

BOARD OF COUNTY COMMISSIONERS' MEETING

Wednesday, June 21, 1978

Present: Commissioner James M. McKay, President
Commissioner Ford L. Dean
Commissioner J. Patrick Jarboe, M.D.
Commissioner Larry Millison
Commissioner John K. Parlett
Edward V. Cox, County Administrator
Judith A. Mullins, Recording Secretary

The meeting was called to order at 9:00 a.m.

READING AND APPROVAL OF MINUTES

The minutes of the County Commissioners' meeting of June 14, 1978 were read. Commissioner Jarboe moved, seconded by Commissioner Parlett, to approve the minutes as read. All Commissioners voted in favor.

COURT ORDER - DJ'S ONE STOP SHOP

Present: Frank Gerred, Director, Land Use and Development
Charles Mander, Attorney to Board of Appeals
John Pleisse, Attorney to Planning Commission

Mr. Pleisse explained the Court Order for Injunction ordering the Director of Land Use and Development to revoke all permits for DJ's One Stop Shop and that the owner, Mr. Samuel Bailey, Jr., is required to removed the fuel pumps and the pump island and seal the fuel tanks within 45 days of the Order unless an Appeal is filed. Mr. Pleisse stated that the County could appeal the Judge's decision in this matter, but the County's interest must be kept separate from Mr. Bailey's interest.

Mr. Gerred pointed out that the Judge's decision in this matter has an effect on the County's Zoning Ordinance with regard to changes in non-conforming uses and this may require a policy decision by the Board.

After discussing possible alternatives, including requesting clarity of this Order from the Judge, the Commissioners agreed to further discuss the matter at next week's meeting.

(Commissioner Dean left meeting - 10:00 a.m.)

ENCUMBRANCE VOUCHERS

Present: Harris Sterling, Director of Finance

Mr. Sterling presented the encumbrance vouchers for the Commissioners' review and approval. Commissioner Parlett moved, seconded by Commissioner Jarboe, to approve payment of the bills, as submitted, with the exception of Voucher No. 18171. All Commissioners present voted in favor.

Commissioner Parlett moved, seconded by Commissioner Jarboe, to approve payment of Voucher No. 18171. Three Commissioners voted in favor, with Commissioner Millison abstaining.

(Commissioner Dean returned to the meeting - 10:20 a.m.)

DIRECTOR OF BIG BROTHER/BIG SISTER PROGRAM (CONTRACT)

The County Administrator advised the Commissioners that the contract for the Director of Big Brother/Big Sister will expire at the end of June and by memorandum dated June 20, 1978, the Personnel Officer has requested an extension of this contract until LEAA Funds are received.

Commissioner Jarboe moved, seconded by Commissioner Parlett, to extend the Director's contract up to 60 days until the 1979 Grant funds are received. All Commissioners voted in favor.

BILLING FROM ATTORNEY DAVID S. FLEISCHAKER

The County Administrator presented bill from Attorney David S. Fleischaker for legal services relative to the Patuxent River Water Basin for the period of March 1 through the end of April 1978 in the amount of \$4,866.27.

Commissioner Parlett moved, seconded by Commissioner Jarboe, to approve payment in the amount of \$4,866.27 to David Fleischaker and further to approve the necessary Reserve for Contingency transfer. All Commissioners voted in favor.

SURPLUS PROPERTY - OLD LEONARDTOWN ELEMENTARY SCHOOL

The County Administrator advised that the County Attorney has established the legal requirements for the conveyance process of the Old Leonardtown Elementary School, which has been declared surplus by the Board of Education. After discussion of a long-term lease, the Commissioners directed the County Administrator to work with the Leonardtown Rescue Squad to develop a proposal for the Commissioners' review.

AGREEMENT (WILDEWOOD SUBDIVISION - RECREATIONAL LAND)

On behalf of the Director of Recreation and Parks, the County Administrator presented an Agreement dated May 16, 1978 by and between Paragon Builders, Inc. and the Board of County Commissioners of St. Mary's County for recreational area in the Wildewood Subdivision. Commissioner Parlett moved, seconded by Commissioner Jarboe, to approve said Agreement. All Commissioners voted in favor.

CETA GRANT AWARD - SUMMER YOUTH EMPLOYMENT PROGRAM

The County Administrator advised that the County has received a CETA grant award in the amount of \$64,092 for the Summer Youth Employment Program to provide for 67 positions. Commissioner Parlett moved, seconded by Commissioner Millison, to accept said CETA fund grant. All Commissioners

voted in favor.

PARTIAL RELEASE AGREEMENTS

The County Administrator stated that relative to the payment of economic impact fees, the County Attorney has developed a Partial Release Agreement, acknowledging receipt of the fee and thereby releasing liens from the property. The Commissioners directed the County Administrator to develop a Resolution for the Commissioners' signatures authorizing the Chief of Permits and Inspection to sign the Partial Release Agreements once the economic impact fees have been received.

PARTIAL RELEASE AGEEMENT
QUIET ACRES SUBDIVISION

With regard to the discussion concerning Partial Release Agreements, Commissioner Dean moved, seconded by Commissioner Parlett, that Commissioner President McKay be authorized to sign the Partial Release Agreement, by and between the Board of County Commissioners of St. Mary's County and Jennes C. Nelson, Jr. and Nonny E. Nelson, thereby acknowledging receipt of the economic impact fee for Lots 2,7 and 8 for Quiet Acres Subdivision, Fifth Election District. All Commissioner voted in favor.

OVERTIME FOR SHERIFF'S DEPUTIES IN CID UNIT

The County Administrator presented a request from the State's Attorney for payment of overtime for Sheriff's Deputies in the CID Unit for a total of 21 hours. Commissioner Jarboe moved, seconded by Commissioner Parlett, to approve the request for overtime payment. All Commissioners voted in favor.

INTERIM NOTIFICATION OF GRANT AWARD
TITLE VII - COMMISSION ON AGING

The County Administrator presented the Interim Notification of Grant Award for the Title VII Nutrition Program for Commission on Aging in the amount of \$62,305.

Commissioner Dean moved, seconded by Commissioner Parlett, to authorize the President of the Board to sign said Interim Notification. All Commissioners voted in favor.

CREATIVE ARTS SUMMER FESTIVAL

Present: Charles Hewitt
Burt Kummerow

The above individuals appeared before the Commissioners to bring them up to date with regard to the Summer Arts Festival and discussed the program being made on various programs at St. Mary's City including the Baltimore Symphony Orchestra. Mr. Hewitt displayed the Calendar of Events for the Festival and explained that they will be posted throughout the County.

In closing Mr. Hewitt stated he would provide the Commissioners with a Financial Report some time during the middle of the summer.

COMMENDATION

MRS. WINIFRED C. DIXON

Present: Mrs. Winifred C. Dixon
Mrs. Carol Pickney

The Commissioners presented a Commendation to Mrs. Winifred Dixon upon her retirement, for her many years of service to the Health Department.

PRESS CONFERENCE

Present: Sunny Schust, Enterprise
Jack Kershaw, Enterprise
Dave Fox, WKIK
Ingrid Beuhler, Beacon

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

PINEY POINT FACILITIES PLAN

Present: Mike Marlay, Director, Metropolitan Commission
Harry Knight, Metropolitan Commission
Steve King, Metropolitan Commission
Benjamin Beavins, Beavin Engineering Co.
William Fick, " " "

The above representatives from the Metropolitan Commission appeared before the Commissioner in order to brief them on the Piney Point Sanitary District Facility Plan and receive their comments and suggestions prior to the Public Hearing scheduled for July 6, 1978.

(Judith Mullins left the meeting at this time - 1:30 p.m.)

(Minutes are now being recorded by Alice V. Bailey)

PATUXENT BEACH ROAD

Present: John Norris, County Engineer
Mr. Dick Watson
Mr. Miller
Mr. Ken Boucher
Mr. Julio
Mrs. Hoyle
Mr. Wilbar
Mr. Williams
Mr. Picone

The above named persons appeared before the Board to apprise them of the drainage problem that is now existing in their area. They stated that

when it rains the water from the bridge eventually drains on their property, and in one case it has been so bad that the septic pipes on one individual's property have been uncovered. Mr. Williams who is located on Lot #1 stated that he is willing to give an easement through his property so that an underground pipe system could be installed. Mr. Boucher stated that Mr. Meehan of the State Highway Administration has been notified of the problem as well as Mr. Lacey of the St. Mary's State Roads Commission. It was also stated that the State of Maryland was to have placed a fence on the property of an individual so that the beach area would remain private. This has not been done and wanted the Commissioners to look into the matter. After discussion by the Board, Mr. Norris, County Engineer, was requested to contact the state to set up a meeting with Mr. Meehan and other interested persons in order to try and find an equitable solution to the drainage problem as well as the fencing.

AIRPORT-ASPHALTING OF RUNWAY

Present: John Norris, County Engineer

Mr. Norris stated that the asphaltting of the St. Mary's County Airport Runway is pending and that he has received a recommendation from the County Airport Committee to proceed with the project this season. He also stated that the specifications should be ready to go out on bids within a week or so and that the money for said project is budgeted and adequate, and at this time requested authorization to proceed.

Commissioner Dean made a motion to authorize Mr. Norris to prepare and bid the asphalt overlay project for the County Airport, seconded by Commissioner Jarboe. All Commissioners voted in favor of the motion.

FAIRGROUNDS ROAD (MAIN ENTRANCE TO FAIRGROUNDS)

Present: John Norris, County Engineer

Mr. Norris appeared to request that authorization to be given by the Board for the President to sign the plan and title sheet for the resurfacing of the road, correct drainage and side ditches.

Commissioner Parlett made a motion to authorize the President of the Board to sign the plans as submitted for the Fairground Road, seconded by Commissioner Jarboe. All Commissioners voted in favor of the motion.

BIDS ON PITCH IN PROGRAM SM 78-5-5

Present: John Norris, County Engineer

Mr. Norris presented the Bid Talley Sheet for the Pitch in Program. He stated that he had received three bids and recommended acceptance of the lowest bidder, that being, John H. Curtis for both the Northern and Southern areas of the county at \$275.00 per month (when pickup twice a week required) and at \$132.50 per month (when pickup once a week required) would be used.

Commissioner Jarboe made a motion to accept the recommendation of Mr. Norris

and to award the bid to John H. Curtis, seconded by Commissioner Parlett. All Commissioners voted in favor of the motion.

PROJECT NO. SM 78-1-7 RESURFACING OF APPROXIMATELY 60 MILES OF ST. MARY'S COUNTY ROADS

Present: John Norris, County Engineer

Mr. Norris presented bid talley sheet for the construction of approximately 60 miles of resurfacing work. He recommended the bid of Dean Construction in the amount of \$419,600.00, this being the lowest bid.

Commissioner Jarboe stated that he would vote for the awarding of the bid to Dean Construction but wanted the record to reflect that he has two brothers who are employed by Dean Construction and he did not feel that there would be a conflict of interest as this project had gone through the normal bid process and that the low bidder was being recommended.

Commissioner Dean stated that he would abstain from voting when the motion was made, due to the name of the construction company being "Dean".

Commissioner Parlett made a motion to award the bid to Dean Construction Company for project SM 78-1-7 in the amount of \$419,600.00 as recommended by Mr. Norris, seconded by Commissioner Millison. Four Commissioners voted in favor of the motion with Commissioner Dean abstaining. The motion carried.

LAUREL GROVE ROAD

Present: Mr. Norris, County Engineer

Mr. Norris stated that the Laurel Grove Road is now under construction and he is going to require some different procedures to keep the job moving. He stated that he would try and go through the regular requisition procedure with the County, but sometime it may be necessary to get additional materials immediately in order to keep the project moving and wanting the Board's concurrence at times to deviate from the normal requisition procedure. The Board gave their permission.

LAUREL GROVE MORGANZA ROAD SURVEY AND STAKE OUT WORK

Present: John Norris, County Engineer

Mr. Norris stated that a survey and stake out work is necessary on Laurel Grove Morganza Road and that J.R. McCrone has submitted a proposal not to exceed \$3,270 to do the necessary work. Mr. Norris recommended that J.R. McCrone do this work, and requested authorization from the Board to proceed.

Commissioner Parlett made a motion to authorize the County Engineer to have J.R. McCrone do the survey and stake out work on Laurel Grove Morganza Road not to exceed \$3,270, seconded by Commissioner Dean. All Commissioners voted in favor.

PATUXENT PARK SUBDIVISION DRAINAGE

Present: John Norris, County Engineer

Mr. Norris stated he has been receiving calls from individuals in the Patuxent Park subdivision stating that they wanted to know why one section was selected for sidewalks/curbing rather than another section. He stated that he had only \$40,000.00 and some areas could not be done, and wanted the Commissioners to know that this project hopefully would be completed at the end of next month. He also asked the Commissioners to go to the site next Wednesday at the noon hour to inspect this project.

COOPER CREEK

Present: John Norris, County Engineer

Mr. Norris stated that he wanted to inform the Commissioners that the dredging at Cooper Creek is ready to commence, but the area where the spoil area is to be located is in question. This is due to the fact one of the property owners is not willing to accept the spoil area and he is of the opinion that the project is going to be delayed.

ADDITIONAL HELP - ROAD INSPECTOR

Present: John Norris, County Engineer

Mr. Norris stated that the following projects are presently under construction: Health Department, Court House, ramp to Health Department sidewalk and curbing. Also, Dynard Road, Patuxent Park, Golden Beach, Flat Iron, Laurel Grove Morganza.

Up coming projects: Sign contract, Fairgrounds Road, Airport asphaltting, Nursing Home access Road and the surface treatment for the 60 miles of roads in St. Mary's County.

At this point Mr. Norris stated that he would require additional help for the inspection work. He stated that he had contacted Wilson Ballard and Company and to obtain this additional inspector. It would cost the county \$16.00 per hour, 15¢ a mile, \$18.00 per hour over-time and the county would have to pay the cost of living accommodations for the person if his request were granted. He also stated that he would need this additional person from July through October. After discussion by the Board, Commissioner Jarboe made a motion to authorize the County Engineer to obtain an inspector from the Wilson Ballard Co. at the above stated rate as well as the time frame for the purpose of road inspection, seconded by Commissioner Dean. All Commissioners voted in favor of the motion.

TOWN CREEK DRIVE

Present: John Norris, County Engineer

Mr. Norris stated that correspondence had been received from the Town Creek Garden Club requesting that his office reslope and prepare the entrance way of Town Creek Drive so that the Garden Club could commence landscaping. The Commissioners were in agreement with this request.

PARK PINE SUBDIVISION

Present: John Norris, County Engineer

Mr. Norris stated that Mr. Simon who is the owner of the Park Pine Subdivision which is located off 235 South of Lexington Park has requested a waiver of the road standards. After considerable discussion by the Board Mr. Norris was instructed that this request should go before the Planning Commission and TEC for review, and then make a recommendation back to the Board as to the waiver.

SPRING VALLEY

Present: John Norris, County Engineer

Mr. Norris stated that correspondence has been received from the Maryland National Bank with regard to a loan in the amount of \$45,00.00 for the completion of road work at Coronado Village. He stated that Mr. Casey would like the Board to lift the stop work order on this project and that the Board give authorization for Mr. McKay to release this order upon proper compliance with all agencies involved. After discussion Commissioner Dean made a motion that the President of the Board release the stop work order on Coronado Village based upon the receipt of a letter of credit that is satisfactory, a letter from the Soil Conservation Service that substantial sedimentation work has been completed, and a Public Works Agreement has been entered into and all of the above are acceptable by the President of the Board, Joseph E. Bell, County Attorney and John Norris, County Engineer, seconded by Commissioner Jarboe. All Commissioners voted in favor of the motion.

PATUXENT BEACH ROAD

Commissioner Jarboe stated that he wanted Mr. Norris to know that he had visited Mr. Acquino's property that was discussed at last week's meeting and he thought that a new pipe should be installed across the curb and when the pipe is put in to put it to grade. And, also would like Mr. Norris to ask the State Highway Administration to give serious consideration to moving the guardrail back. Commissioner Jarboe stated that he was of the opinion that there was ample room for moving the guardrail back. Also, to look in the matter of the sign on the corner being moved back as it was so close to the road.

SPECIAL TAXING DISTRICT WHALLEN AND CLARK'S LANDING ROAD

Commissioner Dean asked Mr. Norris if we were going to be able to meet the June 30, 1978 deadline for the Special Taxing Districts on Whallen and Clark's Landing Roads. Mr. Norris stated that he is in the process of meeting this deadline and will have the matter taken care of shortly.

(From this point the minutes were recorded by Judith A. Mullins)

WICOMICO SHORES PROPOSED REORGANIZATION PLAN

Present: William Chapman, Trustee
Charles M. Tatelbaum, Attorney (Wicomico Shores)
Mr. Mel Reed, President, Property Owner Association
Joseph E. Bell, II, County Attorney
Mike Marlay, Metropolitan Commission
Joseph O'Dell, Budget Officer
Frank Gerred, Director, Land Use and Development
John Norris, County Engineer

As a follow up to last week's meeting, the above individuals discussed with the Commissioners the various alternatives relative to the proposed Reorganization Plan for Wicomico Shores. The Commissioners indicated that a formal decision would be made on Wednesday, June 28.

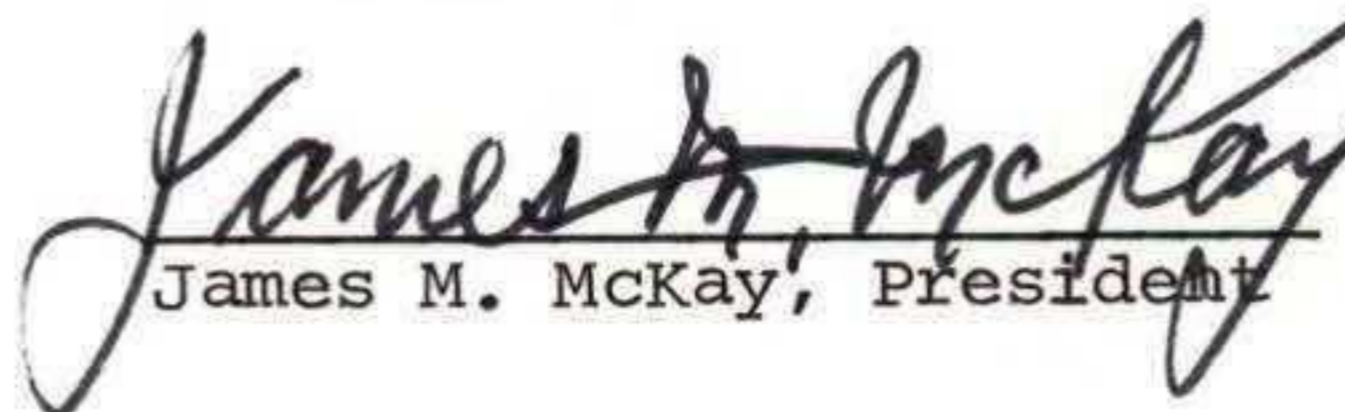
The Commissioners and appropriate staff, including the County Attorney will meet on Tuesday, June 27 at 8:30 a.m. to review a position paper prepared by Mr. Tattlebaum.

TAX BILLS - CONSTANT YIELD NOTICES

The Commissioners discussed H.B. 1911 and its mandate for the County to provide constant yield notices in conjunction with property tax bills. Consideration was given to complying with the spirit and intent of the law rather than exact adherence because of space limitations on the county data mailer tax bill. The Commissioners authorized Commissioner President McKay to resolve this matter with County staff.

The meeting adjourned at 6:00 p.m.

Approved,


James M. McKay, President