Commissioner Dean made a motion to accept the bid as recommended and award to Trash Masher and Co. in the amount of \$1,476.00, seconded by Commissioner Jarboe. All Commissioners present voted in favor of the motion.

RECREATION AND PARKS - PORTABLE TOILET RENTAL AND SERVICE AT WHARVES

Mr. Baggett presented Bid Tally Sheets for portable toilet rental and service at the wharves. He stated that Banagan Septic Tank Service was the only bidder in the amount of \$4,300.00. Mr. Baggett recommended awarding the bid.

Commissioner Dean made a motion to accept the bid as recommended, and award same to Banagan Septic Tank Service in the amount of \$4,300.00, seconded by Commissioner Parlett. All Commissioners present voted in favor of the motion.

ST. INIGOES DESIGN WORK

Mr. Baggett stated that he had received two bids for Smith Creek Boat Launching Ramp and Park at St. Inigoes. One was from Watkins and Vatale, in the amount of \$4,833 representing the total cost. The other was from Daft McCune and Walker in the amount of \$5,000 representing total cost. Mr. Baggett stated that the only difference he could see was in the topographic survey. Watkins and Vatale had the topographic survey at a price of \$1300.00 and Daft McCune and Walker, Inc. had a price of \$600.00. Mr. Baggett stated that he would get in touch with the appropriate parties and see why there was such a difference in the amount bid for the topographic survey and would report back to the Commissioners next week.

ZONING ORDINANCE

Present: Frank Gerred, Director, Land Use and Development

Mr. Gerred presented the Zoning Ordinance and Resolution for adoption by the Board.

The following changes were made:

Article 2 page 7 (Conversion Chart)
R5 would be R4

C3 is now C2

Town House Garden Apartments is now R15

Multi-Family is now R30

R3 is now R2

(These will be inserted as the Official Zoning Conversion Chart)

Page 3-6

Add: Side yards reduced to 10 feet.

Resolution 78-23 which is incorporated in the Zoning Ordinance is to be amended so that the names of Southampton, Cedar Cove and Forrest Park are inserted in the last paragraph. This will be done by the LUD office and appropriate pages will be inserted as follows:

Page 3-5, Paragraph 1 shall read:

"1. Residences constructed with sound insulation are permitted in CNR-2. Residences are permitted, not to exceed one (1) single family dwelling unit per acre."

The following paragraph shall be added as paragraph 2:

"2. Residences constructed with sound insulation are permitted in CNR-1 not to exceed two (2) single family dwelling units per acre, with lower densities adjacent to the CNR-2 line and higher densities near the outer perimeter of the buffer zone. Prospective home buyers and tenants shall be warned that aircraft noise will interfere with outside activities. Reference: Paragraph 19. Disclosure Statement of this Article."

After discussion on the establishment of the one and a half acre versus one acre minimum lot size, Commissioner Jarboe made a motion to leave in the Zoning Ordinance the minimum one and one half acre lot size as AR-2 but to retain the same set back and distance as required under R-1, seconded by Commissioner Parlett. As to the vote, Commissioner McKay abstained, Commissioner Dean voted against, the motion carried.

Commissioner Dean made a motion to accept the Updated Zoning Ordinance effective June 7, 1978 including those changes enumerated above, seconded by Commissioner Jarboe. All Commissioners present voted in favor of the motion.

ACCESS ROAD GOVERNMENTAL CENTER

Present: John Norris, County Engineer

Mr. Norris presented Voucher 18009 payable to B.F. Asher in the amount of \$7,750.34 for the access road work at the Governmental Center.

Commissioner Parlett made a motion to approve said voucher in the amount of \$7,750.34 payable to B.F. Asher, seconded by Commissioner Dean. All Commissioner present voted in favor of the motion.

GOLDEN BEACH CONTRACTURAL PAYMENT

Present: John Norris, County Engineer

Mr. Norris presented Voucher 09103 in the amount of \$84,384.68 payable to B.F. Asher as part of the contractural payment on Golden Beach Road and recommended payment.

Commissioner Parlett made a motion to approve Voucher 09103 for \$84,384.68 payable to B.F. Asher for Golden Beach Road, seconded by Commissioner Dean. All Commissioners present voted in favor of the motion.

DYNARD AND BUSY CORNER ROAD

Present: John Norris, County Engineer

Mr. Norris stated that he wanted to inform the Commissioners that there would be an increase for the bituminous prime needed for this project. He stated that there has been a 70¢ increase per gallon for the 7,500 gallons needed. This increase would be in the amount of \$5,250.00 and needed authorization.

Commissioner Parlett made a motion to authorize the additional expenditure, seconded by Commissioner Dean. All Commissioners present voted in favor of the motion.

ST. CATHERINE'S SOUND AND ISLAND CREEK

Present: John Norris, County Engineer

Mr. Norris presented correspondence from the Department of the Army relative to proposed maintenance dredging in the upper entrance to St. Catherine's Sound and to Island Creek. Mr. Norris presented a draft letter for the Commissioners signature stating that the two projects have been reviewed and the findings are that the plans are consistent with county plans and wanted approval from the Board to have the letter prepared in final and presented to Mr. McKay for signature.

After discussion by the Board they were in agreement with Mr. Norris' recommendation and requested that the letter be put in final form and presented to Mr. McKay for signature.

SM781-10 JAMES RAYMOND WOODBURN - ROAD WORK

Present: John Norris, County Engineer

Mr. Norris presented the above captioned contract and bond. He stated that the contract was for roadway improvements on selected roads in St. Mary's County and the bond in the amount of \$50,000 provided by the Selected Risk Insurance Co. Mr. Norris recommended that this contract and bond be approved.

Commissioner Dean made a motion to approve the bond and contract dated June 7, 1978 by and between the Board of County Commissioners and

James Raymond Woodburn to perform services as indicated above. Said contract is not to exceed \$50,000.00 and bond is in the amount of \$50,000, seconded by Commissioner Jarboe, All Commissioners present voted in favor of the motion.

BUSHWOOD CITY ROAD

Present: John Norris, County Engineer

Mr. Norris presented correspondence from the County Attorney stating that he has examined the Land Records regarding the determination of the location of the right of way to the Ellis property. He stated in said correspondence that he does not think that the problem is with the title but a survey problem. He stated that he was of the opinion that a survey would clarify and identify the center of the existing roadbed where it junctions with the Sacred Heart and Maddox Road and proceed from there with a transit survey, following the metes and bounds contained in the deed. Mr. Norris stated that he had contacted Free State Surveyors and they would perform a survey in order to clarify this situation, and Mr. Norris requested approval to expend not more than \$1,000.00 to have the necessary work performed. After discussion by the Board, Commissioner Jarboe made a motion to authorize Mr. Norris to expend not more than \$1,000.00 in order to have a survey performed to obtain the necessary boundary lines with regard to the Ellis Property/Bushwood City Road, seconded by Commissioner Dean. All Commissioners voted in favor of the motion.

HOLLYWOOD ROAD - ROUTE 245

Mr. Norris stated that a petition has been received from residents of the Hollywood Road requesting that a special taxing district be established. This was conveyed to the Commissioners for their information.

PATUXENT BEACH ROAD

The Commissioners informed Mr. John Norris that Mr. Aquino had appeared before them earlier in the day and he had explained that he was having drainage problems at his property. The Commissioners asked Mr. Norris to inform them of his knowledge of the situation. Mr. Norris stated that there was a drainage problem there, but that both the state and county highway departments have been there and he is of the opinion that this is a private property situation. Mr. Norris stated that drainage pipes have been installed, but the lay of Mr. Aquino's land is such that water will lay on his property. That the State and County can not correct the situation as this is the responsibility of Mr. Aquino. Mr. Norris told the Commissioners that he or someone in his office would visit the property in question to see if the drainage pipes are clear and to see if any of the water is coming from Patuxent Beach Road or Dick Clark road, and report back to the Commissioners his findings. He would also check on the signing and road repairs.

COUNTRY LAKES BONDING

The matter of personal bonding on Country Lakes versus Surety Bonds was discussed briefly by the Board.

Commissioner Jarboe made a motion to inform the developer of Country Lakes that phased recording, by sections of the subdivision would be acceptable, but that an acceptable bond - other than personal - would have to be posted prior to the recording of each section.

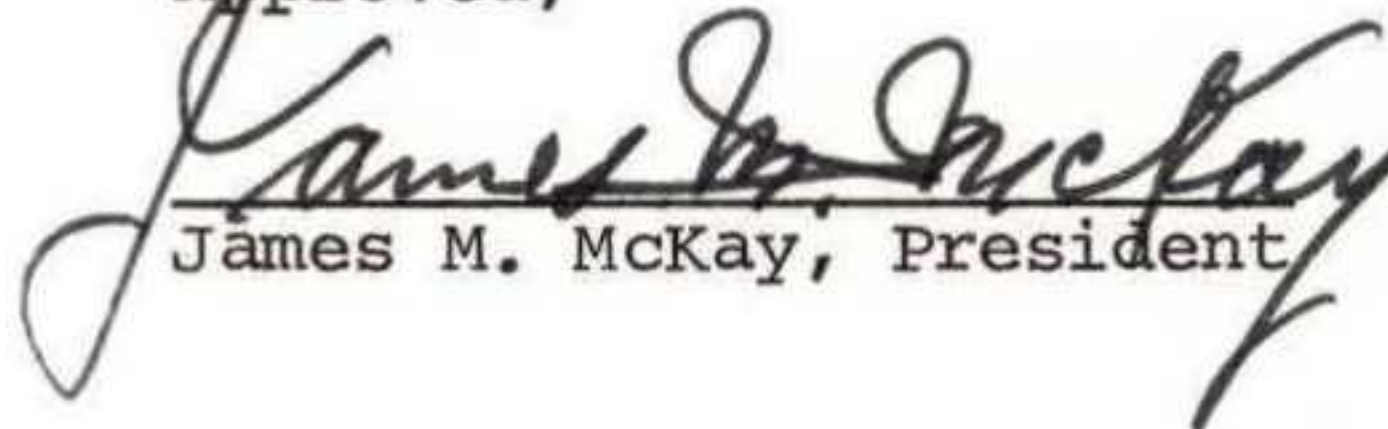
The Bond would have to be in the form of a Surety Bond, seconded by Commissioner Dean, All Commissioners voted in favor of the motion.

EXECUTIVE SESSION

The Commissioners agreed to meet in Executive Session in order to discuss appointments to Boards, Commissions and Committees. The session was held from 5:10 p.m. to 6:15 p.m.

The meeting adjourned at 6:15 p.m.

Approved,


James M. McKay, President