

BOARD OF COUNTY COMMISSIONERS' MEETINGTuesday, May 14, 1974

Present: Commissioner J. Wilmer Bowles, President
Commissioner George R. Aud
Commissioner J. S. Guy, Jr.
Edward V. Cox, Chief Clerk
Judith A. Mullins, Recording Secretary

The meeting came to order at 9:40 a.m.

READING OF MINUTES

The minutes of May 7, 1974 were read and corrected.

APPROVAL OF MINUTES

Commissioner Guy made a motion to approve the minutes of April 30, 1974, seconded by Commissioner Aud and made unanimous by Commissioner Bowles, who signed same.

VOUCHER NO. 7858 APPROVAL

The Treasurer's Office brought to our attention the fact that all vouchers should be approved and therefore Commissioner Guy made a motion to approve Voucher No. 7858 to Sara King, representing her retirement check, seconded by Commissioner Aud and made unanimous by Commissioner Bowles.

BILLS APPROVED

The following bills were approved by the Commissioners:

Walter Wise, dated May 1, 1974, for excavation and additional paving at beginning of dock at Chaptico Wharf - \$400;
(This payment is to come from the Roads Account)

Great Oak Lodge, Chestertown, Md., dated May 2, 1974
(Ed Cox) - \$4.50;

Agrotors, Inc. for Mosquito Control at Colton's Point - \$4707.50;
(Commissioner Guy made a motion that this payment is to come from the Contingency Fund, seconded by Commissioner Aud and made unanimous by Commissioner Bowles.)

John Norris, County Engineer, April mileage expenses - \$87.25;

Free State Surveying & Land Planning, dated April 30, 1974,
for engineering inspection and consultant services on Hermanville Road - \$1961.85.

ESTIMATE NO. 7 - ST. ANDREWS CHURCH ROAD RECONSTRUCTION

Commissioner Guy made a motion to approve Estimate No. 7 from Regal Construction Company for the reconstruction of St. Andrews Church Road in the amount of \$36,896.63 - Contract No. SM-599-1-518, seconded by Commissioner Aud and made unanimous by Commissioner Bowles.

ESTIMATE NO. 1 - HERMANVILLE ROAD RECONSTRUCTION

Commissioner Guy made a motion to approve Estimate No. 1 from McGuire & Rolfe, Inc. for the reconstruction of Hermanville Road in the amount of \$23,309.45 - Contract No. SM-352-1, seconded by Commissioner Aud and made unanimous by Commissioner Bowles.

ZONING ORDINANCE SEMINAR

There will be a Zoning Ordinance Seminar in the County Commissioners' Conference Room June 18 from 10:00 a.m. to 4:00 p.m. Notices have been forwarded to various agencies and groups having an interest in the Zoning Ordinance. The purpose of the meeting will be to review the implications, requirements and procedures of the Ordinance.

HOUSING AUTHORITY LEGAL COUNSEL

Ed Cox stated that Dr. Jarboe, Chairman, Housing Authority, requested concurrence from the County Commissioners on the hiring of Thomas C. Hayden, Jr., Attorney, LaPlata, for legal counsel for the Housing Authority. Commissioner Guy made a motion to concur in this action and that Thomas C. Hayden, Jr. be appointed as legal counsel for the Housing Authority, seconded by Commissioner Aud and made unanimous by Commissioner Bowles.

ZONING ORDINANCE PUBLIC HEARING

The Commissioners discussed the letter dated May 6, 1974, from Leon Etzler, Department of State Planning to Joseph Ernest Bell, Attorney to the Planning Commission, pertaining to the legal procedures followed by the Commissioners in advertising for a public hearing on the St. Mary's County Zoning Ordinance. At the conclusion of the discussion and review of said letter, to insure legal adoption of the Zoning Ordinance, the Commissioners unanimously agreed that a public hearing should be readvertised and held on June 11, 1974 at 2:00 p.m.

ANTI-SMOKING POSTER CONTEST

Present: Mary Parson, American Cancer Society
 Fran Weiland " " "
 Brother Dean " " "
 Jim Lanham " " "
 Jane Conklin " " "
 George Sparlin " " "
 Rae Beydlek " " "
 (Students from the Middle Schools)

The Commissioners presented the following students prizes for winning the Anti-smoking Poster Contest sponsored by the American Cancer Society: Greg Bean, Esperanza Middle School - First Place; Kenny Shlemon, Leonardtown Middle School - Second Place; and Sandy Gateau, St. John's Middle School - Third Place. Six Honorable Mentions were also awarded.

FRANCIS WOOD (FAMILY SUBDIVISION)

Present: Lelia Rogers, Secretary, Planning Office

Mrs. Rogers presented a plat for the family subdivision for Francis X. Wood, Fifth Election District, Route 235 in Oraville, and requested the Commissioners approval of the subdivision in order for Mr. Wood to convey one lot to his son, Winston E. Wood. Said approval was recommended by the Planning Commission.

Commissioner Guy made a motion approving the private road, privately owned, serving the residents and that the residents thereon will not request the County to take said road into the County system and should the owner ever desire that the road be taken into the County system, it would be constructed to County specifications and deeded to the County at no cost. The plat is to contain the proper wording designating the owner's responsibility and liability for the road.

MAINTENANCE MECHANIC

Ed Cox stated that he and Paul Raley interviewed and recommended hiring Harvey Richard McElhenny for the position of Maintenance Mechanic to assist Joseph "Skip" Jones. Based upon this recommendation, Commissioner Guy made a motion to hire Mr. McElhenny, seconded by Commissioner Aud and made unanimous by Commissioner Bowles.

GOVERNOR'S COMMISSION ON LAW ENFORCEMENT PROCUREMENT CONFERENCE

Ed Cox advised the Commissioners that the Governor's Commission on Law Enforcement is sponsoring a state-wide procurement conference June 4 and 5 at Hunt Valley Inn, the purpose of which is to provide state and local government with an understanding of the required federal government regulations applicable to procurements which are supported with federal LEAA funds.

PLANNING COMMISSION'S ATTORNEY RESIGNATION

A letter dated May 2 was received from Joseph Ernest Bell, Attorney to the Planning Commission tendering his resignation as Attorney to said Commission. The Commissioners did not take any action at this time.

COUNTY INSPECTOR'S RETIREMENT

Ed Cox stated that a letter dated May 7 was received from the Department of Personnel requesting the County to comply with the present legislation compelling employees to retire at the age of 70. Therefore, the Commissioners requested Mr. Cox to submit a letter to Mr. Cryer advising him that his employment will be terminated as of his 70th birthday, May 23. Ed Cox is to proceed with the proper advertisement for this position.

LEONARD HALL BOUNDARY SURVEY

Ed Cox stated that Robert Moore, who submitted the lowest bid for the boundary survey and description of the Leonard Hall property (\$1730) would be able to complete the job within 30 days and that the scope of work would include boundary survey and description.

RILEY BROTHERS BUILDING PERMITS

Ed Cox stated that John Norris received authorization from Joseph Weiner, County Attorney, approving the refund of \$1,062 to Riley Brothers for 34 building permits and John Norris recommended this refund. The Commissioners tabled this matter for action at a later time.

PERSONNEL CLASSIFICATION STUDY

Commissioner Guy made a motion that the Commissioners enter into an Agreement with U. S. Civil Service Commission for the Personnel Classification Study and authorize Commissioner Bowles to sign the Agreement for Technical Services in Intergovernmental Personnel Act of 1970, seconded by Commissioner Aud and made unanimous by Commissioner Bowles.

AWARDING OF SCHOLARSHIPS

Commissioner Aud made a motion to select Frederick James Wood for a scholarship to St. Mary's College, seconded by Commissioner Bowles and made unanimous by Commissioner Guy.

Commissioner Bowles made a motion to select Cynthia Rose Lynch for a scholarship to St. Mary's College, seconded by Commissioner Guy.

Commissioner Guy made a motion to select Grace Ann Quade for a scholarship to St. Mary's College, seconded by Commissioner Bowles and made unanimous by Commissioner Aud.

Commissioner Bowles made a motion to select Benjamin Gerald Bryan for a scholarship to St. Mary's College, seconded by Commissioner Aud and made unanimous by Commissioner Guy.

The above scholarships are for \$300 per year or \$150 per semester, renewable yearly upon recommendation of St. Mary's College.

PREMEDICAL AND PRE-DENTAL SCHOLARSHIPS

The Commissioners decided not to award any tuition scholarships for premedical and pre-dental courses of study.

NURSING HOME PROJECT

Present: Chauncey Karstens, Nursing Home Board

Mr. Karstens presented a check in the amount of \$450 representing fees paid by contractors and subcontractors for drawings and specifications obtained for bidding purposes. Said check is to be deposited in the Nursing Home building fund.

Mr. Karstens stated that the Maryland Board of Public Works intends to act favorably on the Nursing Home project at their May 15 meeting and Mr. Karstens requested the Commissioners approval of the Agreement between St. Mary's County Commissioners and Mervell M. Dean, contractor for the project. Commissioner Guy made a motion to approve and authorize Commissioner Bowles to sign said Agreement which is for the purpose of an addition and remodeling of St. Mary's Nursing Home, subject to said project being approved by the Maryland Board of Public Works, seconded by Commissioner Aud and made unanimous by Commissioner Bowles.

CHANGE OF ROAD NAME SIGN JOY CHAPEL TO RED HILL ROAD

Present: Chauncey Karstens

Mr. Karstens requested the Commissioners to have the road sign for Joy Chapel Road changed to Red Hill Road. The State Highway maps indicate the name of the road as being Red Hill Road and therefore the Commissioners advised Ed Cox to request Paul Raley to proceed to have this change made.

EXTENSION OF DALE CROPPER'S EMPLOYMENT

Present: John Norris, County Engineer

John Norris presented the Employment Contract for Dale Cropper Engineering Inspector. Commissioner Guy made a motion authorizing Commissioner Bowles to sign said contract with Dale Cropper dated May 14 and effective May 1, 1974, and ending June 30, 1974. Commissioner Aud seconded the motion and Commissioner Bowles made it unanimous, and signed same.

APPLICATION FOR STATE GRANT TO ABATE HEALTH HAZARDS

Present: John Norris, County Engineer

Mr. Norris stated that an extension of time was granted for the application for the above state grant from May 15 to June 6. The Metropolitan Commission has submitted two applications; 11-S and 13-S, representing the area in the vicinity of Esperanza, Town Creek and Lord Calvert. Mr. Norris stated that the County's application is for St. Clement Shores and if there is more than one project that the County should establish priority.

PINEY POINT WHARF

Present: John Norris, County Engineer

Mr. Norris stated that authorization was received from the Department of Natural Resources for \$15,900 of the \$25,000 waterway improvement grant for the construction of the Piney Point Wharf located at Swann's on St. George's Creek. Mr. Norris recommended that the bid be awarded to Delahay Pile Driving in the amount of \$15,900.00. Commissioner Guy made a motion accepting Mr. Norris' recommendation, seconded by Commissioner Aud and made unanimous by Commissioner Bowles.

ADDITIONAL WORK AUTHORIZATION - ST. ANDREWS CHURCH ROAD

Present: John Norris, County Engineer

John Norris indicated that the consultant did not provide adequate quantities of materials in his original construction estimate and therefore, Mr. Norris requested additional work authorization in the amount of \$54,925, which is subject to state aid funding. Commissioner Guy made a motion approving this additional work authorization subject to state aid funding, seconded by Commissioner Aud and made unanimous by Commissioner Bowles.

GOLDEN BEACH SUBDIVISION ROADS PROCLAMATION

Present: John Norris, County Engineer

Commissioner Guy made a motion to approve the Proclamation for the installation of Stop signs for the roads in Golden Beach, seconded by Commissioner Aud and made unanimous by Commissioner Bowles.

ROAD CONSTRUCTION AGREEMENT

Present: John Norris, County Engineer

John Norris presented the Road Construction Agreement for Knolland Subdivision between the County Commissioners and Edward L. Walters, Inc. for the construction of approximately 500 feet of Oakes Cooksey Swamp Road and requested the Commissioners approval of same. Commissioner Guy made a motion to approve and authorize Commissioner Bowles to sign said Agreement, seconded by Commissioner Aud and made unanimous by Commissioner Bowles who signed same.

(Commissioner Bowles left the meeting at this time.)

HOUSE AT COLTON'S POINT

Commissioner Guy stated that at the last Recreation and Parks Board meeting, it was agreed that said Board would support Recreation and Parks Department in the Colton's Point project and requested the County Commissioners' consideration in negotiating to lease the house at Colton's Point for the purpose of opening up a tourist museum. Commissioner Guy made a motion that the Commissioners support this project, seconded by Commissioner Aud. Ed Cox is to write to Mr. Louis Phipps, Department of Natural Resources advising him that the County is interested in negotiations for this house.

METROPOLITAN COMMISSIONTENTATIVE APPOINTMENT - CONSTRUCTION SUPERINTENDENT

Ed Cox stated that the Metropolitan Commission requested the Commissioners' approval of the hiring of Thomas F. Lee as Construction Superintendent. He has tentatively been appointed as of May 7 at an annual salary of \$13,334. Commissioner Guy made a motion approving this appointment, seconded by Commissioner Aud.

(Commissioner Bowles returned to the meeting.)

TANNER CREEK SHORE EROSION DISTRICT

Present: Louise Blosser, Tanner Creek Citizens Assoc.
 Charles Monroe " " " "
 John Norris, County Engineer

Mrs. Blosser came before the Commissioners to obtain guidance from them prior to the public hearing to be held May 19 to set the erosion tax rate for the Tanner Creek Shore Erosion District.

Mrs. Blosser explained that only one property owner, Mrs. Grimes, has not signed the easement for the wall on the bay side and Mrs. Blosser mentioned the possibility of having the wall at the high water mark at that location. John Norris stated that Mrs. Grimes would have to sign the easement or the property would have to be condemned.

Mrs. Blosser presented the following proposed erosion tax rates:

Bay Front I	\$6.00
Bay Front II	\$4.00
Creek I	\$2.25
Creek II	\$1.30
No access to creek or bay	\$1.00

Joseph Weiner, County Attorney, entered the meeting at this time, and discussion took place concerning the 25-year loan for the project and that the value of the property would set the tax rate to generate monies to meet the annual obligation on the loan. Commissioner Bowles inquired if property was improved or new houses were constructed, which would generate more monies to go towards payment on the loan to the State, could the rate then be reduced so the residents could take advantage of the full 25-year loan or must it remain fixed. Mr. Weiner was instructed to meet with John Norris, Harris Sterling and Mrs. Blosser to make a determination on this matter and to discuss maintenance charges.

TOWER HILL SUBDIVISION

Present: Colonel DeCote
 James Kenney, Attorney
 John Hanson Briscoe, Attorney
 Joseph Weiner, County Attorney
 John Norris, County Engineer

(See minutes of May 7, 1974.) Mr. Kenney came before the Commissioners to explain the difficulties Col. DeCote has encountered in trying to obtain a building permit to build

a house on 40 acres of property located in Tower Hill Sub-division, Third Election District. He stated that Col. DeCote purchased the property in 1968 from Oliver Guyther and was the first purchaser of a tract of land in Tower Hill. Mr. Kenney further stated that even though this is an illegal subdivision, other property owners have obtained building permits. He said that denial of Col. DeCote's permit was based on the Building Permit Ordinance dated November 1, 1973 and Col. DeCote had verbally expressed an interest in a building permit prior to this Ordinance and he was of the opinion that Col. DeCote should be exempted from this Ordinance. Mr. Kenney said that Health Department and Soil Conservation approvals have been received.

Commissioner Guy made a motion that the Commissioners recognize the fact that Col. DeCote had made his request for a building permit in a timely manner prior to the November 1 Building Permit Ordinance and because of this, he is, therefore, eligible for a building permit and should be issued same, seconded by Commissioner Aud and made unanimous by Commissioner Bowles.

RELEASE OF CLAIM OF ONE-HALF OF ABELL DRIVE

Present: Joseph Weiner, County Attorney
James Kenney, Attorney

The Commissioners asked Mr. Weiner for his opinion as to whether or not the County could convey one-half of Abell Drive without publicly advertising it for sale. Mr. Weiner advised the Commissioners that the County never held title to Abell Drive and the Commissioners would have authority to join in the Deed conveying one-half of Abell Drive, Barefoot Acres, to Joseph W. and Eva G. Eberts without advertisement for sale. He stated that Abell Drive had been dedicated to the County but there was no deed of acceptance by the County.

Commissioner Guy made a motion to convey by Quit Claim Deed any rights, title or interest which the County may have in Abell Drive to Mr. and Mrs. Eberts and authorize the Commissioners to join in signing of said Deed with Containerization, Inc., seconded by Commissioner Aud and made unanimous by Commissioner Bowles.

DEDICATED ROADS

Present: Joseph Weiner, County Attorney

Mr. Weiner raised the question as to whether or not something should be done in regard to the number of roads

that have never been accepted by the County and he stated that dedicated roads must be processed by a Deed to be to be accepted by the County.

The meeting adjourned at 4:00 p.m.

J. Wilmer Bowles 5/28/74
J. Wilmer Bowles
President