

BOARD OF COUNTY COMMISSIONERS' MEETINGTuesday, December 11, 1973

Present: Commissioner J. Wilmer Bowles, President
 Commissioner J. S. Guy, Jr.
 H. D. McGlade, Director of Administration
 Edward V. Cox, Chief Clerk
 Judith A. Mullins, Recording Secretary

The meeting came to order at 10:00 a.m.

READING OF MINUTES

The minutes of December 4, 1973 were read and corrected.

VOUCHERS APPROVED

Commissioner Guy made a motion to approve Vouchers No. 6478 through 6743, dated November 5, 1973 through November 30, 1973, seconded by Commissioner Bowles.

BIDS ON INVESTMENTS

Present: Harris Sterling, Finance Director

Harris Sterling stated he requested and received bids for the investment of \$1,200,000; however, additional expenses required him to utilize \$100,000 and, therefore, the bid was awarded in the amount of \$1,100,000. Mr. Sterling stated he requested bids on December 5 and bids were opened December 7 in the presence of Harris Sterling, Paul Raley, Edward Cox, and H. D. McGlade. Bids were as follows:

First National Bank	8.65%
Maryland National Bank	8.27%
Maryland Bank & Trust	8.00%

Mr. Sterling stated the bid for the investment of \$1,100,000 was awarded to First National Bank, the highest bidder, at 8.65% and the Certificate of Deposit was purchased. Commissioner Guy made a motion to accept and ratify Harris Sterling's action in awarding the bid, seconded by Commissioner Bowles.

(Commissioner Aud entered the meeting.)

PRINTING OF COMPREHENSIVE LAND USE PLAN

Mr. McGlade made the following statement regarding the printing of the Comprehensive Land Use Plan:

"On December 5, I received a call from Leon Etzler, State Planning Department, informing me that the State would be unable to print, in accordance with earlier arrangements,

our Comprehensive Land Use Plan and deliver on target date, December 24. He informed me that machinery breakdown and other priority workload had forced the State to indicate that we would not be able to receive the printed documents until mid-January at the earliest. I requested Mr. Etzler to get the State to see if there could be some arrangements made to hire commercial equipment to cover their machinery breakdown and give us a better date. He indicated that he would get back to me with the results. I also contacted Mr. Angelos C. Demetriou and asked his firm to get estimates for local printing by them in lieu of the State and such printing to be on a priority basis that would let us maintain our target dates. Later that afternoon and early the next morning, I was informed by Mr. Etzler that local printing would be on the order of \$1,400 to \$1,600 and that the State would share 50% of this cost and that the State could not make any alternate arrangements for advancing our mid-January estimated date. I contacted Mr. Bowles by telephone at the Airport in Seattle, Washington and explained the problem and secured his verbal approval to proceed with local printing on the basis of 50% cost to the County and 50% to be borne by the State. This morning Mr. Demetriou informed me that we will have the Volume I, ie, the Comprehensive Land Use Plan, less the Lexington Park section for distribution early the week of December 17, which is in advance of our established target date and that he will be publishing the Lexington Park section, promptly, as soon as notice to do so is given him."

Mr. McGlade said he would like confirmation of the verbal approval with Mr. Bowles.

Commissioner Guy made a motion to concur in this action, seconded by Commissioner Aud and made unanimous by Commissioner Bowles.

APPROVAL OF MINUTES

Commissioner Aud made a motion to approve the minutes of October 30, 1973, seconded by Commissioner Guy and made unanimous by Commissioner Bowles who signed same.

Commissioner Aud made a motion to approve the minutes of November 6, 1973, seconded by Commissioner Guy and made unanimous by Commissioner Bowles who signed same.

Commissioner Aud made a motion to approve the minutes of November 13, 1973, seconded by Commissioner Guy. Due to the absence of Commissioner Bowles at the November 13 meeting, Commissioners Aud and Guy signed said minutes.

Commissioner Aud made a motion to approve the minutes of November 20, 1973, seconded by Commissioner Guy and made unanimous by Commissioner Bowles, who signed same.

PINEY POINT WATER COMPANY, INC.

Mr. McGlade presented a letter and Resolution from the Metropolitan Commission pertaining to the purchase of the Piney Point Water Company by the Metropolitan Commission. The Metropolitan Commission requested the Commissioners to advance \$20,000 to the Metropolitan Commission to purchase said water company.

The Commissioners requested that Mr. Weiner, County Attorney, come to the meeting to determine if the Commissioners can legally advance these funds. Mr. Weiner entered the meeting and stated that Section 161 of the 1973 Supplement to the County Code authorizes the County Commissioners to advance funds up to \$100,000 for the design, construction, establishment, purchase or condemnation of water supply, sewerage and drainage systems in any of the sanitary districts.

Commissioner Aud made a motion authorizing the advancement of \$20,000 for the purchase of all real and personal property of the Piney Point Water Company, including but not limited to, the well pump house, the 25,000 gallon water tank and the sewage treatment plant, including all water mains, valves and hydrants connected to the water and sewer system now maintained and operated by the Piney Point Water Company and including the franchise. Commissioner Guy seconded the motion and Commissioner Bowles made it unanimous.

Ed Cox is to prepare a letter to the Metropolitan Commission setting forth the approval of the \$20,000 for Mr. Weiner's review and the Commissioners' approval.

FINANCIAL DISCLOSURE BILL

Present: Mr. Joseph Weiner, County Attorney

The Commissioners requested Mr. Weiner to prepare a Resolution for the Commissioners' signature setting forth what would be required by all elected officials and appointed officials in connection with the Financial Disclosure Bill.

ST. CLEMENT'S SHORE SEWAGE PROJECT

A letter was received from the Metropolitan Commission stating that they would undertake a study of the sewage problem at St. Clement's Shores, employing its own engineering consultant and make recommendations to the County Commissioners. This study would not exceed \$10,000, which they requested from the Commissioners upon concurrence of this course of action.

Ed Cox is to contact Barton Aschman to determine the cost for this service and whether this study could be a part of their services proposed to the Commissioners at their meeting of November 27, 1973.

RAILROAD RIGHT-OF-WAY STUDY

Ed Cox is to contact Barton-Aschman requesting a formal statement of their position concerning the railroad right-of-way study, so that said study can get underway.

NUTRITION PROJECT - COMMISSION ON AGING

Mr. McGlade and Mr. Cox have met with a group from Charles County and County Extension personnel to discuss the nutrition program for residents 60 years of age or older. Mr. Cox stated there will be a meeting on December 13 to determine if there are any volunteers for this project and if not the program would have to be "tabled" or they would have to consider an alternative. Mr. McGlade reported that \$3,000 would be needed to get the program started in addition to the initial \$3,000 for the administrative costs.

SCHOOL CONSTRUCTION - BUILDING AND PLUMBING ORDINANCE FEES

Dr. King forwarded a letter to the Commissioners requesting that all future school construction projects be exempt from building and plumbing ordinance fees. Mr. McGlade is to draft a letter to Dr. King stating that the Commissioners do not have the authority to make this exemption.

PURCHASE OF PROPERTY ADJACENT TO ST. MARY'S COUNTY AIRPORT

Commissioner Guy made a motion that the County negotiate the purchase of the property consisting of 4.23 acres adjacent to St. Mary's County Airport and presently owned by Taylor Marshall on the basis of the November 24, 1973 letter received from Tidewater Realty. Commissioner Bowles seconded the motion. Commissioner Aud abstained.

PRESS CONFERENCE

The Commissioners unanimously agreed that the December Press Conference should be held Thursday, December 20 at 11:30 a.m.

HERMANVILLE ROAD

Present: John Norris, County Engineer

Commissioner Aud made a motion that the Commissioners sign the plan and profile of the proposed Hermanville Road, County Road No. 33520, seconded by Commissioner Guy and made unanimous by Commissioner Bowles.

BILLS APPROVED

The following bills were unanimously approved by the County Commissioners:

Margaret Childs for 22 hours Compensatory Time - \$80.30;

States Attorney, dated December 10, 1973 for special investigation of narcotic cases - \$600.00.

YOUTH COMMISSION - TRANSFER OF FUNDS

Mr. Cox requested that an electric typewriter be purchased for the secretary in the County Engineer's Office, who is also doing the secretarial work for the Youth Commission. Mr. Cox also requested an expenditure in the amount of \$350 be allocated for the preparation of a Youth Survey which will be administered to all public and private school students, grades 9 through 12 to assist agencies and organizations working with youth to more effectively plan and administer programs. Mr. Cox recommended that funds for the above be transferred from salary funds allotted for the position of a Clerk Typist for the Youth Commission, which has not been filled, to Operation Expenses. Commissioner Aud made a motion to accept Mr. Cox's recommendations, seconded by Commissioner Guy and made unanimous by Commissioner Bowles.

BOARD OF EDUCATION CONSTRUCTION PROGRAM - HOUSE PUT OUT ON BIDS

Commissioner Guy made a motion that Commissioner Bowles sign the Deed between the County Commissioners and Jack E. Green, purchaser of the property conveyed by the Board of Education by Deed dated August 14, 1973 to the County Commissioners. Commissioner Aud seconded the motion and Commissioner Bowles made it unanimous and signed same.

APPLICATION TO THE WATER RESOURCES ADMINISTRATION FOR PERMIT

Notice of Application for Permit to the Water Resources Administration to appropriate and use an average of 1,600,000 gallons of surface water per day and a maximum of 3,360,000 gallons in any one day during twelve months of the year from St. Jerome Estuary. Said application was made by R. H. Wise and William H. Pulliam, Lexington Park, Maryland. The Commissioners agreed that no permit should be issued until such time as the Commissioners can obtain more information as to what is being pursued and they have an opportunity to review it. Ed Cox is to forward a letter to Water Resources expressing the Commissioners' concern and position.

FARMERS HOME ADMINISTRATION - COMMUNITY FACILITIES

Present: Bill Groome, County Supervisor, FHA

Mr. Groome came before the Commissioners to bring them up to date of the programs in Community Facilities of the FHA. He presented a Fact Sheet concerning loans by FHA for the development of community facilities for public use in rural areas and towns up to 10,000 people. Mr. Groome presented another Fact Sheet concerning business and industrial loans. In addition he presented information in connection with grants for facilitating development of private business enterprises.

The Commissioners questioned whether the Nursing Home project and the proposed Developmental Center for the Mentally Retarded would be eligible. Mr. Groome said he would look into this possibility.

LAND O' LAKES SUBDIVISION

Present: George Arvanites, Developer
Oliver Guyther, Attorney

Mr. Arvanites came before the Commissioners to request their consideration to make this project a private subdivision with private streets and private recreation area. The project, consisting of 360 acres with an estimated 120 homesites, is located in the Sixth Election District, Clover Hill Road, adjacent to the Gillens Grove Subdivision. 15% of this property will be set aside for open space and recreation. He proposed that there will be three separate ponds on the site or one large 19 acre lake.

Mr. Arvanites said he would like for this to be a private subdivision in order to keep the streets and recreation area closed to the public and the upkeep of each would be the responsibility of the land owners, after a sufficient amount of land sales had been achieved. Commissioner Bowles mentioned the possibility of the County having to take over the recreation area which would not be desirable. In addition, Commissioner Bowles mentioned that public transportation such as school buses would not be allowed in the private subdivision which may cause problems.

Mr. McGlade stated there is a possibility that this property is located in a potential flood zone area and if so this would create problems for the purchasers of the lots in obtaining financing for the construction of homes through FHA or VA. Mr. Guyther stated this was something they had not thought of and was a good point.

Mr. Guyther said if it is a private subdivision with private streets and recreational area, restrictions and covenants would be included in the Contract of Sale and Deed of Conveyance in the sale of each lot stating that the responsibility of the streets and recreational area would be the responsibility of the association of the property owners.

OPPOSITION TO STEUART PETROLEUM REFINERY

Present: Trueman Haskell, Potomac River Association
Patrick Wm. O'Donnell, Potomac River Association
Mary L. Jansson, Potomac River Association
John Kirby Blakeley, Potomac River Association
J. O. Koegel, Potomac River Association
Helen Shaffer, Potomac River Association and
Piney Point Citizens Association
Edward E. Linskey, Piney Point Citizens Association
Clarence Shaffer, Piney Point Citizens Association
David Sayre, St. Mary's Waterman Association
Jean and Frank Waikart, Piney Point Citizens Assoc.

Mr. Haskell expressed concern over the reissuance of the building permit to Steuart Petroleum. He further stated that the Commissioners stop construction of subdivisions because there is no provision for water and sewage, and yet a building permit was issued to Steuart and Mr. Haskell specifically referred to the Kitts Point Project.

Commissioner Bowles stated that the Kitts Point Project required a point of discharge for a sewage treatment plant. The Commissioners had the authority to hold public hearings to determine whether or not an additional point of discharge should be issued. The sewage point of discharge for the Piney Point area has already been established and is already included in the Comprehensive Water and Sewage Plan. Commissioner Bowles stated that to the best of his knowledge the point of discharge for industrial waste would be under the authority of the Department of Water Resources and not the County Commissioners. The Commissioners have requested a written legal opinion from our Attorneys, Weiner and Davis, as to what our legal authority is in these matters.

In the matter of the building permit issued to Steuart, Commissioner Bowles explained the sequence of events leading up to the revoking of the permit and upon advice of the County Attorneys, Weiner and Davis, later reissued the permit, but for the foundation only.

Mr. Koegel asked what would be the role of the County Commissioners concerning the proposed refinery. Commissioner

Guy stated the Commissioners would determine through Weiner and Davis what legal rights the Commissioners have with the development of the refinery.

Mrs. Jansson expressed the opinion that the area of the location of the Steuart refinery should be rezoned to industrial.

Mr. Haskell requested the Commissioners to take a strong position and request Governor Mandel not to waive the public hearings on this project.

Commissioner Bowles suggested that this request should be made of the Senator and Delegates since the authority was granted the Governor by the Legislators.

Commissioner Guy said he had talked to Leonard Steuart and was told that Steuart would draw water for 30 days from a well in the amounts that would be used by a refinery and monitor and if they find there are problems then they would be required by the State to find another source of water.

David Sayre expressed concern of oil spillage from ships transporting the oil.

NURSING HOME PROJECT

Present: Chauncey Karstens, Chairman, Building Committee
Virginia Thomas, Director
Beth McCoy, Board Member
Bruce Dunham, State Health Department
Harry Adreon, Architect

Mr. Karstens stated the Nursing Home is requesting \$32,000 from the County Commissioners in addition to the \$100,000 that is budgeted for the addition and renovation to the Nursing Home. Commissioner Aud made a motion to approve the expenditure of up to \$32,000 additional funds, seconded by Commissioner Guy and made unanimous by Commissioner Bowles. This action will authorize Mr. Adreon to proceed with the architectural drawings. A follow-up letter will be forwarded to Mr. Adreon.

Mr. Dunham will forward a letter to the County Commissioners stating that funds in the amount of \$82,000 will be available through Hill-Burton Funds.

RESOLUTION NO. 73-38 ROAD POLICY

Present: John Norris, County Engineer

Commissioner Aud made a motion to adopt Resolution No. 73-38 Road Policy, effective December 11, 1973, seconded by Commissioner Guy and made unanimous by Commissioner Bowles.

HEAVY EQUIPMENT OPERATOR II

Present: John Norris, County Engineer

John Norris stated that Curtis Goddard was not hired for the position of Heavy Equipment Operator II for the landfills, as per minutes of November 27, 1973; therefore, he recommended that John Littleton be hired for this position, effective December 12, 1973, Grade 6 Base - \$6173 annual salary. Commissioner Aud made a motion to accept Mr. Norris' recommendation, seconded by Commissioner Guy and made unanimous by Commissioner Bowles.

SUBDIVIDING LOT ON FLAT IRON ROAD

Present: Ron Leonard
Eugene Kopp

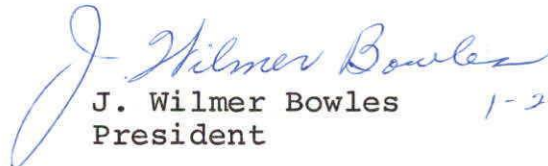
Mr. Leonard came before the Commissioners to request approval to subdivide one lot into two lots on Flat Iron Road. He stated he was advised by Robert Willard, Planning Director, to obtain this approval from the Commissioners due to the fact there are more than 20 lots accumulative on Flat Iron Road and he would need an exception to the December 26, 1972 Road Policy.

The Commissioners informed Mr. Leonard that a new policy was adopted today and he should discuss this with the County Engineer.

PROCLAMATION NO. 73-37 - JOHN HANSON BRISCOE

Commissioner Aud made a motion that the Commissioners sign Proclamation No. 73-37 congratulating John Hanson Briscoe on being elected Speaker of the House of Delegates, seconded by Commissioner Guy and made unanimous by Commissioner Bowles.

The meeting adjourned at 5:45 p.m.


J. Wilmer Bowles 1-29-74
President