

BOARD OF COUNTY COMMISSIONERS MEETINGTuesday, May 29, 1973 and Wednesday, May 30, 1973

Present: Commissioner J. Wilmer Bowles, President
 Commissioner George R. Aud
 Commissioner J. S. Guy, Jr.
 Paul R. Raley, Administrative Officer
 Judith Mullins, Recording Secretary

Also present were Dick Myers, WKIK; Dave Fox, WPTX;
 Jack Kershaw, Enterprise.

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

READING OF MINUTES

The minutes of May 15-16, 1973 were read and corrected.

Commissioner Aud made a motion to approve the minutes of April 24-25, 1973 of the County Commissioners and the Board of Estimates, seconded by Commissioner Guy; Commissioner Bowles made it unanimous and signed same.

Commissioner Aud made a motion to approve the minutes of April 30, 1973 of the Special Meeting of the Board of Estimates (Board of Education Budget), seconded by Commissioner Guy; Commissioner Bowles made it unanimous and signed same.

Commissioner Aud made a motion to approve the minutes of May 1-2, 1973 of the County Commissioners and the Board of Estimates, seconded by Commissioner Guy; Commissioner Bowles made it unanimous and signed same.

Commissioner Aud made a motion to approve the minutes of May 8-9, 1973, seconded by Commissioner Guy and Commissioner Bowles made it unanimous and signed same.

COMPREHENSIVE WATER AND SEWAGE PLAN AMENDMENTS

A letter was received from State Department of Health and Mental Hygiene stating copies of the proposed amendments to the Plan must be submitted to the various Departments no later than three weeks in advance of the public hearing date if comments of these agencies are to be considered prior to adoption.

TRAFFIC PROBLEM AT ROUTE 243 AND BAYSIDE ROAD

A letter was recieved from Lt. Cumberland, Maryland State Police, enclosing a copy of letter to M's Jeanne L. Smith, in which he stated the traffic problem could be handled through mutual co-operation of all parties involved.

AIRPORT COMMITTEE

Elliott Burch, Sr. has accepted appointment to the Airport Committee.

ST. JOSEPH'S RECREATIONAL CENTER, INC.

A letter was received from Ernest Bell, II, stating St. Joseph's Recreational Center, Inc. is requesting to be exempted from paying real estate taxes. Paul Raley is to check with Mr. Weiner, County Attorney, on this matter, and give a copy of this letter to John Baggett, Director of Recreation and Parks for review and recommendations to the Commissioners.

CITIZENS ADVISORY COMMITTEE

A letter was received from Ford Dean resigning from the Tri-County Council Citizens Advisory Committee.

BILLS APPROVED

The following bills were unanimously approved by the County Commissioners:

Assessors Office, dated May 14, 1973, for Assessors Spring Conference - \$257.70;

American Society for Public Administration, No. R3439, dated May 9, 1973, for Recruiter listings for Budget Officer and Director of Administration - \$60;

David M. Gruber & Company, dated May 21, 1973, partial billing - estimated basis, updating and running of Assessment rolls - \$7,500.

BOARD OF LIBRARY TRUSTEES

Commissioner Aud made a motion that Commissioner Bowles be authorized to sign the Statements of Confirmation of local funding for the Libraries: June 1972 - \$39,542.00; January 1973 - \$39,542.00 and \$7,037.00 for incentive fund. These amounts are covered in the 1972-73 budget. Commissioner Guy seconded the motion and Commissioner Bowles made it unanimous and signed same.

REQUEST FOR ZONING OF ST. MARY'S COUNTY

A letter was received from Dorothy Shannon, President of National Association of Retired Federal Employees, presenting to the Commissioners a Resolution requesting prompt action to zone St. Mary's County.

Commissioner Guy requested Paul Raley to inform Mrs. Shannon of the development of our Land Use Plan and encourage their attendance at the meetings.

INSPECTION OF PROPERTY OWNED BY JOHN M. SHEPARD

Present: Thomas L. Cryer, County Inspector

Mr. Cryer stated after he issued the warrant for a building violation, Mr. Shepard informed him that he did obtain a building permit in 1970. He had five years to complete the building.

TRADERS LICENSES

Present: Thomas L. Cryer, County Inspector

Commissioner Bowles requested Mr. Cryer to inspect places of business throughout the County to see if traders licenses have been obtained. The deadline for obtaining a license is May 1; however, there is no penalty for 30 days thereafter.

AIRPORT COMMITTEE

Commissioner Aud made a motion to appoint Robert Gabrelcik as Chairman of the Airport Committee for a term of one year beginning July 1, 1973 through June 30, 1974. Commissioner Guy seconded the motion and Commissioner Bowles made it unanimous.

BIDS ON 3/4 TON TRUCK

Present: John Norris, Assistant County Engineer

Mr. Norris stated Bell Motor Company agreed to reduce the amount of the bid he would need for the truck which would be equivalent of the difference between the new body. This is acceptable to the next lowest bidder, McKay Implement and Truck Co. The difference between the two bids is the difference between the two bodies. \$4,000 is the bid figure from Bell Motor Company instead of \$4,040. John Norris recommended the bid for the maintenance truck for the landfill operation be awarded to Bell Motor Company. It was unanimously decided by the Commissioners to award the bid to Bell Motor Company.

BILLS APPROVED

Present: John Norris

The following bills were unanimously approved by the County Commissioners:

D & M Research Company, dated May 8, 1973, for engineering services for Piney Point Recreational Area - \$300;

Southern Maryland Wood Treating Corp., Invoice No. 13024, dated May 16, 1973 for work supplies at Tall Timbers - \$187.20;

Southern Maryland Wood Treating Corp., Invoice No. 13063, dated May 23, 1973, for work supplies at Tall Timbers - \$234.11;

Keuffel & Esser Co., Invoice No. 4048826, dated March 23, 1973, for plat cabinet with lock device - \$407.77.

NORRIS ROAD HOUSING PROJECT

Present: John Norris

Mr. Norris said he has been in contact with a representative from F. M. O'Neal, contractor for the Norris Road Housing Project and the units stored at the project site were stamped and certified by the State. F. M. O'Neal will be providing our office with certificate numbers for each of the units.

ANGELOS C. DEMETRIOU CONTRACT

Present: Robert Willard, Planning Director

Mr. Willard stated he had reviewed the Demetriou contract and felt there was some difficulty with the final land use plan as to specific parcel zoning or concept planning.

Commissioner Bowles said we are looking for a land use plan that would protect the environment, give direction to good economics and orderly growth of St. Mary's County, also meet the requirements of the State law and guidelines of the State Planning Commission and HUD.

Mr. Willard said there is a \$7,000 fee for development of subdivision regulations and zoning and he felt the money could be held onto for use in other ways by Mr. Demetriou.

CHAIN LINK FENCE FOR CONTROL CENTER

Present: Otis Wood, Director of Civil Defense

Mr. Wood said he received a price of \$1065 from B and J Nursery for a chain link fence around the vent shaft at the Control Center and was unable to obtain other bids. \$800 was budgeted and the Federal Government would pay half of the \$800 and now Mr. Wood is to determine if they will pay half of the \$1065. The Commissioners were in unanimous agreement to give the bid to B and J Nursery.

RADIO FOR SECOND DISTRICT RESCUE SQUAD

Present: Otis Wood

The radio for the second district rescue squad was approved in the amount of \$776.75.

RETIREMENT SYSTEM

Present: Harris Sterling, Finance Director

Mr. Sterling said he received a memorandum from the State requesting that all regular non-merit system personnel go on the retirement system. The only other way would be a contract. This would involve seven caretakers and a switchboard operator. Mr. Sterling is to develop the contract for the Commissioners' review and give the employees a choice.

REVENUE SHARING FORM FOR CENSUS BUREAU

Present: Harris Sterling, Finance Director

Commissioner Guy made a motion that Commissioner Bowles be authorized to sign Form No. RS-12, General Revenue Sharing Adjusted Tax Survey, seconded by Commissioner Aud and Commissioner Bowles made it unanimous and signed same.

BIDS ON TRASH COLLECTION

Present: John Baggett, Director of Recreation and Parks

Mr. Baggett stated bids were opened May 22 for trash collection at recreational sites. Bids were as follows:

Buddy's Disposal Service	- Chaptico and Bushwood	- \$160 (4 mo. period)
John H. Curtis, Sr.	- Chaptico and Bushwood	- \$240 (4 mo. period)
John V. Curtis & Son	- Piney Point & Smith's Creek	- \$240 (4 mo. period)
Greater St. Mary's Disposal	- Piney Point & Smith's Creek	- \$520 (4 mo. period)

John Baggett is to return to the Commissioners next week for the bids to be awarded.

Only one bid was received for portable toilets at the following boat launching sites - the bid was from Banagan's Septic Service:

Piney Point	\$ 70 per month
Bushwood	60 per month
Smith's Creek	<u>100</u> per month
	\$230 per month (total)

No bid was awarded at this time. John Baggett is to return next week with his recommendations. The Commissioners requested John Baggett to determine other recreational sites that need trash collected. He is to make a list of public sites setting forth whether county owned or not (by use or Deed) and improvements needed.

LAUREL GROVE PROPERTY (MAZIE L. GRAVES)

Present: John Baggett

Commissioner Guy made a motion to accept and have Commissioner Bowles sign the Program Application on Laurel Grove property, seconded by Commissioner Aud and Commissioner Bowles made it unanimous and signed same. John Baggett stated he was advised by Mr. Weiner, County Attorney, that the original option was in order and binding.

JAY LAURENCE MILLISON - ZONING HEARING

Present: Jay Laurence Millison
Dave Williams, Attorney

On May 23, 1973, the Planning Commission approved the rezoning of land located on the southside of Maryland State Route 235 in the vicinity of the Esperanza Shopping Center from existing "manufacturing, commercial, agricultural and A-Residential" to "Commercial". Mr. Millison requested approval for this rezoning from the County Commissioners. The area to be rezoned consists of 32.45 acres of land. There were no protestants present.

The Commissioners will review this request and advise Mr. Millison at a later date.

JOHN AND HILDEGARD T. CLIFFORD

Present: John Clifford
Willis Ennis (prospective buyer of Clifford property)
James Kenney, Attorney

Mr. Clifford requested approval from the Commissioners to have land consisting of 22 acres, located in the eighth election district on the west side of Willows Road, approximately 3/4 of a mile south of the intersection of Shangri-la Drive and Willows Road, rezoned from "Agricultural" to "C" Residential. Decision by the Planning Commission was deferred until sufficient information had been received concerning whether the land in question was within or outside the AICUZ Zone of the Naval Air Station. Mr. Kenney stated a letter was received from Captain T. J. Kilcline stating the property lies outside the AICUZ area.

Mr. Kenney said the property had originally been designated for higher use than Agricultural. Cluster-type housing,

which has been indicated for the future, is planned for this land. Mr. Ennis displayed a model of the proposed apartment housing project. The project will be garden-type rental units with no more than three floors and will average over 1,000 square feet per unit. Fire retardant paint and lumber is planned for around the heating units and the laundry and storage areas will have sprinklers.

There were no protestants present.

The Commissioners will review this request and reply to Mr. Clifford at a later date.

SECRETARY "B" FOR COMMISSIONERS' OFFICE

Commissioner Guy made a motion to accept the recommendation of Paul Raley to hire Barbara Dotson to the position of Secretary "B" in the Commissioners' Office, subject to a six-month probationary period, effective this date, seconded by Commissioner Aud and made unanimous by Commissioner Bowles.

CHANGE OF DAY FOR PRESS CONFERENCE

In order to be equally fair to all news media, the Commissioners unanimously agreed to change the Press Conference from Tuesday to Wednesday.

The meeting recessed at 5:05 p.m.

Wednesday, May 30, 1973

Present: Commissioner J. Wilmer Bowles, President
 Commissioner George R. Aud
 Commissioner J. S. Guy, Jr.
 Paul R. Raley, Administrative Officer
 Judith Mullins, Recording Secretary

Also present were: Patty Muchow, Beacon; Dave Fox, WPTX; Sunny Schust, Enterprise; Pat Bresslin, WKIK.

The meeting reconvened at 10:00 a.m.

IMPORT-EXPORT TERMINAL

Present: Oliver Guyther, Attorney
 Kent Boucher)
 James Stencil)
 Gordon Lindner) Patuxent Beach Citizens' Association
 Edward LeFaivre)

Mr. Guyther came before the Commissioners to inquire as to whether they have received any reaction to his proposal for an import-export terminal. Mr. Guyther said other states on the East

Coast have been receiving inquiries for this type of facility, and time is rather important for St. Mary's County whether we want this type of industry. It would increase the tax base and offer job opportunities. Mr. Guyther said he was reluctant to file an application with the Army Corps of Engineers until he received some expression from the local government. He requested conditional approval based on conditions such as approval from Maryland State Health Department, Army Corps of Engineers, etc. If all approvals were received by January 1, 1974, construction could not begin until January 1975. Mr. Guyther said he was aware people are concerned about pollution possibilities. With all the safeguards agencies are going to impose the County would be protected against some of these possibilities. Mr. Guyther said he had been asked why this project was proposed for the Patuxent River and not the Potomac or Bay, and Mr. Guyther said there is not 90 feet of water available this close to shore.

Commissioner Guy stated six letters had been received opposing the project. Throughout the community there has been a favorable response. People can hope that what they see is what they can believe in. There is still doubt in their minds. Commissioner Guy said the public is taking a wait-and-see attitude. If they cannot stop the project they will stop any pollution generated from the project.

Mr. Guyther said approval would be sought on the basis of no manufacturing of any product, no liquid cargo - nothing but assembly and storage of a completed product.

Commissioner Bowles requested Mr. Guyther to appear before the legislative delegation and have them send letters to the Commissioners setting forth their positions on this project. Mr. Guyther said Delegate Briscoe is opposed to the project at the proposed location; however, he will request the legislators to forward letters to the Commissioners.

Commissioner Bowles stated he had observed the storage of automobiles in fields in the Baltimore and Washington areas. Mr. Guyther said they would be stored on decent parking lots but in the open.

Mr. Guyther said in answer to Commissioner Guy's question at the last meeting concerning a buffer zone, the trees lined around the property will remain and provide a buffer zone at Cuckold Creek. There will also be a beach for the use of the employees and their families.

Commissioner Guy stated the Commissioners are concerned about a project of this magnitude because it will change the character of the community and the character of the highway system in and out of St. Mary's County and also change the character of the waterways. Many problems can be generated from this project. The Commissioners have heard the good side of the project and the other side should be heard. Mr. Guyther suggested a public debate.

Commissioner Bowles asked about the purchase lease back agreement he had mentioned at the last meeting and Mr. Guyther said Mr. Buckley, owner of the project, has not returned from Ireland, but will discuss it when he returns in June.

INDIAN CREEK ESTATES

Present: Oliver Guyther
William A. Chapman

Mr. Guyther stated he would not be able to comply with the request set forth in Paul Raley's letter of May 4; however, he requested that Indian Creek Estates be exempted from the Commissioners' road policy of December 26, 1972 if he would do the following:

(1) Obtain additional width on the North side of Oaks Cooksey Swamp Road to insure a minimum of 60 foot width leading from Lot No. 115 in said subdivision and running parallel to and with the Oaks Cooksey Swamp Road to the intersection of said road and State Route 5.

(2) Construct said road in accordance with specifications developed by the Assistant County Engineer.

(3) Provide the County with a surety bond to insure construction of said road.

BIDS ON CONSTRUCTION OF ST. ANDREWS CHURCH ROAD

Present: Steve Uhler, Regal Construction
Dale Grace, Regal Construction
John Norris, Assistant County Engineer

The following bids were received on the construction of St. Andrews Church Road:

Dean Construction	\$472,212.90
Regal Construction	\$467,452.50

John Norris is to review the bids and check the unit prices with the totals and submit it to the State Highway Administration.

OPENING OF BIDS ON INVESTMENTS

Present: Harris Sterling, Finance Director
Carolyn Hoopengardner, Maryland National Bank

Bids on investments were received as follows:

	<u>\$200,000 (Road 60 days funds)</u>	<u>\$300,000 (Gen'l 90 days funds)</u>
Maryland Bank and Trust	7.13%	6.75%
First National Bank	7-1/8%	7-1/8%
Maryland National Bank	7.01%	7.05%

Commissioner Aud made a motion to award the \$200,000 Road Funds to Maryland Bank and Trust at 7.13%, seconded by Commissioner Guy and made unanimous by Commissioner Bowles.

Commissioner Aud made a motion to award the \$300,000 to First National Bank at 7-1/8%, seconded by Commissioner Guy and made unanimous by Commissioner Bowles.

TRAILER OWNED BY HARVEY THOMPSON

Present: Thomas L. Cryer, County Inspector

Mr. Cryer stated Mr. Thompson had applied for a building permit on Friday for storage of his trailer.

CHANGE OF DAY FOR PRESS CONFERENCE

Present: Patty Muchow, Beacon
Dave Fox, WPTX
Sunny Schust, Enterprise

Commissioner Bowles informed the members of the Press that the Press Conference would be changed from Tuesday to Wednesday in order to be fair to each member of the news media, effective the June Press Conference. Sunny Schust stated that the Enterprise would be opposed to such a change.

SOTTERLEY MANOR

Present: Kenneth Sumner, developer of Sotterley Manor
Severn Tingle, Mr. Sumner's Associate
Albert Focer, Lorenzi, Dodds and Gunnill

Mr. Sumner stated he had spoken with Mr. Al Tate, District Engineer, State Highway Administration, and that the procedure to make Vista Road a state road is a legal procedure and the request must come from the County Commissioners to Mr. Tate that this should be looked into. After such a letter is received, it would be a relatively minor adjustment in the State Road records and the procedure would take about three months. Mr. Sumner said if it is not made a state road, he would still be interested in proceeding with the development of Sotterley Manor. Many delays have been experienced and the Health Department had said they could not do a perc test because of the 20 lot policy on County roads. Commissioner Bowles said the Health Department cannot refuse to do any perc tests because of the 20 lot policy. The decision for running perc tests is the Health Department's - not the County Commissioners.

Mr. Sumner said he would contribute to the repair of County roads at \$100 per building permit. As more traffic is generated because of the project, this would generate money to pay for the increased impact of traffic.

If Vista Road is deteriorated because of heavy equipment the road would be improved in the same condition prior to construction. Mr. Sumner said he would like to dedicate 10 feet of additional right-of-way to the County. Also, if the County wanted a lien against the property, he would be agreeable to this.

The Commissioners said they would consider this request and advise him at a later date.

DOC'S LANDING

Present: Louis Forrest
Joseph Weiner, County Attorney

Mr. Forrest said his grandfather gave the land located on St. Jerome's Creek, and it has always been used as a public landing. Recently the property around it has been sold and a fence has been put up. Paul Raley stated it has been known and used as a public landing and is unofficially listed as a public landing. The County has no Deed to the property; therefore, it would have to go to court and get a declaratory judgment on it. Paul Raley said the landing has been used for 80 years. Mr. Forrest said he did not want to go to court for something he did not own. Commissioner Aud suggested that the County purchase the land adjacent to the landing from Dick Pulliam and put a boat ramp at that location. Paul Raley is to request John Baggett, Director of Recreation and Parks to look into this.

SECURITY FOR DISTRICT COURT

Present: Judge Sterling, District Court

Judge Sterling appeared before the Commissioners to request a Sheriff's Deputy be present while court is in session - about 20 hours a week. The State would pay for the twenty hours. Judge Sterling said he had spoken with the Sheriff and the Sheriff had expressed willingness to do this if he had the manpower. He would need an additional full-time deputy.

The Commissioners were in agreement that a Deputy should be provided for the District Court and they would discuss this with the Sheriff at next week's meeting. Paul Raley is to obtain information from Harris Sterling as to the average hourly rate of a deputy.

The meeting adjourned at 3:30 p.m.

J. Wilmer Bowles 6/27/73
J. Wilmer Bowles
President